



MegaPath Cloud Company, LLC Subpoena Response Policy

MegaPath Cloud Company, LLC (“MegaPath”) generally will not release information about our customers, including their identity or contact information to third parties. However, MegaPath must respect the right of government agencies and private parties to request confidential customer information through the submission of legal subpoenas.

To Our Customers:

MegaPath is legally required to respond to subpoenas properly submitted to us by third parties. If the subpoena comes from a government agency and relates to criminal matters, MegaPath will generally not be permitted to disclose the existence of the subpoena to the customer. If MegaPath receives a civil subpoena (that is, a subpoena issued as part of a civil case brought against the customer by a private party), MegaPath will give the customer notice of the subpoena’s existence to allow the customer the opportunity to quash the subpoena. MegaPath must receive the notice that the subpoena is quashed or withdrawn as formally issued by the court that originally issued the subpoena. If we do not receive such notice, then MegaPath will respond to the subpoena in a timely manner.

To Parties Wishing to Submit Subpoenas:

The subpoena must be submitted in writing (that is, hardcopy form). It must be from a recognized court or other agency permitted to issue subpoenas and comply with all appropriate process and procedures for that court. Send the subpoena to our agent at the address shown below. If you do not indicate otherwise, MegaPath will respond by facsimile. Please include a telephone number so that we may contact you with questions or if we need additional information. The subpoena must indicate exactly what information is being sought with specificity. For IP address identification requests, please be aware that MegaPath supplies DSL service, an always-on form of service, so it will not be possible to identify who might have accessed the particular IP address at a particular time. Further, MegaPath does not host or store any customer information or content sent from or to IP addresses under our control.

For criminal subpoenas, please make sure that confidentiality is recited if you do not want MegaPath to notify the customer. We try to respond to criminal subpoenas promptly but a delay of up to a week may be possible. If a quicker response is needed, please call the agent to let us know.

For civil subpoenas, please include a check for \$15.00 made out to MegaPath Cloud Company, LLC to cover our costs and handling in responding. If the subpoena requires us to produce extensive documentation or records, MegaPath reserves the right to require payment of any additional costs associated in complying, pursuant to applicable rules of civil procedure. Please note the procedures shown above in the “To Our Customers” section on timing and how we will respond. If we do not hear otherwise from our customer, we will not respond to a civil subpoena until the date on which it is due to allow the customer full opportunity to quash or otherwise respond to it.

MegaPath’s agent for submission of subpoenas can be contacted as follows:

Birch Blair
Vice President and General Counsel
MegaPath Cloud Company, LLC
6800 Koll Center Parkway, Suite 200
Pleasanton, CA 94566
Email: birch.blair@megapath.com
Phone: 925-225-8330
EFax: 925-271-2743

This contact is only for purposes of responding to a subpoena.