



## Performance Guarantee

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If HiPOINT network is not performing as stated below, Customer is entitled to a credit. The three components of the HiPOINT Service Level Agreement are:

- Service Availability Guarantee: HiPOINT guarantees 99.9% network availability, annualized method.
- Network Latency: Less than 75ms round trip delay on HiPOINT Backbone, and less than 50ms round trip delay on HiPOINT last mile.
- Packet Loss: Packet Loss less than 1% on HiPOINT Backbone.

## Credit for Loss of Connectivity

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Unless stated otherwise herein, the Customer's exclusive remedy for loss of connectivity is repair of service and credit for the period of lost connectivity to the Internet. Credits will be paid for loss of connectivity as listed below if the elapsed time from Ticket Open exceeds the following:

- Exceeding 8 hours: 5% of monthly billed directly to customer for that month.
- Exceeding 16 hours: 10% of monthly billed directly to customer for that month.
- Exceeding 24 hours: 15% of monthly billed directly to customer for that month.

Every subsequent 8-hour increment shall receive an additional 5% credit, the sum of which is not to exceed 100% of the total monthly bill for that location. The period of lost connectivity to the Internet shall be determined by records kept by the HiPOINT Network Operations Center ("NOC") and based on measurements to the Customer Demarcation.

HiPOINT will incur no liability and issue no credits due to any causes beyond its reasonable control, including, but not limited to, Acts of God, War, Strikes, electrical storm, hurricane and, if needed, lack of access to its equipment at the Customer Site. All monies owed HiPOINT and not in dispute must be paid in full before a credit is applied.

Credits must be requested within 30 days of service outage. The Customer is responsible for providing adequate voltage surge protection with a UPS for the HiPOINT router/equipment at the Customer Demarcation.

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