

South Dakota Network, LLC
(dba SDN Communications)
Open Network Policies

South Dakota Network, LLC (“SDN”) has adopted the following network management practices, performance characteristics, and commercial terms and conditions for its broadband Internet access services in compliance with the FCC’s reports and orders. 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 SDN to reasonably manage its network.

SDN may add, delete, or modify certain practices, performance characteristics, terms and conditions from time to time in its sole discretion. It will provide clear written notice of these changes on this website, but will not notify customers individually by other means unless specifically required to do so by federal or state authorities. SDN 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

SDN 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 acquire/self-provide sufficient capacity or facilities outside its service area to connect with the Internet. The SDN and its staff use their best efforts to monitor, address and minimize (but do not guarantee that they can identify, prevent or remediate) the effects of spam, viruses, security attacks, network congestion, and other such impacts 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 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.

If significant congestion problems arise, SDN’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 routes where warranted. However, network and transport facility 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.

B. Application-Specific Behavior Practices

SDN does not favor or inhibit applications or classes of applications. Customers may use any lawful and commercially available application which they desire on SDN's network. SDN 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 SDN with a substantial allegation that an application being used by a customer is unlawful, SDN 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 or harmful to the Internet network.

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

SDN does not block or rate-control specific protocols or protocol ports. SDN does not modify protocol fields in ways that are not prescribed by the applicable protocol standards.

C. Security Practices

SDN 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. SDN recognizes that customers can purchase spam filtering and anti-virus software from commercial vendors to meet their needs. Customers are encouraged 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 SDN 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 SDN as soon as possible. SDN 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.

SDN employs commercially appropriate security procedures to protect its network and its customer records from unauthorized access by third parties. SDN does not guarantee that it can protect customers from any and/or all security breaches. SDN does not presume to encrypt any customer data. That is the responsibility of the customer unless requested to do so by mutual, written agreement between SDN and the customer.

D. Traffic Blocking

SDN 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. The SDN believes that all such circumstances constitute reasonable network management practices.

SDN does not knowingly and 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, SDN notes that congestion may from time to time impair, degrade, or delay some traffic.

SDN 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 SDN's broadband Internet access services are contained in the service offering portions of this website. The SDN offers different tiers of service at different prices, which may change from time to time.

A. General Service Description

The expected access speeds depend upon the electronics installed. Actual access speeds and time delays (latency) are impacted by the length, capacity and congestion of transport facilities as well as the characteristic of SDN's own network. Because conditions on these facilities and routes can change frequently, SDN can only provide estimated actual access speed and latency information for specific recent time periods requested by a customer.

B. Impact of Specialized Services

SDN may offer specialized services to end-users. If and when offered, customers should note that significantly heavier use of specialized services may impact the available capacity for and/or the performance of its broadband Internet access services. SDN will monitor such situation, and appreciates feedback from its customers.

C. Impact of Transport Facility Capacity Constraints

There is no impact.

III. Commercial Terms and Conditions

The commercial terms and conditions of SDN's broadband Internet access services are contained in greater detail in the acceptable use/privacy 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 FCC reports and orders.

A. Pricing Terms and Conditions

SDN offers different tiers and levels of service at different prices, and the rates may be determined on an individual case basis. SDN provides dedicated internet connections to medium and large sized enterprises over a direct fiber feed through an Ethernet handoff. These service tiers and prices are determined by taking into consideration construction costs, equipment requirements, and requested bandwidth increments. There may be no standard market rates for these services because each opportunity has cost variables that affect the rates. SDN does not impose usage-based fees upon certain tiers or levels of its service.

B. No Unreasonable Discrimination

SDN 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, SDN does not discriminate among specific uses, or classes of uses, of its network.

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

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

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

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

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

C. Privacy Policies

As indicated above, SDN’s network management practices do not generally entail inspection of network traffic. SDN may retain and store certain traffic information (such as the identity of the customer using a particular IP address during a specific period) necessary for the management of its network for time periods required by federal or state law. SDN 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. SDN does not collect, store or use traffic information to profile its customers in order to sell additional

services to them, or for similar non-network management purposes. Links to SDN's other privacy policies and procedures are found on the home page of this website.

D. Redress Options

Questions and complaints regarding the foregoing matters should be addressed to SDN at (800) 227-1442 and ask for Legal or opennetwork@sdncommunications.com.

SDN 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 SDN have the option of invoking the FCC's informal and formal complaint procedures.