



# Alyrica Networks, Inc.

## Open Internet Statement

February 24, 2016

The Federal Communications Commission (“FCC”) has adopted rules to preserve the Internet as an open platform (“Rules” or “Open Internet Rules”). Information regarding these Rules is available on the FCC’s website at: <http://www.fcc.gov/guides/open-internet>

Broadband Internet access providers are required to post information regarding network management practices, performance characteristics and commercial terms so that residential and business consumers can make informed choices regarding use of service and for content, application, service and device providers to develop, market and maintain Internet offerings. This Open Internet Policy sets forth certain information regarding the policies and practices of Alyrica Internet, Inc. (“Alyrica”). This Open Internet Policy is a supplement to and is incorporated by reference in the Alyrica Service Agreement (available: <http://alyrica.net/TOS>), and in the event of any inconsistency between the Open Internet Policy and the Service Agreement, the Service Agreement shall control.

### Network Management Practices

**Congestion Management:** Alyrica’s Customers are subject to the maximum connection speeds set forth in the Confirmation of Sale. Alyrica does not impose any usage limits for its Service. In a manner consistent with the Alyrica Privacy Policy, Alyrica monitors network traffic to ensure capacity is sufficient to maintain an efficient network load, to perform diagnostics and to otherwise manage and enhance our network. To help manage traffic on Alyrica’s network, during times of high demand, Alyrica may allocate available bandwidth among Customers on an equal basis, by account level. In addition, Alyrica may, at the Customer’s option, prioritize latency sensitive applications, such as VoIP, over other traffic types. Alyrica’s congestion management practices are in place to ensure that all Customers experience high quality service. If Alyrica determines, in its sole and reasonable discretion, that the manner in which a Customer is using the Service negatively impacts other Customers or the Alyrica Network, Alyrica reserves the right to apply additional congestion management techniques. In addition, the Alyrica network may not support high-bandwidth video and voice applications.

Alyrica’s service is provided on a “best efforts” basis. Certain circumstances may affect the speed and quality of Service, including but not limited to foliage, line-of-sight obstructions, the distance between a Customer and the transmission point and the Customer’s connection of multiple devices to the Alyrica Network.

**Application-Specific Behavior:** Subject to the qualification that Alyrica may reasonably limit peer-to-peer applications as set forth above, Alyrica generally treats all lawful applications identically; however, Alyrica reserves the right to block or limit access to any applications that Alyrica determines, in Alyrica’s sole and reasonable discretion, may expose Alyrica to potential legal liability, harm the Alyrica network or otherwise interfere with or impair the experience of other Customers on the Alyrica network.



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**Device Attachment Rules:** Alyrica does not limit the types of devices that can be connected to the Alyrica network, provided they are used for lawful purposes and do not harm the Alyrica network; however, if Alyrica determines, in Alyrica's sole and reasonable discretion, that the connection of a particular type of device to the Alyrica network negatively impacts other Customers or the Alyrica network, or may expose Alyrica to potential legal liability, Alyrica reserve the right to limit or restrict Customers' ability to connect such type of device to the Alyrica network.

**Security:** The Alyrica network is designed in a manner that is intended to prohibit third parties who are not served by the Alyrica network from initiating connections to Customers on the Alyrica network if Alyrica has not allocated a public IP address to that Customer as provided in Section 8 of the Alyrica Service Agreement. Alyrica may prohibit certain activity on the Alyrica network that Alyrica deems, in Alyrica's sole and reasonable discretion poses a potential risk to Alyrica's network or to other Customers. Triggering conditions include denial of service activity, IP address or port scanning and excessive account login failures. If Alyrica notices excessive Customer connections that are harmful or that disrupt the normal use of the Alyrica network for other Customers, Alyrica will attempt to notify the Customer to work collaboratively to remedy the issue; however, Alyrica reserves the right as a reasonable network management practice, without advance notice, to block any Customer's traffic that Alyrica determines, in Alyrica 's sole and reasonable discretion, may cause harm to the Alyrica network or to other Customers, until the issue is addressed to Alyrica's satisfaction.

### Performance Characteristics and Commercial Terms

**Service Description and Pricing:** A current description of the categories of Internet service Alyrica offers is available here:

[http://alyrica.net/residential\\_home\\_internet](http://alyrica.net/residential_home_internet)

[http://alyrica.net/broadband\\_internet](http://alyrica.net/broadband_internet)

[http://alyrica.net/industrial\\_multimeg\\_bandwidth](http://alyrica.net/industrial_multimeg_bandwidth)

**Impact of Specialized Services:** Alyrica offers no Specialized Services that will affect the last-mile capacity for, and the performance of, its service offering.

**Early Termination Fee:** Certain of Alyrica's service offerings require a Customer to commit to a certain term of service and require the payment of an Early Termination Fee in the event the Customer does not fulfill that commitment. The Early Termination Fee will be set forth the Customer's Service Agreement, and may be significant.

**Fees for Additional Services:** A current description of the fees for additional network services, such as Server Colocation can be found here <http://alyrica.net/colocation>, Web Hosting can be found here [http://alyrica.net/web\\_hosting](http://alyrica.net/web_hosting), WatchESPN can be found here <http://espn3.com>,



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Alyrica Webmail can be found here <http://alyrica.net/mail>, Alyrica Consulting, Home Computer Repair and IT Services can be found here <http://alyrica.net/consulting>.

**Acceptable Use:** As set forth in the Service Agreement, all of Alyrica's service offerings are subject to the Acceptable Use and Prohibited Internet Service Activities section of the Service Agreement, which we may from time to time establish or revise.

**Privacy Policy:** Alyrica's current Privacy Policy is available here: <http://alyrica.net/privacy>

**Redress Options:** Alyrica endeavors to respond to all Customer concerns and complaints in a timely and fair manner. Alyrica encourages Customers to contact Alyrica at 541-929-3330 to discuss any complaints or concerns as they arise. Written complaints should be addressed to [support@alyrica.net](mailto:support@alyrica.net).

**Disputes and Arbitration:** The Alyrica Service Agreement requires the use of arbitration to resolve disputes and otherwise limits the remedies available to Customers in the event of a dispute.

### FCC Notice

If a Customer believes that Alyrica is not complying with the FCC's rules, the Customer may file an informal complaint with the FCC. The FCC urges Customers to submit any complaints via its website at the following address: <http://esupport.fcc.gov/complaints.htm>.

Customers may also file formal complaints with the FCC pursuant to Part 76 of the FCC's rules.

### Additional Disclaimers

This Open Internet Policy does not affect, alter or otherwise supersede the legal status of cooperative efforts by Alyrica that are designed to curtail infringement in response to information provided by rights holders in a manner that is timely, effective, and accommodates the legitimate interests of the company, rights holders, and end users. Furthermore, this Open Internet Policy does not prohibit Alyrica from making reasonable efforts to address the transfer of unlawful content or unlawful transfers of content. For additional information, please review the Service Agreement.