ADVANCED DATA SERVICES

DESCRIPTION OF ADVANCED DATA SERVICES (Continued)

4.2   TRANSPARENT LAN SERVICES (Continued)

    4.2.5   Service Level Agreements (SLA) (Continued)   ⌐

        D. SLA Exclusions

        SLAs do not apply to the extent that any of the following reasons prevented the Company from meeting such SLAs:

1. The acts of the Customer or other party authorized by the Customer to use the TLS circuit/connection, including but not limited to Customer's negligence, Customer's refusal to grant the Company reasonable access to its premises for testing/repair, Customer's refusal to release the TLS circuit/connection for testing and/or repair, Customer's maintenance activities or its rearrangement of the TLS circuit/connection or where the Customer has exceeded the purchased EVC bandwidth;

2. Subsequent reports (i.e., additional Customer inquiries) while the trouble is   (N)
    pending;

3. Service troubles closed due to the Customer's action;

4. Service troubles repaired by the Company prior to its receipt of a trouble report;

5. Service trouble caused by the Customer's CPE or facilities on its side of the demarcation point or any power, equipment, service or systems not provided by the Company;

6. An Interruption related to the provisioning of a new TLS Access Line or Access Lines in service for less than a month;

7. Scheduled maintenance and downtimes;

8. Unavailability of network monitoring or management equipment or reporting;

9. Any other reason outside the control of the Company.   ⌋