



OPERATING PROCEDURES COPYRIGHT INFRINGEMENT

I. Objective:

Pearl River Valley Communications, LLC d/b/a PearlComm (“PearlComm”) complies with the Online Copyright Infringement Liability Limitation Act of 1998 (17 U.S.C. § 512). As required by that Act, this policy reserves the right for PearlComm to terminate the internet service of customers who repeatedly infringe copyrights.

II. Policy:

Pursuant the Digital Millennium Copyright Act (“DMCA”), copyright owners may notify a service provider such as PearlComm of alleged copyright infringement carried out on the provider’s network.

When PearlComm receives a notification of copyright infringement, it will take the following steps:

1. First warning – Letter is sent to customer notifying them of their copyright infringement and violation of PearlComm’s Acceptable Use Policy (“AUP”) and the PearlComm Service Agreement requiring that the infringing content be removed and informing the user that they can send a counter-notice if they believe there has been a mistake. This letter will also inform them that PearlComm may suspend or terminate service if violation continues. (Attachment A)
2. Second warning – If there is a second offense in 12-month period, a second warning will be sent. This letter will notify the customer of their copyright infringement and violation of PearlComm’s AUP and Service Agreement requiring that the infringing content be removed and informing the user that they can send a counter-notice if they believe there has been a mistake. The letter will also inform the customer that PearlComm has temporarily suspended service and may terminate service if violation continues. (Attachment B)
3. Final warning – If there is a third offense in a 12-month period, PearlComm will issue a final warning letter to the customer. This letter will be sent via certified mail. This letter will notify the customer of their copyright infringement and

violation of PearlComm's AUP and Service Agreement requiring that the infringing content be removed and informing the user that they can send a counter-notice if they believe there has been a mistake. The letter will also inform the customer that PearlComm may suspend or terminate service if violation continues. (Attachment C)

4. Notice of termination – If there is a fourth offense in a 12-month period, PearlComm will terminate the service and send a letter to the customer via certified mail. This letter will notify the customer that their account has been terminated effective immediately and that equipment should be returned to PearlComm. (Attachment D)

PearlComm reserves the right 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 PearlComm determines that the conduct may:

- Expose PearlComm to sanctions, prosecution or civil action;
- Cause harm to or interfere with the integrity or normal operations of PearlComm's network or facilities;
- Interfere with another person's use of PearlComm Services or the Internet;
- Damage or disparage the reputation of PearlComm or its services; or
- Otherwise present a risk of harm to PearlComm or PearlComm'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 a vault at PearlComm headquarters for five years.

All correspondence with the customer shall be retained in PearlComm's imaging system for a minimum of five years.

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

IV. Responsibility:

The *Pearl River Valley Electric Power Association* **IT Manager** 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, is responsible for carrying out the steps of this policy.