

TKS easyConnect Specifications

With the service TKS easyConnect the TKS Telepost Kabel-Service GmbH and Co. KG (hereinafter referred to as TKS) shall provide the customer

- a standard access (off-base DSL or cable connection and on-base cable connection) with the highest possible technically realizable bandwidth of max. 50 Mbps under the existing technical and operational capabilities,
- the ISP service TKSSurf!, including a data flat rate for unlimited data transfer in accordance with the "Fair Use Policy",
- a phone line with a flat rate for all calls to the TKS-Net and to the United States, or alternatively to the USA flat rate, another country chosen from the "myHome" countries list,
- the foreign country option "BestCountry", out of which up to three countries can be selected for reduced connection prices, and
- the possibility of using a voice mailbox (Sprachbox) free of charge.

There is no entitlement of claim if the customer can profit from the usage of free services not described in the specifications description. With a possible adjustment of performance neither entitlement of reduction, reimbursement or compensation nor the right to terminate with significant cause exists for the customer.

1. Standard services

1.1 TKS Telephone Service

TKS provides the customer a telephone connection on basis of a DSL access. With connecting an IAD (Integrated Access Device) with appropriate configurations the usage of one analog telephone is possible. Depending on the technical conditions TKS has also off-base the possibility to provide the customer with telephone service on basis of a basic cable access. In these cases a MTA (Multimedia Terminal Adapter) is required and also an IAD (Integrated Access Device) for telephone usage. The MTA is provided by installation of the access and remains property of TKS. TKS has also on-base the possibility to provide the customer with telephone service on basis of a basic cable access. In these cases there is no IAD required. There is a Homespot modem pre-installed in all on-base locations therefore a MTA is not required. The Homespot Modem is property of TKS.

With the connection activation TKS assigns a telephone number to the customer in a network area assigned by the Federal Network Agency. This number is in most cases a non-geographically telephone number (032), which can be maintained by a move within Germany. Due to technical reasons in some locations there are geographical telephone number assigned. If a customer in the former location has such a telephone number, or moves to another location where only geographical numbers can be assigned, a change of the phone number will become necessary with a move.

The transfer of existing external telephone numbers (import from telephone number) to the TKS network, as well as the transfer of TKS telephone numbers to another provider (export from telephone number) is not possible. Establishing call connections via other telephone providers is neither possible temporarily (Call by Call) nor via permanent preselection.

The operable availability of the internet and telephone access takes place on the monopole telecommunication connection device (first telephone outlet) "Telekommunikations-Anschluss-Einheit" (TAE) in the case that the connection is based on a DSL access, resp. a multimedia outlet (an alternative to the multimedia outlet is a cable outlet with the appropriate adapter) in the case that the connection is based on a basic cable access in the customer's accommodation.

1.2 Telephone service connection from the TKS

TKS provides self-dialled connections to national and international destinations. The TKS easyConnect price list contains a list of available destinations as well as the applicable connection rates.

Additionally to the included flat rate for calls to all TKS-Net connection (these can also be international calls) contains TKS easyConnect charge free a flat rate for all calls to the USA. With the free option „myHome“, customers can select from a „myHome“ country list alternatively to the USA a country to which the FlatRate should apply. Charge free services, included budgets, and flat rates do not include premium rate services, value-added service, service numbers, and premium billing numbers.

Prices for connections to other countries of destination remain unchanged and can be referred to on the price list TKS easyConnect.

As a result of changes on the telecommunications market the purchasing conditions for connection charges may vary. In these cases TKS reserves their right to adjust the country list „myHome“ according to the new conditions. The adjustments to the „myHome“ country list does not affect existing customers.

Additionally the customers has the right within the free option „BestCountry“ to choose 3 countries which can be called at special minute rates. The TKS easyConnect price list also includes rates for „BestCountry“ connections.

1.3 Standard services features

1.3.1 Call Number Transmission

The call number of the access is transmitted for all outgoing calls unless customer requests permanent suppression of call number transmission. If the service feature call number transmission is activated, customer has the option to suppress transmission of the call number for individual calls. The feature suppression of call number is not possible for emergency calls to police and fire department.

1.3.2 Calling Line Identification Presentation (CLIP)

The call number of incoming phone calls is transmitted and shown on the customer's display unless call number transmission is suppressed. For technical reasons this service feature cannot be offered in all regions.

1.3.3 Voicemail Box

Voicemail Box (virtual answering machine) is provided to the customer free of charge with the activation of TKS easyConnect, the specification of the provided service is described in the „Voicemail-Box“ specifications.

1.3.4 Call Forwarding

TKS forwards incoming calls to the TKS easyConnect access to the destination access specified by the customer. Depending on the customer's specifications, incoming calls are either

- forwarded immediately
- forwarded if the customer's access is utilized for another connection (busy)
- forwarded if the call to the customer's access isn't accepted within 20 seconds (non-acceptance of call).

Within Germany customers can activate and deactivate call forwarding from the access, from other fixed network accesses, and mobile phone accesses. Customers also have to determine the destination access as well as conditions under which calls shall be forwarded.

1.3.5 Call Waiting

During an existing voice call additional calls are signalled by a tone. The calling party's number may be displayed. The waiting call can be accepted additionally – alternating between lines is possible. Customers can request permanent deactivation of the call waiting feature.

1.3.6 Inquiry / Alternating between lines

Two connections may be alternately used from one telephone access, without having to intermediately disconnect a connection.

1.3.7 Three-party conference

In addition to an existing connection a further connection may be established and the conversations can be switched to have a three-party conference.

1.3.8 Speed Dialing

It is possible to enter up to 8 speed dialing destinations which can be activated by pushing a key.

1.3.9 Wake-up Call

After the wake-up time has been entered, there will be a wake-up call to this connection.

1.3.10 Cost Control

In order to protect customers against very high invoices, TKS observes mechanically the originated call charges of every connection. With approaching the standard fixed limit, TKS will inform with every call setup the status. To protect the customer the connection will be blocked for outgoing calls after the second fixed limit has been reached. It is further possible to make emergency calls and calls to the customer service center the TKS. On customer request adjustments can be made to the limit by which the customer is warned and/or blocked. Within the first 3 months increasing in the limit can only be granted after a prepayment has been made.

1.4 Internet Access

1.4.1 Internet Access TKSSurf!

With TKS easyConnect the TKS provides access to the worldwide internet by means of an assigned dynamic IP address and a flat rate for data transfer within regards to the Fair Use Policy. TKS reserves their right to charge an additional fee for usage and if necessary block the internet access or even terminate, in cases of repetitively disregarding of the Fair Use Policy (refer to www.tkscable.com/agb).

The included flat rate only applies for internet usage and not for telephony (IP- telephony)

1.4.2 Rate of transmission

Depending on the used technical medium the maximum available standard internet speed off-base is up to 50 Mbps (cable or DSL connection) and on-base is up to 50 Mbps (cable connection).

With a DSL connection the rate of transmission speed with a downstream of 50 Mbps and an upstream of 10 Mbps represents the upper limit and cannot be guaranteed.

The actually attainable speed depends, apart from the technical conditions at the location, also on the network utilization of the internet backbone.

The transmission speed only refers to the direct Internet access. Transmission speed can be affected with simultaneous usage of the telephone service and internet access.

Bottlenecks within the Internet itself, which may lead to reduced transmission speeds, cannot be influenced.

Allocation of a permanent IP address is not part of the service specifications. User IP addresses are allocated dynamically.

DSL cannot be provided at all locations and must be verified and confirmed for each access individually.

The actual transmission speed which can be reached at the customer's access depends on the actual physical conditions of the access line and can vary as the following:

transmission rate of up to 50 Mbps downstream and up to 10 Mbps upstream

transmission rate of up to 25 Mbps downstream and up to 5 Mbps upstream

transmission rate of up to 16 Mbps downstream and up to 1 Mbps upstream,

transmission rate of up to 6 Mbps downstream and up to 576 kbps upstream,
 transmission rate of up to 2 Mbps downstream and up to 192 kbps upstream.

This transmission rates represents the upper limit and cannot be guaranteed.

With the basic cable off-base & on-base connection the rate-dependent transmission rate for downstream is 50 Mbps and upstream 2 Mbps These speeds represent the upper limit and cannot be guaranteed. The actually reached transmission rate depends on user density and usage intensity at the given point of time.

1.4.3 Internet speed upgrade

For an additional monthly payment a speed upgrade can be requested as followed:

- DSL connection (off-base)
100/40 Mbps (down-/upload speed)
- Cable connection (off-base)
100/6 Mbps or 200/12 Mbps (down-/upload speed)
- Cable connection (on-base)
100/3 Mbps (down-/upload speed).

The 200/10 Mbps speed is only available in combination with easyTV.

The stated maximum down- and upload speeds represent the upper limit and cannot be guaranteed.

1.4.4 Internet speed downgrade

Change to a lower bandwidth is not possible in the form of a downgrade. Change to a lower bandwidth can only be processed with cancelling the present service (normal cancellation process applies) and reapplying for service (activation fee and interruption in service applies).

1.4.5 Authentication

The configuration of the IAD takes place automatically, as soon as the activation of the DSL access is complete and the first time the IAD is connected into the monopole telephone outlet (first TAE) that is located at the customer's premises.

The configurations of the necessary data for internet access and telephone service are transmitted automatically over the IAD interface.

A manual configuration is not possible.

With the realization of an off-base TKS easyConnect access via basic cable connection the configuration of the IAD takes place automatically, as soon as the activation of the cable access is complete and the first time the IAD is connected into the MTA (preinstalled by the technician) that is connected to the multimedia outlet (an alternative to the multimedia outlet is a cable outlet with the appropriate adapter). The configurations of the necessary data for internet access and telephone service are transmitted automatically over the IAD interface. A manual configuration is not possible.

With the realization of an on-base TKS easyConnect access via basic cable connection the configuration setting will be done automatically as soon as the device is connected to the preinstalled Homespot modem that is connected to the multimedia outlet (an alterna-

tive to the multimedia outlet is a cable outlet with the appropriate adapter). There is no manual configuration needed by the customer and there is no manual configuration possible.

TKS offers support for the setup and later for any problems with the service when the IAD or the MTA is purchased from TKS. TKS reserves their right to charge for support when the problems were caused by inappropriate use and/or incorrect setup of the internet access caused by the customer.

2. Installation of the access

2.1 TKS easyConnect via DSL connection

With the activation process of the DSL connection an outlet (Monopole-TAE) will be installed in the vicinity of the primary terminal equipment. This connection unit terminates the telephone network and makes it possible to connect terminal equipment.

In case several broadband internet accesses are provided within an in-house-network, there may be interferences and other problems when used simultaneously.

The installation of the access – especially the line routing within the provider's network – is performed in accordance with the current regulations for standard installation which are valid at the time of the installation.

If during the installation or in the course of the contract it is required that the internet terminating line is installed in another location then the customers move request will be charged at customer own expense.

A further component of the installation is the providence of a configuration server by TKS, which takes over the automatic configuration of the MTA / IAD by the first connection of the device.

2.2 TKS easyConnect via basic cable connection

TKS / Vodafone Kabel Deutschland GmbH provides a multimedia-capable outlet as connection unit for the MTA.

With the activation of a TKS easyConnect access a capable MTA must be connected at the customer's premises. There are appropriate devices preinstalled in the customer's home or are provided by the technician with the installation of the access.

Activation of the MTA's for fast Internet access is performed via the preset and unchangeable 12-digit MAC address (Format: xx:xx:xx:xx:xx:xx).

In some cases on cable accesses a MTA gets used as Network access determination and an IAD gets connected to the MTA. In this case the customer receives for the contract duration time a MTA free of charge. The MTA is property of TKS and must be returned in the condition that it was received with packaging and all accessories.

3. Availability

The average availability of TKS easyConnect connection is 97.0 %. After a 24-hour continuous utilization period the internet connection is disrupted for technical reasons. The reconnection can take place immediately for another 24-hours continuous utilization.

4. Additional specifications

Within the framework of existing technical and operational possibilities TKS, Vodafone Kabel Deutschland GmbH, and the Deutsche Telekom may provide additional specifications upon request. Such specifications are subject to separate charges which are based on the currently valid price list at the time when the specifications are ordered.

The following additional specifications may be provided:

4.1 Additional specification for TKS telephone access

The appropriate prices for these options are in the price list from TKS easyConnect.

4.1.1 myBeloved

With the request for this additional charged option is the connection price per minute for calls to the Iraq and Afghanistan reduced.

4.1.2 TDYRelaxed

With the request for this additional charged option it is possible to temporarily block the connection for a maximum time frame of 3 months, however a maximum of 90 days within a calendar year. To prevent abuse through third party usage the connection will be blocked for outgoing calls during this time frame. It is further possible to make emergency calls and calls to the customer service center the TKS.

4.1.3 GermanyFlat

For an additional charge per month the customer can receive a flat rate for all calls within the German fixed network. Included are connections to city connections, Germany connections, and to national participants' telephone numbers with the prefix 032 for voice and fax service. Excluded are connections to special or service numbers.

4.1.4 ItalyFlat

For an additional charge per month the customer can receive a flat rate for all calls within the Italian fixed network. Included are connections to city connections, Italy connections, and to national participants' telephone numbers with the prefix 0444 for voice and fax service. Excluded are connections to special or service numbers.

5. Service

5.1 Within the responsibility of the Deutsche Telekom

Within the framework of existing technical and operational possibilities Deutsche Telekom performs disturbance elimination services of its technical equipment immediately. The following services are offered for the WIA (Wholesale Internet Access) and internet access:

5.1.1 On-site service

5.1.1.1 Acceptance of disturbance reports

TKS accepts disturbance reports every day under its service number and during the following times:

Mon. - Sun. 00:00 am – 24:00 pm

5.1.1.2 Service availability Deutsche Telekom

Disturbance service is available on working days (Monday through Friday) from 8:00 am till 8:00 pm and on Saturdays from 08:00 am till 4:00 pm, provided these days are not official holidays.

5.1.1.3 Disturbances appointment arrangements

If necessary, TKS arranges an appointment for the service technician's visit to the customer's premises on working days between 8:00 am and 2:00 pm or between 2:00 pm and 8:00 pm, on Saturdays between 8:00 am and 4:00 pm, provided these days are not official holidays.

If the service cannot be provided within the agreed period of time for reasons that lie within the customer's responsibility, a new appointment is made. In the event that the service technician has to make an additional trip, extra travel costs may be charged.

The disturbance elimination deadline from 24-hours is not applicable.

5.1.1.4 Disturbance elimination deadline

In the cases of disturbance reports received during working days (Monday 0:00 am till Friday 8:00 pm) occurs the disturbance elimination within 24-hours (disturbance elimination deadline) of the disturbance being reported by customer. For disturbance reports received on Fridays after 8:00 pm, Saturdays, Sundays, and/or official holidays, the disturbance elimination deadline starts on the following working day at 0:00 am. If the end of the disturbance elimination deadline coincides with an official holiday, the disturbance elimination deadline is suspended and continued on the following working day. The disturbance elimination deadline is kept if the problem has been solved to the extent that the access may be utilized again.

5.2 Within the responsibility of Vodafone Kabel Deutschland GmbH

Within the framework of existing technical and operational possibilities Vodafone Kabel Deutschland GmbH performs disturbance elimination services of its technical equipment. The following services are offered for the Vodafone Kabel Deutschland GmbH internet access:

Acceptance of disturbance reports

Vodafone Kabel Deutschland GmbH accepts disturbance reports every day 24 hours under its service number

5.3 Customers responsibly in service area

The TKS or their representative contractor eliminates disturbances, which fall into the area of responsibility of the customer, exclusively after order was placed by the customer and hereby generates special computation (the prices are valid according to the current price list TKS easyConnect), following specification:

5.3.1 On-site service

5.3.1.1 Acceptance of disturbance reports

TKS accepts disturbance reports every day under its service number and during the following times:

Mon. - Sun. 00:00 am – 24:00 pm

5.3.1.2 Service availability

Disturbance service is available on working days (Monday through Friday) from 8:00 am till 8:00 pm, provided these days are not official holidays.

5.3.1.3 Appointment arrangements

The TKS arranges principally for the service technician's visit a binding appointment. An appointment arrangement is possible from Mondays to Saturdays between 8:00 am and 5:00 pm, provided these days are not official holidays.

If the service cannot be provided within the agreed period of time for reasons that lie within the customer's responsibility, a new appointment is made. In the event that the service technician has to make an additional trip, extra travel costs may be charged.

5.3.1.4 Disturbance elimination deadline

5.4 In the cases of disturbance reports received during working days (Monday 0:00 am till Friday 8:00 pm) occurs the disturbance elimination within 24-hours (disturbance elimination deadline) of the disturbance being reported by customer and with appropriate short notice appointment arrangement with the customer. For disturbance reports received on Fridays after 8:00 pm, Saturdays, Sundays, and/or official holidays, the disturbance elimination deadline starts on the following working day at 0:00 am. If the end of the disturbance elimination deadline coincides with an official holiday, the disturbance elimination deadline is suspended and continued on the following working day. The disturbance elimination deadline is kept if the problem has been solved to the extent that the access may be utilized again.

5.5 Within the responsibility of TKS

Within the framework of existing technical and operational possibilities TKS performs disturbance elimination services of its technical equipment. The following services are offered for the TKS telephone and internet access:

5.5.1 Acceptance of disturbance reports

TKS accepts disturbance reports every day 24 hours under its service number

5.6 Customers responsibly in service area

The TKS or their representative contractor eliminates disturbances, which fall into the area of responsibility of the customer, exclusively after order was placed by the customer and hereby generates special computation (the prices are valid according to the current price list TKS easyConnect), following specification:

5.6.1 On-site service

5.6.1.1 Acceptance of disturbance reports

TKS accepts disturbance reports every day under its service number and during the following times:

Mon. - Sun. 00:00 am – 24:00 pm

5.6.1.2 Service availability

Disturbance service is available on working days (Monday through Friday) from 8:00 am till 8:00 pm, provided these days are not official German holidays.

5.6.1.3 Appointment arrangements

TKS generates according to the cause of defect a ticket (work order) for the responsible local technician / service partner. According to the location TKS, the local technician, or service partner will arrange principally for the service technician's visit a binding appointment. An appointment arrangement is possible from Mondays to Saturdays between 8:00 am and 6:00 pm, provided these days are not official holidays.

If the service cannot be provided within the agreed period of time for reasons that lie within the customer's responsibility, a new appointment is made. In the event that the service technician has to make an additional trip, extra travel costs may be charged.

5.6.1.4 Disturbance elimination deadline

In the cases of disturbance reports received during working days (Monday 8:00 am till Friday 6:00 pm) occurs the disturbance elimination within 24 – 48 hours (disturbance elimination deadline) of the disturbance being reported by customer and with appropriate short notice appointment arrangement with the customer. For disturbance reports received on Fridays after 6:00 pm, Saturdays, Sundays, and/or official German holidays, the disturbance elimination deadline starts on the following working day at 8:00 am. If the end of the disturbance elimination deadline coincides with an official holiday, the disturbance elimination deadline is suspended and continued on the following working day. The disturbance elimination deadline is kept if the problem has been solved to the extent that the access may be utilized again.