

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

Leaf 27
Revision: 0
Superseding Revision:

NETWORK INTERCONNECTION SERVICES TARIFF

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

1.6 Responsibility of the Telephone Company (Cont'd.)

1.6.1 Liability (Cont'd.)

- H. The Telephone Company's failure to provide or maintain services under this tariff shall be excused by labor difficulties, governmental orders, civil commotions, criminal actions taken against the Telephone Company, acts of God and other circumstances beyond the Telephone Company's reasonable control.
- I. The Telephone Company shall not be liable for any act or omission of any other entity furnishing to the LEC facilities, equipment, or services used in conjunction with the services provided under this tariff. Nor shall the Telephone Company be liable for any damages or losses due to unauthorized use of the services or the failure or negligence of the LEC or LEC end user, or due to the failure of equipment, facilities, or services provided by the LEC or its end user.

1.6.2 Provision of Services

- A. The Telephone Company reserves the right to refuse an application for service made by a present or former LEC, its majority or minority owners or affiliates, who is indebted to the Telephone Company for service previously furnished, until the indebtedness is satisfied.
 - 1. In the event that service is connected for a LEC who is indebted to the Telephone Company for service previously furnished to such LEC, the service may be terminated by the Telephone Company unless the LEC satisfies the indebtedness within 30 days after written notification, with a copy to the PSC.
- B. The Telephone Company's obligation to provide service under this tariff is limited by the availability of facilities, equipment and switch capacity.
- C. NET-I services are provided by means of wire, fiber optic, radio or any other suitable technology or a combination thereof.