Midstate Communications

Network Management Policies and Practices Disclosure

This Network Management Policy and Practices Disclosure is provided pursuant to the Federal Communications Commission's "Open Internet Rules" found at Part 8 of Title 47 of the Code of Federal Regulations. The policies and practices of Midstate Communications regarding network management practices, performance characteristics, and commercial terms are provided here so that current customers, prospective customers, third-party content providers and other interested parties can make informed choices regarding the broadband Internet access services offered by Midstate Communications and the extent to which its network management practices may affect those services.

A. Network Management Practices

In the interest of providing the best online experience possible for all of our internet access customers Midstate Communications 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 Midstate Communications reasonably manages its network to ensure proper use and enjoyment of the internet by all of its customers. By engaging in reasonable and responsible network management, Midstate Communications prevents its customers from being subjected to the negative effects of spam, viruses, security attacks, network congestion, and other risks that threaten to degrade the internet service experience. Midstate Communications network management practices, as set forth below, are consistent with industry standards.

Midstate Communications will not unjustly or unreasonably prevent or interfere with competition among content, applications, service, or device providers. We use various tools and industry-standard techniques to manage our communications network and deliver fast, secure, and reliable internet access services. We believe in complete transparency and provide the following disclosures about our network management policies and practices:

1. Blocking: Midstate Communications does not block or discriminate against lawful content.

2. Throttling: Midstate Communications does not throttle, impair, or degrade lawful internet traffic based on content, application, service, user, or use of a non-harmful device.

3. Affiliated Prioritization: Midstate Communications does not favor any internet traffic applications over others and has no plans to do so.

4. Paid Prioritization: Midstate Communications does not favor or prioritize any internet traffic applications in exchange for paid or in-kind consideration intended to benefit particular content, applications, services, or access devices.

5. Congestion Management: Congestion of the Midstate Communications network is rare but does occur. When it occurs, our internet subscribers may experience decreased speeds/performance, but bandwidth is allocated fairly and in an "application agnostic" way (without regard to protocol, application, or the service the subscriber chooses to access through their internet access service).

6. Application Specific Behavior: Midstate Communications does not make use of any application-specific network management practices. We do not favor, modify, inhibit, rate control or block any specific protocols, protocol ports or fields, or any applications or classes of applications, while reserving the right to block ports as necessary to protect the network and its users.

7. Device Attachment Rules: Customers must use network username and password to authenticate point-to-point connections between devices on the network. Midstate Communications does not specifically limit device types for attachment to its network but does not guarantee the functionality of third-party devices for such access. In order for a device to be approved for use on the Midstate Communications network, the device must conform to publicly available industry standards and not be harmful to the Company's network.

8. Network Security: Midstate Communications offers its customers unrestricted access to lawful content, services and applications available on the internet. We take various industry-standard measures to safeguard our network and the broader internet from harm or disruption, including protection against Distributed Denial of Service (DDos) attacks, phishing, spoofing, and other forms of unwanted or harmful online content and activities. In those instances where through our network management practices we identify online content as harmful or unwanted, the content may be prevented from reaching customers, or customers may be given an option to identify or inspect flagged content first to determine if it is harmful or unwanted. Our goal is to ensure the network's reliability and availability by countering any malicious traffic that could compromise it. Midstate Communications reserves the right to take any action deemed necessary, including suspending or terminating service to subscribers who engage in activities that violate our Internet Service Terms of Agreement or Acceptable Use Policies/Practices which can be found at https://web.midstatesd.net/internet/service-agreement/.

B. <u>Network Performance</u>

Midstate Communications offers its broadband internet access service via Fiber-to-the-Home ("FTTH") utilizing fiber optic cable to deliver telephone and data services. Fiber optic cables have the capacity for an indefinite amount of data and will allow subscribers to receive better quality voice and data transmission services at their residential and/or business locations. The advertised speed of internet service is the maximum speed achievable with the technology utilized for the broadband service offering subscribed to. Midstate Communications makes every effort to support advertised speeds and will dispatch repair technicians to customer sites to perform speed tests as needed to troubleshoot and resolve speed and application performance that may be caused by its network. We measure availability, latency, and aggregate utilization on the network and strive to meet our internal service level targets. Based on internal testing using platform specific test protocols, the mean upload and download speeds are typically the advertised speed plus or minus 20-percent. This internal testing also indicates a mean round trip latency of 5 miliseconds (ms) to local ports. It is important for to note, however, that bandwidth speed at which a particular distant website or other internet resources may be downloaded, or the speed at which your customer information may be uploaded to a distant website or internet location is affected by some factors beyond Midstate Communications control, including for example: the speed of the connection from a distant web server to the internet; congestion on intermediate transport networks, the limitations of your computer or other electronic devices, fixed or wireless accessing the internet; or your wireless router/WiFi equipment. In addition, your internet service performance may be adversely impacted by the inside wiring at your premises. Accordingly, you, the customer, must consider the capabilities of your own equipment when choosing and using our broadband internet service. The computers, wireless devices, or other networks in your homes or offices may need an upgrade to take full advantage of your chosen Midstate Communications broadband plan. Midstate Communications does test each service for actual and expected access speeds at the time of network installation to demonstrate that the service can support the advertised speed.

C. Commercial Terms Pricing

In order to meet the usage and budgetary needs of all of our customers, Midstate Communications offers a good selection of broadband internet access plan options. To see the company's current promotions and pricing on broadband Internet access service, please visit our website which includes Broadband Labels for each of our broadband internet access offerings or call 605-778-6221 to speak with a customer service representative. Midstate Communications internet service is priced on a flat-fee basis (plus taxes). The Company does not charge end users a usage-based fee for such services. The internet on our current Broadband Labels is also available in a "machine-readable" spreadsheet form here.

D. Privacy Policy

Midstate Communications 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 access service users. The Company does, however, reserve the right to monitor bandwidth, usage, data transmissions and content for purposes of protecting the integrity of its communications network and its internet access service through reasonable network management practices.

Midstate Communications 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. The Company 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; latencies; location information; security characteristics;, and information about the amount of bandwidth and other network resources customer is using in connection with uploading, downloading or streaming data to and from the internet. This collection of or monitoring of network traffic, activity, performance information, and/or equipment information by the Company is done solely for reasonable network management purposes. Similarly, the Company does not distribute information on end user network activity and/or traffic information to any third-party entities for any non-network management purpose.

Midstate Communications is of course required to comply with relevant federal and state laws, regulations, judicial orders, and governmental requests for information, relating to information covered under this Privacy Policy, as well as other categories of information. Accordingly, any such information may be disclosed to other entities if the Company determines, in its sole discretion, that the disclosure is required by law or is necessary to protect its interests or the interests of its customers. The Company may also find it necessary to disclose any such information as part of any merger, acquisition, sale of company assets or transition of service to another service provider.

Disclaimers

The FCC's Internet Freedom "Transparency" rule provisions found at 47 Code of Federal Regulations (CFR) section 8.1, as adopted, and this Privacy Policy are also not intended to affect, alter or otherwise supersede the legal status of joint efforts by broadband internet access service providers like Midstate Communications and other service providers that are designed to curtail copyright infringement in response to information shared by copyright holders and/or their agents that is timely, effective, and is designed to accommodate the legitimate interests of service providers, copyright holders, and internet access end users. Furthermore, neither the FCC's Internet Freedom Transparency rules nor this Privacy Policy are intended to prohibit or prevent the Company from engaging in reasonable efforts to address the transfer of unlawful content or unlawful transfers of content over its communications network. For additional information, please review activities that violate our Internet Service Terms of Agreement or Acceptable Use

Policies/Practices which can be found at web.midstatesd.net/assets/docs/uploads/midstate-policy.pdf.

E. Contact Us

End users with questions, concerns or complaints regarding this Network Management and Privacy Policy are encouraged to contact Midstate Communications for more information or explanation.

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If you believe that Midstate Communications is acting in violation of the FCC's Restoring Internet Freedom rules, you may file either an informal or formal complaint with the FCC. More information can be found at http://esupport.fcc.gov/complaints.htm