

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

**Leaf No. 54**  
**Revision: 0**  
**Superseding Revision:**

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

**3.16 Calculation of Rates and Charges. (Cont'd)**

**3.16.7. Taxes.** In addition to the rates and charges set forth in this Tariff, Customer shall be responsible for payment of all amounts due to federal, state and local governments for all taxes, fees and other governmental impositions. In addition to all recurring, non-recurring, minimum, usage, surcharges or special charges, Customer shall also pay each of the following surcharges to be imposed on all charges for recurring, non-recurring, minimum, usage or special charges designed to recover gross revenue, gross income and gross earnings taxes imposed on Company:

State Gross Revenue Tax Surcharge

State, County, City and MTA Sales Taxes

**3.16.8. Special Arrangements.**

**A. Special Construction Charges.**

A circuit or arrangement is offered subject to the availability of suitable components (i.e., service functions, channels and features). When these items are not available, a Customer may request that they be specially constructed. Basis for Charges where the Company furnishes a facility or service for which a rate or charge is not specified in the Company's tariffs, charges will be based on the costs incurred by the Company (including return) and may include:

- 1) Nonrecurring charges;
- 2) Recurring charges;
- 3) Termination liabilities; or
- 4) Combinations of 1), 2) and 3).

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