

Taconic TelCom Corp.
d/b/a FairPoint Long Distance
PSC No. 1 - Telephone
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Leaf 15
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Superseding Revision: 0

INTRASTATE COMMUNICATIONS SERVICES TARIFF

SECTION 2 - REGULATIONS, (CONT'D.)

2.11 Liability of the Carrier (Cont'd.)

2.11.3 The Carrier is not liable under any circumstance for:

- A. any act or omission of any underlying carrier 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; or for culpable conduct of the Customer, its agents, servants, employees, invitees, or guests, or failures of equipment, facilities or connections provided by the Customer.
- B. mistakes, omissions, interruptions, errors, delays, or defects in transmission, or failure to transmit, when caused by acts of God, fire, war, civil disturbances, Government authorities, or other causes beyond Company control.

2.12 Liability of the Customer

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2.12.1 The Carrier shall be indemnified and held harmless by the Customer against:

- A. Claims for libel, slander, harassment, improper use of telecommunications service or facilities on or off Customer premises, infringement of copyright, or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information, or other content transmitted over the Carrier's facilities; and
- B. Claims for patent infringement arising from the combining or connecting the Carrier's equipment or facilities with apparatus and systems of the Customer; and
- C. All other claims arising out of any act or omission of the Customer or any person utilizing the Customer's codes, services, or facilities, with or without the consent or knowledge of the Customer.

2.12.2 The Customer shall hold the Carrier harmless from and against all claims, demands, losses or liabilities, including, but not limited to, fees and expenses of counsel, arising out of any damage to business to property, or injury to, or death of, any person, occasioned by, or in connection with, any act or omission of the Customer or of any person utilizing the Customer's codes, services, equipment, or facilities, with or without the consent or knowledge of the Customer.

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(M) Information on this page was previously on Leaf 16.

Issued By: Michael C. Reed, Vice President – External Affairs
1 Davis Farm Rd, Portland ME 04103