

RCN Telecom Services of New York, LP

Section 3

Leaf No. 2

PSC No. 4 - Telephone

Revision No. 0

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SERVICE AND RATE DESCRIPTIONS

3.1 Network Access Services (cont'd)

Other Services and facilities provided pursuant to this Tariff may be used in connection with the transport and/or termination of exchange telephone services and other telecommunications traffic. Terms, conditions, and rates for such transport and termination, and facilities and services used in connection therewith, may be contained in either Traffic Exchange Contracts or Interconnection Agreements ("ICAs") between Local Exchange Carriers and the Company. These Agreements or Contracts may reference rates contained in this Tariff.

(a) If such an ICA exists and contains rates, terms, and conditions applicable to a service or facility provided by the Company, then such services and facilities are not subject to the rates, terms, and conditions of this Tariff, except to the extent that such rates, terms, or conditions have been incorporated by reference into the ICA.

(b) If no ICA exists, or if the ICA does not contain rates, terms, or conditions applicable to a service or facility provided by the Company to the other carrier, then the rates, terms, and conditions contained in this Tariff will apply to such service or facility.

Notwithstanding any other provisions of this Tariff, with respect to any Customer that, on its own or through an Affiliate, provides services comparable to the services provided under this tariff to RCN within Maryland, during any billing period, in the event that any of the applicable rates and charges set forth in this tariff are lower than comparable rates and charges in effect as of the last day prior to such billing period ("Customer Prices") offered or charged by the Customer or such Affiliate to RCN anywhere within Maryland for services comparable to the Services provided under this tariff, then, for such Customer, such rates and charges in this tariff may be increased by RCN to an amount equal to such Customer Prices.

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