

Fair Access Policy

This FAIR ACCESS POLICY (“Policy”) governs the use of CapRock Communications’ (“CapRock”) satellite-based service provided over a Time Division Multiple Access (“TDMA”) platform (the “Service”). 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 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. CapRock reserves the right to modify or amend this Policy at any time, without notice, effective upon posting the revised policy on the CapRock web site at www.CapRock.com, and any subsequent use of the Service by Customer constitutes acceptance thereof.

Each level of Service in the CapRock TDMA service portfolio is designated by a Series number and includes specific fair access terms with regard to the aggregate amount of upstream (from the Customer remote site to the CapRock network) and downstream (from the CapRock network to the Customer remote site) throughput. The chart below identifies the maximum monthly throughput (“Throughput Limits”) allowed under this Policy for each service level.

Fair Access Policy Throughput Limits					
	100 Series	200 Series	300 Series	500 Series	1000 Series
Gbytes/month/site	6 Gbytes	11 Gbytes	27 Gbytes	36 Gbytes	72 Gbytes

In the event Customer’s use of the Service in any given month exceeds the Throughput Limits, Customer agrees that 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 CapRock’s rates then in effect for such service, together with any additional charges associated with transitioning to such new service or technology.