

## ORBITEL COMMUNICATIONS

### BROADBAND INTERNET SERVICE DISCLOSURES

Consistent with FCC regulations,<sup>1</sup> Orbitel Communications provides this information about our broadband Internet access services. We call these services our High Speed Data Service or our “HSD Service.” We welcome questions or comments about this information. You may contact us at:

Orbitel Communications  
21116 N. John Wayne Parkway  
Suite B-9  
Maricopa, AZ 85139  
Telephone: (520) 568-8890  
Email: sales@orbitelcom.com

### **NETWORK PRACTICES**

**General Description.** We provide a variety of our HSD Service offerings to our residential and business customers. We provide the service over our broadband network and through third party fiber optic lines connecting to the Internet. We also contract with one or more companies for certain network monitoring and management services. We monitor our network and traffic patterns and make changes we deem necessary to manage and improve overall network performance. We use reasonable, nondiscriminatory, network management practices to improve overall network performance to ensure a high-quality online experience for all users. Our network management practices do not target any specific content, application, service, or device. As network management issues arise and as technology develops, we may employ additional or new network management practices. We will update these disclosures as necessary.

**Related Documents and Disclosures.** Use of our HSD Service is also governed and described by:

- Orbitel Communications Subscription Services Agreement, available at <http://www.orbitelcom.com/company/legal/subscription-services-agreement/>
- Orbitel Communications HSD Service Residential Packages and Pricing, available at <http://www.orbitelcom.com/residential/internet/>
- Orbitel Communications HSD Service Business Packages and Pricing, available at <http://www.orbitelcom.com/business/business-internet/>
- Orbitel Communications Wireless Canopy Service, available at <http://www.orbitelcom.com/residential/internet/wireless-canopy/>
- Orbitel Communications MyAccount WebPortal, available at <http://myaccount.orbitelcom.com/>

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<sup>1</sup> 47 CFR 8.3 and *In re: Preserving the Open Internet, Broadband Industry Practices, Report and Order*, 22 FCC Rcd 17905 (2010).

**Congestion Management.** We describe in this section network management practices used to address congestion on our network.

**Congestion management practices used:**

Network monitoring: We monitor our network for utilization trends. We receive regular reports showing changes in network traffic and congestion. We use this information to plan increases in bandwidth available, port additions, or additional connectivity to the Internet.

Types of traffic affected: Our congestion management practices do not target any specific content, application, service, or device.

Purposes of congestion management practices: Our High Speed Internet network is a shared network. This means that our customers share upstream and downstream bandwidth. The goal of our congestion management practices is to enable better network availability and speeds for all users. Our congestion management practices serve to:

- Help us adapt and upgrade our network to maintain or improve network performance as demand for our HSD Service increases.
- Help us adapt and upgrade our network to maintain or improve network performance as demand for higher bandwidth applications increases. Some examples of higher bandwidth applications are gaming, streaming movies, and streaming high definition video.
- Help us identify potential bandwidth abusers.

**Congestion management criteria:**

Network monitoring: Our network monitoring provides data to help us plan upgrades to our network, equipment, technology, and connectivity to the Internet. As demand for our HSD Service increases, and as demand for higher bandwidth applications increases, we monitor effects on network performance and plan upgrades as we deem necessary. We have not established specific criteria to govern our upgrade decisions.

Effects on end user experience: Because our High Speed Internet network is a shared network, periods of high network demand may result in Internet traffic congestion. End users may experience reduced bandwidth or speed during these times.

Typical frequency of congestion: Congestion tends to occur during periods of peak demand for higher bandwidth applications. Generally, the frequency of congestion tends to increase during 6 p.m. – 1 a.m.

**Application-Specific Practices.** This section discloses application-specific practices we use, if any.

**Management of specific protocols or protocol ports:** To protect the security of our network and our customers, we block known hostile ports.

**Modification of protocol fields:** None.

**Applications or classes of applications inhibited or favored:** None.

**Device Attachment Rules:** This section addresses any limitations on attaching lawful devices to our network.

**General restrictions on types of devices to connect to network:** Our HSD Service works with most types of PCs and laptops including Macs, and other Internet compatible devices like game systems and Internet enabled TVs. If a wireless router is connected to our HSD Service, wireless Internet compatible devices including computers, tablets, smartphones and other devices can connect to our network. If a customer or potential customer believes they have an unusual configuration, our customer service department will help determine if there is a compatibility problem. We place no general restrictions on lawful devices that a customer may connect our network, so long as the device is: (i) compatible with our network; and (ii) does not harm our network or other users.

**Cable modems:** HSD Service provided through a wired connection to our network requires connecting a cable modem to our network. You can obtain a cable modem from us or you may purchase one from most retail electronics sellers. Only devices that have been fully certified by CableLabs as compliant with the DOCSIS 1.0, 2.0 or 3.0 specifications may be used. If you have questions concerning modem compatibility, please contact us.

**Wireless Canopy equipment:** HSD service provided through our Wireless Canopy service requires a compatible wireless radio. We provide this equipment to our customers. The wireless radio is connected to a customer-provided computer or router.

**Network and End User Security.** This section provides a general description of the practices we use to maintain security of our network.

**Practices used to ensure end user security, including triggering conditions:**

Hostile port blocking: We block known hostile ports to prevent unwanted files, browser hacking and virus attacks.

Virus and Spam filtering: We filter email and website traffic for virus activity and Spam using industry standard virus scanning and prevention techniques. Should an e-mail message be found to contain a virus or other harmful content, the message will be deleted without notification given to either the sender or the intended recipient(s).

**Practices used to ensure security of the network, including triggering conditions:**

Hostile port blocking: We block known hostile ports to prevent unwanted files, browser hacking and virus attacks.

Virus and Spam filtering: We offer email and personal web site hosting. We filter email and website traffic for virus activity and Spam using industry standard virus scanning and prevention techniques.

## **PERFORMANCE CHARACTERISTICS**

**General Service Description.** Through our HSD Service, we serve as a local Internet service provider. Our HSD Service enables residential and commercial subscribers to access all lawful content, applications, and services of their choice available on the Internet. We provide our HSD Service through two service technologies – wireline HSD Service and Wireless Canopy Service.

**Service Technology – Wireline HSD Service.** We deliver our wireline HSD Service over our hybrid fiber-coaxial network using the Data Over Cable Service Interface Specification (DOCSIS). Customers access our network using cable modems. To connect from our network to the Internet, we use equipment called a Cable Modem Termination System (CMTS) that acts as a gateway to the Internet for our customers’ cable modems. This is a shared network, which means that our customers share upstream and downstream bandwidth.

**Service Technology Wireless Canopy Service.** Through our Wireless Canopy Service, we extend the reach of our HSD Service beyond the area served by our wireline network. We have installed Wireless Canopy transceivers in certain areas. These transceivers are connected to our wireline network and transmit and receive wireless signals using an unlicensed 5.7GHz spectrum. Customers access our network using a Wireless Canopy radio, which we provide. We maintain equipment in our cable headend that connects signals to and from Wireless Canopy radios to the public Internet . This is a shared network, which means that our customers share upstream and downstream bandwidth.

### **Expected and Actual Speeds and Latency.**

**Expected performance:** We offer customers a variety of HSD Service levels. We provide a description of the expected maximum transfer speeds associated with each service level in our HSD Service Residential Packages and Pricing page, available at <http://www.orbitelcom.com/residential/internet/> and in our HSD Service Business Packages and Pricing page, available at <http://www.orbitelcom.com/business/business-internet/>.

**Speed:** The speeds we identify for each HSD Service level are the maximum upload and download speeds that customers are likely to experience. We provision our customers’ modems and engineer our network to deliver the speeds to which our customers subscribe. However, we do not guarantee that a customer will actually achieve those speeds at all times. A variety of factors can affect upload and download speeds, including customer equipment, network equipment, congestion in our network,

congestion beyond our network, performance issues with an Internet application, content, or service, and more.

**Latency:** Latency is another measurement of Internet performance. Latency is the time delay in transmitting or receiving packets on a network. Latency is primarily a function of the distance between two points of transmission, but also can be affected by the quality of the network or networks used in transmission. Latency is typically measured in milliseconds, and generally has no significant impact on typical everyday Internet usage. As latency varies based on any number of factors, most importantly the distance between a customer's computer and the ultimate Internet destination (as well as the number and variety of networks your packets cross), it is not possible to provide customers with a single figure that will define latency as part of a user experience.

**Actual speed and latency performance – wireline HSD Service:** Actual speed and latency may vary depending upon network conditions and other factors. Actual performance of our HSD Service in most cases will conform to national wireline broadband Internet speed and latency levels reported by the FCC.<sup>2</sup> The FCC has reported that customers of coaxial cable-based broadband Internet services receive mean download speeds that are within 93% of advertised speeds during non-peak hours, and 85.7% of advertised speeds during peak hours.<sup>3</sup> In addition, the FCC has reported that these same customers experience average latency<sup>4</sup> delays of 28 milliseconds, increasing by an average of 30 milliseconds during peak hours.

**Actual speed and latency performance – Wireless Canopy Service:** The FCC has not reported average actual speed and latency performance for services like our Wireless Canopy Service, and we do not measure the speed and latency of the Service. We believe that actual speed and latency performance is similar to our wireline HSD Service, with two exceptions: (i) because the service uses wireless technology, weather, foliage and other obstructions may degrade actual performance; and (ii) our Wireless Canopy Service transceivers have less bandwidth available than our wireline HSD Service, resulting in slower speeds during periods of higher Internet use in a Wireless Canopy Service area.

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<sup>2</sup> See FCC's Office of Engineering and Technology and Consumer Affairs Bureau, *Measuring Broadband, A Report on Consumer Wireline Broadband Performance* in the U.S., OET CGB DOC-308828A1, pp. 4-6 (Aug. 2, 2011) (available at: [http://transition.fcc.gov/cgb/measuringbroadbandreport/Measuring\\_U.S.\\_-Main\\_Report\\_Full.pdf](http://transition.fcc.gov/cgb/measuringbroadbandreport/Measuring_U.S._-Main_Report_Full.pdf)).

<sup>3</sup> The FCC has defined peak hours measured during "busy hour" as weeknights between 7:00 pm and 11:00 pm local time.

<sup>4</sup> The FCC has defined latency is the total length of time it takes a signal to travel from an origination point to the nearest server, plus the time for an acknowledgement of receipt to travel back to the origination point. The nearest server is the server providing the minimum round trip time.

**Suitability of the Service for Real-time Applications:** Our wireline HSD Service is suitable for typical real-time applications including messaging, voice applications, video chat applications, gaming, and Internet video. Our Wireless Canopy Service should be similarly suitable for typical real-time applications, with two exceptions: (i) because the service uses wireless technology, weather, foliage and other obstructions may degrade actual performance; and (ii) our Wireless Canopy Service transceivers have less bandwidth available than our wireline HSD Service, resulting in slower speeds during periods of higher Internet use. If users or developers have questions about particular real-time applications, please contact us by phone at 520-568-8890 or by email at sales@orbitelcom.com.

### **Specialized Services.**

**Specialized services offered to end users:** We offer specialized and managed services over our network, sharing network capacity with other high speed Internet services. Managed services include VoIP service, dedicated bandwidth to high volume business users, and streaming video-on-demand.

**Effects of specialized services on availability and performance of broadband Internet access service:** Our specialized services have no effect on the availability and performance of our HSD Service.

### **COMMERCIAL TERMS**

**Prices.** Monthly prices for our HSD Service are available at

<http://www.orbitelcom.com/residential/internet/> and  
<http://www.orbitelcom.com/business/business-internet/>

**Usage-Based Fees.** None.

**Fees for Early Termination.** None.

**Fees for Additional Network Services.** None.

**Privacy Policies.** We do not disclose our HSD Service customer data or usage information to third parties except: (i) as necessary to provide our HSD Service and to manage our network; (ii) in response to law enforcement requests, court order, or as otherwise required or authorized by law; and (iii) as necessary to protect our rights, property, and operations, and those of any affiliated providers.

**Inspection of Network Traffic.** We routinely monitor network and traffic patterns.

**Virus and Spam filtering:** We filter email and website traffic for virus activity and Spam using industry standard virus scanning and prevention techniques. Should an e-

mail message be found to contain a virus or other harmful content, the message will be deleted without notification given to either the sender or the intended recipient(s).

**Storage of network traffic information:** DHCP (Dynamic Host Configuration Protocol) information is a code included in all network traffic that associates that traffic with a particular cable modem sending or receiving the traffic. We store DHCP information for at least six months.

**Provision of network traffic information to third parties:** We may disclose network traffic information to third parties: (i) as necessary to provide our HSD Service and to manage our network; (ii) in response to law enforcement requests, court order, or as otherwise required or authorized by law; and (iii) as necessary to protect our rights, property, and operations, and those of any affiliated providers.

**Use of network traffic information for non-network management purposes:** None.

**Redress Options.** Practices for resolving end-user and edge provider complaints and questions.

**Contact Information:** End users or edge providers with complaints or questions relating to these disclosures should contact:

Orbitel Communications  
21116 N. John Wayne Parkway  
Suite B-9  
Maricopa, AZ 85139  
Telephone: 520-568-8890  
Email: sales@orbitelcom.com

**Questions:** We will endeavor to answer questions promptly via email or voice.

**Complaints:** We will provide an initial response in writing within 15 business days of receipt. We will attempt to resolve complaints informally, escalating the matter to senior management if needed.