

**CTC Communications Corp.**  
**d/b/a EarthLink Business**  
PSC No. 3 - Telephone  
Effective Date: September 10, 2012

Leaf 50  
Revision: 0  
Superseding Revision:

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ACCESS SERVICES TARIFF

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SECTION 2 - GENERAL REGULATIONS (CONT'D.)

2.6 Responsibilities of the Customer (Cont'd.)

2.6.2 Liability of the Customer

- A. The Customer shall pay all applicable charges as set forth in this tariff.

The Customer is responsible for any damage to or loss of the Company facilities or equipment caused by the acts or omissions of Customer, authorized user or joint user as defined by these regulations, unless caused by the negligence or willful misconduct of the employees or agents of the Company.

- B. The Customer shall reimburse the Company for damages to the Company facilities utilized to provide services under this tariff caused by the negligence or willful act of the customer or resulting from the Customer's improper use of the Company's facilities, or due to malfunction of any facilities or equipment provided by other than the Company. The Company will, upon reimbursement for damages, cooperate with the Customer in prosecuting a claim against the person causing such damage and the Customer shall be subrogated to the right of recovery by the Company for the damages to the extent of such payment.

- C. With respect to claims of patent infringement made by third persons, the customer shall defend, indemnify, protect and hold harmless the Company from and against all claims arising out of combining with, or use in connection with, or use in connection with, the services provided under this tariff, any circuit, apparatus, system or method provided by the Customer.