

OPENetworks Fair Use Policy

Any of the following actions, undertakings or omissions shall be deemed to be unfair uses and breaches of or defaults under the Fair Use Policy and this Agreement:

- (a) use of the Networks or any Network Equipment in a way that creates or increases or is likely to increase or create a risk to:
 - (i) the integrity or financial viability of the Network or any part of it as determined by OPENetworks;
 - (ii) the integrity of Network Equipment or any facilities of the RSP or any other OPENetworks RSP used in connection with the OPENetworks Network;
 - (iii) the quality of any product or service supplied by OPENetworks to any RSP; or
 - (iv) the health or safety of any person;
- (b) use of the Networks in a way that causes or may cause interference, disruption, congestion or, more generally, sub-optimal performance of the Network;
- (c) undertaking or attempting to disable, disrupt or interfere with the regular working of any Retail Services, Network Services or the Network, including, without limitation, via means of overloading it, denial of service attacks or flooding the Network;
- (d) probing, scanning or testing the vulnerability of a system on the Network or the Network generally;
- (e) breaching security or authentication measures for a Retail Service or the Network;
- (f) use of a Retail Service that relies on the Network Services as an input:
 - (i) to support substantial carrier or service provider data aggregation applications (such as backhaul for mobile base stations and multiplexed access systems and/or networks) that result in substantial and continuous network throughput;
 - (ii) to support connections for the purpose of providing or enabling carrier or service provider interconnection;
 - (iii) where the average download usage for RSP's Ordered Products using the Network exceeds 1,000GB of data in a calendar month;
 - (iv) where the average upload usage for RSP's Ordered Products using the Networks exceeds 400GB of data in a calendar month;
 - (v) in any other way which OPENetworks considers, acting reasonably, to be inappropriate or excessive, as notified by OPENetworks to RSP from time to time;
- (g) use of networking devices and plans intended to be used by End Users for residential, business or educational purposes within a single Premises only and the traffic volumes being managed or handled by the networking device do not exceed the traffic volumes that would reasonably be expected to be managed or handled by a networking device when used for residential, business or educational purposes within a single Premises only.