

## **Farmers Mutual Telephone Company**

### **Broadband Internet Access Services**

#### **Network Management Practices, Performance Characteristics, and Commercial Terms and Conditions for Fixed Services**

Farmers Mutual Telephone Company (“FMTC”) has adopted the following network management practices, performance characteristics, and commercial terms and conditions for its Internet access services in compliance with the Federal Communications Commission’s (“FCC’s) Open Internet Framework requirements (GN Docket No. 09-191 and WC Docket No. 07-52).

These practices, characteristics, terms and conditions are intended to help preserve the Internet as an open framework that enables consumer choice, freedom of expression, end-user control, competition, and freedom to innovate without permission, while permitting FMTC to manage its network reasonably.

These practices, characteristics, terms and conditions are effective as of February 1<sup>st</sup>, 2018.

FMTC may add, delete, or modify certain practices, performance characteristics, terms and conditions from time to time at its discretion. It will provide clear written notice of these changes on this website, but will not notify customers, content providers, applications providers, service providers or device providers individually of such changes by bill inserts, e-mails, tweets, telephone calls or other direct communications unless specifically required to do so by federal or state Authorities. FMTC will provide as much advance notice as practicable of such changes. It will normally endeavor to furnish written notice on this website thirty (30) days before changes become effective, but reserves the right to use a shorter notice period when regulatory, operational, technical or other circumstances warrant.

#### **I. Network Management Practices**

FMTC manages its network with the goal of providing the best practicable broadband Internet experience to all of its customers. Within the scope of its resources, it attempts to deploy and maintain adequate capacity and facilities within its own network, and to provide sufficient Middle Mile capacity or facilities outside its service area to connect with the Internet. FMTC and its staff use their best efforts to monitor, address and minimize (but do not guarantee that they can prevent) the effects of spam, viruses, security attacks, network congestion, and other phenomena that can degrade the service of affected customers.

##### *A. Congestion Management Practices*

Congestion is an Internet access service problem that can slow web browsing, downloading, and other activities of the customers during certain peak usage periods. Congestion may be caused by capacity limits and bottlenecks in a service provider’s own network, or by limitations in the capacity of the Middle Mile transport facilities and services that many rural service providers must purchase from unrelated entities to carry the traffic of their customers between their service areas and the closest Internet nodes.

As of January 2018, FMTC has historically rarely experienced problems with congestion.

If significant congestion problems do arise in the future, FMTC's most desired approach is to determine the source of the problem, and to increase the capacity of the affected portions of its network and/or of its Middle Mile routes where warranted. However, network and Middle Mile upgrades often cannot be accomplished instantaneously because they require negotiations, authorizations and agreements with multiple unrelated entities such as lenders, government agencies, equipment vendors, property owners and other carriers.

If or when network and/or Middle Mile upgrades are not able to be deployed on a timely or reasonable basis, FMTC then reserves the right to monitor and identify which customer accounts are using the greatest amount of bandwidth during periods of heavy congestion, and to contact those high-volume customers to work out a solution to the problem. FMTC's preferred solution will be to help such high-volume customers find acceptable times during non-peak periods to engage in the same activities.

If that preferred solution is not possible, FMTC reserves the right to manage temporarily the Internet traffic of high-volume customers during periods of significant congestion until such periods of congestion pass. This temporary traffic management will be accomplished by technically and commercially feasible methods that are available or that become available in the future. Affected high-volume customers will still be able to access the Internet and engage in any and all online activities they desire. However, during periods of congestion they may experience conditions such as longer times to download or upload files, slower Web surfing, and/or slower movements during online game playing.

Customers should note that any temporary traffic management practices employed by FMTC will impact only identified and notified high-volume customers during periods when congestion problems are experienced, and will not be based upon the types of content, applications, services, or devices such customers use. On the basis of its knowledge and experience as of January 2018, FMTC expects that periods of temporary traffic management, if any, will be brief and rare. For purposes of its congestion management practices, FMTC will consider a period in which a congestion problem arises and exists to be one where available bandwidth is less than typical traffic demand.

#### *B. Application-Specific Behavior Practices*

FMTC does not favor or inhibit certain applications or classes of applications. Customers may use any lawful and commercially available application which they desire on FMTC's network.

FMTC does not normally monitor the contents of the traffic or applications of its customers. It undertakes no obligation to monitor or investigate the lawfulness of the applications used by its customers. If any party contacts FMTC with a substantial allegation that an application being used by a customer is unlawful, FMTC will investigate the matter (including consultation, as it deems appropriate, with attorneys, consultants, federal or state regulators, and/or federal, state or local law enforcement agencies), and will take appropriate actions to deal with the use of applications that are demonstrated to be unlawful.

Customers may occasionally develop their own applications, or modify commercially available applications. FMTC will not prohibit the use of customer-developed or modified applications unless there is a reasonable belief that such applications will cause harm to its network.

FMTC does not rate-control specific protocols or protocol ports.

FMTC does not modify protocol fields in ways that are not prescribed by the applicable protocol standards.

### *C. Device Attachment Rules*

FMTC does not have any approval procedures that must be satisfied before a device can be connected to its network. Customers may use any lawful, compatible, type-accepted (if necessary) and commercially available device which they desire on the FMTC's network, as long as such device does not harm the network.

FMTC does not normally monitor the devices used by its customers. It warns customers that some types of devices (for example, Data Over Cable Service Interface Specification ('DOCSIS') devices intended for use on cable broadband networks) may not be compatible with its fiber optic and digital subscriber line ("DSL") network.

FMTC undertakes no obligation to monitor or investigate the lawfulness of the devices used by its customers. If any party contacts FMTC with a substantial allegation that a device being used by a customer is unlawful, FMTC will investigate the matter (including consultation, as it deems appropriate, with attorneys, consultants, federal or state regulators, and/or federal, state or local law enforcement agencies), and will take appropriate actions to deal with the use of a device that is demonstrated to be unlawful.

Customers may occasionally develop their own devices, or modify commercially available devices.

FMTC will not prohibit the use of lawful customer-developed or modified devices unless there is a reasonable belief that such devices will cause harm to its network.

### *D. Security Practices*

FMTC does not normally monitor the traffic of its customers. It undertakes no obligation to monitor or protect such customer traffic from spam, viruses, denial-of-service attacks, or other malicious, unlawful or unwanted activities.

FMTC recognizes that customers can purchase spam filtering and anti-virus software from commercial vendors to meet their needs. FMTC may from time to time offer anti-spam and/or anti-virus software or services to customers who desire to purchase them from FMTC. When offered, these software or services will be described and priced in other sections of this website and in FMTC's sales and marketing materials. Customers are free to obtain anti-spam and/or anti-virus software or services from any source they desire, as long as such software or services do not disrupt or degrade the traffic of other customers of FMTC or harm the network. A customer that is subjected to a denial-of-service attack, or similar malicious, unlawful or unwanted activity, is urged to notify FMTC as soon as possible. FMTC will work with the customer, other service providers, federal and state regulators, and/or law enforcement to determine the source of such activity, and to take appropriate, and technically and economically reasonable efforts to address the matter.

FMTC employs commercially appropriate security procedures to protect its network and its customer records from unauthorized access by third parties. FMTC does not guarantee that it can protect customers from any and/or all security breaches.

### *E. Traffic Blocking*

FMTC does not block any lawful content, applications, devices, and/or non-harmful devices.

The only potential exceptions where blocking may occur entail the unlawful or harmful circumstances set forth in Sections I.A through I.D above. FMTC believes that all such circumstances constitute reasonable network management practices.

FMTC does not knowingly and/or intentionally impair, degrade or delay the traffic on its network so as to render effectively unusable certain content, applications, services and/or non-harmful devices. However, FMTC notes that congestion may from time to time impair, degrade, or delay some traffic.

FMTC does not charge edge service providers of content, applications, services and/or devices any fees simply for transporting traffic between them and its customers.

## **II. Performance Characteristics**

Many of the service and performance characteristics of FMTC's broadband Internet access services are contained in the service offering portions of this website. FMTC offers different tiers of service at different prices, and changes these from time to time.

### *A. General Service Description*

FMTC uses a hybrid fiber optic, copper digital subscriber line ("DSL") technology that reaches approximately 65% of the potential customers in its Incumbent Local Exchange Carrier (ILEC) service area, and a fiber-to-the-premise ("FTTP") network that reaches approximately 35% of such customers. The available download access speeds in the DSL portions of FMTC's ILEC network range up to 100 megabits per second ("Mbps"), depending upon the actual lengths of the respective fiber trunks and copper lines. The available download access speeds in the FTTP portion of the network range up to 1,000 Mbps.

Actual access speeds and time delays (latency) are impacted by the length, capacity and congestion of Middle Mile transport facilities (between FMTC's service area and Internet nodes) as well as the characteristic of FMTC's own network. Because conditions on these facilities and routes can change frequently, FMTC can provide estimated actual access speed and latency information only for specific recent time periods.

### *B. Impact of Specialized Services*

FMTC offers IP-based video and voice services to end-users; as these services are IP-based, they may be negatively impacted during times of Internet congestion or outage.

### *C. Impact of Middle Mile Capacity Constraints*

FMTC cannot guarantee that it will be able to obtain additional Middle Mile capacity at commercially reasonable prices if and when needs for additional Middle Mile capacity arise.

### III. Commercial Terms and Conditions

The commercial terms and conditions of FMTC's broadband Internet access services are contained in greater detail in the "terms and conditions" portions of this website. This section provides a brief overview or reference to terms and conditions detailed elsewhere, plus discussions of other terms and conditions required by the FCC's Open Internet Framework.

#### *A. Pricing Terms and Conditions*

FMTC offers different tiers and levels of service at different prices, and changes these from time to time. These service tiers and prices are detailed in the service offering portion of this website.

FMTC does not impose usage-based fees upon certain tiers or levels of its service.

FMTC may impose fees for early termination with respect to certain of its service arrangements. These early termination fees are imposed upon the service arrangements specifically identified in the "terms and conditions" section of FMTC's website in the manner and under the conditions set forth therein.

In addition, FMTC is willing to consider and negotiate prices for customized additional network services requested by specific customers or edge service providers if such services can be designed, developed and furnished in a commercially reasonable manner. If and when such customized services are developed and furnished, FMTC reserves the right to adapt and provide them to other customers on a non-discriminatory basis so long as such subsequent provision does not entail disclosure of proprietary or confidential information of the initial customer.

#### *B. No Unreasonable Discrimination*

FMTC does not unreasonably discriminate in its transmission of traffic over the broadband Internet access services of its customers. It endeavors to give its customers as much choice and control as practicable among its different service offerings and among the content, application, service and device offerings of edge service providers. When reasonable network management practices entail differential treatment of traffic, FMTC does not discriminate among specific uses, or classes of uses, of its network.

FMTC does not impair, degrade or delay VoIP applications or services that compete with its voice services and those of its affiliates.

FMTC does not impair, degrade, delay or otherwise inhibit access by its customers to lawful content, applications, services or non-harmful devices.

FMTC does not impair free expression by actions such as slowing traffic from particular websites or blogs.

FMTC does not use or demand "pay-for-priority" or similar arrangements that directly or indirectly favor some traffic over other traffic.

FMTC does not prioritize its own content, application, services, or devices, or those of its affiliates.

### *C. Privacy Policies*

As indicated above, FMTC's network management practices do not generally entail inspection of network traffic. FMTC retains and stores certain traffic information (such as the identity of the customer using a particular IP address during a specific period) for time periods required by federal or state law.

FMTC retains, stores and provides to law enforcement any traffic information requested pursuant to the procedures of the Communications Assistance for Law Enforcement Act ("CALEA"), the Foreign Intelligence Surveillance Act ("FISA") or other applicable national security or criminal statutes.

FMTC does not collect, store or use individual, targeted traffic information to profile its customers in order to sell additional services to them, or for similar non-network management purposes.

### *D. Redress Options*

Questions and complaints regarding the foregoing matters should be addressed to FMTC's Administration at (208)452-2000 or [support@fmtc.com](mailto:support@fmtc.com).

FMTC strongly desires to resolve questions, complaints and other problems of its customers and edge service providers in an informal and direct manner that satisfies all interested parties to the greatest extent practicable.

Customers and edge service providers that are not able to obtain satisfaction from FMTC have the option of invoking the FCC's informal and formal complaint procedures regarding Open Internet Framework disputes.