

Mitel Cloud Services Fair Use Policy

Customer is prohibited from utilizing the Mitel Cloud Services (“Cloud Services”) for anything other than making such services available to its Users (as defined in Mitel’s Global TOS), in accordance with all applicable federal and state regulations, and is specifically restricted from reselling the Cloud Services to other telecommunications carriers or customers who may least cost route their traffic to the Mitel network via Customer.

The Fair Use Policy outlines Mitel’s policy with regards to the use of carrier services and associated voice minutes for the Cloud Services. In the case where Customer’s traffic patterns are not in compliance with the parameters listed in the country specific sections below, Mitel has the right to change pricing upon fifteen (15) days written notice for domestic services and upon five (5) days for international services. Mitel will have the right to terminate offending Users without notice; however, Mitel will make commercially reasonable efforts to contact Customer before any service is suspended.

Other traffic premiums may apply to collect, person to person, or other second party billed calls.

United States

Unlimited Cloud Services service plans or seat entitlements are limited to two thousand five hundred (2500) minutes per User per month inclusive of both local and domestic long-distance calls. In the event a User exceeds their number of minutes, Mitel has the option to (i) charge Customer at a rate of \$0.03 per minute for each minute over the 2500 threshold per User; and/or (ii) adjust Customers plan and/or (iii) terminate their Agreement. Customer must keep a 70/30 Regional Bell Operating Company (“**RBOC**”) to IT Operating Company (“**ITOC**”) calling mix or a \$0.02 per minute surcharge will be apply to the per-minute rate for all minutes. All usage is billed based on all “Completed Calls”, which is defined as all calls received by Mitel from the Customer or terminated by Mitel on behalf of the Customer that receive answer supervision. Call completion rate must be a minimum of 90% of all calls made by Customer with the average call duration over 30 seconds or a \$0.02 per minute surcharge will be applied to all minutes. Customers using automatic dialing equipment must dial a minimum of 5 NPA’s at a time so Mitel network capacity is not compromised by targeted calling efforts.

For Customers that purchase a Toll-Free number service, toll-free numbers are automatically provided with access available from Alaska, Hawaii, Canada, Puerto Rico and the US Virgin Islands as well as the continental US. Customer is responsible for all charges associated with the use of toll-free numbers terminated to the Mitel provided service

The outbound long-distance prices include usage to Alaska and Hawaii provided that the traffic to those destinations does not exceed 1% of the total outbound long-distance traffic offered, otherwise, traffic to those locations would be subject to a pricing review. All outbound service will be billed based on the service address of the Customer.