

## OPEN INTERNET POLICY

Whidbey Telecom adopts this Open Internet Policy to promote the Internet as an open platform enabling customer choice, freedom of expression, end-user control, competition, and the freedom to innovate without permission.

No Unreasonable Discrimination: Whidbey Telecom does not unreasonably discriminate in transmitting lawful network traffic over a customer's broadband Internet access service, subject to reasonable network management. Reasonable network management practices are set out below.

Whidbey Telecom does not:

- Discriminate among specific uses, or class of uses, of its network
- Impair, degrade or delay VoIP applications or services that compete with its voice services or those of its affiliates
- Impair, degrade, delay or otherwise inhibit access by customers to lawful content, applications, services or non-harmful devices
- Impair free expression by actions such as slowing traffic from particular web sites or blogs
- Demand pay-for-priority or similar arrangements that directly or indirectly favor some traffic over other traffic
- Prioritize its own application, services or devices or those of its affiliates

No Blocking: Whidbey Telecom does not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management. Network management practices are set forth below.

Use of Network: In no case will Whidbey Telecom discriminate among customers on the basis of the type of content, applications, services or devices which the customer uses.

## NETWORK MANAGEMENT PRACTICES

General: Whidbey Telecom manages its network to provide high quality service to its customers. Whidbey Telecom cannot guarantee that it can prevent spam, viruses, security attacks, network congestion and other actions which can affect service, but does use various filters, monitoring efforts and other measures in an effort to minimize the effects of spam, viruses, security attacks, network congestion and other actions which can affect the service provided to customers.

Congestion: Whidbey Telecom has not experienced substantial problems with congestion. However, it may be possible that there are congestion events that may occur in the future, particularly as it may be related to the service capacity from third parties used by Whidbey Telecom to provide the customer with access to the world. Such service capacity is outside the control of Whidbey Telecom.

Where feasible, Whidbey Telecom will address congestion issues through improvements to its network or the capacity purchased from other providers needed to connect to the outside world. Such processes take time to implement and may not be feasible in all situations. Therefore, Whidbey Telecom reserves the right to monitor and identify which customer accounts are using the greatest amount of bandwidth during periods of heavy congestion and to work to provide solutions to address those issues. If a preferred solution cannot be worked out with the customer or customers, Whidbey Telecom reserves the right to manage the Internet traffic of high volume customers during periods of significant congestion. This means that the affected customers will still be able to access the Internet and engage in activities that they desire, but during certain periods of time they may experience conditions such as longer times to download or upload files, slower access and slower movements during online game playing. It is expected that periods of traffic management due to congestion will be as brief and infrequent as the circumstances permit.

## APPLICATIONS AND DEVICES

Applications: Customers may use any lawful and commercially available application which they desire. Whidbey Telecom does not normally monitor the contents of the traffic or applications of the customers and undertakes no obligation to monitor or investigate the lawfulness of any specific application used by a customer. Whidbey Telecom will take steps regarding an application-specific behavior by a customer if there is a reasonable belief that the application will cause harm to Whidbey Telecom's network or is unlawful, including, but not limited to, violating intellectual property rights.

Devices: A customer may use any lawful, compatible type-accepted and commercially available device which they desire on the network provided by Whidbey Telecom, as long as such device does not harm the network and is not unlawful.

## SECURITY

Security: Whidbey Telecom undertakes no obligation to monitor or protect customer traffic from spam, viruses, denial of service attacks or other malicious, unlawful or unwarranted activities. Whidbey Telecom does not guarantee that it can protect customers from any or all security breaches. The customer is using this service at its own risk. Customers are cautioned to purchase their own spam filtering, ransomware and antivirus software from commercial vendors to meet their needs. However, a customer that is subject to spam, virus, and denial of service attack or similar malicious, unlawful or unwarranted activities is urged to contact Whidbey Telecom as soon as possible. Whidbey Telecom will work with the customer on how the customer can take appropriate and economically reasonable efforts to address the matter.

## TERMS AND CONDITIONS

**Other Matters:** Other terms and conditions for use are found in Whidbey Telecom's Internet Service Agreement at Whidbey Telecom's website: [www.whidbeytel.com](http://www.whidbeytel.com). The terms and conditions of the Internet Service Agreement control to the extent there is any inconsistency with this Policy.

## PERFORMANCE CHARACTERISTICS

The pricing and levels of service provided by Whidbey Telecom can be found at [www.whidbeytel.com](http://www.whidbeytel.com). Expected access speeds vary by package. Package download speeds vary from 10 megabytes per second to 1,000 megabytes per second. Upload speeds vary by package from one megabyte per second to 1,000 megabytes per second on our fiber-to-the home package. Most packages include 10 gigabits of email storage. Latency is not a significant issue with any of the packages offered by Whidbey Telecom.

However, actual access speeds and delay times or latency are impacted by the length, capacity and congestion of transport facilities purchased by Whidbey Telecom from third party providers. Whidbey Telecom cannot guarantee that it will be able to obtain capacity from these third party providers at commercially reasonable prices if and when additional third party capacity is needed to reach Internet nodes.

Whidbey Telecom's ability to deliver the speeds set forth above may be affected by significant use of specialized services such as Internet-based video services. This is a growing area and its effect on Whidbey Telecom's ability to provide service at the speeds listed above are unknown at this time.

Subject to network management considerations, Whidbey Telecom does not impose data caps.

## PRIVACY

As a general statement, Whidbey Telecom does not usually entail inspection of network traffic. Whidbey Telecom does retain and store certain traffic information for time periods required by federal and state law, including, but not limited to, the identity of the customer using a particular IP address during a specific period of time. Whidbey Telecom does assist law enforcement and provides traffic information that it may have available to it when requested pursuant to the Communications Assistance for Law Enforcement Act, the Foreign Intelligence Surveillance Act and other applicable national and state security and criminal statutes.

**WHIDBEY TELECOM DOES NOT COLLECT, STORE OR USE TRAFFIC INFORMATION TO PROFILE ITS CUSTOMERS IN ORDER TO SELL ADDITIONAL SERVICES TO THEM OR FOR NON-NETWORK MANAGEMENT PURPOSES.**

## COMPLAINTS

If a customer has complaints about the service, they are urged to contact us at [www.whidbeytel.com/contact-us](http://www.whidbeytel.com/contact-us). A customer always has the right to file a complaint with the Federal Communications Commission at [www.fcc.gov](http://www.fcc.gov). If you feel you are a victim of identity theft, you should contact the Federal Trade Commission at [IdentityTheft.gov](http://IdentityTheft.gov).

#### RESERVATION OF RIGHTS/AMENDMENTS

In the event of any conflict between material found on other links on Whidbey Telecom's web site and this Open Internet Policy, the more specific terms at the other links shall control.

Whidbey Telecom may modify this Policy and other policies it has linked for the customer from time to time at its discretion. Notice of such changes will be posted on this web site. However, individual notice to customers, content providers, application providers, service providers or device providers by any means whatsoever shall not be provided unless specifically required to by federal or state law. Notice of changes will be provided in advance normally upon a thirty day basis. However, Whidbey Telecom reserves the right to use a shorter notice period when circumstances so warrant.