

Choice One Communications of New York, Inc.
d/b/a EarthLink Business
PSC No. 4 - Telephone
Effective Date: September 10, 2012

Leaf 34
Revision: 0
Superseding Revision:

NETWORK INTERCONNECTION SERVICES TARIFF

SECTION 1 - TARIFF INFORMATION AND GENERAL REGULATIONS (CONT'D.)

1.7 Responsibility of the LEC (Cont'd.)

1.7.2 Liability (Cont'd.)

- D. The LEC is required to reimburse the Telephone Company for any loss of, or damage to, Telephone Company facilities or equipment on the LECs premises or caused by the LEC, including loss or damage caused by owners, agents, employees or independent contractors of the LEC, if the loss or damage is caused by any gross negligence or willful misconduct on the part of the LEC. The LEC will be liable for damages to the facilities of the Telephone Company caused by gross negligence or willful acts of its officers, employees, agents or contractors of the LEC.

1.7.3 Ownership of Facilities

Facilities utilized by the Telephone Company to provide service under the provisions of this tariff shall remain the property of the Telephone Company. Such facilities shall be returned to the Telephone Company by the LEC whenever requested, within a reasonable period following the request in as good condition as reasonable wear will permit.

1.7.4 Availability for Testing

The services provided under this tariff shall be available to the Telephone Company at times mutually agreed upon in order to permit the Telephone Company to make tests and adjustments appropriate for maintaining the services in satisfactory operating condition if the Telephone Company deems such testing to be necessary. Such tests and adjustments shall be completed within a reasonable time. No credit will be allowed for any interruptions involved during such tests and adjustments.