

SECTION 1 - GENERAL REGULATIONS *continued*

1.16 LIABILITY OF COMPANY *continued*

1.16.3 The Company is not liable under any circumstance for:

- A. any act or omission of any underlying Company or local exchange telephone company or its agents, servants or employees; for providers of connections, equipment, facilities, or service other than the Company or its agents, servants or employees; for any act or omission of any person or entity owning telecommunications facilities used by the customer in conjunction with the Company's service; or for culpable conduct of the customer, its agents, servants, employees, invitees, or guests, or failures of equipment, facilities or connections provided by the customer; or
- B. mistakes, omissions, interruptions, errors, delays, or defects in transmission, or failure to transmit, when caused by acts of God, fire, war riots, Government authorities, or other causes beyond Company control.

1.17 LIABILITY OF THE CUSTOMER

1.17.1 The Company shall be indemnified and held harmless by the customer against:

- A. claims for libel, slander, harassment, improper use of telecommunications service or facilities on or off customer premises, infringement of copyright, or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information, or other content transmitted over the Company's facilities; and
- B. Claims for patent infringement arising from the combining or connecting the Company's equipment or facilities with apparatus and systems of the customer; and