XO Communications Services, LLC

New York PSC – Tariff No. 3 - Telephone Effective Date: September 20, 2013

Leaf 31 Revision: 0 Superseding Revision:

ACCESS SERVICE

SECTION 2 - TERMS AND CONDITIONS, (CONT'D.)

2.21 Emergency/ Crisis/ Disaster Restoration and Provisioning - Telecommunications Service Priority, (Cont'd.)

2.21.5 Preemption

When spare facilities are not available, it may be necessary for the Company to preempt the facilities required to provision or restore a TSP service. When preemption is necessary, non-TSP services may be preempted based on the Company's best judgment. If no suitable spare or non-TSP services are available, the Company may preempt an existing TSP service to restore a TSP service with a higher restoration priority assignment. When preemption is necessary, prior consent of the service user whose service will be preempted is not required; however, the Company will make every reasonable effort to notify the preempted customer of the action to be taken.