

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

Leaf: 8
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

- a. **Indemnification by Customer** The customer and any authorized or joint users, jointly and severally shall indemnify, defend and hold the Company harmless against claims, loss, damage, expense (including attorneys' fees and court costs) for libel, slander, or infringement of copyright arising from the material transmitted over its facilities; against claims for infringement of patents arising from combining with, or using in connection with, facilities of the Company, equipment and systems of the customer; and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company or the customer. In the event any such infringing use is enjoined, the customer, authorized user or joint user at its option and expense, shall obtain immediately a dismissal or stay of such injunction, obtain a license or other agreement so as to extinguish any claim of infringement, or terminate the claimed infringing use or modify such infringement.
- b. **Customer-Provided Equipment** The service and facilities furnished by the Company are subject to the following limitations: the Company shall not be liable for damage arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission or other injury, including but not limited to injuries to persons or property from voltages or currents transmitted over the facilities of the Company caused by customer-provided equipment or premises wire.
- c. **Use of Facilities of Other Companies** When the facilities, services, network elements, systems, or data of other companies are used in establishing a connection or providing service to customers, the Company is not liable for any act, error, failure, omission, interruption or inaccuracy caused by the other company or its agents or employees. This includes, but is not limited to, the provision of a signaling system database by another company.
- d. **Due to the unavailability of errors incident to the services and to the use of the facilities furnished by the Company or connecting carriers, the services and facilities furnished by the Company and connecting carriers are subject to the terms, conditions and limitations set forth herein.**

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