

PSC NY No. 9--COMMUNICATIONS

Verizon New York Inc.

Section 3
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Resale Services

**3. General Regulations
Responsibility of the Telephone Company**

3.2.2 Provision of Service	
C.	To the extent the provision of repair and installation services under this tariff entails the appearance by Telephone Company personnel at the premises of a reseller's end user, the uniforms worn by such personnel, and the vehicles and other equipment that they use, may be marked in the conventional manner with the Telephone Company's name, trade marks, service marks, and logos.
D.	Services will be provided to resellers under this tariff only to the extent that the necessary facilities, including switching capacity and necessary operational support systems, are available.
1.	If existing facilities will not enable the Telephone Company to meet all outstanding service orders, such orders will be handled in accordance with reasonable priority rules that do not unreasonably discriminate between resellers purchasing under this tariff and end user customers of the Telephone Company.
E.	The provision of services under this tariff is subject to the Telephone Company's ability to obtain, without charge, danger, or undue difficulty, access to the premises where the service is to be provided (where such access is necessary for the provision of the service).
F.	Except as otherwise provided by this tariff, the Telephone Company, in connection with its sale of a resold service under this tariff, has all of the obligations that would be imposed upon it by the primary tariff for such service if it were selling such service directly to an end user. Such obligations include, without limitation, the obligation to provide the service in accordance with the terms and conditions of the primary tariff, except where otherwise provided by this tariff.
G.	The resold services provided under this tariff will be equal in quality, subject to the same conditions, and provided within the same provisioning time intervals as the services that the Telephone Company provides to others, including end users.
H.	A reseller purchasing telephone exchange service under this tariff, whether alone or in combination with other services, will be provided by the Telephone Company, as necessary, with repair and installation services at least equal to those provided by the Telephone Company to its own telephone exchange service customers. Where necessary, such services shall be provided by Telephone Company personnel at the premises of the reseller's customer.
1.	Repair and installation personnel shall be dispatched by the Telephone Company in accordance with reasonable priority rules that do not unreasonably discriminate between lines provided to resellers and lines provided to the Telephone Company's end user telephone exchange service customers.
I.	In an action in a court to collect or attempt to collect any charges or other amounts due to Carrier under this tariff, if the Carrier asks the Court to award attorneys' fees, the Court may award the party which substantially prevails in the action (Carrier or Customer) any attorneys' fees and expenses reasonably incurred in that action, provided, however, that attorneys' fees and expenses may not be awarded against a party under this provision if the court finds that the position taken by that party had an objectively reasonable, good faith basis and was not inconsistent with established principles of law.

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