

PSC NY Tariff No. 5 – Telephone
PAETEC Communications, Inc.
Initial Effective Date: 10/10/2003

Section: 2 Leaf: 6
Revision: 0

SECTION 2. RULES AND REGULATIONS (Cont'd)

2.3 Liability of Carrier (Cont'd)

- 2.3.4 H. Injury to property or injury or death to persons, including claims for payments made under Workers' Compensation law or under any plan for employee disability or death benefits, arising out of, or caused by, any act or omission of the Customer, or the construction, installation, maintenance, presence, use or removal of the Customer's facilities or equipment connected, or to be connected to Carrier's facilities;
- I. Any intentional, wrongful act of a Carrier employee when such act is not within the scope of the employee's responsibilities for Carrier and/or is not authorized by Carrier;
- J. Any representations made by Carrier employees that do not comport, or that are inconsistent, with the provisions of this tariff;
- K. Any act or omission in connection with the provision of 911, E911, or similar services involving emergencies;
- L. Any non-completion of calls due to network busy conditions;
- M. Any calls not actually attempted to be completed during any period that service is unavailable.

Richard E. Ottalagana, Executive Vice President, Fairport, New York