

ACCEPTABLE USE AND NETWORK MANAGEMENT POLICY

ATV Holdings, LLC d/b/a Mitchell Telecom has established an Acceptable Use and Network Management Policy (“AUP”) for the protection of MITCHELL TELECOM and its customers for the use of its products and services. MITCHELL TELECOM can be contacted at (605) 990-100 regarding any questions you have about this AUP, MITCHELL TELECOM, or its products and services. By using services provided by MITCHELL TELECOM, you agree to be bound by the terms of this AUP. MITCHELL TELECOM commits to the open and non-discriminatory use of the Internet by its customers and commits to use reasonable network management practices to ensure an open Internet. MITCHELL TELECOM will manage its network and provide access in accordance with the Federal Communications Commission’s (FCC’s) Open Internet Rules (adopted December 21, 2010 in 25 FCC Rcd 17905) and in compliance with any future rules adopted by the FCC.

Transparency. MITCHELL TELECOM shall make available public information on its website (www.mitchelltelecom.com) regarding its network management practices, performance and commercial terms of its service sufficient for consumers to make an informed choice regarding their use of such services.

MITCHELL TELECOM will not unjustly or unreasonably prevent or interfere with competition among content, applications, service, or device providers.

Network Security and Congestion Management. MITCHELL TELECOM uses generally accepted technical measures to provide acceptable service levels to all customers, such as application-neutral bandwidth allocation, as well as measures to address service attacks, illegal content and other harmful activities to protect network integrity and reliability.

MITCHELL TELECOM reserves the right to prioritize traffic based on real time and non-real time applications during heavy congestion periods based on generally accepted technical measures. MITCHELL TELECOM reserves the right to set speed thresholds on the amount of data you as a customer can upload and download within stated time periods. If you exceed these thresholds, MITCHELL TELECOM may temporarily limit the speed at which you can send and receive data over the MITCHELL TELECOM access network. MITCHELL TELECOM may use other traffic management and prioritization tools to help ensure equitable access to the MITCHELL TELECOM network for all customers. Excessive bandwidth or hardware usage that adversely affects MITCHELL TELECOM’s ability to provide its Internet or any other service may result in additional account management and fees.

MITCHELL TELECOM reserves the right to monitor customer usage and evaluate on an individual account basis bandwidth or hardware utilization to efficiently manage the performance of the network to ensure a sustainable quality broadband service is provided. Peak network usage is between 4 pm and 11 pm Monday – Friday and 10 am – 11 pm Saturday and Sunday. During peak usage times, priority is given to applications such as browsing, email, streaming, instant messaging, gaming and VoIP. The customer further agrees that MITCHELL TELECOM has the right to disclose any information it deems necessary to satisfy any legal or operational requirements.

Any IP address assigned to a customer on either a dynamic or static basis remains the property of MITCHELL TELECOM and may not be appropriated for any use other than as intended by MITCHELL TELECOM or transferred to any other party.

MITCHELL TELECOM provides its own methods to secure and protect its Internet service. Such action is not a substitute for the customer providing his/her own security or protection. MITCHELL TELECOM specifically disclaims any liability for any breach of security or any harm to customer’s computing system while connected to

the Internet service.

Congestion due to malfunctioning hardware and/or software will be remedied as quickly as network engineers can diagnose and identify the offending hardware / software.

Congestion due to malice will be remedied using any technique available, including protocol-aware filtering and rate-limiting, to control and limit the offending source. MITCHELL TELECOM may seek criminal charges against those who inflict network malice. MITCHELL TELECOM may also attempt to recover costs incurred from network malice.

Internet Service. This AUP applies to customer use of any MITCHELL TELECOM Internet service regardless of technology or the Internet-based application utilized. It is not acceptable to use the MITCHELL TELECOM network for any purpose that violates local, state or federal laws or to transmit communications that might be highly offensive or damaging to any recipients or to use the service in a manner that is unintended. It is not acceptable to interfere with, violate, circumvent, misuse, distribute or disrupt network users, equipment or services. A customer may not:

1. Use any Internet service or use or permit the use of Internet service for unlawful purposes or purposes that MITCHELL TELECOM believes to be unacceptable.
2. Use any Internet service to transmit, post or receive material that is threatening, abusive, libelous, defamatory, obscene, pornographic, or otherwise in violation of any local, state, federal or international law or regulation.
3. Transmit any information or software that contains a virus, worm, Trojan Horse, or other harmful component.
4. Transmit or download any information, software or other material that is protected by copyright or other proprietary right without the permission of the person owning that protected right.
5. Transmit SPAM or other bulk email.
6. Add, remove, or modify identifying network heading information (aka "spoofing") in an effort to deceive or mislead; or any impersonation of another person using forged headers or other improper identifying information.
7. Engage in any activity which would compromise customer privacy or system security or gain access to any system or data without required permission (e.g. "hacking") of the owner.
8. Engage in any activity which would result in third-party charges to MITCHELL TELECOM.
9. Resell or otherwise share MITCHELL TELECOM' Internet service, account information or passwords.

MITCHELL TELECOM does not screen in advance any specific content accessible using its Internet service. MITCHELL TELECOM reserves the right but does not assume the responsibility, to block or limit access to content that violates this AUP. MITCHELL TELECOM shall not unjustly or unreasonably block access to lawful content, applications, services or non-harmful devices, subject to reasonable network management. MITCHELL TELECOM disclaims any liability for any act or omission with regard to Internet content the customer finds objectionable or unsuitable. Use of information accessed by the Internet is at customer's own risk. MITCHELL TELECOM disclaims any responsibility for the accuracy, privacy or quality of the information. By using the Internet service, the customer agrees to hold MITCHELL TELECOM harmless for content accessed using the Internet service.

A customer may not use MITCHELL TELECOM'S Internet service for web or email hosting without making special

written subscription arrangements with MITCHELL TELECOM.

MITCHELL TELECOM reserves the right to disconnect or limit any account access to the Internet that in the opinion of its system administrator is a threat to the security or lawful operation of the Internet service or the service's software and/or hardware or that repeatedly violates the terms of this AUP.

The customer agrees to indemnify and hold MITCHELL TELECOM harmless for any and all claims, damages, losses, expenses (including attorneys' fees and other legal expenses) resulting from the customer's use of MITCHELL TELECOM'S Internet service whether or not such use is found to be in violation of any statute, regulation or rule.

Electronic Communications Privacy Act (ECPA) Notice. Customers are hereby notified that MITCHELL TELECOM does NOT offer the same degree of privacy for email or files that the customer expects from regular paper mail.

Digital Millennium Copyright Act (DMCA) Policy. When MITCHELL TELECOM receives a notice from a copyright holder or its authorized representative regarding an alleged violation of law by someone using an IP address identified as belonging to MITCHELL TELECOM, the following actions will be initiated:

1. MITCHELL TELECOM personnel will review the address to determine whether the address is in use by MITCHELL TELECOM or by one of its owners or affiliates. If the address has been assigned to an entity other than MITCHELL TELECOM, the DMCA notice will be forwarded to that entity for review and any action or response.
2. If the address is assigned and used by MITCHELL TELECOM or one of its customers, MITCHELL TELECOM personnel will attempt to identify the user. If the offender cannot be identified, the MITCHELL TELECOM Agent listed on MITCHELL TELECOM'S Internet site will be notified so he can respond accordingly to the copyright holder or its agent. If the offender is identified, MITCHELL TELECOM will take the following actions:
 - a. If the offender is an employee, the responsible supervisor will be notified and appropriate disciplinary action may be warranted. A copy of the violation will be filed by HR in the employee's personnel file.
 - b. Mitchell Telecom Communications: If the offender is a customer, the customer will be notified by telephone and email of the offense. If it is a first time offense, the customer will be notified and advised that an alleged violation of copyright law has been received and that any further violations could affect the customer's access to the Internet. Notification of a second offense will result in the same action. A third offense will result in notice that Internet service will be restricted for ninety (90) days to limit the ability to violate the law. A fourth offense will result in the termination of Internet service.
 - c. Mitchell Telecom: If the offender is a customer, the customer will be notified by written letter of the offense. If it is a first time offense, the customer will be notified and advised that an alleged violation of copyright law has been received and that any further violations could affect the customer's access to the Internet. Notification of a second offense will result in the same

action. A third offense will result in the customer being notified by telephone of the offense. A fourth offense will result in search and removal of the item in question. A fifth offense will result in the termination of Internet service. Each time a customer is notified pursuant to this policy, that fact and the results of the contact will be communicated by email to the MITCHELL TELECOM Agent named above for use in replying to the copyright holder or its agent. Records of all contacts with the customer regarding the matter will be retained electronically in the customer record.

MITCHELL TELECOM provides Spam filtering with each customer's email address. Details of this service are listed on MITCHELL TELECOM'S website. MITCHELL TELECOM will not ask you for your password in an unsolicited telephone call or email. If you believe your password has been compromised, you should immediately change your password to prevent the unauthorized use of it.

Discrimination. MITCHELL TELECOM shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service, subject to reasonable network management practices.

Commercial Pricing. Please click on the following website link for pricing information including monthly prices, usage-based fees, and fees for early termination or additional network services:

Mitchell Telecom: <http://www.mitchelltelecom.com/business.html>

Contact Information. If you have any questions regarding this policy, please contact MITCHELL TELECOM customer service at: (605) 990-1000.