

CTC Communications Corp.
d/b/a EarthLink Business
PSC No. 3 - Telephone
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ACCESS SERVICES TARIFF

SECTION 2 - GENERAL REGULATIONS (CONT'D.)

2.6 Responsibilities of the Customer (Cont'd.)

2.6.2 Liability of the Customer (Cont'd.)

- D. The Customer shall defend, indemnify and hold harmless the Company from and against all law suits, claims, losses or damages including punitive damages, attorney's fees and court costs by third persons arising out of the construction, installation, operation, maintenance, or removal of the Customer's circuits, facilities or equipment connected to the Company's services provided under this tariff, including without limitation Workmen's Compensation claims, actions for infringement of copyright and / or unauthorized use of program material, libel and slander actions based on content of communications transmitted over the Customer's circuits, facilities or equipment, and proceedings to recover taxes, fines or penalties for failure of the Customer to obtain or maintain in effect any necessary certificates, permits, licenses or other authority to acquire or operate the services provided under this tariff; provided, however the foregoing indemnification shall not apply to suits, claims and demands to recover damages for damage to property, death or personal injury unless such suits, claims or demands are based on the tortuous conduct of the customer, its officers, agents or employees.
- E. The Customer shall defend, indemnify and hold harmless the Company from and against any suits, claims, losses or damages, including punitive damages, attorney fees and court costs by the customer or third parties arising out of any act or omission of the customer in the course of using services provided under this tariff.