

TVC Albany Inc. dba FirstLight Fiber
PSC Tariff No. 2 – Telephone
Date Effective: November 30, 2016

Original Leaf 10
Revision 0
Superseding Revision .

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

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.2 Limitations on Liability

- d. Due to the unavailability of errors incident to the services and to the use of the facilities furnished by the Carrier or connecting Carriers, the services and facilities furnished by the Carrier and connecting Carriers are subject to the terms, conditions and limitations set forth herein.
- 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, or lost profits or revenues whether or not in the contemplation of the parties, shall attach to the Carrier for damages arising from failures, errors, mistakes, omissions, interruptions, delays or defects in transmission of the Carrier, or supplier 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 Carrier is not liable under any circumstances for:
 - i. Any act or omission of any connecting or underlying carrier or supplier or local exchange telephone company or its agents, servants or employees; for providers of connections, equipment, facilities, or service other than the Carrier 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 Carrier'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.

Issued by: Jill Sandford, Vice President and General Counsel
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