

FiberLinc, LLC
P.S.C. Tariff No. 2 – Private Line
Effective Date: June 29, 2021

Leaf: 9
Revision: 0
Superseding Revision:

Section 2 – GENERAL RULES AND REGULATIONS (Cont'd)

2.3 Use of Facilities and Service (Cont'd)

2.3.2 Limitations on Liability (Cont'd)

- e. Exclusivity of allowance in absence of gross negligence or willful misconduct

No liability of any nature whatsoever, including but not limited to any form of special, punitive, or consequential damages, shall attach to the Company for damages arising from failures, errors, mistakes, omissions, interruptions, delays or defects in transmission of the Company, or its agents, servants or employees, or of any underlying carrier, in the course of establishing, provisioning, furnishing, rearranging, moving, terminating, or changing regulated or non-regulated service or facilities (including the obtaining or furnishing of information in respect thereof or with respect to the subscribers or users of the service or facilities and any listings, or failure or inaccuracy in listings, in directories or directory data bases) in the absence of gross negligence or willful misconduct.

- f. The Company is not liable under any circumstance for:

- i) any act or omission of any connecting or underlying carrier 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; culpable conduct of the customer, its agents, servants, employees, invitees, or guests, or failures of equipment, facilities or connections provided by the customer; or for any act or omission of any governmental or Public Service Agency to which emergency calls are placed; or
- ii) mistakes, omissions, interruptions, errors, failures, 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.

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