

ZenFi Networks, LLC
Tariff NY PSC No. 2
Effective Date: March 12, 2019

Leaf No. 23
Revision: 0
Superseding Revision:

EVENT WILL THE CUMULATIVE LIABILITY OF THE COMPANY UNDER A SERVICE ORDER, INCLUDING ANY OUTAGE CREDITS, EXCEED THE TOTAL PAYMENTS PAID BY CUSTOMER TO ZENFI NETWORKS, LLC UNDER THE APPLICABLE SERVICE ORDER.

- 13.10 CUSTOMER UNDERSTANDS AND ACKNOWLEDGES THAT ZENFI NETWORKS, LLC WILL NOT BE LIABLE TO THE CUSTOMER OR ANY THIRD PARTY FOR: (a) ANY ACT OR OMISSION OF THE CUSTOMER, ITS CONTRACTORS, EMPLOYEES OR AGENTS (INCLUDING DELAYS FOR FAILURE TO OBTAIN CUSTOMER APPROVALS), ITS CUSTOMERS OR ANY CARRIER OTHER THAN ZENFI NETWORKS, LLC; (b) ANY CLAIMS OR ACTIONS RELATED TO DEFAMATION, COPYRIGHT OR TRADEMARK INFRINGEMENT, OR THE VIOLATION OF ANY THIRD PARTY RIGHTS, ARISING FROM USE OF THE SERVICE(S) OR FACILITIES; (c) INFRINGEMENT OF PATENTS ARISING FROM COMBINING OR USING CUSTOMER-PROVIDED FACILITIES WITH ZENFI NETWORKS, LLC'S SERVICE(S) OR FACILITIES WHERE ZENFI NETWORKS, LLC'S SERVICE(S) OR FACILITIES WOULD POSE NO INFRINGEMENT IN THE ABSENCE OF SUCH COMBINATION OR USE; OR (d) ANY UNAUTHORIZED USE OF THE SERVICE(S) OR FACILITIES. THE CUSTOMER AGREES TO INDEMNIFY AND HOLD ZENFI NETWORKS, LLC HARMLESS FROM ANY AND ALL COSTS, EXPENSES AND OR LIABILITY, INCLUDING LEGAL FEES, ARISING FROM ANY CLAIM, INCIDENT, OR LAWSUIT, THREATENED OR PURSUED, IN CONNECTION WITH CUSTOMER'S USE OF THE SERVICE(S) PROVIDED BY ZENFI NETWORKS, LLC.
- 13.11 The provisions of this Section shall survive the expiration or termination of the term of any Service Order.
- 13.12 Company may disconnect Service(s) for non-payment, in accordance with the terms hereof, of the Customer's bill, provided that the Company has complied with any applicable NYPSC regulations regarding disconnection of service. Service shall be restored when the conditions under which Service(s) were disconnected are corrected and upon payment of all proper charges due from the Customer as provided in this Tariff or the applicable Service Order. The Customer may restore service by full payment in any reasonable manner, including by certified check. However, the Company may refuse to accept a personal check if a Customer's check for payment of service has been dishonored, except for reasons due to bank error, within the last twelve months. There shall be a three thousand dollar (\$3,000.00) charge for restoration of service after