

# OPEN INTERNET POLICY

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## Open Internet Policy

of Network Billing Systems, LLC (DBA “Fusion”); [www.fusionconnect.com](http://www.fusionconnect.com)  
(Collectively “Fusion”)

Fusion supports the belief that the Internet is an open platform that enables consumer choice, freedom of expression, end-user control, competition and the freedom to innovate without permission. In the interests of preserving the foregoing, the following information regarding Fusion’s Internet services (“Fusion Services”) and practices is provided for the convenience of our current and prospective customers. Specifically, this policy and the information provided enable our end users to make informed choices regarding the use of such services and to understand the capabilities of broadband services.

This information is also provided for content, application, service, and device providers to develop, market, and maintain Internet offerings. FUSION Services are currently governed by its Acceptable Use Policy (“AUP”). Fusion’s AUP is available on its websites located at: [www.fusionconnect.com](http://www.fusionconnect.com). This Open Internet Policy is used in conjunction with Fusion’s AUP. Nothing in this policy serves to change your rights and obligations, or ours, under any Fusion terms of service, AUP or policy.

### Network Practices

**Congestion Management:** Fusion manages its network to ensure that all of its customers have a great online experience. The Internet is changing all of our lives and we want our customers to enjoy all that it has to offer. For more than a decade, Fusion has been at the forefront of bringing the Internet into our customers’ homes and has invested in a high-capacity advanced network that is fast, safe, reliable and affordable.

Like any other Internet service provider, we manage our network for many reasons including growing, upgrading and optimizing the network; removing spam, viruses and malicious content; and managing network traffic congestion when it occurs. While congestion is not the normal state of any network, when it happens, it can be frustrating.

Because Fusion values its customers’ freedom to use the Internet and the Fusion Services, so long as an end user complies with the terms and conditions of Fusion’s AUP, Fusion’s will not actively manage any particular types of traffic. All traffic that is transmitted using the Fusion Service is treated equally and without prejudice.

Examples of types of traffic that violate the Fusion AUP include but are not limited to data that:

- Is unlawful, threatening, abusive, harassing, libelous, defamatory, obscene, deceptive, fraudulent, invasive of another’s privacy, tortious, indecent, pornographic or inaccurate
- Victimized, harasses, degrades, or intimidates an individual or group of individuals on the basis of religion, gender, sexual orientation, race, ethnicity, age, disability or any other reason
- Is posted in violation of a newsgroup charter
- Contains viruses, corrupted files, or any other similar software or programs that may damage the operation of another’s computer
- Has a negative effect on Fusion or its network (including, without limitation, overloading servers on the Fusion Network; causing portions of the Fusion Network to be blocked by other network providers; generating unresolved third party complaints or complaints which, in the discretion of Fusion, impose an unreasonable administrative burden on the company; etc.).
- Constitutes unsolicited duplicative e-mail (commercial or otherwise)

The occurrence of any of the above acts would cause FUSION to intervene and manage the end user's traffic. The above list is not exhaustive and an end user should refer to the Fusion AUP for a full list and description of all traffic and activities that are not permitted.

**Application-Specific Behavior:** There are certain times when a provider must block or ratecontrol specific protocols or protocol parts, modify protocol fields in ways not prescribed by the protocol standard, or otherwise inhibit or favor certain applications or classes of applications. As with our approach towards congestion management, so long as an end user complies with the terms and conditions of our AUP, Fusion will not block or rate-control any protocols or otherwise limit such applications in any way.

**Device Attachment Rules:** Certain providers find it necessary to either place restrictions on or create approval procedures for the types of devices that may connect to its network. Fusion takes a neutral stance on device attachment to our network and does not place any restrictions so long as our AUP is not violated.

**Security:** Fusion goes to great lengths to ensure end-user and network security. Those practices are set forth in detail in Fusion's AUP.

### Performance Characteristics

**Service Description:** Broadband Services is the Fusion offering of connectivity for VoIP customers who do not have a broadband provider or need to upgrade their existing capacity. It is also for customers whose current connectivity cannot support VoIP/SIP Services. Regardless of current broadband type, Fusion ensures the SIP services are running optimally.

Customized solutions are available for small to medium businesses whose range of needs may be satisfied with simple and economical DSL or T1 connections. Fusion delivers the highest quality SIP and broadband IP communication services designed to fit business needs.

Broadband Services feature the following:

- Nationwide connectivity designed for any size business
- Voice traffic is given highest priority and routing
- Automatic bandwidth allocation for voice and data
- Expert engineering support for 24x7 reliability
- Superior performance with product options to fit any need or budget

Broadband services include:

- ADSL
- SDSL
- T1
- Bonded T1
- DS3
- Wireless Broadband
- EoC (Ethernet over Copper)
- Ethernet over Bonded SDSL
- Metro Ethernet (Metro-E)

### Commercial Terms

**Pricing:** Fusion strongly believes in a customer's easy access to service pricing. Fusion prices are provided upon request, based on service location, hardware, service and term requirements.

**Privacy Policies:** Any and all of Fusion's privacy policies as it relates to an end user's use of the FUSION Services are fully explained in its AUP.

**Redress Options:** Fusion takes great pride in providing its customers with the best broadband Internet experience possible. However, there are times when a dispute may arise. To ensure all of our customers' complaints and questions are promptly received, processed and responded to, Fusion has set forth dispute resolution provisions in its AUP, customer service agreements and orders.