

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

INTRASTATE COMMUNICATIONS SERVICES TARIFF

SECTION 2 - REGULATIONS, (CONT'D.)

2.11 Liability of the Carrier

2.11.1 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.

2.11.2 Exclusivity of allowance in absence of gross negligence or willful misconduct

Apart from the interruption allowance stated above, no liability of any nature whatsoever, including but not limited to indirect, special or consequential damages, shall attach to the Carrier for damages arising from errors, mistakes, omissions, interruptions, or delays of the Carrier, or its agents, servants or employees, in the course of establishing, 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) in the absence of gross negligence or willful misconduct.

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.

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