

ClearSKY Systems, Inc.
Open Internet Policy
(Revised April, 2019)

Questions or concerns regarding our Open Internet Policy and complaints regarding any violations of our policy can be directed to tech@csky.net.

The Federal Communications Commission (“FCC”) has adopted rules to preserve the Internet as an open platform. Information regarding these rules is available on the FCC’s website at: <https://www.fcc.gov/restoring-internet-freedom>. Broadband Internet providers are required to post information regarding network management practices, performance characteristics, and commercial terms so that residential and business consumers can make informed choices regarding use of service. This Open Internet Policy sets forth certain information regarding the policies and practices of ClearSKY Systems, Inc. (hereinafter referred to as ClearSKY). This Open Internet Policy is a supplement to ClearSKY’s Terms and Conditions and is incorporated by reference in the various legal terms and conditions of our services, which are found at our Policies and Agreements page. In the event of any inconsistency between the Open Internet Policy and the Terms and Conditions, the Terms and Conditions shall control.

Network Management – ClearSKY Congestion Management

Our customers are subject to the maximum connection speeds set forth in the confirmation of sale. ClearSKY monitors network traffic to ensure capacity is sufficient to maintain an efficient network load, to perform diagnostics, and to otherwise manage and enhance our network. ClearSKY may give priority, on an unpaid basis, to interactive or critical classes of traffic such as VoIP, traffic essential to the efficient operation of the ClearSKY network, and traffic related to the accounts of commercial customers or customers with dedicated connections.

Network Management – Customer Congestion Management

Other factors that may affect a customer’s Internet experience include multiple customer devices simultaneously downloading high-bandwidth applications and services. ClearSKY’s congestion management practices are in place to ensure that all customers experience high quality service. ClearSKY’s service is provided on a “best efforts” basis. Certain circumstances that may affect the speed and quality of the Service include but are not limited to foliage, line-of-sight obstructions, the distance between a customer and the transmission point, as well as the connection of multiple devices to the ClearSKY network. Although we have engineered the ClearSKY Network to provide consistent high-speed data services, some network management for these scenarios is required to provide the best online experience possible for all our subscribers.

Network management practices

The network management practices described in this section are parts of ClearSKY’s Network practices:

1. **Blocking:** Other than reasonable network management practices disclosed below, we do not block or otherwise prevent a subscriber from accessing lawful content, applications, services, or your use of non-harmful devices.

2. **Throttling:** Other than reasonable network management practices disclosed below, we do not throttle or otherwise shape, slow, degrade or impair a subscriber from accessing lawful Internet traffic based on content, application, service, user, or use of a non-harmful device. All lawful Internet use is handled identically.

3. **Paid Prioritization:** We do not directly or indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, or resource reservation, in exchange for consideration, monetary or otherwise.

4. **Congestion Management:** Our Services are provided on a “best efforts” basis and our congestion management practices are in place to ensure that all subscribers experience a high-quality service. We do not impose any additional usage limits for the Services unless part of our network management practices.

In a manner consistent with our Service Agreements and Privacy Policy, we may monitor network traffic to ensure capacity is sufficient to maintain an efficient network load, to perform diagnostics and to otherwise manage and enhance the ClearSKY Network.

Network Speeds

ClearSKY offers a range of download speeds to residential subscribers varying from 6 Mbps to 25 Mbps. The network is designed to support these speeds to help ensure that every subscriber receives the speeds to which they have subscribed. ClearSKY however cannot always guarantee speeds, as there are many conditions beyond ClearSKY’s control that can affect Internet performance. Some of these external factors and conditions are:

- 1) Type of connection to ClearSKY Customer Premise Equipment (i.e., Wi-Fi)
- 2) Performance of customers computer and/or router
- 3) Web site or service restricting speeds on the Internet
- 4) Congestion of web sites and services on Internet

Application-Specific Behavior

ClearSKY may reasonably limit peer to-peer applications. ClearSKY reserves the right to block or limit access to any applications that we determine may expose ClearSKY to potential legal liability, harm the ClearSKY network, or otherwise interfere with or impair the experience of other customers on the ClearSKY network.

Device Attachment Rules

ClearSKY does not limit the type or number of devices that can be connected to the ClearSKY network, provided they are used for lawful purposes and do not harm the network. If ClearSKY determines that the connection of a device to the ClearSKY network negatively impacts other customers, the network, or may expose ClearSKY to potential legal liability; we reserve the right to limit or restrict customers' ability to connect such type of device to the network.

Security

The ClearSKY network is designed in a manner that is intended to prohibit third parties, who are not served by the ClearSKY network, from initiating connections to customers on the ClearSKY network. If ClearSKY has not allocated a Public IP address to that customer, as provided in the ClearSKY Service Agreement, ClearSKY may prohibit certain activity on the ClearSKY Network that we deem poses a potential risk to network or to other customers. Triggering conditions include denial of service activity, IP address or port scanning, and excessive account login failures. If ClearSKY notices excessive customer connections that are harmful or that disrupt the normal use of the ClearSKY network for other customers, we will attempt to notify the customer to work collaboratively to remedy the issue. However, ClearSKY reserves the right, without notice, to block any customer's traffic that ClearSKY determines may cause harm to the ClearSKY network or to other customers.

Cancellation Fee

ClearSKY requires a customer to commit to our terms of service and require the payment of a Cancellation Fee in the event the customer does not fulfill that commitment. The Cancellation Fee will be set forth within the customer's Terms and Conditions and may be significant.

Acceptable Use

As set forth in the Terms and Conditions, all of ClearSKY's service is subject to the Acceptable Use Policy which we may from time to time establish or revise. You may find our Acceptable Use Policy, Terms & Conditions, and Privacy Policy found at <https://csky.net>.

Customer Support

ClearSKY endeavors to respond to all customer concerns and complaints in a timely and fair manner. ClearSKY encourages customers to contact support at (815) 287-2500, to discuss any complaints or concerns as they arise. Written complaints should be addressed to tech@csky.net.

Disputes and Arbitration

ClearSKY's Terms and Conditions require the use of arbitration to resolve disputes and otherwise limit the remedies available to customers in the event of a dispute.

FCC Notice

If a customer believes that ClearSKY is not complying with the FCC's rules, the customer may file an informal complaint with the FCC. The FCC urges customers to submit any complaints via its website at the following address: <http://esupport.fcc.gov/complaints.htm>.

Additional Disclaimers

This Open Internet Policy does not affect, alter, or otherwise supersede the legal status of cooperative efforts by ClearSKY 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, this Open Internet Policy does not prohibit ClearSKY from making reasonable efforts to address the transfer of unlawful content or unlawful transfers of content.

For additional information, please review the Terms and Conditions and our Acceptable Use Policy.