

Level 3 Telecom of New York, LP
NY PSC No. 3 - Telephone
Initial Effective Date: September 11, 2016

Leaf 11
Revision 0
Superseding Revision

INTEREXCHANGE SERVICES

SECTION 2 - RULES AND REGULATIONS, (CONT'D.)

2.4 Liabilities of the Company, (Cont'd.)

- 2.4.3 The Company shall not be liable for any failure of performance hereunder if such failure is due to any cause or causes beyond the reasonable control of the Company. Such causes shall include, acts of God, fire, explosion, vandalism, cable cut, storm or other similar occurrence, any law, order, regulation, direction, action or request of the United States government or of any other government or of any civil or military authority, national emergencies, insurrections, riots, wars, strikes, lockouts or work stoppages or other labor difficulties, supplier failures, shortages, breaches or delays, or preemption of existing service to restore service in compliance with the Commission's Rules and Regulations.
- 2.4.4 The Company shall not be liable for any interruptions, delays, errors, or defects in transmission, or for any injury whatsoever, caused by the Customer, or the Customer's agents, end users, or Customers, or by facilities or equipment provided by the Customer.
- 2.4.5 The Company shall be indemnified and held harmless by the Customer against:
1. Claims for libel, slander, infringement of copyright or unauthorized use of any trade mark, trade name or service mark arising out of the material, data, information, or other content transmitted by the Customer over the Company's facilities;
 2. Claims for patent infringement arising from combining or connecting the Company's facilities with apparatus and systems of the Customer; and
 3. All other claims arising out of any act or omission of the Customer in connection with any service provided by the Company.
- 2.4.6 The Company will make no refund of over-payments by a Customer unless the claim is submitted as specified in Section 2.7.1 below:

By: General Counsel, Regulatory Policy
1025 Eldorado Boulevard
Broomfield, CO 80021

Cancelled by supplement no. 1 effective 06/01/2023

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