



1.1 DSL Access Method

Digital Subscriber Line ("DSL") access enables remote sites to be connected to the Business VPN using DSL technology, which has country-specific characteristics. It is available for both Business VPN Small and Business VPN Corporate. If Customer elects to purchase DSL access to enable access to the Orange MPLS Network, then Orange will provide, install, and manage the CE and the port configured to support the DSL access downstream speed. Depending on country where the Location is situated and the Location's Business VPN Site Profile, the DSL access option may operate over either the public Internet or private TO network.

In some countries, DSL Access is subject to traffic volume limitations. Customer acknowledges that if it exceeds a traffic volume limitation, Orange could become liable to the DSL Access provider for additional charges. Therefore, if Customer exceeds a traffic volume limitation in any 3 months during a rolling 12-month period, then Orange shall have the right to elect from one of the following options:

- (a) **Option 1:** Orange may request Customer to upgrade the traffic volume profile to a new limit that Customer is less likely to exceed and to charge Customer for the upgrade. Upon the request of Orange, Customer shall submit an Order (or a change Order, as applicable) to upgrade the traffic volume limitation.
- (b) **Option 2:** If an upgrade to Customer's traffic volume profile is not possible, or if Customer refuses to upgrade the traffic volume profile, then Orange may invoice Customer for the additional cost plus 5% (and Customer shall pay such additional charges) that Orange incurred from the DSL Access provider as a result of Customer exceeding the traffic volume limitation.

Orange will use commercially reasonable efforts to pre-qualify the Customer's Location based on the information provided by Customer to confirm the availability of DSL access. If DSL access is chosen, it will be subject to a post-order qualification or testing process, pursuant to which the DSL provider will evaluate whether the DSL access can be supported at the Location(s), and the DSL providers may change the speeds at which they provide DSL access. If for any reason the DSL access requested or ordered by Customer is rejected by the DSL provider as a result of the post-order qualification or testing process or because the upstream and downstream speeds at which the DSL modem or router synchronizes are below the speeds otherwise represented or agreed upon by Orange, then Orange will have no obligation to provide the Small Office Solution, and the Parties will negotiate in good faith to find an alternative solution, which may include the provision of DSL access at speeds or with characteristics other than those requested or ordered by Customer or the provision of a leased line in lieu of DSL access. Any alternative solution agreed upon by the Parties and any changes to the Charges required by such alternative solution will be set forth in a writing signed by the Parties.