



## FAIR ACCESS POLICY OF HUGHES NETWORK SYSTEMS, LLC

**PLEASE READ THIS FAIR ACCESS POLICY (THIS "POLICY") CAREFULLY AS IT CONTAINS IMPORTANT TERMS AND CONDITIONS APPLICABLE TO THE DISHNET HIGH SPEED INTERNET SERVICE ("SERVICE") SUPPLIED BY HUGHES NETWORK SYSTEMS, LLC ("HUGHES") THROUGH DISHNET SATELLITE BROADBAND L.L.C. ("DISH").**

### **How does this Policy work?**

This Policy applies to the Service and provides for a limit, based on your service plan, on the amount of data that you can receive or transmit through the Service before the performance of the Service is reduced. This Policy is implemented automatically by monitoring the amount of data that is sent from, or to, the modem that you use to connect to the Service ("Modem").

### **What is my Data Allowance?**

Each service plan is assigned an Anytime Data Allowance. The "Anytime Data Allowance" is the amount of data that you may receive or transmit through the Service at full speed between the hours of 8:00 AM and 2:00 AM local time each Service Period. Each "Service Period" corresponds to your billing cycle. On the first date of each Service Period (the "Data Allowance Reset Date"), Hughes resets your Anytime Data Allowance to zero. If you exhaust your Anytime Data Allowance during any Service Period, then Hughes may severely slow and/or restrict your Service between the hours of 8:00 AM and 2:00 AM local time until your next Data Allowance Reset Date. You can visit [www.mydish.com](http://www.mydish.com) to see your service plan details, including, without limitation, your Anytime Data Allowance and Data Allowance Reset Date.

In addition to an Anytime Data Allowance, each service plan is assigned an Off-Peak Data Allowance. The "Off-Peak Data Allowance" is the amount of data that you may receive or transmit through the Service at full speed between the hours of 2:00 AM and 8:00 AM local time (the "Off-Peak Time") each Service Period. During the Off-Peak Time, your data usage is first deducted from your Off-Peak Data Allowance. If you exhaust your Off-Peak Data Allowance during any Service Period, then any of your subsequent data use during the Off-Peak Time is deducted from your Anytime Data Allowance. If you exhaust your Off-Peak Data Allowance and Anytime Data Allowance (together, your "Data Allowance") during any Service Period, then Hughes may severely slow and/or restrict your Service until your next Data Allowance Reset Date.

## **If I exhaust my Data Allowance, what will happen to the speed of the Service?**

If your service plan is not a dishNET Plus plan and you have exhausted your Data Allowance during any Service Period, then Hughes may severely slow (to speeds of 150 kbps or less) and/or restrict your Service until your next Data Allowance Reset Date.

If your service plan is a dishNET Plus plan and you have exhausted your Data Allowance during any Service Period, then Hughes may severely slow (to speeds of 150 kbps or less) and/or restrict your Service until your next Data Allowance Reset Date for all activities other than Basic Web Content and Basic Email (as those terms are defined below). For Basic Web Content and Basic Email activities, Hughes may slow your speeds of up to 768 kbps. "Basic Web Content" means content that: (1) is accessed via Internet Explorer, Firefox, Chrome, Safari or Opera; (2) is not accessed via an encrypted or virtual private network connection; (3) consists of text and images less than 1 MB in size; (4) does not require a file download; and (5) does not include any embedded media such as streaming audio and/or video. "Basic Email" means e-mail that: (1) is sent or received using SMTP, POP and/or IMAP; (2) is not accessed via an encrypted or virtual private network connection; and (3) does not include attachments that, in the aggregate, are over 25 MB in size.

## **How is my data usage calculated?**

Hughes counts each byte of data that is actually sent from, or to, your Modem, including, without limitation, packet headers, retransmissions and other standard overhead that is part of any IP communications.

## **When does Hughes refill my Data Allowance?**

Hughes measures your data usage through the Service each Service Period and resets it to zero on the Data Allowance Reset Date. You can view your Data Allowance Reset Date, as well as your current Service Period data usage compared with your Data Allowance, at [www.mydish.com](http://www.mydish.com).

## **May I purchase additional Anytime Data?**

Yes. In the event that you exhaust your Anytime Data Allowance, you may call DISH at 1-800-333-DISH (3474) to purchase limited amounts of additional Anytime Data to assist you in maintaining your normal plan throughput (speed) until the next Data Allowance Reset Date. The additional Anytime Data you purchase will expire on the next Data Allowance Reset Date and will not be "rolled over" to the subsequent Service Period.

## **What happens if I don't use all of my Data Allowance?**

If you do not exhaust your Data Allowance during any Service Period, then the amount of data that you did not use is not "rolled over" or otherwise added to the Data Allowance for the following Service Period.

*Questions regarding this Policy can be directed to DISH by calling 1-800-333-DISH.*

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