

## **M-Pulse Fiber LLC**

### **OPERATING PROCEDURES COPYRIGHT INFRINGEMENT**

#### **I. Objective:**

M-Pulse Fiber LLC complies with the Online Copyright Infringement Liability Act of 1998 (17 U.S.C. § 512). As required by that Act, this policy reserves the right for M-Pulse Fiber LLC to terminate the internet service of members who repeatedly infringe copyrights.

#### **II. Policy:**

Pursuant to the Digital Millennium Copyright Act ("DMCA"), copyright owners may notify a service provider such as M-Pulse Fiber LLC of alleged copyright infringement carried out on the provider's network.

When M-Pulse Fiber LLC receives a notification of copyright infringement, it will take the following steps:

1. First warning – Letter is sent to member notifying them of their copyright infringement and violation of M-Pulse Fiber LLC's Acceptable Use Policy (AUP) and Terms & Conditions of Service (T&C). This letter will also inform them that M-Pulse Fiber LLC may suspend or terminate service if violation continues. (Attachment A)
2. Second warning – If there is a second offense in a 12-month period, a second warning will be sent. This letter will notify the member of their copyright infringement and violation of M-Pulse Fiber LLC's AUP and T&C. The letter will also inform the member that M-Pulse Fiber LLC may suspend or terminate service if violation continues. (Attachment B)
3. Final warning – If there is a third offense in a 12-month period, M-Pulse Fiber LLC will issue a final warning letter to the member. This letter will be sent via certified mail. This letter will notify the member that their service has been temporarily suspended due to copyright infringement and violation of M-Pulse Fiber LLC's AUP and T&C and that they should contact the office to restore service. The letter will also inform the member that M-Pulse Fiber LLC may terminate service if violation continues. (Attachment C)
4. Notice of termination – If there is a fourth offense in a 12-month period, M-Pulse Fiber LLC will terminate the service for a period of 3 months and send a letter to the member via certified mail. This letter will notify the member that their account has been terminated effective immediately and that equipment should be returned to M-Pulse Fiber LLC. (Attachment D)

M-Pulse Fiber LLC reserves the right to act immediately and without notice to suspend or terminate services in response to a court order or other legal requirement that certain conduct be stopped, or when M-Pulse Fiber LLC determines that the conduct may:

- Expose M-Pulse Fiber LLC to sanctions, prosecution or civil action;
- Cause harm to or interfere with the integrity or normal operations of M-Pulse Fiber LLC's network or facilities;
- Interfere with another person's use of M-Pulse Fiber LLC Services or the Internet;
- Damage or disparage the reputation of M-Pulse Fiber LLC or its services;
- or
- Otherwise present a risk of harm to M-Pulse Fiber LLC or M-Pulse Fiber LLC's customers or their employees, officers, directors, agents, or other representatives.

### **III. Record Retention:**

All Copyright Infringement Notifications and supporting documentation shall be kept in M-Pulse Fiber LLC's secure imaging system or other secure location for five years.

All correspondence with the member shall be retained in M-Pulse Fiber LLC's secure imaging system or other secure location for a minimum of five years.

A database that includes account number, notification type and date of notification will also be kept of all Copyright Infringement Notifications.

### **IV. Responsibility:**

The Copyright Department is listed as the FCC and ISP Designated Agent and will be the primary point of contact for all Copyright Infringement Notifications. This position, with the help of IT and customer support, are responsible for carrying out the steps of this policy.