

Network Management, Performance Characteristics, and Commercial Terms Policy

Consistent with FCC regulations¹, Agri-Valley Services, Inc., (AVS) provides this information about our broadband Internet access services. Our broadband Internet access services include our “High Speed Internet” service offered through fiber optic, wired and fixed wireless technologies. We provide each of these High Speed Internet services through the network that we own and manage.

AVS aims to provide the best online experience for all of its customers (Subscribers). To that end, it uses reasonable network management practices that are consistent with industry standards and federal law. Four documents govern your use of the Internet through AVS:

- (1) AVS's Terms of Service (TOS), viewable at www.agrivalleyservices.com.
- (2) AVS's Acceptable Use Policy (AUP), viewable at www.agrivalleyservices.com.
- (3) AVS's Network Management, Performance Characteristics, and Commercial Terms Disclosures (as articulated here in a Frequently Asked Questions format); and
- (4) the Customer Service Agreement (Customer Agreement) that you entered into with AVS to use the Services. A generic copy of the Customer Agreement is viewable at www.agrivalleyservices.com

The TOS, AUP and these Frequently Asked Questions explain AVS’s network management techniques and approaches, among other things. AVS reserves the right to revise all four of the above documents any time as it deems appropriate.

The following Frequently Asked Questions are intended to help clarify what AVS means by Internet network management and to make those network management disclosures that federal law requires, including disclosures related to network management and commercial terms:

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Network Management

1. Does AVS manage its network? And, if so, why?

Yes. AVS manages its broadband network. It does so with one goal: to deliver the best possible broadband Internet experience to all of its Subscribers. High-speed bandwidth and network resources are not unlimited. Managing the broadband network is essential to allow Subscribers' full use and enjoyment of the Internet. We use reasonable network management practices that are consistent with industry standards, always trying to be minimally intrusive.

All Internet service providers need to manage their networks. And AVS is no different. In fact, many use the same or similar tools that AVS uses. If we didn't manage our network, our Subscribers would be subject to negative effects, such as network congestion and degraded service. By engaging in reasonable and responsible network management, AVS can deliver the best possible broadband Internet experience to all Subscribers who use its Services.

2. How does AVS manage its network?

It uses various tools and techniques to manage its network, deliver its service, and ensure compliance with the TOS and AUP. These tools and techniques are dynamic, like the network and its usage, and can and do change frequently.

Generally speaking, AVS manages its network in various ways, including by reducing or mitigating the effects of congestion on the network through legitimate network management. For example, when its network is overly congested (over 80% of the available bandwidth) such that heavy users are crowding out other users or where a group of Subscriber accounts are using a disproportionate amount of bandwidth, AVS manages its network by temporarily limiting speeds or the amount of data that can be transferred by those users or group of Subscribers – but only until the conditions that created the network congestion have passed (i.e., only until local aggregate bandwidth falls back below the 80% threshold.)

3. Will network management change over time?

Probably. As the Internet and related technologies continue to evolve, AVS's network management tools will likely evolve to keep pace so that we can deliver an excellent and safe online experience to all of our Subscribers. We will provide updates here and in other appropriate locations if we make important or significant changes to our network management techniques.

4. What causes the network to be congested?

Congestion can be caused by a number of situations. The most common is a large volume of customers enjoying high-bandwidth activities, with a portion of those customers using more than an average amount of bandwidth. Congestion management analyzes the heaviest users and then creates capacity for other customers by managing the highest usage at the time of congestion. This will provide all customers a “fair share” of our network resources.

5. How does AVS's current congestion management technique work?

If a certain area of the network nears a state of congestion that unduly interferes with AVS Subscribers' use of the Internet, then AVS may implement congestion management techniques to ensure that all Subscribers have a fair share of access to the network. It may, for example, identify a location of its service area where a group of Subscriber accounts who are using the greatest or a disproportionate amount of bandwidth thereby exceeding the 80% threshold. It may then temporarily manage their Internet traffic until the period of congestion passes. During the period of congestion management, Subscribers still will be able to do anything they want to online, and many activities will be unaffected. But they could experience effects, such as longer times to download or upload files, slower surfing of the Web, buffering of videos or slowness playing games online.

AVS's technique does not manage congestion based on the specific online activities, protocols, or applications that a Subscriber is using at the time of congestion. Instead, it only focuses on the heaviest users in real time, so the periods of congestion typically tend to be very fleeting and sporadic.

Importantly, the effect of this technique is temporary and it has nothing to do with a Subscriber's aggregate monthly data usage. Rather, it is dynamic and based on prevailing network conditions.

6. Does the congestion management technique target peer-to-peer ("P2P") or other applications, or make decisions about the content of my traffic?

No. AVS does not manage congestion based on the applications a Subscriber is using. Its scheme is a content-neutral scheme. In deciding on whether to implement network management practices to alleviate congestion, AVS does not inspect network traffic for content. If congestion occurs, all users (and all users' traffic) would be subject to the network management practices – regardless of content. Further, AVS does not store its end users' traffic information or provide it to third parties, except as required by law.

7. How could the congestion management technique impact me and my use of the AVS's Internet service?

When AVS implements network management practices to alleviate congestion, most Subscribers will notice no change in their Internet experience. The goal of congestion management is to enable all users to have access to a fair share of the network at peak times, when congestion occasionally occurs. Congestion management largely focuses on the consumption activity of a group of Subscriber accounts that are using a disproportionate amount of bandwidth. As a result, and based on our experience with this technique, we have determined that the large majority of Subscribers will not likely be affected by it. Our experience also shows that when our systems apply the congestion management technique, it is usually only in effect for a very brief period of time. See also the response to Question 5 above.

8. How is this different than throttling?

The difference between our Network Management practices and throttling is network intelligence. With throttling, your data speed is reduced for your entire session, 100% of the time, no matter where you are. Network Management is based on the theory that all customers should have the best network possible, and if you're not causing congestion for others, even if you are using a high amount of data, your connection speed should be as good as possible. So, if you're in the top 5% of data users, your speed is reduced only when you are connected to a congested site. Once you are no longer connected to a congested site, your speed will return to normal. This could mean a matter of seconds or hours, depending on your location and time of day.

9. How often does AVS expect to use this congestion management technique?

AVS anticipates that select parts of the network tend to be in a congested state only for relatively small portions of a day, if at all.

AVS monitors how user traffic is affected by this system and will make adjustments reasonably necessary to ensure that our Internet Subscribers have a high-quality online experience. AVS also routinely evaluates its overall network performance, and periodically endeavors to enhance its network by adding capacity to address congestion and other performance issues as feasible.

10. Can I contact AVS to determine if my Internet connection has been managed?

Customers can contact our Support Department to report slower Internet downloads or uploads. Given the dynamic and unpredictable nature of congestion management, AVS does not have visibility into specific accounts that are managed during the rare periods of network congestion. Given the very small number of accounts that will be subject to congestion management, customers should assume they have not been managed. If Internet speeds are slow, please contact our Support Department to troubleshoot the Internet connection for possible solution to this problem.

11. Can you give me some "real world" examples of how much bandwidth consumption would be considered too much?

There is no hard and fast rule or example available. The answer really depends on a number of factors, including overall use, time of day, and the number of applications that might be running at the same time.

The point of the technique is to deliver the best overall online experience possible. The technique should help ensure that all Subscribers get their fair share of bandwidth resources to enjoy all that the Internet has to offer – including surfing the Web, reading e-mails, and downloading movies.

12. How is this announcement related to any GB monthly data use threshold?

The short answer is that it is not related. Subscribers can sign up for a variety of Service Plans that can be found at www.agrivalleyservices.com. Each Service Plan states either unlimited or a specific amount of GB of data that are included in the plan. There are charges assessed for any excess data that is used during a specific month if that amount of data exceeds what is included in the Subscriber's Service Plan.

13. Is VOIP affected by this congestion management technique?

As a preliminary matter, the AVS network is designed for data traffic and not for voice traffic. So AVS Subscribers who use VoIP providers that rely on delivering calls over the public Internet may experience a degradation of their call quality when the network is congested. But VoIP calling in and of itself does not use a significant amount of bandwidth. So VoIP calling in a time of non-congestion will likely not be affected. But VoIP service and quality during times of congestion will likely be affected. AVS absolutely does not discriminate against Subscribers who use VoIP and those who do not, and it does not intentionally degrade VoIP applications or services. AVS does not provide customer support for Third Party VoIP services.

14. What about streaming video or video downloads? What will happen to them?

During periods of congestion, any Subscribers who are using a disproportionate amount of bandwidth – no matter the type or content of the online activity – may be affected by this technique.

15. Does AVS block P2P traffic or applications like BitTorrent?

No. AVS does not block P2P traffic or applications like BitTorrent or others as part of its current network congestion management technique.

16. Does AVS discriminate against particular types of online content?

No. AVS provides its Subscribers with full access to all the lawful content, services, and applications that the Internet has to offer. We are committed to protecting Subscribers from unwanted or harmful online content and activities. AVS uses industry standard tools and generally accepted best practices and policies to help it meet this Subscriber commitment. When these tools and policies identify certain online content as harmful and unwanted (such as spam or phishing Web sites), this content is usually prevented from reaching Subscribers. In other cases, these tools and policies may permit Subscribers to identify certain content that is not clearly harmful or unwanted (such as bulk e-mails or Web sites with questionable security ratings), and enable those Subscribers to inspect the content further if they want to do so.

17. Does AVS have rules regarding Subscribers attaching devices to its network?

AVS does not restrict the devices that may be connected to its network, with these exceptions: (a) Subscribers may not connect a device to the Network that causes harm to the Network; (b) Subscribers may only connect to the Internet using equipment provided by or approved by AVS; (c) Subscribers may not connect any device that is used to rebroadcast AVS's service; and (d) Subscribers may not connect any device that is used to resell AVS's services.

18. What practices does AVS use to ensure end-user security or security of the network, and what are the triggering conditions that cause a mechanism to be invoked?

AVS uses metrics that determine if there is a denial of service or similar attack hitting its Network. During the time of such an attack, in-bound and out-bound traffic filtering techniques may be used to avoid Network congestion and other Network degradation. If any Network traffic appears to be a malicious attempt to disrupt the Network (e.g., e-mail spamming or otherwise), corrective action will be taken and Network information may be transmitted to the appropriate law enforcement agency to investigate and pursue potential criminal prosecution under relevant laws, including computer hacking laws.

Commercial Terms

1. What is the pricing for AVS services?

Information on pricing (including monthly prices, usage-based fees, fees for early termination or additional network services) and additional offerings available to AVS customers is available at www.agrivalleyservices.com. An early termination fee would apply for certain offers, with the amount of the fee reduced for each complete month after six (6) months that the account balance has been timely paid.

2. What is AVS's privacy policy?

When you sign up for, register, or use AVS Internet Services, we collect certain information to conduct our daily business with you. We protect this information in accordance with the terms of AVS's Privacy Policy, which you may review by going to www.agrivalleyservices.com.

3. How can I contact AVS if I have any questions or complaints about these disclosures?

If you have any questions or complaints about these disclosures or AVS, you may contact us by phone, email, fax, or mail using the contact information below:

- via telephone: 1-888-282-4932
- via email: support@avci.net
- via fax: 989-453-7393

- via United States mail service:

AVS Support Dept.
PO Box 650
Pigeon, MI 48755

4. What is the AVS's Copyright Infringement Policy?

If a copyright work has been copied in a way that constitutes copyright infringement, please notify AVS in accordance with its copyright policy as identified in the AUP. Notification requires providing the following information:

1. name, address, telephone number, email address and electronic or physical signature of the copyright owner or the person authorized to act on his/her behalf;
 2. description of the copyright work claimed to be infringed;
 3. description of where the material you claim is infringing is located;
 4. written statement that you have a good faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law; and
 5. statement by you, made under penalty of perjury, that the above information in your notice is accurate and that you are the copyright owner authorized to act on the copyright owner's behalf.
- These requirements must be followed to give AVS legally sufficient notice of the infringement. Send copyright infringement complaints to:

- the attention of: Copyright Agent
- via email to: DMCA@avci.net
- via fax to 989-453-7393; or
- via United States mail service to: Copyright Agent, Box 650, Pigeon, MI 48755.

Performance Characteristics

1. What types of services does AVS provide?

AVS provides Internet services via fiber optic, wired and fixed wireless service using the network that AVS owns and manages. We provide a variety of Internet service offerings to residential and small business customers. In short, subscribers of AVS Services receive devices/equipment from AVS that empowers them to receive an Internet connection from AVS to the Subscriber's device. The Subscriber device/equipment will depend on the Subscriber's location, how the Subscriber intends to use the service and how many devices the Subscriber intends to connect. The devices/equipment that the Subscriber needs will be provided at a cost which varies depending upon the type of device/equipment and the term of the Customer Agreement.

AVS provides residential and commercial customers with a variety of high speed Internet plans from which to choose. These options allow customers to select an offering most suited to their needs.

2. What are the Internet service speeds AVS provides?

AVS offers plans starting at 512k download and 128k upload, plans that offer up to 100Mbps download and 100Mbps upload with many choices in between. AVS does not guarantee that a customer will actually achieve those speeds at all times. The "actual" speed that a customer will experience while using AVS's Internet Service depends upon a variety of conditions, many of which are beyond the control of an ISP such as AVS. These conditions include:

A. Performance of a customer's computer, including its age, processing capability, its operating system, the number of applications running simultaneously, and the presence of any adware and viruses.

B. Type of connection between a customer's computer and modem. For example, wireless connections may be slower than direct connections into a router or modem. Wireless connections also may be subject to greater fluctuations, interference and congestion.

C. The distance packets travel (round trip time of packets) between a customer's computer and its final destination on the Internet, including the number and quality of the networks of various operators in the transmission path. The Internet is a "network of networks." A customer's connection may traverse the networks of multiple providers before reaching its destination, and the limitations of those networks will most likely affect the overall speed of that Internet connection.

D. Congestion or high usage levels at the website or destination. If a large number of visitors are accessing a site or particular destination at the same time, your connection will be affected if the site or destination does not have sufficient capacity to serve all of the visitors efficiently.

E. Gating of speeds or access by the website or destination. 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 a customer's connection.

This is the reason that AVS, like all other ISPs, advertises goals for speeds and does not guarantee them.

Last Revised and Effective: January 26, 2017

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1 47 C.F.R. § 8.3 and *In re: Preserving the Open Internet, Broadband Industry Practices*, Report and Order, 22 FCC Rcd 17905 (2010).

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