



## Network Management Policy (“Policy”) <sup>1</sup>

### I. OVERVIEW

Viasat’s Network is a shared network; at any given time, subscribers within a given geographic area must share available network capacity. Viasat aims to provide each subscriber with a “fair share” of that capacity, while providing all subscribers with a high-quality online experience. To achieve these goals, Viasat employs network management practices designed to prevent any subscriber from placing a disproportionate demand on network resources. Certain practices are used only when the Network is congested and others are used more generally.

Traffic levels on the Network are usually below a congestion point that would have a significant impact on the user experience. Viasat has designed its Network carefully to achieve this result.

At other times, however, simultaneous transmissions from multiple subscribers result in a total demand for capacity exceeding that available on the Network, resulting in congestion. During these times, Viasat’s congestion management practices, as further described in Part III of this Policy, strive to treat traffic in a manner that minimizes adverse impacts on the user experience while preventing a subscriber from exceeding his or her “fair share” of available capacity.

In addition to its congestion management practices, Viasat utilizes a number of other practices and policies designed to preemptively prevent or reduce periods of Network congestion, enhance the user experience, and enhance the security and reliability of the Network, including “Other Forms of Network Management” (described in Part IV of this Policy) and the “Viasat Terms of Service” (defined in Part V of this Policy). This Policy does not separately address the treatment of traffic that is inconsistent with the intended use of the Network as described in the Viasat Terms of Service.

The goal of these measures is for subscribers, on the whole, to enjoy a better overall service experience than they otherwise would without these practices.

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<sup>1</sup> This Policy applies to Viasat’s broadband network in which Viasat provides Internet services through the ViaSat-2 satellite and the ViaSat-1, WildBlue-1, and Anik F2 satellites using second generation SurfBeam-2, SurfBeam-2+ or Viasat Gateway Modem generations of equipment (the “Network”). As Viasat’s network management practices evolve, we will update this Policy and post any updates on our website, [www.exede.com/legal](http://www.exede.com/legal).

## II. NETWORK ARCHITECTURE

Viasat’s Network incorporates space-based components (satellites) and ground-based components (*e.g.*, subscriber terminals, “gateway” earth stations, and fiber “back-haul” connectivity). The communications links between space-based and ground-based components use a pre-defined amount of radiofrequency spectrum to communicate without wires.

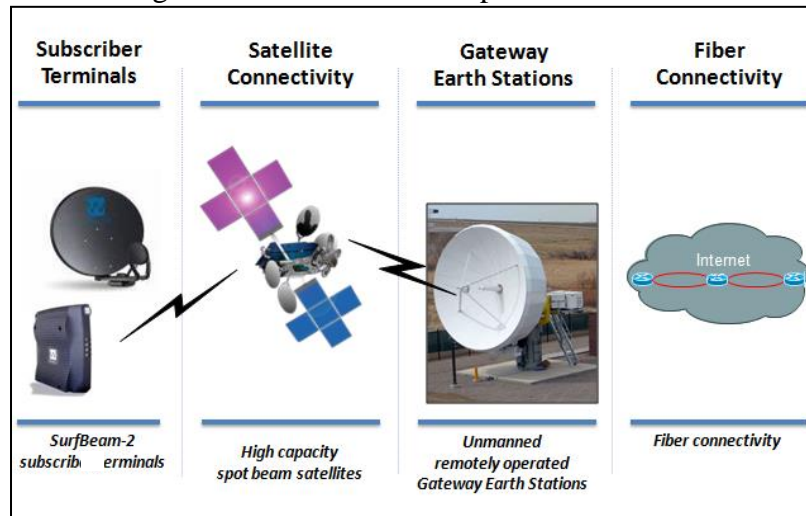
The satellites in the Network utilize a “bent-pipe” spot-beam architecture. Signals are transmitted from ground facilities to the satellite through a wireless link. The satellite then operates as a “bent pipe” and retransmits those signals back to the ground, through another wireless link. Transmissions occur within individual “spot” beams, each of which covers a defined geographic area.

The traffic of each subscriber is associated with a single spot beam. Viasat strives to load its system so that at any given time the traffic load across different subsets of the capacity available on a spot beam (each a “Channel”) within a given spot beam is roughly comparable, except subscribers who have high-data threshold service plans may be grouped in a Channel together with other like subscribers. Available capacity within any given spot beam or Channel is largely fixed; subscribers assigned to a Channel share the available bandwidth in that Channel.

Subscriber traffic is routed to and from the Internet (and other public networks) through a designated ground-based facility known as a “gateway” earth station. At each gateway, traffic is processed through a satellite modem termination system (“SMTS”) and other terrestrial networking equipment, which then interconnects with a terrestrial fiber optic network and, eventually, the Internet.

Subscribers are required to utilize certain Viasat equipment, including an antenna and modem, in order to obtain a Network connection at their locations. Once they have that Network connection, almost any computer device with an Ethernet port can be connected to Viasat’s modem. Viasat does not restrict the ability of subscribers to connect devices of their choice to the Network in this fashion (other than as described in the Viasat Terms of Service).

The following illustration shows a simplified version of the Network architecture:



### **III. CONGESTION MANAGEMENT PRACTICES**

#### **A. Congestion Management Overview**

The Network is designed to ensure that it generally does not experience congestion. Under normal traffic conditions, it is not necessary for Viasat to employ congestion management practices. That said, while network capacity is abundant, it is not unlimited. Stated differently, the Network can be expected to experience some level of congestion, necessitating the congestion management practices described in this Policy.

Viasat manages its Network to minimize the adverse impact that congestion may have on the user experience. Congestion typically occurs in the link between the subscriber terminal and the gateway earth station via the satellite. In order to determine if the link is congested, Viasat continuously monitors the traffic load in each Channel. If the instantaneous traffic load exceeds the available capacity of the spot beam Channel, Viasat invokes a congestion management algorithm described below.

#### **B. Mitigating the Impact of Network Congestion on the User Experience**

Internet traffic is “bursty” in nature; traffic flows generally are not continuous, but rather are characterized by staccato “bursts” of data. On occasion, simultaneous transmissions from multiple subscribers in a given spot beam Channel result in a total instantaneous demand for capacity exceeding, on a temporary basis, the capacity available within the Channel. On such occasions, the Network can experience congestion. Congestion most typically occurs during the network’s “peak” usage hours (which generally can be expected to be from about 5:00 PM to 2:00 AM local time at the subscriber location, depending on the day of the week). Congestion may also occur during certain periods when usage is “unmetered” (such as during a “Free Zone”) or for subscribers with a high-data threshold service plan. Subscribers with high-data threshold service plans may experience longer “peak” usage hours, because of the capacity available in their specific Channel.

Network congestion, and the resulting transmission delay, impacts the user experience with respect to some types of applications more than others. For example, a delay in the rendering of a web page may be noticeable to a subscriber waiting for the content to appear on his/her screen. On the other hand, a subscriber downloading a bulk file (*e.g.*, a software update) may be less impacted if the download takes longer during congestion than it otherwise would, since the subscriber may already know that the download requires some time to complete.

Viasat’s goal is to manage its Network to minimize the impact of congestion on traffic that is otherwise consistent with the Viasat Terms of Service. To accomplish this objective, Viasat’s congestion management algorithm is designed to reduce the traffic load, while giving a preference to (*i.e.*, having a lesser effect on) Viasat Voice, Viasat Business service, and applications that require less transmission bandwidth such as web page browsing and email. Viasat determines the nature of relevant traffic using a technique called deep-packet inspection. During periods of congestion, bandwidth intensive applications, such as video streaming and file downloading, may be slowed more than other applications. As a result, the quality of video streaming may be reduced and/or buffering may occur. In addition, file downloads may take longer to complete during periods of congestion. Under more severe

congestion, all applications may need to be slowed, and in those instances, the time to download web pages may take longer.

In addition, Network traffic may be prioritized during periods of congestion based on subscribers' data usage or potential data usage (as a result of their subscription to a high-data threshold plan). Some Viasat service plans (i.e., Liberty, Freedom, and the unlimited data plans) provide subscribers with unlimited use of the internet or continued use of the internet even after exceeding the monthly data allowance or other usage threshold set forth in the Viasat Terms of Service. In general, the Network traffic of Liberty Plan subscribers on Liberty Pass ("Liberty Pass Users") and Freedom subscribers whose monthly data usage is greater than 150 GB ("Excess Freedom Users") receives a lower priority than the traffic of subscribers who have not exceeded their monthly data allowance or usage threshold. As a result, Liberty Pass Users and Excess Freedom Users will likely experience slower speeds during periods of congestion than subscribers who have not exceeded their monthly data allowance or usage threshold. Depending on the specific unlimited data plan, after unlimited data subscribers use the following amount of data, we may prioritize such subscribers' data behind other subscribers during periods of Network congestion, which will result in slower speeds: Bronze 12 (35 GB or 40 GB, depending on the specific plan); Silver 12 (45 GB); Gold 12 (65 GB); Bronze 25 (35 GB); Silver 25 (60 GB); Gold 30 (100 GB); Gold 50 (100 GB); Platinum 100 (150 GB); and Bronze 12, Silver 25, and Gold 30 purchased prior to February 13, 2018 (150 GB). Subscribers on a Business Unlimited 12, Business Unlimited 35 or Business Unlimited Data Plan whose monthly data usage is greater than 75, 75 or 300 GB, respectively, may be prioritized behind other subscribers during periods of Network congestion, which will result in slower speeds.

In addition, if needed to address congestion in a spot beam, Viasat may further reduce the speeds of the Network traffic of heavier users of Liberty Pass Users, Excess Freedom Users and other subscribers with a high-data threshold service plan (for example, Freedom subscribers and unlimited data plan subscribers who purchased their plan prior to February 13, 2018) through the end of their then-current billing period if de-prioritization is not sufficient to adequately manage congestion. To further clarify, such subscribers may be grouped together with other subscribers who have similar data consumption patterns and will share bandwidth with each other in their respective Channel, preserving the remaining bandwidth to be shared amongst the larger majority of subscribers who use less data. This means high-data threshold service plan subscribers may experience congestion differently than low-data threshold subscribers, potentially resulting in slower speeds for high-data threshold service plan subscribers during congestion and congestion occurring more frequently. The Network practices described in this paragraph will prevent the heaviest of users from consuming available bandwidth in a Channel and promote fair access to the service across the entire spot beam.

Subject to the terms of the Data Allowance Policy, Bandwidth Usage Policy and Unlimited Data Policy, Viasat does not intentionally block any particular form of traffic or reset a subscriber connection that otherwise complies with the Viasat Terms of Service, except that Viasat may block certain Transmission Control Protocol ("TCP") or User Datagram Protocol ("UDP") ports that it reasonably believes may be a security risk to the Network. Internet traffic contains data packets that include TCP or UDP port designations identifying the type of data in the packets. Some ports commonly known to contain malicious data packets are generally considered to be a security risk to the Network.

#### **IV. OTHER FORMS OF NETWORK MANAGEMENT**

In addition to its congestion management practices, Viasat utilizes a number of other techniques designed to preemptively prevent or reduce periods of Network congestion, enhance the user experience, enhance security, and enhance the reliability of the Network. For example, Viasat actively works to: (i) reduce streaming video quality to optimal resolutions based on the type of device used to stream video (for example, but not limited to, reducing the video resolution quality on devices that do not necessitate high-quality video resolution, such as devices with small screens); a customer may turn off this feature; (ii) suspend accounts to block outbound transmissions of spam; (iii) manage the risk of viruses, worms and similar intrusions from harming the Network; (iv) thwart denial-of-service attacks; and (v) reduce the risk of an intruder gaining access to a subscriber's computer system. The specific techniques used by Viasat for items (ii) – (v) above are not disclosed here, in order to ensure that these practices remain effective and cannot be deliberately circumvented.

In addition, Viasat service plans incorporate one or more of the following: a Data Allowance Policy, Bandwidth Usage Policy and Unlimited Data Policy. The Data Allowance Policy and Bandwidth Usage Policy govern Viasat's Network practices for those subscribers who have exceeded their applicable data allowance or other usage threshold during their current monthly bill cycles. The Unlimited Data Policy governs, among other matters, the unlimited data plans' video streaming quality. The practices explained in these policies apply regardless of whether the Network is congested. As reflected in the applicable Data Allowance Policy, Viasat will significantly slow and/or restrict the service, or certain uses of the service, for the remainder of the monthly billing period of subscribers who have exceeded their monthly data allowance on service plans that are subject to a data allowance. As reflected in the applicable Data Allowance Policy and the Bandwidth Usage Policy, Network traffic of Liberty Pass Users, Excess Freedom Users and users who subscribe to the Business 30 service plan ("Business 30 Users") will be slowed for the remainder of their monthly billing periods. As a result, for the remainder of their monthly billing periods, Liberty Pass Users, Excess Freedom Users, and Business 30 Users will be unable to engage in activities such as streaming video to multiple devices and may be unable to stream high definition video. As reflected in the Unlimited Data Policy or Data Allowance Policy for business plans, unlimited data plan users receive the streaming video quality of their particular unlimited service plan.

#### **V. OTHER TERMS OF SERVICE**

Additional terms relevant to the operation of the Network are contained in the following documents (referred to collectively as the "Viasat Terms of Service"), which are available on our website at [www.exede.com/legal](http://www.exede.com/legal), and incorporated in this Policy by reference:

- Customer Agreement Residential (for residential plans)
- Subscriber Agreement (for business plans)
- Subscriber Privacy Policy
- Data Allowance Policy - Residential (for residential plans)
- Data Allowance Policy - Viasat Business Plans (for business plans)
- Bandwidth Usage Policy
- Unlimited Data Policy

- Acceptable Use Policy

## **VI. QUESTIONS AND COMMENTS**

If you have any questions about the Viasat broadband Network or Viasat's network management practices, please visit our website at [www.exede.com](http://www.exede.com) or contact customer service at 1-855-463-9333.