

ACN Communications GmbH
Service description for mobile services as of 1st September 2006

1. General features of ACN's mobile services

ACN Communications GmbH provides customers using the ACN Communications GmbH SIM card with access to the E-Plus Mobilfunk GmbH & Co. KG's ("E-Plus") operating mobile network ("E-Plus Mobilfunknetz") in order to transmit communication data using voice communication and data circuits ("ACN Communications GmbH Mobilfunkleistungen"). ACN Communications GmbH's mobile services can only be used by means of a terminal functioning according to the GSM standard and, where appropriate, further accessories which are not part of ACN Communications GmbH's services. ACN Communications GmbH's mobile services are limited to the transmission and reception range of the E-Plus mobile network in Germany. The customer has to inform himself about the mobile services available in his preferred location. Mobile services will be charged to the customer on the basis of the ACN Communications GmbH tariff list.

The destination telephone number of a connection can be a telephone number allocated to the E-Plus mobile network as well as another German or foreign telephone number whose owner has signed a contract with the provider who is indirectly and directly responsible towards E-Plus to establish a telephone connection. ACN Communications GmbH specifies these providers on request.

Furthermore the customer is entitled to use telephone services with connections abroad as well as services of foreign mobile networks (International Roaming), as far as E-Plus technically facilitates this and has agreed on it with foreign network providers.

The utilization of ACN Communications GmbH's mobile services requires the use of a SIM card. The customer receives a new ACN Communications GmbH SIM card against payment upon request. The services connected with the ACN Communications GmbH SIM card are listed in this service description:

In terms of territory, the Services provided by ACN shall be restricted to the receiving and transmission range of the mobile radio network of E-Plus in the Federal Republic of Germany and depend on the status of the E-Plus network. The Customer shall be entitled, within the scope of the respective Service of ACN, to take advantage of international long-distance and roaming services to the extent technically feasible and subject to the existence of appropriate agreements with the respective foreign network operators. The Customer acknowledges that the use of ACN's Services in the border region of the Federal Republic of Germany may result in the use of international roaming connections due to the local conditions

The provision of the Services depends on network availability in the mobile radio network of E-Plus. In view of the capacity limits on the mobile radio network of E-Plus, the Services may be temporarily unavailable. In addition, there may be temporary malfunctions, restrictions or interruptions of the Service due to emergencies, natural disasters, atmospheric conditions, geographic conditions, obstacles to radio transmission, power failures or technical modifications of the mobile radio system (e.g., technical improvements, relocation of system sites) or other measures (e.g. maintenance work, repairs) required for the proper provision of the Services, or due to events of force majeure.

National fixed and mobile calls of less than one minute will be billed with a duration of 60 seconds. National fixed and mobile calls longer than 61 seconds in duration will be billed on a per-second basis according to the relevant time band, if applicable (peak/off-peak). The first 60 seconds of a call are always billed at the rate in effect when the call starts. Other types of calls may be billed using different atomic units. Please refer to the price list for further details.

2. Memory of the ACN Communications GmbH SIM card

The ACN Communications GmbH SIM card ("ACN Communications GmbH Karte") contains a memory in which the customer can save up to 250 names and numbers. The additionally required PIN1 and PUK1, are given to the customer with the ACN Communications GmbH card and related welcome package.

3. Number of Subscriptions

Each private or business subscriber may take up to 3 SIM cards in their name subject to passing a credit check.

4. ACN FUN calling plan

4.1 Monthly Minimum Usage

The ACN FUN calling plan has a monthly minimum usage fee of € 8.00 including VAT. This amount will be invoiced irrespective of the monthly usage. The minimum usage fee will be credited on all invoiced charges (except for other fees, e.g. bank transfer fees and paper invoice fees)

4.2 Switch of calling plans from ACN FUN

Switching between different ACN Communications GmbH calling plans is possible, as far as such calling plans are offered. Please refer to Note 17 of the current price list for detailed information on the charges that are applied for such changes.

4.3 Prices and payment conditions

Our charges for each call and service are detailed in the current price list. Generally, all charges will be invoiced monthly for the preceding month. SMS and GPRS option packages, if available, start at the beginning of the month following the order and are generally invoiced in advance for the forthcoming month.

5. SayACN and ACN-2-ACN+ calling plans

5.1 Inclusive Minutes – ACN-2-ACN+

The ACN-2-ACN+ calling plans come with an amount of inclusive minutes bought for a fixed price as indicated on the price list. These minutes are used up first from the bundle for applicable call classes. The inclusive minutes are valid for calls to German fixed line and mobile numbers except for calls to other ACN mobile subscribers in Germany (see below). Calls to service numbers, 0130 prefix numbers, 0800 prefix numbers, 0180 prefix numbers, 0190 prefix numbers, 0700 prefix numbers, international calls and roaming calls are charged as per the price list and are not deducted from the inclusive minutes.

Each subscription on any of the ACN-2-ACN+ calling plans comes with the ACN-2-ACN calling facility. This allows for unlimited calling to other ACN mobile subscribers in Germany at €0.00 per minute. The definition of an ACN-2-ACN call is a voice call made from one ACN mobile subscriber to another ACN mobile subscriber at any time when both the caller and called party are in Germany and are both active ACN subscribers. The ACN-2-ACN calling facility cannot be used for calls to ACN fixed-line numbers in Germany or for any international calling to subscribers using ACN's fixed or mobile services in other countries outside of Germany or for any German ACN mobile customers when they are roaming outside of Germany. SMS messages, MMS messages, data usage (WAP or GPRS), international calls or calls made whilst roaming (including calls to retrieve voicemail when abroad) are not valid call types for the ACN-2-ACN calling facility.

5.2 Transfer of unused minutes

Any unused inclusive minutes of a respective calendar month on each ACN-2-ACN+ subscription will be transferred to the next month and added to the inclusive minutes for that month. These transferred inclusive minutes from the previous month will be used up first from the combined total and if at the end of the subsequent month remain unused they will be removed from the customer's account.

When a customer changes from the ACN FUN or SayACN calling plan to an ACN-2-ACN+ calling plan or from one ACN-2-ACN+ calling plan to another ACN-2-ACN+ calling plan the changes in inclusive minutes will only take effect at the beginning of the following month, provided that the customer request is received and processed by ACN two working days before the end of the current month. If a customer has unused inclusive minutes and moves to a higher or lower ACN-2-ACN+ calling plan, all unused inclusive minutes will not be transferred to the new inclusive minute total. Please also refer to Note 17 of our current price list for more information on changing calling plans

5.3 ACN-2-ACN charging methodology

If the duration of a national fixed or mobile call crosses different time bands of a tariff plan (e.g. peak and off-peak), each part of the call will be rated using its relevant time band settings. Different portions of a call can be applied against different inclusive minute bundles.

If the call duration spans the validity date of a tariff plan, it will be rated completely following the rating rules of the tariff plan which was valid at the time the Service Detail Record starts. This only applies to calls spanning bill cycles when a customer changes their ACN-2-ACN+ calling plan.

5.4 SayACN

The SayACN calling plan offers for a fixed monthly fee unlimited calling at €0.00 per minute at any time to other ACN mobile subscribers in Germany, all fixed lines in Germany and to all subscribers using the E-Plus mobile network in Germany. Calls to subscribers using other mobile networks in Germany (Vodafone, T-Mobile and O2), operators service numbers, 0130 prefix numbers, 0800 prefix numbers, 0180 prefix numbers, 0190 prefix numbers, 0700 prefix numbers, international calls and roaming calls are charged as per the price list and are not included in the fixed monthly fee.

Each subscription using the SayACN calling plan also benefits from SMS messages at €0.00 to other ACN mobile subscribers in Germany and to all subscribers using the E-Plus mobile network in Germany. SMS messages to subscribers using other mobile networks in Germany (Vodafone, T-Mobile and O2), SMS to international numbers, SMS sent while roaming and SMS to premium services request short codes are charged at the price as quoted on the price list.

Each subscription on the SayACN calling plans comes with the ACN-2-ACN calling facility. This allows for unlimited calling to other ACN mobile subscribers in Germany for €0.00 per minute. The definition of an

ACN-2-ACN call is a voice call made from one ACN mobile subscriber to another ACN mobile subscriber at any time when both the caller and called party are in Germany and are both active ACN subscribers. The ACN-2-ACN calling facility cannot be used for calls to ACN fixed-line numbers in Germany or for any international calling to subscribers using ACN's fixed or mobile services in other countries outside of Germany or for any German ACN mobile customers when they are roaming outside of Germany. MMS messages, data usage (WAP or GPRS), international calls or calls made whilst roaming (including calls to retrieve voicemail when abroad) are not valid call types for the ACN-2-ACN calling facility.

Please note that it is not possible to request the SMS 100 Option (as mentioned in Note 11 of our current price list) when you are a customer subscribing to the SayACN calling plan.

5.5 Switch of Tariffs from SayACN or the ACN-2-ACN+ calling plans

Switching between different ACN Communications GmbH calling plans is possible, as far as such tariffs are offered. Please refer to Note 17 of the current price list for detailed information on the charges that are applied for such changes.

5.6 Prices and payment conditions

Our charges for each call and service are detailed in the current pricelist. Generally, all charges will be invoiced monthly for the preceding month. SMS and GPRS option packages, if available, start at the beginning of the month following the order and are generally invoiced in advance for the forthcoming month.

6. SMS 100 option

ACN offers the option of an SMS bundle for all calling plans except the SayACN calling plan. This option offers a set inclusive 100 SMS messages for a fixed price per calendar month (please see current price list). These inclusive SMS messages can be used to send SMS messages to other German mobile networks. SMS to international numbers, SMS sent while roaming and premium services request short codes are excluded from the bundle. Unused inclusive SMS cannot be carried forward to the next month. All SMS messages sent after the inclusive amount is used up are charged as per our current price list.

7. ACN Communications GmbH Mailbox

ACN Communications GmbH sets up an ACN Communications GmbH mailbox in the E-Plus mobile network for the customer (i.e. a net-integrated, electronic answering machine). Incoming calls are redirected to this mailbox when the ACN Communications GmbH SIM card is not active on the ACN Communications GmbH mobile network or when the customer does not answer the phone within 20 seconds.

The customer can record a personalized welcome of up to 40 seconds or an absence note after which no message can be left. The mailbox saves a maximum of 10 messages of up to 2 minutes duration at most. The mailbox notifies you when messages are received by text message. Saved messages are deleted automatically after 5 days. Messages that haven't been listened to are deleted automatically after 10 days.

All calls to the voicemail system to retrieve messages are free when calling from within Germany.

8. ACN Communications GmbH Customer Services

Customers can contact Customer Services by dialing 0180/3 000933 (0.09 Euro / min. from German fixed lines). The customer may be asked to legitimize himself by confirming his phone number as well as his ACN Communications GmbH password or account number.

9. Entry into the telephone registry, directory assistance

After purchasing an ACN Communications GmbH SIM card the customer can define the entry of his ACN Communications GmbH number into the telephone directory as well as provide corresponding information. The respective online form is available on www.acnmobile.de via the DeinACN Mobile service. For this purpose ACN Communications GmbH forwards the customer's data to Deutsche Telekom AG.

10. Emergency Calls

With the international GSM emergency telephone code 112 and 110 an emergency call can be made without having inserted the ACN Communications GmbH SIM card. In addition, the customer can call SAR services (maritime distress service/search and rescue team) by dialing 124 124. The SAR emergency call does not replace the usual radio-service with ship stations.

ACN Communications GmbH, 1st September 2006