

## **Midstate Communications Network Management Practices Policy**

Pursuant to the Federal Communications Commission's newly enacted Open Internet Rules found in Part 8 of Title 47 of the Code of Federal Regulations, the policies of Midstate Communications ("Provider") regarding network management practices, performance characteristics, and commercial terms are provided in entirety so that Provider's current customers, prospective customers, third-party content providers and other interested parties can make informed choices regarding the broadband Internet access services offered by Provider, and the extent Provider's network management practices may affect those services.

### **Network Management Practices**

In the interest of providing the best online experience possible for all of Provider's customers, Provider utilizes reasonable network management practices tailored to achieve legitimate network management purposes. Because bandwidth is a limited resource for broadband Internet service providers, it is essential that Provider reasonably manages its network to promote the use and enjoyment of the Internet by all of Provider's customers. By engaging in reasonable and responsible network management, Provider prevents its customers from being subjected to the negative effects of spam, viruses, security attacks, network congestion, and other risks that threaten to degrade service. The network management practices employed by Provider are consistent with industry standards.

### **Congestion Management**

Provider does not employ any congestion management tools, practices and/or software on network traffic.

### **Application-Specific Behavior**

Provider does not make use of any application-specific network management practices. Provider does not favor, modify, inhibit, rate control or block any specific protocols, protocol ports or fields, or any applications or classes of applications.

### **Device Attachment Rules**

In order for a device to be approved for use on the Provider's network, the device must conform to publicly available industry standards and be non-harmful to Provider's network.

## **Security**

Provider offers its customers unrestricted access to all of the lawful content, services, and applications available on the Internet. Provider uses industry standard tools and generally accepted best practices and policies to protect our customers from spam, phishing, and other unwanted or harmful online content and activities. In the instances where these tools and policies identify online content as harmful or unwanted, the content may be prevented from reaching customers, or customers may be permitted to identify or inspect content to determine if it is harmful or unwanted. Midstate Communications has no control over the existence or elimination of any viruses. Specifically, Midstate Communications does not provide any filtering or checking of data to eliminate viruses. Customer agrees to provide its own mechanism for checking its computer system for viruses obtained through the Service. Further, Customer agrees not to introduce, knowingly or unknowingly, any virus onto the Internet system or Midstate Communications' hosts. Further, Customer will hold Midstate Communications harmless from, and indemnify Midstate Communications for, any damages resulting from any viruses introduced by Customer onto the Internet or into Midstate Communications systems.

If a customer downloads a potential copyright violation, Midstate Communications is notified by our IP originator. Correspondence is then sent to the customer of the alleged offense. They are informed they must remove the files from their computer. If this is the customer's third notice, their internet service may be terminated.

## **Performance Characteristics**

Provider offers broadband Internet access service via Asymmetric Digital Subscriber Line ("ADSL"), ADSL+2, Fiber-to-the-Home ("FTTH"), cable modem, and Canopy Service..

ADSL is a type of DSL broadband communications technology used for connecting to the Internet. ADSL allows more data to be sent over existing copper telephone lines when compared to traditional dialup modem lines. A special filter, called a microfilter, is installed on a subscriber's telephone line to allow both ADSL and regular voice (telephone) services to be used at the same time on the same line.

ADSL+2 is an extension to ADSL broadband technology that provides subscribers significantly faster download speeds when compared to traditional ADSL connections. ADSL+2 works in the same manner as ADSL; a microfilter is

installed on a subscriber's telephone line to split existing copper telephone lines between regular voice service and ADSL+2.

FTTH utilizes fiber optic cable to deliver telephone, data and video services. With the significantly higher data capacity, FTTH technology allows subscribers to receive better quality voice, data and video services in their homes.

The Midstate Canopy service utilizes wireless technology operating in 900 mHz spectrum. While the service is highly impacted by weather patterns and other sources of interference, the Canopy service has proven to be a very reliable technology for the delivery of our high speed internet access.

Broadband Internet access service delivered via a cable modem uses the existing cable television infrastructure (coaxial cable) for bi-directional data communication and transmission.

Periodically, Midstate selects a sample of High Speed Internet subscribers from each delivery method, Canopy, Cable Modem, FTTH, ADSL2, and ADSL to verify performance. From this random sampling of customers, Provider runs a speed test utilizing <http://speedtest.sdncommunications.com> to verify our advertised speeds.

The advertised speed of Provider's Internet service is the maximum speed achievable with the technology utilized by Provider. While the maximum advertised speed is attainable for end users, several factors may affect the actual speed of Provider's Internet service offerings, including, but not limited to: the service tier subscribed to, the distance of the consumer's home or office from Provider's central office (*i.e.*, the further away the customer is from the central office, the slower the broadband speed), the end user's computer, modem or router, activity during peak usage periods, and other Internet traffic.

Anticipated Connection Speeds are as follows:

	Down	Up
Canopy	3 MB	512 K
Cable Modem	3 MB	512 K
FTTH	10 MB	1 MB
ADSL2 (Occam)	10 MB	1 MB
ADSL (AFC)	3 MB	1 MB

Based on internal testing performed on November 16, 2011 actual customer speeds are as follows:

	Down	Up
Canopy	643 K	190 K
Cable Modem	2.91 MB	484 K
FTTH	9.54 MB	979 K
ADSL2 (Occam)	9.61 MB	999 K
ADSL (AFC)	1.13 MB	427 K

Provider does not offer any specialized services.

## Commercial Terms

### Pricing

In order to meet the usage and budgetary needs of all of our customers, Provider offers a wide selection of broadband Internet access plan options, including promotional offerings, bundled service choices, and ala carte alternatives.

To see Provider's current promotions and pricing on broadband Internet access service, please visit our website [www.midstatesd.net](http://www.midstatesd.net) or call 605-778-8028 to speak with an internet support specialist.

Subscription to Provider's high speed internet services requires subscription to qualifying landline service.

### Usage-Based Fees

Provider's Internet service is priced on a flat-fee basis (plus taxes). Provider does not charge end users a usage-based fee for Internet service.

### Privacy Policy

Provider affords full access to all lawful content, services and applications available on the Internet and does not routinely monitor, inspect or store the network activity and traffic of its Internet service users. However, Provider reserves the right to monitor bandwidth, usage, transmissions and content for purposes of protecting the integrity of the network and Provider's Internet access service through reasonable network management practices.

Provider may collect equipment information to identify the equipment customer is using on the network, including, but not limited to: equipment type, serial number, settings, configuration and software. Provider may also collect performance information to examine the operation of the equipment, services and applications the customer may use on the network, including, but not limited to: IP addresses,

URLs, data transmission rates and latencies, location information, security characteristics, and information about the amount of bandwidth and other network resources customer is using in connections with uploading, downloading or streaming data to and from the Internet.

Network traffic, activity, performance information, and equipment information monitored or collected by Provider is done so for the sole purpose of reasonable network management purposes.

Provider is required to comply with relevant laws, regulations and governmental requests. Information covered under this Privacy Policy, as well as other categories of information, may be disclosed to third parties if Provider determines, in its sole discretion, that such a disclosure is necessary or required. Provider may also disclose this information if, in its sole discretion, such a disclosure is necessary or required to protect our interests or the interests of our customers. Provider may also disclose this information in connection with the sale of our business.

### **Redress Options**

The Provider's network management practices as discussed herein are intended solely to provide the best online experience possible for all of Provider's customers by safeguarding our network and its users from spam, viruses, phishing, and other unwanted or harmful online content and activities. Provider's network management practices are not intended, nor implemented, to block consumers from accessing the content and applications of their choice, deprive consumers of their entitlement to competition, or discriminate against or in favor of certain network traffic. End users with questions, concerns or complaints regarding Provider's network management practices are encouraged to contact Provider for issue resolution.

### **Contact Us**

If you have any questions regarding Provider's Network Management Practices Policy or would like to file a complaint with Provider regarding its network management practices, please contact Provider at:

Midstate Communications  
Attn: IT Services  
PO Box 48 Kimball SD 57355  
Phone Number 605-778-8028  
Fax Number 605-778-8080  
Email Address: [internet@midstatesd.net](mailto:internet@midstatesd.net)  
Web URL: [www.midstatesd.net](http://www.midstatesd.net)

Further, if you believe that Provider is in violation of the FCC's Open Internet Rules, you may file either an informal or formal complaint with the FCC.

<http://esupport.fcc.gov/complaints.htm>

### **Additional Disclaimers**

The Open Internet Rules, as adopted, and Provider's Network Management Practices Policy are not intended to affect, alter or otherwise supersede the legal status of cooperative efforts by broadband Internet access service providers and other service providers that are designed to curtail infringement in response to information provided by rights holders in a manner that is timely, effective, and accommodates the legitimate interests of providers, rights holders, and end users.

Furthermore, the Open Internet Rules, as adopted, and Provider's Network Management Practices Policy do not prohibit Provider from making reasonable efforts to address the transfer of unlawful content or unlawful transfers of content.

For additional information, please review Provider's Acceptable Internet Use Policy/Subscriber Agreement at:

<http://www.midstatesd.net/internet/serviceagreement.php>

For information on the network management practices utilized by Midstate Communications, or to view Provider's current Network Management Practices Policy, please visit our website at [www.midstatesd.net](http://www.midstatesd.net)