

## **Pivotel America Inc. – Incoming Calls Fair Use Policy**

This Pivotel America Inc., (Pivotel) Incoming Calls Fair Use Policy (“Policy”) outlines acceptable use of a Pivotel Satellite Service that offers free or low-cost incoming calls to the satellite service (“Service”). This Policy is in addition to any restrictions or conditions contained in the Pivotel Service Agreement (the “Pivotel SA”).

All Pivotel Satellite customers (the “customer,” “you,” or “your”) and all others who use the Service must comply with this Policy. Your failure, or others’ failure, to comply with this Policy could result in the suspension or termination of your or their Service accounts. Therefore, you should take steps to ensure that you are aware of this Policy and agree to abide by it. If you are unwilling to comply with this Policy, you must immediately stop all use of the Service and notify Pivotel so that it can close your Pivotel account.

### **Prohibited Uses and Activities**

In general, the Policy prohibits uses and activities involving the Service that interfere with or diminish the fair use of a Satellite network by other subscribers, are illegal, or infringe the rights of others.

The offer of free or low-cost incoming calls on Pivotel satellite call plans is designed to enable Pivotel to provide additional value for our customers, and to maximize the utility of the Service by reducing or removing the cost barrier to call a Satellite phone. The offer of free or low-cost incoming calls is not intended to generate a material imbalance in inbound versus outbounds calls, or a material amount of additional unbilled or discounted traffic on a Satellite network. Intentional manipulation of calling patterns that generate high volumes of free or low-cost incoming calls to a Satellite phone is a violation of this Policy.

Pivotel reserves the right to actively monitor usage statistics of subscribers on the network and take proactive measures to regulate and if necessary, terminate access to the Satellite network to ensure high quality network performance for all users on an ongoing basis.

### **Violation of this Fair Use Policy**

Pivotel will respond appropriately if it becomes aware of inappropriate use of the Service.

Pivotel prefers to inform customers of inappropriate activities and give them a reasonable period of time in which to take corrective action. However, if the Service is used in a way that Pivotel, in its discretion, believes violates this Policy, Pivotel may take any responsive actions it deems appropriate under the circumstances with or without notice. These actions include, but are not limited to, the immediate suspension or termination of all or any portion of the Service. Neither Pivotel nor its agents will have any liability for any of these responsive actions. These actions are not Pivotel’s exclusive remedies and Pivotel may take any other legal or technical actions it deems appropriate with or without notice.

Pivotel reserves the right to investigate suspected violations of this Policy.