

# SKYVISTA

## Fair Access Policy (FAP)<sup>1</sup>

### Skyvista Master Services Agreement Addendum

#### EFFECTIVE July 1, 2006

THIS POLICY STATES IMPORTANT REQUIREMENTS REGARDING USE OF SKYVISTA'S SATELLITE BROADBAND SERVICE, AND YOUR RELATIONSHIP WITH SKYVISTA. YOU SHOULD READ THIS POLICY CAREFULLY, AS IT CONTAINS IMPORTANT INFORMATION REGARDING YOUR RIGHTS AND OURS.

THIS POLICY ELABORATES RESTRICTIONS ON EXCESSIVE NETWORK USAGE SET OUT IN WHOLESALE AND END USER AGREEMENTS FOR SKYVISTA'S UNABAND SATELLITE BROADBAND SERVICE.

At Skyvista, our goal is to give each of our customers the fastest service possible at the lowest possible price. We are always striving to develop programs and policies that help make that possible. Our Fair Access Policy (or "FAP") is designed to impact the fewest customers while helping ensure the best speeds for the vast majority of our customers.

SKYVISTA estimates that a small percent of customers, account for a disproportionate share of data usage on the SKYVISTA network. To ensure that all SKYVISTA customers have equitable access to the SKYVISTA network, SKYVISTA has implemented this FAP. SKYVISTA sets usage thresholds on the amount of data each end user can upload and download within a Daily time periods. If an end user exceeds these thresholds, SKYVISTA will temporarily limit the speed at which the end user can send and receive data over the SKYVISTA network. The end user will still be able to use the SKYVISTA service but upload and download speeds will be slower. In cases of extreme and continued violation of the FAP limitations, service may be suspended with out notice. SKYVISTA may also use other traffic management and prioritization tools to help ensure equitable access to the SKYVISTA network for all customers.

Based on an analysis of typical customers, we have set a rolling 24 hour Daily period limit, on data usage per customer modem based on the service plan type called a Usage Threshold. This Daily period is renewed every day at 12:00 midnight CST. As shown in the table below, this threshold varies based on the service plan selected. For each service plan, the Usage Thresholds are significantly above the amount of data that is used by a typical customer. We continuously measure each modems upload and download data usage ("Actual Usage") to determine if total Actual Usage, as aggregated over the 24 hour daily period ("Usage Total"), exceeds the Usage Threshold for the service plan type selected.

If at any time an end user's modem Usage Total exceeds either the Upload or Download Usage Threshold, we will reduce that end user's access speeds, typically to 128 kbps in the downstream (from the Internet to end user) and 28 kbps in the upstream (from end user to the Internet). The end user's access speeds will be restored to the original speed levels by the next calendar day at 12:00 midnight CST.

An end user is likely to avoid any limitations imposed by the FAP if use is typical of the majority of Internet users and consists primarily of Web surfing and a reasonable amount of downloading. The table below shows the daily Usage Thresholds for each plan. These limits specify the amount of data that an end user can upload and download per modem before SKYVISTA will reduce access speeds under the FAP. Please note that an end user's Usage Total is far more likely to exceed the Usage Thresholds below if the end user uses peer-to-peer file sharing programs, a webcam, or downloads full length movies, large quantities of music files, gaming, full software applications or similar high-bandwidth activities.

<sup>1</sup>SkyVista's FAP is administered by Unasat Communications, LLC. Network Operations Center. Please refer to Unasat documentation for more thorough documentation of FAP policies and their enforcement.

### Daily FAP Usage Thresholds

Service Plan Type	SOHO	Business	Enterprise
Modem Upload Threshold (MB) *	100	200	300
Modem Download Threshold (MB) **	700	1,000	2,500

\* Modem Upload Threshold is the volume of data that can be uploaded during a 24 hour Daily period before the FAP may restrict the user's speeds.

\*\* Modem Download Threshold is the volume of data that can be downloaded during a 24 hour Daily period before the FAP may restrict the user's speeds.

SKYVISTA MAY REVISE THIS FAIR ACCESS POLICY FROM TIME TO TIME WITHOUT NOTICE BY POSTING A NEW VERSION OF THIS DOCUMENT. ALL REVISED COPIES OF THE POLICY ARE EFFECTIVE IMMEDIATELY UPON POSTING. ACCORDINGLY, CUSTOMERS AND USERS OF SKYVISTA'S SATELLITE SPEED INTERNET SERVICE SHOULD REGULARLY VISIT CPE-LABS.COM TO REVIEW ANY NEW FAP POLICY. QUESTIONS REGARDING THIS FAP AND COMPLAINTS OF VIOLATIONS OF IT BY SKYVISTA CUSTOMERS AND USERS CAN BE DIRECTED TO CPE LABS TECHNICAL SUPPORT.

The undersigned has received and reviewed the above SKYVISTA Fair Access Policy ("FAP"). The undersigned acknowledges that the above agreements are part of the terms of the Master Service Agreement between the undersigned and CPE Labs and that failure to comply with these agreements is a breach of that Master Service Agreement.

Date: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Name and Title)