

**XAND CLEC, LLC**  
**NY P.S.C. Tariff No. 1 - Telephone**  
**Initial Effective Date: October 31, 2012**

**Leaf No. 28**  
**Revision: 0**  
**Superseding Revision:**

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**3. RULES AND REGULATION (CONT'D)**

**3.2 Limitations. (Cont'd)**

**3.2.5. Emergency Conditions.** The use and restoration of the Services during emergency conditions shall be in accordance with Part 64, Subpart D, Appendix A, of the FCC's Rules and Regulations, which specifies the priority system for such use and restoration.

**3.2.6. Property Rights.** The Customer will obtain no property right or interest in the use of any specific type of facility, service connection, equipment, number, process or code. All right, title and interest to such items will remain, at all times, solely with the Company.

**3.3 Liability of the Company.**

**3.3.1. General.** The Company's liability, if any, for damages associated with the ordering (including the reservation of any specific number for use with a Service), installation (including delays associated therewith), provision, termination, maintenance, repair or restoration of the Service or associated facilities offered under this Tariff, shall be limited as follows:

- (A) With respect to any Private Line Service offered by the Company under this Tariff, the Company's liability shall not exceed an amount equal to the proportionate Monthly Recurring Charge or Charges for the Service for the period during which the Service was affected. The Company shall not be responsible to the Customer or user if changes in any of the facilities, operations or procedures of the Company utilized in the provision of DS-1 Service render any facilities provided by a Customer or user obsolete or require modification or alteration of such equipment or system or otherwise affect its use or performance. The Company is not liable for any act or omission of any other carrier providing a portion of a Private Line Service.

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**Issued By: President, 11 Skyline Drive, Hawthorne, NY 10532**