

## SIMPLY BITS, LLC OPEN INTERNET POLICY

Simply Bits, LLC (the “Company”) provides this information in its good faith effort to comply with the disclosures required by the Federal Communications Commission (“FCC”) revised “transparency” rule effective on June 11, 2018. In this regard, we endeavor through these disclosures to provide consumers with information necessary for them to make informed choices about the purchase and use of the Company’s broadband Internet access service (the “BIA Service”).

This Open Internet Policy sets forth certain information regarding Simply Bits’ policies and practices and how we manage our networks to deliver the services subscribed to by our customers. This Open Internet Policy is a material part of any customer agreement with Simply Bits, LLC for the provision of service(s), which incorporate this Open Internet Policy by reference. The Company’s Terms & Conditions, Acceptable Use Policy, Privacy Statement and Open Internet Policy can all be found on the Company’s website at <http://www.simplybits.com/about/policies-and-disclosures>.

By your use and acceptance of Simply Bits’ BIA Service, you are acknowledging that you are of legal age and have read, understand and agree to be bound by the terms and conditions of the Agreement presented. If you do not accept, do not use the BIA service(s) provided by Simply Bits. The Company reserves the right to modify this policy and any of our disclosures in a manner consistent with the FCC’s directives, including, by way of example, the Company’s terms and conditions, network management practices and performance characteristics.

The purpose of this disclosure is to provide information regarding the Company’s network management practices, performance, and business terms of our BIA Service to enable you to make informed choices regarding the purchase and use of our services, consistent with the FCC’s regulations.

### I. Network Management Practices

#### Congestion Management

In an effort to provide excellent service to all our customers, we closely monitor the overall bandwidth usage of our customers. Simply Bits’ congestion management techniques are tailored on an area-by-area basis to ensure that under congested network conditions all customers in that area receive their fair share of the service. No specific types of online activities, protocols or applications are targeted by these techniques.

If a certain area of the network nears a state of congestion, our management techniques will ensure that all customers have a fair share of network access. Our techniques will identify which customer accounts are using the greatest amounts of bandwidth relative to other customers in that area, and their bandwidth usage may be temporarily managed for a period of twenty-four (24) hours or until the congestion period passes, whichever is greater. Customers will still have online access to the internet, but they could experience longer download/upload times or slower web surfing. If the congestion is determined to be a result of malicious use of the service, the customer(s) in question will be notified and service may be suspended until such time as remediation, by the customer or their designated IT agent, of the malicious attack has taken place.

Congestion management is only activated when congestion is detected in an area of the network. In regular intervals, network equipment is polled to identify what areas may be experiencing congestion. When a specific area is identified as being congested, service usage from that area of our network is analyzed. Customer access and/or usage is then managed based on plan and usage thresholds until the congestion has been alleviated. Simply Bits reserves the right to apply usage metering based on network management and usage within any network area.

#### Blocking

Simply Bits is committed to providing internet services as an open platform for innovation, entertainment and free expression. The Simply Bits network does not block access to or discriminate against any lawful web site, application or service.

## Throttling

Simply Bits does not utilize techniques, except as reasonably necessary to manage our network effectively, that discriminate, degrade, or impair Internet traffic on the basis of lawful content, applications, services, or your use of non-harmful devices.

## Affiliated Prioritization / Paid Prioritization

The Company does not favor some lawful internet traffic over other lawful internet traffic in exchange for consideration of any kind, or to benefit an entity affiliated with the Company.

## Application-Specific Behavior

Simply Bits provides its broadband Internet access service customers with full access to all the lawful content, services, and applications that the Internet has to offer. Simply Bits does not block or rate-control specific protocols or protocol ports (except to prevent spam, malicious attacks, and identity theft), does not modify protocol fields in ways not prescribed by protocol standards, and does not otherwise inhibit or favor certain applications or classes of applications.

## Device Attachment Rules

The Company allows customer-owned equipment to be used on the network, so long as such devices do not interfere with the Company's network or our ability to provide BIA Service. Customer devices are not supported or managed by the Company, unless it is in the best interest of the Company and the operation of the network.

## Network Security

Simply Bits uses a number of tools and techniques to protect its network and customers from malicious and unwanted internet traffic such as preventing the distribution of viruses or other harmful code and preventing the delivery of spam. Simply Bits works to identify these potential types of threat vectors to mitigate their impact on the overall network.

## II. Performance Characteristics

### Service Description

Simply Bits generally provides its BIA Service over fixed wireless. Given the nature of fixed wireless services, certain circumstances may affect speed and quality of service as further discussed below.

### Network Speeds & Latency

Simply Bits has engineered its network to enable customers to enjoy the speeds to which they subscribe; however, Simply Bits does not guarantee that a customer will achieve those speeds at all times. Unless a customer purchases a dedicated internet connection, no internet service provider ("ISP") can guarantee a particular speed at all times. Simply Bits offers it plans with an "up to" or maximum speed. The actual speed and latency of your internet connection is dependent on several variables, some of which are beyond the control of Simply Bits, including:

1. **Your personal computing device.** The performance of your computer, tablet or internet access device, including its age, processing capability, the operating system, the number of applications running simultaneously, the number of devices attached to and using the connection and the presence of any adware or viruses.
2. **Congestion or high usage levels.** If a large number of visitors are accessing a website or a particular destination at the same time, your connection will be affected if that site or destination does not have sufficient capacity to serve all visitors.
3. **Gating.** In order to control traffic or performance, many websites limit the speeds at which a visitor can download from their site. Those limitations will carry through to your connection with Simply Bits.

4. **Distance.** The distance packets travel (round trip time of packets) between your computer and its final destination on the internet, including the number and quality of the networks of various operators in the transmission path. Since the internet is a “network of networks,” your connection may traverse the networks of multiple providers before reaching its destination, and the limitations of those networks could affect the overall speed of your internet connection.
5. **Type of connection.** Wi-Fi connections between your computer and the router or modem may be slower than the internet connection we provide. In-home or on premise Wi-Fi connections also may be subject to greater performance fluctuations, caused by factors like interference and congestion. We recommend that you confirm that your Wi-Fi connection is able to support the speed that we deliver and is not interfering with our signal.
6. **Other.** We engineer every fixed wireless connection to continue to work in heavy rain; however severe storms or other atmospheric conditions may temporarily degrade connectivity, though such instances are rare.

Natural obstructions (i.e. trees or changing foliage) or man-made impediments (i.e. new building construction) that were not in the path or line-of-sight between your antenna and our service distribution at time of install could have an effect on your signal. We have diagnostic tools that allow us to look at the quality of the link and determine if service has degraded. If we determine that there has been a no-fault degradation in service, our installation technician will visit your location and adjust the antenna at no charge.

Our equipment must comply with certain FCC regulations concerning radar avoidance (FCC 14-30 | Revision of Part 15 – U-NII Devices in the 5 GHz Band)

### Suitability of the Service for Real-Time Applications

Simply Bits offers a variety of service plans with different speeds. One or more of the Company’s low-tier plans may not be suitable for certain real-time applications (including video streaming). Please refer to our website ([www.simplybits.com](http://www.simplybits.com)) for a complete listing of our current service offerings.

### Impact on Non-BIA Data Services

Simply Bits provides Quality of Service (QoS) for the Company’s voice services product offering, which gives priority access for voice traffic through the network. QoS helps ensure that calls remain as clear and error-free as possible. We use congestion management techniques to prevent or minimize delay in last-mile traffic; however, we also give priority access for business customers that subscribe to our VoIP services. We do not similarly prioritize traffic for BIA Service.

## III. Business Terms

### Pricing

The Company’s current pricing and fees for all end user BIA Services are available on our website at the following URL: <https://www.simplybits.com/internet-service-provider/home>. Our website reflects all current pricing, plans and options available. Please keep in mind that not all service plans are available in all locations of our service area.

### Privacy Policy

Our privacy policy is available on our website at the following URL: <http://www.simplybits.com/about/policies-and-disclosures/privacy-policy>

### How to Resolve Complaints and Questions

The purpose of these policies is to provide the best quality of access and usage experience for ALL Simply Bits customers. As most customers access our network on shared resources, our primary goal is to provide a fair and balanced access to all services and customers. When disputes and questions arise, we are committed to reviewing them on a case by case basis to ensure that customer issues are thoroughly understood and resolved. Customers with questions about these policies are welcome to contact us directly via the following:

<https://www.simplybits.com/contact>