

Civil Subpoena Policy

APPLICABILITY OF POLICY: This policy applies for the following entities (collectively “Windstream Services, LLC”) and governs the subpoena of records of the same by third parties in civil litigation matters:

Windstream Services, LLC
EarthLink Business, LLC
BOB, LLC
MassComm Inc.
Broadview Networks, Inc.
ATC

Windstream Services, LLC does not consent to service by any civil litigation party by any means other than pursuant to these guidelines.

In compliance with the Federal Communications Commission Orders concerning Customer Proprietary Network Information (“CPNI”) and the company’s CPNI Policy, Windstream Services, LLC will not release customer or account information without express permission from our customer, except when required by law. If you seek the identity or account information of a Windstream customer in connection with a civil legal matter, you must mail or serve Windstream with a valid subpoena to our registered agent, Registered Agent Solutions, Inc. (RASi) and agree to compensate Windstream for our subpoena response services according to the terms and fee schedule of this policy.

SUBMISSION OF CIVIL SUBPOENAS: All civil subpoenas by third parties in civil litigation matters must be directed to the entity mentioned in the Terms of Service that are applicable to the use of the Windstream service for the account in questioned. All legal request must be served via our registered agent, Registered Agent Solutions, Inc. (RASi) for the state that the court resides in. The physical address for RASi, can be found on the Secretary of State website for the active entity of Windstream Services, LLC or it’s subsidiaries. RASi can be contacted at 888-705-7274. RASi addresses can also be found on our Resource Page under All Parties Guides.

ACCOUNT CONTENTS: Federal law does not allow private parties to obtain the content of communications (example: email messages, phone calls content, attachments) using a subpoena. See the Stored Communications Act, 18 U.S.C. § 2701 et seq.

NOTICE TO CUSTOMERS, RESPONSE TIME AND CUSTOMER MOTION TO QUASH: Parties serving Windstream in civil legal matters are hereby advised that upon receipt of a valid subpoena or other legal request, Windstream may be required to: (1) provide or attempt to provide notice of the same to our customer whose information is sought (in order to offer our customer the opportunity to file a formal objection to disclosure by Windstream (Motion to Quash)) and moreover, to (2) provide such notice to our customer prior to any response to the party issuing the subpoena in the civil legal matter. Windstream may attempt to notify its customer via email, U.S. mail, or by other reasonable means using contact information on file with Windstream.

Windstream generally does not produce the subpoenaed customer information until approximately twenty days after receipt of the subpoena, unless legally required to provide the information at an earlier time.

Customers objecting to the disclosure of their information should consult with an attorney. Absent receipt of a document seeking a protective order or similar protection, as filed with an appropriate court, prior to the date on which Windstream's compliance with the subpoena or other legal process is due, Windstream will disclose the information requested.

FEE FOR SUBPOENA COMPLIANCE: Due to the time and expense involved in responding to subpoenas, Windstream Services, LLC charges the following rates for producing records to comply with civil subpoenas. Payment is required prior to production of the subpoenaed information and Windstream Services, LLC will wait ten business days for non-certified funds to clear. Windstream charges an administrative fee of \$50.00 for all civil cases, which includes the initial investigation and setting up the case. Other fees include:

Subscriber Information (Basic)	\$10.00/target
Subscriber Information (IP)	\$15.00/target or subscriber
IP Address Log per username	\$17.00 for the first 3 months, then \$17.00 per month for sequential months
Bill Images per invoice – Call Detail Records kept during normal course of business: billing records (411, collect, toll, etc.)	\$10.00 for the first 3 months, then \$10.00 per month for sequential months
Call Detail Records Inbound or Outbound/AMA– Information NOT included on a bill: local incoming or outgoing	\$25.00 per month per target

Windstream reserves the right to increase its rates at its discretion, including without limitation, for subpoenas determined by Windstream to be seeking voluminous records or requesting retrieval of archived records, and will notify you of any such increase prior to production of the requested information. Current miscellaneous fees including voluminous and burdensome fees can be found on the Windstream Fee Schedule located on the Resource Page for All Parties.

FEE FOR WITNESS TESTIMONY: Windstream Services, LLC is not required to provide expert testimony in civil cases. Windstream encourages the use of affidavits to avoid personal court appearances and cost wherever possible. If a special affidavit is required, please attach it to your request. If a Windstream witness is subpoenaed to appear in court to provide testimony, Windstream charges \$125.00 per hour with an eight-hour minimum including travel time to and from court, plus the reasonable cost of travel, food at a per diem rate of \$25.00 and lodging in accordance with Windstream's travel and expense policies. Windstream reserves the right to request pre-payment for all expenses.

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