

Digipath Digital Service

3. General Regulations
3.3 Responsibility of the Telephone Company

3.3.1 Liability	
A.	The responsibility of the Telephone Company shall be limited to the furnishing of service to that point on the customer's or user's premises where provision is made for the connection of equipment described in Section 3.2.4. The customer or user is responsible for testing its equipment or facilities to insure that, when they are connected with DDS, such equipment or facilities are operating properly and further that the cause of any service difficulty reported by the customer or user to the Telephone Company results from the operation of equipment and facilities provided by the Telephone Company.
B.	The Telephone Company shall not be responsible for installation, operation or maintenance of any terminal equipment or communications systems provided by a customer or user. DDS is not represented as adapted to the use of such equipment or system. Where such equipment or system is connected to the Telephone Company's facilities, the responsibility of the Telephone Company shall be limited to the furnishing of facilities suitable for DDS and to the maintenance and operation of such facilities in a manner proper for such digital service. Subject to this responsibility, the Telephone Company shall not be responsible for the through transmission of signals generated by such equipment or system, or for the quality of, or defects in such transmission or for the reception of signals by such equipment or system.
C.	The Telephone Company shall not be responsible to the customer or user if changes in any of the facilities, operations or procedures of the Telephone Company utilized in the provision of DDS 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.
D.	The Telephone Company shall not be liable for damages arising out of mistakes, omissions, interruptions, delays or errors, or defects in transmission occurring in the course of furnishing service hereunder where the same is caused by the negligence of the customer or user. Any liability of the Telephone Company for damages arising out of any of the foregoing or for failing to maintain proper standards of maintenance and operation or for failing to exercise reasonable supervision shall in no event exceed an amount equivalent to the proportionate charge to the customer for the period of service during which such mistake, omission, interruption, delay or error or defect in transmission occurs.
E.	The Telephone Company shall be indemnified and saved harmless by the customer or user against the following claims. <ol style="list-style-type: none">1. Claims for libel, slander and infringement of copyright arising from the material transmitted over the facilities.2. Claims for infringement of patents arising from combining with, or using in connection with, facilities furnished by the Telephone Company, apparatus and systems of the customer or user.