

## Open Internet Compliance Statement

This Agreement describes the terms and conditions between you and Mercury Broadband, LLC. and its subsidiaries and/or affiliates and/or distribution partners referred to herein collectively and individually as ("Mercury Broadband", "Mercury Wireless", "Mercury", "Us" or "We") applicable to the Mercury Broadband services. This agreement contains important contract rights, limitations of those rights, and obligations between you and Mercury Broadband. You may call us at **(800) 354-4915** or email us at **support@mercurybroadband.com**.

The Federal Communications Commission issued rules to preserve the Internet as an open platform. These rules went into effect on November 20, 2011 and can be found at this link: [FCC Preserving the Open Internet](#). All Internet service providers are required to post information regarding various issues so that consumers, both residential and business, can make informed choices about choosing an Internet service provider. This document contains information regarding our services and in compliance with the FCC's rules. The policies contained herein serve as a supplement to the existing terms of service.

The FCC's rules focus on four primary issues:

**Transparency.** Fixed and mobile broadband providers must disclose the network management practices, performance characteristics, and terms and conditions of their broadband services.

**No Blocking.** Fixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful Web sites, or block applications that compete with their voice or video telephony services.

**No Unreasonable Discrimination.** Fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic.

**Reasonable Network Management.** ISPs may engage in reasonable network management to maintain a high quality of service for broadband Internet access.

**Network Practices.** ISPs must disclose their network practices, specifically in the four general areas listed below. ISPs may not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management. An ISP may not block consumers from accessing lawful Web sites, subject to reasonable network management; nor shall the ISP block applications that compete with the provider's voice or video telephony services, subject to reasonable network management.

ISPs may not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service, although, reasonable network management shall not constitute unreasonable discrimination. The FCC's rules state that a network management

practice is reasonable if it is appropriate and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service.

- **Congestion Management.** With the exception of VoIP and video streaming traffic, all traffic is carried equally on a “best efforts” basis.
- **Application-Specific Behavior.** At our Internet edge, the TOS/DSCP bit on packets is cleared, and set to high priority on packets determined to be Voice over IP using the Cisco “auto qos voip” command. Within the core of our network, all packets are treated equally. At the customer edge of our network, packets with this higher priority TOS/DSCP value may given preferred treatment to improve traffic delivery over non-high priority traffic. Certain ports and protocols are blocked for the purpose of stopping the spread of viruses. Presently, TCP and UDP on ports 135-139 and port 445 are blocked. Protocol/port combinations may be added or removed from time to time as virus threats come and go.
- **Device Attachment Rules.** Only Mercury-provided Customer Premise Equipment (CPE) can connect to Mercury’s fixed wireless broadband network. Any device capable of connecting to an Ethernet port may be connected to the CPE.
- **Security.** Single-User (residential) plan customers are given IP addresses that pass through a stateful packet inspection firewall that blocks traffic that originates from the Internet without being requested. Mercury uses industry-standard technologies and practices to assure the security of its network.

**Performance Characteristics.** ISPs must disclose the following network performance characteristics:

- **Service Description.** Mercury is a fixed wireless broadband operator. Speeds vary by plan. Plans can be found on our web site at [www.mercurybroadband.com](http://www.mercurybroadband.com). Latency to the Internet edge of our network is typically below 20 milliseconds, but average latency under 50 milliseconds is considered normal. All current plans are suitable for Voice over IP. Mercury @ Home Essential and Enhanced and Mercury @ Work Business Essential plans are suitable for Video over IP applications.
- **Impact of Specialized Services.** Mercury offers public, static IP addresses for \$10 a month. Subscribers of Static IP addresses are not subject to the stateful packet inspection firewall that blocks traffic originating from the Internet, nor the filters that block traffic on certain protocols and ports to stop the spread of viruses, making this optional service ideal for customers wanting to host a server, remote desktop connection, security camera, or other server-hosting function.

**Commercial Terms.** ISPs must disclose the commercial terms of its broadband Internet access service including those listed below.

- **Pricing.** See [mercurybroadband.com](http://mercurybroadband.com) for plans and prices.

- **Privacy Policies.** See [mercurybroadband.com/legal-policies](http://mercurybroadband.com/legal-policies) for Online Privacy Policy.
- **Redress Options.** Customers should call or e-mail Customer Service and ask for their problem to be escalated to a Manager.

**FCC Notice.** If a customer believes that these open Internet rules are not being met, the customer may file an informal complaint at the Federal Communications Commission. The FCC urges customers to submit any complaints via its website at the following address: <http://esupport.fcc.gov/complaints.htm>. Customers may also file a formal complaint at the FCC using Part 76 of the Commission's rules.

**Additional Disclaimers.** The Open Internet Rules, as adopted, and these Open Internet Principles 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 the company, rights holders, and end users. Furthermore, the FCC's Open Internet Rules, as adopted, and this company's Open Internet Principles do not prohibit the company from making reasonable efforts to address the transfer of unlawful content or unlawful transfers of content. For additional information, please review the Acceptable Use Policy.