

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

Leaf 26
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.)

D. (Continued)

4. All claims, including but not limited to injuries to persons or property from voltages or currents, arising out of any act or omission of the LEC or its end user in connection with facilities provided by the Telephone Company, the LEC, or the end user.
5. Claims arising out of any act or omission in connection with the provision of any optional services offered under this tariff.

E. The Telephone Company shall not be liable to the LEC or its customers in connection with the provision or use of the services provided under this tariff for indirect, incidental, consequential, reliance or special damages, including (without limitation) damages for lost profits, regardless of the form of action, whether in contract, indemnity, warranty, strict liability, or tort, including (without limitation) negligence of any kind.

F. The Telephone Company does not guarantee or make any warranty with respect to its services when used in an explosive atmosphere. The Telephone Company shall be indemnified, defended and held harmless by the LEC from any and all claims by any person relating to such LEC's use of services so provided.

G. No license under patents (other than the limited license to use) is granted by the Telephone Company or shall be implied or arise by estoppel, with respect to any service offered under this tariff.