

## PSC NY No. 11—COMMUNICATIONS

Verizon New York Inc.

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## ACCESS SERVICE

8. BILLING AND COLLECTION SERVICES (Cont'd)8.1 Recording Service (Cont'd)8.1.3 Liability of the Telephone Company

Notwithstanding 2.1.3 preceding, the Telephone Company liability for Recording Service is as follows:

- (A) If customer message detail is not available because the Telephone Company lost or damaged tapes or incurred recording system outages, the Telephone Company will estimate the volume of lost customer messages and associated revenue based on previously known values. This estimated customer message volume will be included along with the customer message detail provided to the customer and/or provided for Message Processing Service. If the above described events result in an inability to back bill end user charges, the customer's operating revenues will be credited as if the revenues were earned, and the customer's uncollectible revenues will be debited since the revenues will not be billed and collected. No adjustment to customer purchased accounts receivable or uncollectibles is required as charges were never billed.
- (B) When the Telephone Company is notified that, due to error or omission, incomplete data have been provided to a customer, the Telephone Company will make every reasonable effort to locate and/or recover the data and provide new magnetic tapes to the customer at no additional charge. If the data can not be recovered, the extent of the Telephone Company's liability for damages shall be limited as set forth in (A) preceding.
- (C) Unless there is an express written agreement to the contrary, in the absence of gross negligence or willful misconduct, no liability for damages to the customer or other person or entity other than as set forth in (A) and (B) preceding shall attach to the Telephone Company for its action or the conduct of its employees in providing Recording Service.

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