

**Level 3 Telecom of New York, LP**  
NY PSC No. 2 - Telephone  
Initial Effective Date: September 11, 2016

Leaf 24  
Revision 0  
Superseding Revision

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LOCAL EXCHANGE SERVICES TARIFF

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

2.2 Liabilities of the Company and the Customers, (Cont'd.)

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

D. (Cont'd.)

4. All other claims (including, without limitation, claims for damage to any business or property, or injury to, or death of, any person) arising out of any act of omission of the Customer in connection with any service provided by the Company.

- E. The Company will make no refund of overpayments by a Customer unless the claim is submitted in accordance with Section 2.7.1 below.

2.2.2 Liabilities of the Customer

A. The Company shall be indemnified and held harmless by 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 of 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;
3. All claims of any kind by the Customer's end users; and
4. All other claims (including, without limitation, claims for damage to any business or property, or injury to, or death of, any person) arising out of any act or omission of the Customer in connection with any service provided by the Company.

- B. The Customer is responsible for usage charges, damages and loss resulting from the unauthorized or fraudulent use by Customer, its agents, employees or third parties, or the services provided hereunder if such charges, damages or loss results from the failure, malfunction, inadequacy or failure to properly secure Customer-provided equipment.

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By: General Counsel, Regulatory Policy  
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