

Broadband.com Net Neutrality Disclosures

I. Overview

On December 23, 2010 The FCC released its “Open Internet Order” that established rules that require providers of broadband Internet access services¹ to adhere to the following principles²:

- i. *Transparency*. Broadband Internet access providers must disclose the network management practices, performance characteristics, and term and conditions of their broadband services.
- ii. *No blocking*. Broadband Internet access providers may not block lawful content, applications, services, or non-harmful devices;
- iii. *No unreasonable discrimination*. Broadband Internet access providers may not unreasonably discriminate in transmitting lawful network traffic; and
- iv. *Reasonable Network Management Practices*. Providers may engage in reasonable network management practices that are tailored to achieve legitimate network purposes such as addressing spam, viruses, denial of service attacks, network congestion, and other risks and degradations of the service. Broadband.com’s network management practices take into account our particular network architecture and technologies and assist us in improving the customer’s Internet experience.

II. Broadband.com’s Network Management Practices.

Pursuant to the FCC’s Order, Broadband.com’s broadband Internet access service disclosures are collectively provided herein, and on its www.broadband.com and www.broadband.com/legal sites. Together, these disclosures provide end-users the requisite information concerning the transparency, network management practices and performance characteristics associated with Broadband.com’s broadband Internet access service offerings.

Broadband.com manages its broadband Internet services and its data network capacity to avoid blockage. It is important to note however, that Broadband.com is an aggregator and reseller of Internet services utilizing a wide array of underlying network providers, all of whom have hundreds of peering partners themselves. While Broadband.com strives to

¹ “Broadband Internet Access Service” is defined in the *Open Internet Order* and 47 C.F.R. § 8.11(a).

² *Open Internet Order* (FCC 10-201, GN Docket No. 09-191, WC Docket No. 07-52 (Dec. 23, 2010)).

deliver the most error free Internet access and transmission as is reasonably possible, it cannot guarantee unimpeded transmission and accepts no responsibility for failure of routes, connections, packet loss or router/server rejections that are beyond its control.

Because information flow and network traffic changes dynamically, Broadband.com's underlying network providers may find it necessary to rebalance their backbone services to provide efficient routing. Such routing changes impact the paths that a Customer's information uses to enter or exit the Internet. For these reasons, Broadband.com does not guarantee specific network entrance or exit points. Further, because Broadband.com relies upon the networks of other facilities-based providers, Customers may experience blockage due to issues with the underlying network serving the destination or origin of their traffic or because an intermediate carrier's network is congested. We continually seek out new service partners to make data transmissions more efficient and work with our existing partners to improve service.

Broadband.com is committed to providing high-quality Internet access services and is committed to being a responsible member of the Internet community, including adhering to the "net neutrality" rules set forth by the FCC. Broadband.com does not block access to lawful Internet content, nor does it block applications that may constitute competition to Broadband.com's services or the services of any of its affiliated divisions. We take trouble reports seriously and are committed to jointly investigating instances where customers may report blockage or other service issues with our customers.

Broadband.com does offer Customers the option to have Broadband.com monitor their usage for performance management enhancements. However, Broadband.com has no obligation to monitor the Service. Further, Customers agree that Broadband.com has the right to monitor the Service electronically from time to time and to disclose any information as necessary to satisfy any law, regulation or other governmental request, to operate the Service properly, or to protect itself or its subscribers. Nothing in this Open Internet Policy supersedes any obligation or authorization the Company may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or limits the Company's ability to do so. Nothing in this Open Internet Policy prohibits reasonable efforts by the Company to address copyright infringement or other unlawful activity. While Broadband.com may monitor transmission of traffic at the Customer's request or at the direction of a lawful order, Broadband.com does not monitor the content of any of its Internet services, including, but not limited to, any private electronic-mail messages. Broadband.com does reserve the right to refuse to post or to remove any information or materials, in whole or in part, that are in violation of its Acceptable Use Policy.