

Kingston Online Services – High Speed Cable Residential and Business Service Agreement

This Service Agreement sets out specific terms and conditions applicable to KOS' High Speed Cable service ("**High Speed Cable**"). This Service Agreement forms part of the Agreement between you and KOS, which also includes: (1) the Service Terms; (2) any other Service Agreements for other KOS Services to which you have subscribed; and (3) any other KOS document describing features, products or services and any other document incorporated by reference.

In the event of an inconsistency between the constituent documents of the Agreement, the inconsistency will be resolved by giving preference first to a Service Agreement(s), then to the Service Terms, then to any other KOS documentation describing features, products or services and finally to any other documents incorporated by reference.

Unless otherwise defined herein, all capitalized terms in the Service Agreement have the meaning assigned to those terms in the Service Terms.

1. How do I accept this Service Agreement?

You acknowledge that you have read, understood and agreed to this Service Agreement by either: (a) placing an order for High Speed Cable by any means including online, over the phone or in-person; (b) allowing High Speed Cable to be installed at your premises; or (c) using High Speed Cable.

If you do not agree to the Service Terms or this Service Agreement, or any other parts of the Agreement, you may not use High Speed Cable.

2. What is the Order Confirmation Email and how does it fit in to the Agreement?

When you place an order for High Speed Cable, KOS will send you an email with information and terms and conditions relating to those services ("**Order Confirmation Email**"). The Order Confirmation Email provides a summary description of the services and service features that you have ordered and lists the applicable Fees.

Similarly, if you change your High Speed Cable subscription or add a service feature, we will send you an Order Confirmation Email confirming the change and applicable terms and changes to Fees going forward.

All Order Confirmation Emails for High Speed Cable that are in effect (i.e. not terminated or superseded by a subsequent Order Confirmation Email) are incorporated into this Service Agreement by reference.

If you discover an error in the information contained in an Order Confirmation Email, please contact KOS at the coordinates listed in Section 45 of the Service Terms. Otherwise, if you do not agree with the information and / or terms and conditions of an Order Confirmation Email, you may not use High Speed Cable.

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3. What is High Speed Cable?

It is a wireline broadband service delivered over a coaxial cable network. High Speed Cable is comprised of Internet connectivity and Equipment.

4. Are there any eligibility requirements to receive High Speed Cable?

Yes. Eligibility for High Speed Cable depends on several factors. When you apply for High Speed Cable, KOS will qualify the address of your premises for service availability.

5. Where can I find information and pricing for High Speed Cable?

The Website provides information and pricing for all High Speed Cable service packages, optional service features and overage fees.

6. How do I select a High Speed Cable service package and service features?

With reference to the service information and pricing on the Website, you select your service package and service features when placing an order for High Speed Cable with KOS. Your selections will be reflected in the Order Confirmation Email.

7. What Equipment is required to use High Speed Cable?

High Speed Cable requires Equipment consisting of a modem.

8. Is Equipment leased or purchased?

Subject to availability, Equipment may be leased or purchased at prices available on the Website or, if not available on the Website, at prices quoted by KOS on request. When ordering High Speed Cable, you may indicate your preference to either lease or purchase Equipment. If you do not specify a preference, your order will reflect an Equipment leasing arrangement by default.

You may also provision your own modem with KOS' pre-approval. Not all modems are compatible with High Speed Cable.

All Equipment installed or provided by us remains our property at all times.

9. How do I return Equipment to KOS if my Services are cancelled?

When your Services are cancelled, you must return Equipment that you have not purchased to KOS at the address listed in Section 45 of the Service Terms.

If KOS does not receive your returned Equipment within thirty (30) days of the date of cancellation, you will be charged an Equipment replacement fee that is equal to up to the full replacement price of the Equipment minus depreciation, as determined by KOS.

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10. What Term applies to High Speed Cable?

The Website lists the various term lengths (i.e., three month or Fixed Term arrangements) that KOS offers for High Speed Cable. If KOS offers a Fixed Term arrangement, the Website will also list the related incentives for entering into a Fixed Term arrangement (“**Incentives**”) that are offered for High Speed Cable.

11. What happens if a Fixed Term is cancelled early?

This Section overrides the parts of Section 36 of the Service Terms dealing with early cancellation of a service that is subject to a Fixed Term.

If you cancel a High Speed Cable subscription that is subject to a Fixed Term prior to its expiry, or if KOS cancels for cause your High Speed Cable subscription that is on a Fixed Term, then you must pay KOS an amount equal to the monetary value of the Incentive that you received for entering into a Fixed Term for High Speed Cable, prorated based on the number of months remaining in the unexpired portion of the Fixed Term, as of the last monthly invoice. You acknowledge that this charge is a reasonable estimate of KOS’ liquidated damages, represent consideration for the Services, and is not a penalty.

12. Can KOS make changes to High Speed Cable?

Yes. Pursuant to Section 5 of the Service Terms, KOS may at any time make changes to High Speed Cable, including pricing changes. KOS can make changes to High Speed Cable whether you have subscribed on a month-to-month or Fixed Term basis.

13. Can I make changes to High Speed Cable?

Yes. For month-to-month arrangements, you may make changes at any time by contacting KOS at the coordinates listed in Section 45 of the Service Terms.

For Fixed Term arrangements, you may add service features or upgrade your service package. However, you may not move to a lower service package or remove service features that are subject to a Fixed Term. If you wish move to a lower service package or remove a service feature, you must cancel the Fixed Term in accordance with Section 11 of this Service Agreement.