

Choice One Communications of New York, Inc.
d/b/a EarthLink Business
PSC No. 4 - Telephone
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NETWORK INTERCONNECTION SERVICES TARIFF

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

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

1.6.6 Testing, Inspection and Protective Measures

- A. The Telephone Company may, upon notification to the LEC, at a reasonable time, make such tests and inspections as may be necessary to determine that the requirements regarding the equipment and interconnections are being complied with.
 - 1. If the protective requirements in connection with LEC provided equipment are not being complied with, the Telephone Company may take such action as necessary to protect its facilities and personnel and will promptly notify the LEC by registered mail in writing of the need for protective action. In the event that the LEC fails to advise the Telephone Company within 10 days after such notice is received or within the time specified in the notice that corrective action has been taken, the Telephone Company may take whatever additional action is deemed necessary, including the suspension of service, to protect its facilities and personnel from harm. The Telephone Company will, upon request 24 hours in advance, provide the LEC with a statement of technical parameters that the LEC's equipment must meet.
- B. The Telephone Company maintains the right to apply protective controls, (i.e., those actions, such as call gapping), which selectively cancel the completion of traffic, over any traffic carried over its network, including that associated with all LEC services. Generally, such protective measures would only be taken as a result of occurrences such as failure or overload of Telephone Company or LEC facilities, natural disasters, mass calling or national security demands. In the event that the protective controls applied by the Telephone Company result in the complete loss of service by the LEC, the LEC will be granted a credit allowance for the service interruption (refer to Section 4.2).