

GetGo Communications LLC  
New York P.S.C. No. 2 – Communications  
Effective: August 18, 2017

Leaf 36  
Revision: 0  
Superseding Revision:

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## **SECTION 2 - RULES AND REGULATIONS (Cont'd)**

### **2.3 Obligations of the Customer (Cont'd)**

#### **2.3.3 Jurisdictional Report Requirements (Cont'd)**

##### **E. Contested Audits (Cont'd)**

2. Contested audits may be resolved by a neutral arbitrator mutually agreed upon by the Company and the Customer. Arbitration is an option provided in addition to the Customer's existing right to file a complaint or legal action in a court of law or at the FCC for resolution of the dispute. The arbitration hearing will be conducted in a state or location within the Company operating territory where the Customer maintains a principle or significant presence or a state and location within the Company operating territory that is mutually agreed upon by both parties. The arbitration proceeding shall be governed by the law (both statutory and case) of the state in which the arbitration hearing is held, including, but not limited to, the Uniform Arbitration Act, as adopted in that state. The arbitrator shall determine the Customer's PIU based on A. preceding.

3. Prior to the arbitration hearing, each party shall notify the arbitrator of the PIU percentage which that party believes to be correct. The arbitrator, in deciding, may adopt the PIU percentage of either party or may adopt a PIU percentage different from those proposed by the parties. If the arbitrator adopts a PIU percentage proposed by one of the parties, the other party (whose PIU percentage was not adopted) shall pay all costs of the arbitration. If the arbitrator adopts a PIU percentage higher than either of the PIU percentages proposed by the parties, then the party proposing the lower PIU percentage shall pay all costs of the arbitration. If the arbitrator adopts a PIU percentage lower than either of the PIU percentages proposed by the parties, then the party proposing the higher PIU percentage shall pay all costs of the arbitration. If the arbitrator adopts a PIU percentage which falls between the two percentages adopted by the parties, then the parties shall each pay one-half of the arbitration costs.

4. Absent written notification, within the time frame noted above, the Customer must comply with the provisions set forth herein. If the Customer fails to comply with these provisions, the Company may refuse additional applications for service and/or refuse to complete any and all pending orders for service or may discontinue the provision of the services to the Customer as specified herein.

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Cancelled by supplement No. 1 effective 08/30/2023