

RCN Telecom Services of New York, LP

Section 2

Leaf No. 3

PSC No. 4 - Telephone

Revision No. 0

Effective Date: July 1, 2012

Superseding Revision No. 0

REGULATIONS

2.1 Undertaking of the Company (cont'd.)

2.1.4 Limitations on Liability

- A. Except as otherwise stated in this section, the liability of the Company for damages arising out of either: (1) the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representatives, or use of these services or (2) the failure to furnish its service, whether caused by acts or omission, shall be limited to the extension of allowances to the Customer for interruptions in service as set forth in Section 2.7.
- B. Except for the extension of allowances to the Customer for interruptions in service as set forth in Section 2.7, the Company shall not be liable to a Customer or third party for any direct, indirect, special, incidental, reliance, consequential, exemplary or punitive damages, including, but not limited to, loss of revenue or profits, for any reason whatsoever, including, but not limited to, any act or omission, failure to perform, delay, interruption, failure to provide any service or any failure in or breakdown of facilities associated with the service.
- C. The liability of the Company for errors in billing that result in overpayment by the Customer shall be limited to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed plus interest. The rate of interest on such amounts shall be the greater of the unadjusted customer deposit rate or the applicable late payment rate. Interest shall be paid from the date when the customer overpayment was made, adjusted for any changes, in the deposit rate or late payment rate and compounded monthly.

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Cancelled effective 06/30/2022.