

## DMCA Compliance and Repeat Infringer Policy

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**Subject:** DMCA Compliance and Repeat Infringer Policy

**Date:** June 27, 2022 (supersedes November 1, 2021 version)

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### Purpose

To mitigate exposure to copyright infringement liability by establishing a formal repeat infringer procedure to ensure compliance with, and to receive the protections of, the Digital Millennium Copyright Act (“DMCA”).

### Scope

This policy applies to the MBO and Cross companies that are “service providers” under the DMCA, including Cimarron Telephone, Cim Tel Cable, Cross Cable, Cross Telephone, Cross-Valliant Cellular, Cross Wireless, MBO Data, MBO Video, and Pottawatomie Telephone.

### Policy

It is the policy of the companies to provide for the termination, in appropriate circumstances, of the customers and account holders who repeatedly violate this policy or are repeat infringers of copyright works, trademarks, or other intellectual property. This policy will be carried out by following the procedures below.

### Designated Agent

JSI is the designated agent on file with the U.S. Copyright Office’s DMCA Designated Directory. Upon receipt of valid notice under the DMCA, JSI notifies the company’s customer of the alleged copyright infringement. JSI sends the company a periodic report of notices received and provided to customers. JSI also notifies the company of valid counter-notices received from customers.

### Repeat Infringer Policy

If JSI receives a DMCA Notice for a customer, the following steps will be taken.

**First notice received:** JSI contacts the customer via mail or email to notify the customer of the alleged infringement and provide education on what copyright infringement consists of as well as notify the customer of steps that will be taken should the company receive further notices.

**Additional notices received:** JSI provides a periodic report of DMCA notices to Kristy Young. Kristy Young will identify any customer with 5 alleged violations within a month or 10 in a six-month period and will provide the customer name to our company that serves that customer. A company representative will then contact the customer by phone to assist the customer in strengthening passwords, adding parental controls, and other steps as needed to avoid further infringement notices. The company representative should also inform the customer that further infringement notices for their account may result in their internet speeds being throttled or service being suspended or terminated.

**Note:** *In the event that multiple violations occur in a short period of time prior to the customer receiving notice of the first violation, the companies consider those violations as one infringement. The companies would allow the customer the opportunity to remedy the violation, prior to throttling speeds or service being suspended or terminated. For example, a customer who downloads an entire album of songs at one time would receive multiple infringement notices. However, since the violations occurred close in time, the customer would not have opportunity to remedy the situation prior to additional violations. In this example, the company would treat the album download as a single infringement for purposes of this Repeat Infringer Policy.*

**Repeat offenders:** Any customer that receives an additional DMCA notice within six months after the call from the company will have their internet speeds throttled for seven days. The company will provide one week’s notice to the customer before throttling internet speeds. Any customer that receives an additional DMCA notice within six months after having their internet speeds throttled will have their internet service suspended for fourteen days. The company will provide one week’s notice to the

customer before suspending service. If the customer receives an additional DMCA notice within six months after suspension of service, the company will terminate the customer's internet service.

**Note:** *The customer will be responsible for all amounts owed at time of termination and will not be eligible for new service for six months. If the customer renews service in six months, the customer will be responsible for all charges associated with establishing a new account with the company.*