

**Nex-Tech, Inc.**  
**Network Management Practices Policy Disclosure**

Pursuant to the Federal Communications Commission's ("FCC's") newly enacted Open Internet Rules found in Part 8 of Title 47 of the Code of Federal Regulations, the policies of Nex-Tech, Inc. ("Provider") regarding network management practices, performance characteristics and commercial terms are provided in entirety so that Provider's current customers, prospective customers, third-party content providers and other interested parties can make informed choices regarding Provider's broadband Internet access services and the extent to which Provider's network management practices may affect those services.

**1. Network Management Practices.** In the interest of providing the best online experience possible for all of Provider's customers, Provider utilizes reasonable network management practices tailored to achieve legitimate network management purposes. Because bandwidth is a limited resource for broadband Internet service providers, it is essential that Provider reasonably manages its network to promote the use and enjoyment of the Internet by all of Provider's customers. By engaging in reasonable and responsible network management, Provider prevents its customers from being subjected to the negative effects of spam, viruses, security attacks, network congestion and other risks that threaten to degrade service. The network management practices employed by Provider are consistent with industry standards.

**1.1 Congestion Management.** It is possible that a relatively small number of customers may place a disproportionate demand on the network bandwidth resources, causing network congestion and an overall degradation in service quality for other end users. For this reason, if Provider's network nears a state of congestion, Provider will use congestion management practices to ensure all of Provider's customers retain access to a "fair share" of bandwidth resources.

When Provider's network nears a state of congestion, the congestion management tools, practices and/or software employed by Provider will identify segments of Provider's network which have a predetermined, aggregated level of bandwidth usage. From there, the congestion management tools will ascertain which customer account in the identified network segment is using a disproportionate share of the bandwidth. The Internet traffic of the identified customer account may be temporarily managed until the period of network congestion passes. Customers whose Internet traffic is temporarily managed by Provider will still be able to do anything they want online, and many activities will be unaffected; however, these customers may experience slower downloads and uploads and Internet/website response times.

The congestion management practices utilized by Provider are "protocol-agnostic" meaning that the network does not manage congestion based on the online activities, protocols or applications a customer uses. Rather, Provider's congestion management practices focus only on the heaviest bandwidth users in real time.

**1.2 Application-Specific Behavior.** Provider does not make use of any application-specific network management practices. Provider does not favor, modify, inhibit, rate control or block any specific protocols, protocol ports or fields, or any applications or classes of applications.

**1.3 Device Attachment Rules.** In order for a device to be approved for use on Provider's network, the device must conform to publicly available industry standards and be non-harmful to Provider's network.

**1.4 Security.** Provider offers its customers unrestricted access to all of the lawful content, services and applications available on the Internet. Provider uses industry standard tools and generally accepted best practices and policies to protect our customers from spam, phishing and other unwanted or harmful online content and activities. In the instances where these tools and policies identify online content as harmful or unwanted, the content may be prevented from reaching customers, or customers may be permitted to identify or inspect content to determine if it is harmful or unwanted. Provider currently utilizes a custom built application for spam and virus filtering.

**2. Performance Characteristics.** Provider offers broadband Internet access service via Fiber-To-The-Premise ("FTTP"), Digital Subscriber Line ("DSL") and fixed Wireless.

The advertised speed of Provider's Internet service is the maximum speed achievable with the technology utilized by Provider. While the maximum advertised speed is attainable for end users, several factors may affect the actual speed of Provider's Internet service offerings including, but not limited to: the distance of the consumer's home or business from Provider's Central Office (e.g., the further the customer is from the Central Office, the slower the broadband speed); wireless interference; the end user's computer, modem or router; activity during peak usage periods; and other Internet traffic.

Based on internal testing, the mean download and upload speeds are as follows:

<u>FTTP</u>	<u>Mean</u>
1Mbps Down/512Kbps Up	.98Mbps/.68Mbps
1.5Mbps Down/512Kbps Up	1.5Mbps/.62Mbps
3Mbps Down/768Kbps Up	3.1Mbps/.86Mbps
6Mbps Down/3Mbps Up	6.8Mbps/3.3Mbps
10Mbps Down/3Mbps Up	10.2Mbps/3.2Mbps
10Mbps Down/10Mbps Up	9.8Mbps/8.4Mbps
20Mbps Down/6Mbps Up	21.3Mbps/8.5Mbps
20Mbps Down/20Mbps Up	20.3Mbps/27Mbps
50Mbps Down/10Mbps Up	48.7Mbps/9.3Mbps
50Mbps Down/50Mbps Up	53.1Mbps/56Mbps
75Mbps Down/10Mbps Up	76.1Mbps/9.26Mbps

75Mbps Down/75Mbps Up	76.1Mbps/61.7Mbps
<u>DSL</u>	<u>Mean</u>
1Mbps Down/512Kbps Up	.99Mbps/.66Mbps
1.5Mbps Down/512Kbps Up	1.5Mbps/.71Mbps
3Mbps Down/768Kbps Up	4.1Mbps/.93Mbps
6Mbps Down/3Mbps Up	4.98Mbps/1.1Mbps
<u>Wireless</u>	<u>Mean</u>
1Mbps Down/512Kbps Up	1.1Mbps/.60Mbps
1.5Mbps Down/512Kbps Up	1.7Mbps/.58Mbps
3Mbps Down/768Kbps Up	3.9Mbps/.83Mbps
6Mbps Down/3Mbps Up	7.3Mbps/2.2Mbps

Provider's internal testing established a mean round trip latency of 2ms on FTTP, 16ms on DSL and 58ms on wireless. The actual speeds achieved with Provider's Internet service offering make Provider's Internet service suitable for real-time applications such as Voice over Internet Protocol ("VoIP").

### 3. Commercial Terms

**3.1 Pricing.** In order to meet the usage and budgetary needs of all of our customers, Provider offers a wide selection of broadband Internet access plan options, including promotional offerings, bundled service choices and ala carte alternatives.

To see Provider's current promotions and pricing on broadband Internet access service, please visit our website at [www.nex-tech.com](http://www.nex-tech.com) or call 1-888-565-3200 to speak with a customer service representative.

**3.2 Early Termination Fees.** If a customer previously entered into a service agreement with Provider for broadband Internet access service for a defined service term, and customer desires to terminate the service agreement prior to the expiration of that term, Provider may charge a reasonable early termination fee if such fee is clearly indicated in the service agreement. Provider presently has no early termination fee.

**3.3 Usage-Based Fees.** Provider's Internet service is priced on a flat-fee basis (plus taxes). Provider does not charge end users a usage-based fee for Internet service. For additional information on Provider's fee schedule for additional network services, visit Provider's website at [www.nex-tech.com](http://www.nex-tech.com).

**3.4 Privacy Policy.** The various network management tools and techniques utilized by Provider do not monitor, inspect or store the network activity and traffic of its Internet service users. Furthermore, as part of its network management practices, Provider does not distribute information on network activity and/or traffic to any third party, or use network traffic information for any non-network management purpose.

Provider affords full access to all lawful content, services and applications available on the Internet and does not routinely monitor, inspect or store the network activity and traffic of its Internet service users. However, Provider reserves the right to monitor bandwidth, usage, transmissions and content for purposes of protecting the integrity of the network and Provider's Internet access service through reasonable network management practices.

Provider may collect equipment information to identify the equipment customer is using on the network including, but not limited to, equipment type, serial number, settings, configuration and software. Provider may also collect performance information to examine the operation of the equipment, services and applications the customer may use on the network including, but not limited to, IP addresses, URLs, data transmission rates and latencies, location information, security characteristics, and information about the amount of bandwidth and other network resources customer is using in connection with uploading, downloading or streaming data to and from the Internet.

Network traffic, activity, performance information and equipment information monitored or collected by Provider is done so for the sole purpose of reasonable network management purposes.

Provider is required to comply with relevant laws, regulations and judicial orders. Information covered under this Privacy Policy, as well as other categories of information, may be disclosed to third parties if Provider determines, in its sole discretion, that such a disclosure is necessary or required. Provider may also disclose this information if, in its sole discretion, such a disclosure is necessary or required to protect its interests or the interests of our customers. Provider may also disclose this information in connection with the sale of its business.

The Provider's network management practices as discussed herein are intended solely to provide the best online experience possible for all of Provider's customers by safeguarding our network and its users from spam, viruses, phishing and other unwanted or harmful online content and activities. Provider's network management practices are not intended, nor implemented, to block consumers from accessing the content and applications of their choice, deprive consumers of their entitlement to competition, or discriminate against or in favor of certain network traffic. End users with questions, concerns or complaints regarding Provider's network management practices are encouraged to contact Provider for issue resolution.

**3.5 Contact Us.** If you have any questions regarding Provider's Network Management Practices Policy or would like to file a complaint with Provider regarding its network management practices, please contact Provider at:

Nex-Tech, Inc.  
Attn: Internet Solutions  
2418 Vine St.

Hays, KS 67601  
(785) 625-7070  
Justin@nex-tech.com  
[www.nex-tech.com](http://www.nex-tech.com)

Furthermore, if you believe Provider is in violation of the FCC's Open Internet Rules, you may file either an informal or formal complaint with the FCC (<http://esupport.fcc.gov/complaints.htm>).

**3.6 Additional Disclaimers.** The Open Internet Rules, as adopted, and Provider's Network Management Practices Policy are not intended to affect, alter or otherwise supersede the legal status of cooperative efforts by broadband Internet access service providers and other service providers 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 providers, rights holders and end users. Furthermore, the Open Internet Rules, as adopted, and Provider's Network Management Practices Policy do not prohibit Provider from making reasonable efforts to address the transfer of unlawful content or unlawful transfers of content.

For additional information, please review Provider's Acceptable Internet Use Policy/Subscriber Agreement at: [www.nex-tech.com](http://www.nex-tech.com).