

# Our Customer Terms

## Data Service Section

### Hybrid Modem

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## Data Services Section

### Hybrid Modem

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#### 1 About this Part

- 1.1 This is part of the Data Services section of Our Customer Terms and applies to you if you wish to purchase or have purchased a hybrid modem (such as the Telstra Business Smart Modem™ which includes a Telstra Mobile Network SIM card and a mobile broadband dongle) (“**Hybrid Modem**”).
- 1.2 These are in addition to the provisions in other parts of the Business and Government section including, for example, the terms relating to your individual plan.
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#### 2 Eligibility

- 2.1 We are offering a Hybrid Modem to you to purchase if:
- (a) You:
    - (i) you are acquiring a DOT (Digital Office Technology) Core Plan, Telstra BizEssentials® plan (each a **Business Bundle**) or Telstra Business Broadband Bundle from Telstra with a NBN, ADSL, Velocity or Cable service and your business broadband service address is able to be supplied with a business broadband service; or
    - (ii) you otherwise have an eligible and compatible business broadband service (as determined by us) with an active NBN, ADSL, Velocity or Cable business broadband service.
  - (b) your business broadband service address has adequate 4G Telstra Mobile Network coverage.
  - (c) We may also choose to provide you with a Hybrid Modem as part of a Business Bundle or Telstra Business Broadband plan from time to time, or if you need a compatible modem to migrate to the nbn, or when moving businesses. You will be notified if this is applicable. If your service address is not in an adequate 4G coverage area we may still choose to provide you with a Hybrid Modem, however Power-on Working or Automatic Failover may not be available to you.
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#### 3 Service Features

##### Functionality

- 3.1 The Hybrid Modem includes a mobile backup pathway so you can use your Telstra business broadband service via the mobile backup pathway in two scenarios:
- (a) **Power-on Working:** It can take a few days for us to activate your fixed line business broadband service. While you are waiting you can access the voice and components of your Business Bundle or Telstra Business Broadband as soon as you set up your Hybrid Modem at your service address.

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- (b) **Automatic Failover:** If for some reason your fixed line connection is unavailable, the Hybrid Modem will switch to the mobile backup pathway and your voice and broadband service will work on the Telstra Mobile Network until it becomes available again. This switchover process may take several minutes.
- 3.2 When the Hybrid Modem is operating in Power-on Working or Automatic Failover modes, the service continues to operate and the sections of Our Customer Terms which relate to Business Bundle or Telstra Business Broadband customers (as applicable) customers still apply (including those relating to price) except as set out in this Part of the Data Services section of Our Customer Terms.
- 3.3 Some of Telstra's services or service features may not work while the Hybrid Modem is using the mobile backup pathway. This includes but is not limited to:
  - (a) Telstra Air®;
  - (b) any Speed Boost on your broadband service.

#### Data usage and speed

- 3.4 When Hybrid Modem is connected via the mobile backup pathway, all data usage continues to count towards your broadband data allowance.

#### Compatibility

- 3.5 The Hybrid Modem mobile backup function will only operate on the Telstra Mobile Network and cannot be activated using a mobile SIM card from another service provider.

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## 4 Service Limitations

- 4.1 Use of the Power-on Working and Automatic Failover services is subject to the following limitations (“**Service Limitations**”):
  - (a) Your Hybrid Modem must only be used at your business broadband service address.
  - (b) The mobile back-up service must not be used as your primary or independent broadband service.
  - (c) You must ensure your Hybrid Modem remains connected to your fixed line (for example, via your business broadband or cable wall socket or NBN network terminating device) at all times and you must not otherwise knowingly or recklessly interfere with your Hybrid Modem or wiring in a way that may disable your fixed line broadband service.
- 4.2 If you breach a Service Limitation, you are in breach of our Acceptable Use Policy in Our Customer Terms and we may take remedial action in accordance with the Acceptable Use Policy. Remedial actions include, but are not limited to:
  - (a) giving you a notice requesting that you stop the activities or conduct, or to take steps to remedy your breach;

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- (b) giving you a warning that any further repetition of the activity or conduct will result in us suspending or terminating your service(s); and
- (c) suspending or terminating your service(s) if you fail to comply with our previous requests to remedy your breach.