

PSC NO: 3 TELEPHONE
ALLTEL New York, Inc.
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Superseding Revision:

SECTION 6 - MISCELLANEOUS SERVICES

O. 911 PRIVATE SWITCH/AUTOMATIC LOCATION IDENTIFICATION (PS/ALI) SERVICE (Continued)

2. Regulations (Continued)

- J. ALLTEL's entire liability to any person for the interruption or failure of ALLTEL 9-1-1 PS/ALI service shall be limited to the terms set forth in this Section and other Sections of this Tariff. ALLTEL shall neither be liable for damages resulting from or in connection with its provision of ALLTEL 9-1-1 PS/ALI service to any customer subscribing to ALLTEL 9-1-1 PS/ALI service or any person accessing, or using ALLTEL 9-1-1 PS/ALI service and nor shall ALLTEL be liable for its provision of any telephone number, address, or name to any entity providing 9-1-1 service or to a public safety answering point, unless ALLTEL acted with malicious purpose or in the manner exhibiting wanton and willful disregard of safety or property in providing such services.
- K. Each customer agrees to release, indemnify, defend and hold harmless ALLTEL from any and all loss, claims, demands, suits, or other action, or any liability whatsoever, whether suffered, made, instituted or asserted by the PBX customer or by any other party or person, for any personal injury to or death of any person or persons, or for any loss, damage or destruction of any property, whether owned by the PBX customer or others, or for any infringement or invasion of the right of privacy of any person or persons, caused or claimed to have been caused, directly or indirectly, by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of ALLTEL 9-1-1 PS/ALI service features and the equipment associated therewith, or by any services which are or may be furnished by ALLTEL in connection therewith, including but not limited to the identification of the telephone number, address or name associated with the telephone used by the party or parties accessing 9-1-1 services using ALLTEL 9-1-1 PS/ALI services hereunder, and which arise out of the negligence or other wrongful act of ALLTEL, the PBX customer, its user agencies or municipalities or employees or agents of any one of them.
- L. When an order for ALLTEL 9-1-1 PS/ALI service and facilities or requests for additions, rearrangements, relocations or modifications or service and equipment are canceled in whole or in part, the PBX customer may be required to reimburse ALLTEL for all expenses incurred in handling the requests before notice of cancellation is received. Such charges are not to exceed the charges that would apply if the work involved in complying with the request had been completed.
- M. When the use of service or facilities furnished by ALLTEL is interrupted due to any cause other than the negligence or willful act of the subscriber or the failure of the facilities provided by the subscriber, a pro rata adjustment of the fixed monthly charges involved will be allowed. In the event of any interruption of the service, ALLTEL shall not be liable to any person, or other entity for any loss or damage in an amount greater than an amount equal to the pro rata allowance of the tariff rate for the service or facilities provided to the PBX customer for the time such interruption continues, after notice to ALLTEL. No allowance shall be made if the interruption is due to the negligence or willful act of the PBX customer of the service.

Issued by: Vice President, State Government Affairs, Little Rock, Arkansas