

Fair Access Policy

This FAIR ACCESS POLICY (“Policy”) governs the use of Harris CapRock Communications’ (“Harris CapRock”) satellite-based service provided over a Time Division Multiple Access (“TDMA”) platform (the “Service”). Harris CapRock’s TDMA-based satellite services are built on networks that share certain components and bandwidth while segregating and isolating individual customer voice and data traffic to ensure customer traffic security. This Policy is subject to the definitive agreement governing the provision of Service from Harris CapRock to the purchaser (“Customer”) of the Service. Customer’s use of the Service constitutes acceptance of and agreement to the terms and conditions of this Policy. Without implying any right of Customer to permit any third party’s use of the Service, Customer agrees that its customers, if any, and end-users (collectively, “Subscribers”) are bound by the terms of this Policy. Harris CapRock reserves the right to modify or amend this Policy at any time, without notice, effective upon posting the revised policy on the Harris CapRock web site at www.HarrisCapRock.com, and any subsequent use of the Service by Customer constitutes acceptance thereof.

Each level of Service in the Harris CapRock TDMA service portfolio is designated by either a Series description, Service type, or data rate and includes specific fair access terms with regard to the amount of upstream (from the Customer remote site to the Harris CapRock network) throughput and the amount of downstream (from the Harris CapRock network to the Customer remote site) throughput. The maximum monthly throughput (“Throughput Limits”) allowed under this Policy for each Harris CapRock Service is defined in the relevant schedule for such Service attached to this Policy.

In the event Customer’s use of the Service in any given month exceeds the Throughput Limits, Customer agrees that Harris CapRock may take the following action, at its sole discretion:

- Require Customer to subscribe to the next Series level of Service, for which the Customer will be charged at the rates then in effect for such level of Service;
- Limit, suspend or discontinue Service to individual remote sites to prevent excessive consumption of bandwidth and disruption of service to other customers; or
- Recommend another, more suitable service or technology, for which Customer will be charged Harris CapRock’s rates then in effect for such service, together with any additional charges associated with transitioning to such new service or technology.