



**Fair Access Policy
of
Hughes Network Systems, LLC**

PLEASE READ THIS FAIR ACCESS POLICY (THIS "POLICY") CAREFULLY AS IT CONTAINS IMPORTANT TERMS AND CONDITIONS APPLICABLE TO THE DISHNET HIGH SPEED INTERNET SERVICE ("SERVICE") SUPPLIED BY HUGHES NETWORK SYSTEMS, LLC ("HUGHES") THROUGH DISH NETWORK L.L.C. ("DISH").

How does this Policy work?

This Policy applies to the Service and provides for a limit, based on your service plan, on the amount of data which you can receive or transmit through the Service before the performance of the Service is reduced. This Policy is implemented automatically by monitoring the amount of data which is sent from or to the modem you use to connect to the Service ("Modem").

What is my Data Allowance?

Each service plan is assigned an Anytime Data Allowance. The Anytime Data Allowance is the amount of data which you may receive or transmit through the Service between the hours of 8:00 AM and 2:00 AM local time in any particular month at full speed. If you exhaust your Anytime Data Allowance in any particular month, the throughput (speed) of the Service will be reduced between the hours of 8:00 AM and 2:00 AM local time during such month.

In addition to an Anytime Data Allowance, you have a Bonus Bytes Allowance. The Bonus Bytes Allowance is the amount of data which you may receive or transmit through the Service between the hours of 2:00 AM and 8:00 AM local time ("Bonus Period") in any particular month at full speed. During the Bonus Period, your data usage is first deducted from your Bonus Bytes Allowance. If you exhaust your Bonus Bytes Allowance in any particular month, then your data use during the Bonus Period is deducted from your Anytime Data Allowance. If you exhaust your Bonus Bytes Allowance and Anytime Data Allowance (together, your "Data Allowance") in any particular month, the throughput (speed) of the Service will be reduced during such month.

Service Plans

Service Plan	Speed	Data Allowance
Plan 1	5Mbps↓	5GB Anytime Data Allowance 5GB Bonus Bytes Allowance
Plan 2	10Mbps↓	10GB Anytime Data Allowance 10GB Bonus Bytes Allowance
Plan 3	10Mbps↓	15GB Anytime Data Allowance 15GB Bonus Bytes Allowance

If I exhaust my Data Allowance, what will happen to the speed of the Service?

If you have exhausted your Data Allowance, Hughes will reduce the speed of the Service to approximately 150kbps.

How is my data usage calculated?

Hughes counts each byte of data which is sent from or to your Modem, including, without limitation, packet headers, retransmissions and other standard overhead which is part of any IP communications. However, when Hughes is able to compress or otherwise reduce the size of the data you send from or to your Modem, only the compressed (smaller) data is counted against your Data Allowance.

When does Hughes refill my Data Allowance?

Hughes will refill your Data Allowance on the date of the month on which you activated the Service. For example, if you activate the Service on the third day of a month, Hughes will refill your Data Allowance on the third day of each month. However, if you activated the Service on the 29th, 30th, or 31st day of a month, Hughes will refill your Data Allowance on the first day of each month.

May I purchase additional Anytime Data?

Yes. In the event you exhaust your Anytime Data Allowance, you may call DISH at 1-800-333-DISH (3474) to purchase limited amounts of additional Anytime Data to assist you in maintaining your normal plan throughput (speed) until your next refill date as described above under the heading "When does Hughes refill my Data Allowance." The additional Anytime Data you purchase will expire on your next refill date and will not be "rolled over."

What happens if I don't use all of my Data Allowance?

If you do not exhaust your Data Allowance in any particular month, the amount of data which you did not use is not "rolled over" or otherwise added to the Data Allowance for the following month.

Who is affected by this Policy?

Some users consume much more bandwidth than the average user, and they will experience reduced download speeds as a result of exceeding their Data Allowance. You may be surprised to find that the top one percent (1%) of users download 9 times more the average user. By providing a Data Allowance, more of the shared bandwidth is made available for everyone to use. Most users will have a better experience as a result of this Policy.

What are Restore Tokens and how do they work?

If you exhaust your Data Allowance or desire additional bandwidth, you may purchase Restore Tokens. Restore Tokens increase your Anytime Data Allowance during your Anytime Data Allowance period. Tokens expire at the end of your billing cycle.

Questions regarding this Policy can be directed to DISH by calling 1-800-344-DISH.

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