

Mosaic NetworX LLC  
Effective: May 18, 2011

New York PSC No. 2  
Original Leaf No. 18  
Revision 0  
Superseding Revision:

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SECTION 2 - RULES AND REGULATIONS, (CONT'D.)

2.7 Liability of the Company (Cont'd.)

- 2.7.5 The Company shall not be liable for interruptions, delays, errors, or defects in transmission, or for any injury whatsoever, caused by the Customer, or the Customer's agents, End Users, or by facilities or equipment provided by the Customer.
- 2.7.6 No liability shall attach to the Company by reason of any defacement or damage to the Customer Premises resulting from the existence of the Company's equipment or facilities on such premises, or by the installation or removal thereof, when such defacement or damage is not the result of the gross negligence or intentional misconduct of the Company or its employees.
- 2.7.7 The Company makes no warranties or representations, express or implied, either in fact or by operation of law, statutory or otherwise, including warranties of merchantability or fitness for a particular use, except those expressly set forth herein.
- 2.7.8 Failure by the Company to assert its rights under a provision of this tariff does not preclude the Company from asserting its rights under other provisions.

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