

Fair Use Policy (FUP)

The purpose of this FUP is to ensure equity of access to all users of the Broadband access service. More equitable access to all users ensures the best possible speeds and performance for the majority of its users. This FUP relates to the data usage of the Broadband access service only. Other issues related to the Broadband access service as well data usage related to other access services (particularly fixed-cap Internet services) are covered by the Nuwcom Wireless Standard Terms and Conditions and AUP.

Definitions

In this document, unless the context indicates otherwise:

☐ **"AUP"** means Nuwcom Wireless's Acceptable Use Policy;

☐ **"Broadband access service"** means the broadband access service provided by Nuwcom Wireless to the user, using optic fibre, WiFi or other relevant technologies;

☐ **"excessive usage"** means usage in excess of the maximum possible usage for the particular Broadband access service multiplied by a factor. Such factor shall initially be 50%. Such factor may be changed (upwards or downwards) from time to time and any such change will be publicised, including by publication on Nuwcom Wireless's Internet web site. Maximum possible usage shall be the maximum download speed multiplied by the period of use to derive a maximum possible download capacity per month and the maximum upload speed multiplied by the period of use to derive a maximum possible upload capacity per month;

☐ **"FUP"** means this FUP relating to the Nuwcom Wireless Broadband access service; and

☐ **"improper usage"** means usage which contravenes this FUP as it pertains to the usage of the Broadband access service.

☐ **"contention ratio"** (or over subscription ratio) is the number of users sharing the same data capacity. The lower the contention ratio the higher the quality of service. A 10:1 contention ratio means that up to 10 broadband customers are sharing the same bandwidth at any one time.

☐ **"P2P"** means P2P network, the "peers" are computer systems which are connected to each other via the Internet. Files can be shared directly between systems on the network without the need of a central server. Examples of this is using torrents to share files between users.

Usage Guidelines and Fair Use

The Broadband access service is provided over a shared, "best endeavours" and contention ratio based network with limited service guarantees, which may be impacted by the activities of other users. If you require a dedicated service with service guarantees, Nuwcom Wireless would be happy to provide you with a quotation; however, the Broadband access service is not intended as a replacement for such services. To help ensure that all customers have fair and equal use of the service and to protect the integrity of its network, Nuwcom Wireless reserves the right, and will take necessary steps, to prevent improper or excessive usage.

The action that Nuwcom Wireless may take includes, but is not limited to:

☐ Shaping throughput, prioritising services utilising specific ports or communication protocols, irrespective of usage. This shaping may take place through a series of steps, where continuing excessive usage (or historical excessive usage) may result in increasingly restrictive shaping of throughput;

☐ Rate limiting throughput, limiting service speeds in the case of excessive usage. This limitation may take place through a series of steps, where continuing excessive usage (or historical excessive usage) may result in increasingly restrictive limitation; and

☐ A complete termination of service to customers with improper usage.

☐ P2P network traffic will be limited to 50% of available bandwidth at all times

This policy applies to and will be enforced for both intended as well as unintended (e.g., viruses, worms, malicious code, or otherwise unknown causes) excessive and/or improper usage. Online activity will be subject to the available bandwidth, data storage and other limitations of the Broadband access service, which Nuwcom Wireless may, from time to time, revise at its own discretion and without prior notice to the customer.

Examples of use, which may result in excessive data transfer, include, but are not limited to:

Activity	Usage Behaviour	How to minimise this type of usage
Downloading large files or large quantities of files, particularly using peer to peer networks	Downloading files like movies, MP3s, games and software using software such as Napster, Kazaa, E-donkey, torrents etc.	Refrain from using automated download programs and limit peer to peer file downloading. You should take care when installing automated search and retrieve programs or similar automated and manual routines, which generate excessive amounts of network traffic.
Live video streaming	Streaming of video via DSTV Now, Netflix, YouTube or other providers.	Limit the usage during peak hours
On-Line Gaming	On-line gaming can average data transfer of between 100 - 500 Mb per hour.	Limit the usage of data transfer when playing games on line. Alternatively use local gaming sites. <i>(Please note that although we supply a best effort service, because of the dependency of gaming servers on ping rates, we cannot support online gaming)</i>
Mail / News Groups / CHAT	Email, Newsgroups and Chat clients are used to communicate online, however when files with suffix of "avi", "jpeg", "mpeg", "gif", etc are sent to customers they can contain very large amounts of data.	Be careful when subscribing to sites, which automatically send information with large attachments. Be aware of "background download" programs.
Fraud	Customers who do not protect their equipment by using a firewall or proxy server create a possibility for remote access to the PC, which may, by using the use of various programs,	Secure your PC by setting up a firewall or proxy server.

	determine their username and passwords or	
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