

Choice One Communications of New York Inc.
d/b/a EarthLink Business
PSC No. 3 - Telephone
Effective Date: September 9, 2012

Leaf: 14
Revision: 0
Superseding Revision:

SWITCHED ACCESS SERVICES TARIFF

SECTION 2 - GENERAL REGULATIONS, (CONT'D.)

2.1 Undertaking of the Company, (Cont'd.)

2.1.3 Liability of the Company, (Cont'd.)

- J. The Company is not liable for any claims for loss or damages involving:
1. Breach in the privacy or security of communications transmitted over the Company's facilities;
 2. Injury to property or injury or death to persons, including claims for payments made under Worker's Compensation law or under any plan for employee disability or death benefits arising out of, or caused by, any act or omission of the Customer, or the construction, installation, maintenance, presence, use or removal of the Customer's facilities or equipment connected or to be connected to the Company's facilities;
 3. Any representations made by Company employees that do not comport, or that are inconsistent, with the provisions of this tariff;
 4. Any act or omission in connection with the provision of 911, E911 or similar services;
 5. Any noncompletion of calls due to network busy conditions;