

Open Internet Transparency Disclosure Statement

LMK COMMUNICATIONS, LLC (LMK) DESCRIPTION OF NETWORK MANAGEMENT PRACTICES, PERFORMANCE, AND COMMERCIAL TERMS FOR BROADBAND INTERNET ACCESS SERVICES (AS OF MARCH 1, 2016)

The Federal Communications Commission (“FCC”) has adopted a rule that requires broadband Internet access service providers to disclose certain information about their services. See 47 C.F.R. § 8.3. In accordance with this rule, this statement provides information concerning the following aspects of LMK’s broadband Internet access service offerings: (1) the practices that LMK employs to manage its broadband network, (2) key performance characteristics of LMK’s broadband offerings, and (3) certain commercial terms applicable to these services.

The statement is intended to provide information to customers who currently subscribe to LMK’s broadband Internet access services or who may do so in the future, as well to providers of applications, services, and content that make use of LMK’s network to reach end users. This statement relates solely to that portion of LMK’s network devoted to providing mass market retail broadband Internet access service as defined by the FCC’s rules. Other portions of the network may be used to provide cable service, phone service, or other information or non-mass market data services, each of which is subject to individualized terms and conditions of service.

LMK reserves the right to alter its policies and network management practices at any time, and this Disclosure Statement may change accordingly.

I. NETWORK MANAGEMENT PRACTICES

A. Network Congestion

LMK does not block specific applications or traffic that may tend to increase congestion. In addition, there are no network management practices that would be triggered by a customer’s use of the network prior to or during a period of congestion. Instead, LMK focuses on anticipating and avoiding congestion by monitoring network usage and augmenting capacity in a targeted manner. By focusing on forecasting subscriber and usage growth in advance and expanding network capacity to accommodate it, LMK aims to ensure that sufficient bandwidth exists to provide robust service. If LMK’s network was to experience significant congestion, LMK may apply traffic management practices to ensure the most efficient use of its network, including by giving priority (by dropping fewer packets) to certain traffic. In particular, in the event of such congestion, LMK would

accord priority to (i) network control bits, without which the network as a whole would not function; and (ii) traffic for services classified by the FCC as non-broadband Internet access service (“non-BIAS”) data services. As Internet traffic volumes continue to grow, LMK will continue to evaluate its practices in this respect and will revise its approach as needed.

B. Device Attachments

LMK broadband internet access service customers may choose to attach their own equipment to their service as long as such devices do not harm the network. Customers’ device attachments for the purpose of attaching the service to other sites or other end users, including resale, may be allowed only if customers’ agreement allows such use. In any case, services shall be considered delivered at LMK’s point of demarcation on LMK’s equipment and LMK shall not be responsible for service functionality or liable for use of such service beyond that point.

C. Network Security Measures

LMK strives to address the threats posed by harmful and unwanted traffic and thus to protect the security and integrity of its network and its customers. Malicious software (often referred to as “malware”) such as viruses, worms, spyware, and distributed denial of service (“DDoS”) attacks not only can adversely affect the network, but also can result in harm to customers’ computers and the quality of the service they receive, compromise their data, and harm third parties as well. Unwanted communications such as spam can lead to similar problems.

LMK employs certain practices on a case-by-case and as-needed basis to protect its network and its customers against DDoS attacks. These practices [which could include limiting traffic to Dynamic Name Server (“DNS”) and Dynamic Host Configuration Protocol (“DHCP”) servers] could be triggered if LMK detects traffic levels that significantly exceed certain baselines; the applicable thresholds are not disclosed here, in order to ensure that these security practices remain effective and cannot be deliberately circumvented. Further, in accordance with common industry practices (and in response to demonstrated harms), LMK may on occasion and for limited periods of time inhibit certain Internet ports that are commonly misused to harm networks, but please note that this in no way prevents any LMK customer or broadband Internet access user from accessing lawful Internet content. Where such traffic is originating from ports, addresses, or locations on the LMK network, said ports, addresses, or locations may be restricted immediately pending customer notification.

D. Lawful Applications

LMK does not prevent users of its service from sending and receiving the lawful content of their choice; running lawful applications and using lawful services of their choice; or

connecting their choice of legal devices (subject to other provisions herein), provided that such applications and services do not harm the network or the provision of broadband Internet access services, facilitate theft of service, or harm other users of the service. Similarly, LMK does not impair or degrade particular content, applications, services, or non-harmful devices.

II. PERFORMANCE

A. Description of LMK's Broadband Internet Access Services

1. Overview of Broadband Service Offerings

LMK offers an array of services intended primarily to provide the capability of connecting to the Internet, provided over LMK's fiber network or by reselling other providers' services. LMK's broadband Internet access services currently include a variety of different speed levels (depending on geographic region), allowing customers to select an option that is best suited to their online activities. LMK also gives customers the option to choose an Internet plan with a lower data allotment and a lower price point, based on their Internet needs and budget.

2. Performance Metrics

LMK designs its network with the goal of attaining certain upload and download speeds. It also seeks to provide a number of service options with different speed tiers, so that users can select one that is consistent with their desired price, needs, and preferences. The "provisioned" speed that users can achieve will vary depending on which service a user selects. Provisioned speeds are specified in customer contracts.

The FCC's disclosure rules require that LMK describe the actual speeds that users can expect to experience with their service. Although LMK engineers its network and services to deliver speeds up to the provisioned level, the speed that a user will actually experience at any given time depends on a number of factors, many of which are not within LMK's control. Among other things, speeds can vary depending on the number of users in the end-user building at a particular moment, the number and types of simultaneous applications they are pursuing, the caliber of the end-user equipment being used, the limitations of different devices (such as a Smartphone versus a desktop computer), and the quality of any end-user networking. Throughput speeds are also likely to vary based on, for example, the different websites or applications accessed, the time of day, network congestion and other factors in the end-to-end transmission path from a subscriber's end-user location to the Internet endpoint being accessed, and other variables. There are a number of publicly available sources of information regarding actual broadband performance, each of which uses a different methodology and thus may produce different results.

Where customer experienced performance is in question, LMK may test performance between LMK's point of demarcation on the customer premise and one or more of LMK's interfaces to primary Internet providers. Where customer experienced performance is effected by the performance of other providers' networks, LMK asserts and customer accepts, that said performance is beyond the control or responsibility of LMK.

LMK network provisioning normally includes testing of actual "sustained speeds" achieved during the testing period, and offers a snapshot of performance at the time of initial provisioning. "Sustained speed" is a measure of long-term performance, which is particularly relevant for online activities such as large file transfers and video streaming that require the transfer of large amounts of information over long periods of time.

In order to eliminate variability in the performance of the internet as a whole, LMK tests its network performance between customer points of demarcation and LMK's interface to other primary Internet providers. The following are the nominal passing rates for such testing as conducted upon initial network turn-up or in response to customer requests.

Download Speeds

Provisioned Speed (Mbps)	Actual Sustained Speed (Mbps)	Actual Sustained Speed/ Provisioned Speed
10	10	100%
20	20	100%
50	50	100%
100	100	100%
250	250	100%
500	500	100%
1,000	1,000	100%

Upload speeds

Provisioned Speed (Mbps)	Actual Sustained Speed (Mbps)	Actual Sustained Speed/ Provisioned Speed
10	10	100%
20	20	100%
50	50	100%
100	100	100%
250	250	100%
500	500	100%
1,000	1,000	100%

LMK offers many speed tiers, and the charts above do not cover all speed tiers. However, the charts are illustrative of what can be expected from all speed tiers.

There are many factors that can impact users' actual, experienced end-to-end broadband speeds. Another technical aspect of broadband performance is "latency"—the average time for a data packet to travel from one point on the network to another. Latency varies depending on a user's service tier and other factors. For instance, latency is distance-sensitive; the measure of latency can turn on the distance between the two endpoints of a particular communication, such as the server that stores information and the computer being used. As a practical matter, a user may not be able to ascertain differences in latency, which is measured in milliseconds and generally does not result in any noticeable "delay" in terms of load times or other aspects of service for many commonly used Internet applications.

LMK testing also includes data on latency, measuring the average amount of time it takes to load a web page using different service tiers. The average latency (measured in milliseconds) was 21.599 on a 24-hour basis.

B. Description and Impact Non-BIAS Data Services

LMK has built its network to support a range of quality services, including but not limited to its broadband Internet access services. The performance of such a shared network will be

determined by how much aggregate bandwidth is being used by all users and all services at a given time.

The FCC's rules require us to address services that share bandwidth with broadband Internet access services, but that do not necessarily include broadband Internet access capability or are not primarily intended to be used for that purpose—a category the FCC calls “non-BIAS data services.” LMK provides certain services that the FCC may consider to be non-BIAS data services such as private line data services. As noted above, LMK currently deals with potential network congestion primarily by monitoring network usage and augmenting capacity in a targeted manner, as well as through the occasional application of the network management practices described above, so as to be able to provide sufficient levels of service. Accordingly, although all services are impacted at any given time by the total usage of all services, LMK's provision of non-BIAS data services generally does not adversely impact its provision of broadband Internet access services.

III. COMMERCIAL TERMS

The terms of service for LMK's various broadband Internet access offerings are set forth in the materials specific to each service. The information below highlights three specific issues that the FCC has directed broadband Internet access service providers to address.

A. Pricing

Prices for LMK's broadband Internet access services vary by region and often change over time. Current subscribers can find pricing information concerning their service on their monthly bill or by contacting a customer service representative. Prospective customers can obtain pricing information for broadband Internet access service by contacting a LMK sales representative. All pricing is individual case basis (ICB).

B. Privacy

LMK's privacy policy applicable to its broadband Internet access services is available at www.networkclarity.com.

C. Redress Options

Customers. LMK customers can get answers to any questions about LMK's broadband Internet access services or regarding any of the information set forth above by contacting a customer service representative.

Providers of applications, services, and content. Providers of applications, services, or content with questions or complaints about LMK's policies in connection with its broadband Internet access services should contact a customer service representative.