

FirstLight Fiber, Inc.
P.S.C. Tariff No. 1 – Telephone
Effective Date: August 28, 2019

Original Leaf 1
Revision 0
Supersedes Revision

This tariff replaces in its entirety TVC Albany, Inc. d/b/a FirstLight Fiber PSC Tariff No. 1 – Telephone as adopted by FirstLight Fiber, Inc.

PRIVATE LINE AND TOLL COMMUNICATIONS SERVICES

FirstLight Fiber, Inc.

REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES APPLYING TO PRIVATE
LINE AND TOLL COMMUNICATIONS SERVICES IN THE STATE OF NEW YORK

Issued by: Jill Sandford, Chief Legal Officer
FirstLight Fiber, Inc.
41 State Street, 10th Floor
Albany, New York 12207

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CONTACTING THE PUBLIC SERVICE COMMISSION

In the case of a dispute between the Customer and the Company which cannot be resolved with mutual satisfaction, the Customer may file a complaint by contacting the New York State Department of Public Service by phone, online or by mail.

1. By Phone:

Helpline (for complaints/inquiries):

1-800-342-3377 for Continental United States
1-800-662-1220 (Hearing/Speech Impaired: TDD)
518-472-8502 (Fax)

2. Online:

<http://www.dps.ny.gov/complaints.html> or,

3. By Mail:

NYS Department of Public Service
Office of Consumer Services
3 Empire State Plaza
Albany, NY 12223-1350

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EXPLANATION OF NOTES

- (C) Indicates Changed Regulation
- (D) Indicates Discontinued Rate or Regulation
- (I) Indicates Rate Increase
- (M) Indicates Move in Location of Text
- (N) Indicates New Rate or Regulation
- (R) Indicates Rate Reduction
- (T) Indicates Change of Text Only

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Section 1. APPLICATION OF TARIFF

1.1. Application of Tariff

This tariff contains regulations and charges applying to intrastate common carrier communications service provided by FirstLight Fiber, Inc. to locations within the State of New York as specified herein. Such services may be provided through the facilities of the Carrier, through resale of the facilities and services of another carrier, or through a combination thereof.

1.1.1. Availability

Service is available where facilities permit.

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Section 2. CARRIER STATUS

2.1. Concurring Carriers

None.

2.2. Connecting Carriers

None.

2.3. Other Participating Carriers

None.

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Section 3. DEFINITIONS

As used in this tariff, the following terms shall have the following meanings:

APPLICATION FOR SERVICE

A standard order form used by subscription Customers which includes all pertinent billing, technical and other descriptive information which will enable Carrier to provide the specified communication services.

AUTHORIZATION CODE

A numerical code, one or more of which are assigned to a subscription Customer to enable Carrier to identify use of service on the Customer's account and to bill the Customer accordingly. Multiple authorization codes may be assigned to a Customer to identify individual users or groups of users. All authorization codes shall be the property solely of the Carrier, and a Customer shall have no property or other right or interest in the use of any particular authorization code.

BANDWIDTH

The total frequency, in Hertz, allocated for a channel.

BILLING CYCLE

A monthly period used as the basis for recurring charges or usage requirements.

BUSINESS CUSTOMER

A Customer who subscribes to or makes use of Carrier's service in the name of a business, trade or profession, or whose usage is associated with business activities.

CARRIER OR COMPANY

FirstLight Fiber, Inc.

CARRIER'S POINT OF PRESENCE

Location of the Carrier's terminal or the terminal of the underlying carrier whose service is resold.

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Section 3. DEFINITIONS (Cont'd)

CARRIER'S TERMINAL

The Carrier's switching equipment or the switching equipment of the underlying carrier whose service is resold.

CUSTOMER

The person, firm, corporation or other entity which utilizes service provided by the Carrier, or which owns, leases, uses or subscribes to lines or terminal equipment used to access Carrier's service. For debit or credit card calls (if offered), the Customer is the caller.

For originating sent paid coin calls (if offered), the Customer is the owner, lessee, subscriber, or user of any line or terminal equipment used to access Carrier's service and the entity or individual who placed the call. For calls placed on a collect and billed to third number basis (if offered) the Customer is the entity which agrees to be responsible for charges or who places or receives the call.

The term Customer includes the Customer and any of its affiliates, associates, agents or employees. A Customer is responsible for the payment of charges and for compliance with all terms of this tariff. In the situation where one or more entities is considered a Customer for any particular call, each Customer shall be jointly and severally liable for payment.

DEBIT CARD CALL

A call originated over special installations or over Toll-Free Number service or other type of access arranged by the Carrier, where payment is made through use of pre-paid cards distributed by Carrier or Carrier's agents or resellers.

DIALED ACCESS

An arrangement whereby a Customer uses the public switched network facilities of a local exchange telephone company to access the terminal of the Carrier or the terminal of an underlying carrier whose service is resold.

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Section 3. DEFINITIONS (Cont'd)

DIRECT ACCESS

An arrangement whereby a Customer uses facilities other than the public switched network facilities of a local exchange telephone company to access the terminal of the Carrier.

FEATURE GROUP A OR B SERVICE

Toll service provided when a Customer accesses the Carrier's terminal over Feature Group A or Feature Group B access service provided by a local exchange company wherein seven digits plus a Customer identification code are transmitted from the Customer's premise.

FEATURE GROUP D SERVICE

Toll service provided when a Customer accesses the Carrier's terminal or the terminal of an underlying carrier whose service is resold over Feature Group D "equal access" service provided by a local exchange company.

LOCAL CALL

Any call which, if placed by a Customer over the facilities of a local exchange telephone company, would not be rated as a toll call.

PRIMARY CALLING NUMBER

The telephone number assigned to a subscription Customer by the local exchange telephone company, which shall be geographically associated with the location of the local exchange central office associated with that number.

TOLL CALL

Any call extending beyond the local exchange of the originating caller which is rated on a toll schedule by the local exchange telephone company.

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4. REGULATIONS

4.1. Description of Service

- a. Carrier is a common carrier providing intrastate private line and toll communications service through its own facilities, or resale, or a combination thereof, to Customers to the extent various service offerings are set forth in the rate section of this tariff.

Customers may use service for their direct transmission of voice, data, and other types of telecommunications within the State of New York through use of Carrier's own facilities, through resale of the facilities and services of another carrier, or through a combination thereof.

- b. Timing of Calls

Unless otherwise provided in Rate Schedules set forth in Section D, toll calls will be timed in whole minute increments, rounded up to next full minute.

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4. REGULATIONS (Cont'd)

4.2. Responsibility for Charges

- a. The Customer is responsible for all calls placed or accepted by the Customer. The Customer is responsible for all calls placed using (a) any authorization code, debit card or credit card assigned to or purchased by the Customer, (b) any exchange access line assigned to the Customer and presubscribed to, or used to connect to, the Carrier's service or the service of the underlying carrier whose service is resold, (c) any facilities, terminal equipment, or lines owned, leased or used by the Customer in connection with Carrier's service or the service of the underlying carrier whose service is resold, (d) any direct connect facilities utilized by the Customer, or (e) any credit card or travel card used by the Customer or for which the Customer is responsible. Upon knowledge of facts which would alert a reasonable person to the possibility an unauthorized person is using the Customer's authorization code, presubscribed lines, facilities, equipment, exchange lines, direct connect facilities, credit card or travel card, the Customer shall alert and give notice to the Carrier of such fact. Unless otherwise provided by law, the Customer shall be excused from liability only with respect to calls using the Customer's authorization code or credit card placed after receipt and processing by the Carrier of such notice. Customer shall at all times remain liable for all calls placed over direct connect facilities utilized by the Customer, and over presubscribed or other exchange access lines, facilities and equipment used to access Carrier's service, or the service of the underlying carrier whose service is resold. Customer shall at all times remain liable and responsible notwithstanding the perpetration of fraud or any unauthorized use by any person.
- b. The Customer is also responsible for all charges on calls made on a collect- or billed-to-third-number basis where the Customer has agreed to be responsible for such charges.

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4. REGULATIONS (Cont'd)

4.3. Limitations on service

- a. Service is offered by the Carrier subject to the availability of necessary facilities and/or equipment, including facilities or equipment to be provided by Carrier, connecting carriers, underlying carriers, owners and operators of transmission capacity leased to Carrier, and local exchange carriers.
- b. THE CARRIER MAKES NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE, EXCEPT THOSE EXPRESSLY SET FORTH HEREIN.
- c. The Carrier undertakes to use reasonable efforts to make available services to a Customer on or before a particular date, subject to the provisions of and compliance by the Customer with the regulations contained in this tariff. The Carrier does not guarantee availability by any such date and shall not be liable for any delays in commencing service to any Customer.

4.4. Location of Service

a. Originating Areas

Areas in this state where service has been established by the Carrier.

b. Terminating Areas

All areas of New York State.

Card, travel card, debit card or code (except for entitlement in certain circumstances to apply prepaid debit cards to services provided by Carrier). All right, title and interest to such items remain, at all times, solely with the Carrier.

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4. REGULATIONS (Cont'd)

4.5. Use of Service

- a. Service may be used for any lawful purpose by the Customer or the Customer's authorized agent or Customer.
- b. The Customer obtains no property right or interest in use of any specific type of facility, service, connection, equipment, number, process, credit

4.6. Termination or Denial of Service by Carrier

- a. The Carrier may immediately and without notice to the Customer, without liability of any nature, temporarily deny, terminate, or suspend service to any Customer in the event such Customer or his agent willfully damages company equipment; interferes with use of Carrier's service by other Customers of the Carrier; unreasonably places capacity demands upon Carrier's facilities or service; or violates any statute or provision of law, or any rule or regulation of any state or federal regulatory agency relating to communications, or otherwise fails to comply with the provisions of this tariff or applicable law.
- b. In the event the Customer is the subject of any voluntary or involuntary petition or proceeding in bankruptcy, seeks protection or relief from creditors in a bankruptcy court, or executes an assignment for the benefit of creditors; or in the event of nonpayment of any bill rendered by the Carrier, or the non-payment of any required deposit, the Carrier may terminate service two days after written notice is delivered to the Customer or its authorized agent, or five days after such notice is mailed by first class mail to the Customer or his authorized agent.

In the case of non-payment of any bill or deposit, service need not be restored until the bill rendered or the required deposit has been paid; provided, however, that in the case of any Customer capable of obtaining access to local exchange service only through the Carrier's system, local service may not be terminated until ten days after delivery of written notice or thirteen days after mailing written notice by first class mail.

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4. REGULATIONS (Cont'd)

4.6. Termination or Denial of Service by Carrier (Cont'd)

- c. In the event of the nonpayment of any bill rendered by the Carrier, or the non-payment of any required deposit, the Carrier may terminate service until the bill rendered or the required deposit has been paid.

Where Carrier provides bundled local and toll service to Customer, failure to pay all amounts due for all services may result in termination of all bundled services.

4.7. Termination by Customer

Service may be terminated by the Customer at any time, subject to payment in full of all charges for the period service is rendered.

4.8. Initial contract Period

Unless otherwise provided in contract, or unless Customer subscribes to a term agreement or term rate plan under this tariff, the initial contract period for subscription service is one month.

Thereafter, contract periods shall be for successive one-month periods.

When the Customer utilizes dedicated facilities, the contract period shall expire 30 days after notice is given, unless a longer term is specified in this tariff or in contract.

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4. REGULATIONS (Cont'd)

4.9. Payment and Billing

- a. For subscription Customers, service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective.

For casual Customers, service is provided on a per call basis, with payment being made through credit cards or other billing mechanisms accepted by the Carrier. Billing is payable upon receipt. Except as specified in section 9(d) below, interest at the rate of 1.5% per billing cycle, or the amount otherwise authorized by law, whichever is lower, will accrue upon any unpaid amount commencing 28 days after rendition of bills. Additional interest charges may be assessed by credit card issuers to the Customer, consistent with an arrangement between the Customer and the credit card company.

- b. The security of the Customer's authorization codes, debit cards, travel cards, credit cards, exchange lines, equipment, and direct connect facilities are the responsibility of the Customer. All calls placed using the Customer's equipment, direct connect facilities, exchange lines, authorization codes, debit cards, travel cards, or credit cards will be billed to, and must be paid, by the Customer. Recurring charges, deposits, and non-recurring charges are billed in advance.
- c. All bills are presumed accurate, and shall be binding on the Customer unless objection is received by the Carrier in writing within 60 days after such bills are rendered.

No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Carrier in writing within such 60 day period.

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4. REGULATIONS (Cont'd)

4.9. Payment and Billing (Cont'd)

- d. (i) In the case of the state of New York and its agencies, the City University of New York, the Facilities Development Corporation, and the State University Construction Fund, payment shall be due within forty-five days (45) after receipt of a bill from the Carrier. In the event payment is not received by such date, interest may be applied to the amount due beginning on the day after the required payment date and ending on the date payment is actually received.
- (ii) The rate of interest charged pursuant to para. 4.9(d)(i) above shall be equal to the rate set by the state tax commission for corporate taxes pursuant to Section 1096(e) (1) of the tax law in effect on the date the interest payment is made.

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4. REGULATIONS (Cont'd)

4.10. Inspection, Testing and Adjustment

- a. Carrier may, upon reasonable notice, make such tests and inspections as may be necessary to investigate the installation, operation or maintenance of the Customer's or the Carrier's equipment or connecting facilities. The Carrier may interrupt service at any time, without penalty or liability to itself, where necessary to prevent improper use of service, equipment, facilities, or connections.
- b. Upon reasonable notice, the facilities and equipment provided by the Carrier shall be made available to Carrier for such tests and adjustments as may be necessary for their maintenance in a condition satisfactory to Carrier. No interruption allowance will be granted for the time during which such tests and adjustments are made, unless such interruption exceeds forty-eight hours in length.

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4. REGULATIONS (Cont'd)

4.11. Costs of Collection and Enforcement Proceedings

In the event Carrier is required to initiate legal proceedings to collect any amounts due to Carrier for services, equipment, or facilities, or to enforce any judgment obtained against the Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Carrier for all reasonable costs incurred by Carrier in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs.

In any such proceeding, the amount of collection costs (including attorneys' fees) due the Carrier will be determined by the Court.

4.12. Interconnection

- a. Service furnished by the Carrier may be interconnected with services, equipment, or facilities of other authorized communications common carriers and with private systems, subject to technical limitations established by the Carrier. Service furnished by the Carrier is not part of a joint undertaking with such other carriers. Any special interface equipment or facilities necessary to achieve compatibility between the facilities of the Carrier and other participating carriers shall be provided at the Customer's expense.
- b. Interconnection with the facilities, equipment, or services of other carriers shall be under the applicable terms and conditions of the other carriers' tariffs.

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4. REGULATIONS (Cont'd)

4.13. Liability of the Carrier

- a. Due to the unavoidability 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.

- b. Exclusivity of allowance in absence of gross negligence or willful misconduct.

No liability of any nature whatsoever, including but not limited to 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.

- c. The Carrier is not liable under any circumstance for:
 - i. any act or omission of any connecting or 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; 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.

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4. REGULATIONS (Cont'd)

4.13 Liability of the Carrier (Cont'd)

- d. The Carrier is not liable under any circumstance for: (cont'd)
 - ii. mistakes, omissions, interruptions, errors, delays, or defects in transmission, or failure to transmit, when caused by acts of God, fire, war riots, Government authorities, or other causes beyond Company control.

4.14. Credit Investigation

By applying for service from Carrier, Customer understands that Carrier may conduct an investigation, using commercial and other available sources, of Customer's credit and financial standing, and Customer grants consent for such investigation.

4.15. Liability of the Customer

- a. The Carrier shall be indemnified and held harmless by the Customer against:
 - i. 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
 - ii. Claims for patent infringement arising from combining or connecting the Carrier's equipment or facilities with apparatus and systems of the Customer; and
 - iii. All other claims arising out of any act or omission of the Customer or any person utilizing the Customer's codes, credit cards, debit cards, services, or facilities, with or without the consent or knowledge of the Customer.

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4. REGULATIONS (Cont'd)

4.15 Liability of the Customer (Cont'd)

- b. 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 or 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, credit cards, debit cards, Centrex, services, equipment, or facilities, with or without the consent or knowledge of the Customer.

4.16. Local Charges

In certain instances, Customer may be subject to local telephone company charges or message unit charges to access the Carrier's terminal. Carrier is not responsible for any such local or message unit charges incurred by Customer in gaining access to Carrier's terminal.

4.17. Removal of Blocking Service

Where the Carrier has provided blocking to numbers in the 800, 888, or 900 area codes, such blocking service or a telephonic block can only be removed pursuant to a written request by the Customer of record, or the Customer of record providing the correct password over the telephone, or by a request made in person by such Customer. The Customer of record can provide a personal password to use to remove blocking service at the time blocking service is established.

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4. REGULATIONS (Cont'd)

4.18. Schools And Libraries Discount Program

1. General

The Schools and Libraries Discount Program permits eligible schools (public and private, grades Kindergarten through 12) and libraries to purchase the Company services offered in this tariff at a discounted rate, in accordance with the Rules adopted by the Federal Communications Commission (FCC) in its Universal Service Order 97-157, issued May 8, 1997 and the New York State Public Service Commission in its Opinion and Order 97-11 Adopting Discounts for Services for Schools and Libraries, issued June 25, 1997. The Rules are codified at 47 C.F.R. 54.500 *et. seq.*

To be eligible for the discount, schools and libraries will be required to comply with the terms and conditions set forth in the Rules. Discounts are available only to the extent that they are funded by the federal universal service fund. Schools and libraries may aggregate demand with other eligible entities to create a consortium.

2. Obligation of eligible schools and libraries

a. Requests for service

1. Schools and libraries and consortia shall participate in a competitive bidding process for all services eligible for discounts, in accordance with any state and local procurement rules.
2. Schools and libraries and consortia shall submit requests for services to the Schools and Libraries Corporation, as designated by the FCC, and follow established procedures.

b. Services requested will be used for educational purposes.

c. Services will not be sold, resold or transferred in consideration for money or any other thing of value.

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4. REGULATIONS (Cont'd)

4.18 Schools And Libraries Discount Program (Cont'd)

3. Obligations of the Company

- a. The Company will offer discounts to eligible schools and libraries on commercially available telecommunications services contained in this tariff.

Those services contained in this tariff which are excluded from the discount program, in accordance with the Rules, are listed in 5(a), below.

- b. The Company will offer services to eligible schools, libraries and consortia at prices no higher than the lowest price it charges to similarly-situated non-residential Customers for similar services (lowest corresponding price).
- c. In competitive bidding situations, the Company may offer flexible pricing or rates other than in this tariff, where specific flexible pricing arrangements are allowed, subject to New York State Public Service Commission approval.

4. Discounted Rates for Schools and Libraries

- a. The Company will offer discounts to eligible schools and libraries on commercially available telecommunications services contained in this tariff. Discounts for eligible schools and libraries and consortia shall be set as a percentage from the pre-discount price, which is the price of services to schools and libraries prior to application of a discount.
- b. The discount rate will be applied to eligible intrastate services purchased by eligible schools, libraries or consortia.
- c. The discount rate shall be applied as established by the Universal Services Administrative Company (USAC) or such other School and Libraries Discount Program Administrator as the FCC shall designate.

5. Services Ineligible for Schools and Libraries Discount

- a. Voice Mail Services

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4. REGULATIONS (Cont'd)

4.19. Health Care Providers Support Program

1. General

The purpose of the Health Care Providers Support Program is to enable public and non-profit rural health care providers to have access to telecommunications services necessary for the provision of health care services at rates comparable to those paid for similar services in urban areas. The Health Care Providers Support Program offers eligible public and non-profit health care providers located in rural areas reduced rates for Company intrastate services, available in this Tariff. Such services must be purchased in accordance with the Rules adopted by the Federal Communications Commission (FCC) in its Universal Service Order 97-157, issued May 8, 1997 and the New York State Public Service Commission in its Order in Cases 94-C-0095 and 28425, issued November 4, 1997. The FCC Rules are codified at 47 C.F.R. 54.601, et seq., and any amendments made thereto.

2. Regulations

- a. To be eligible for the reduced rates, rural health care providers are required to comply with the terms and conditions set forth in the FCC Rules.
- b. Reduced rates are available only to the extent that they are funded by the federal universal service fund.
- c. Eligible rural health care providers may aggregate demand with other entities to create a consortium. Universal service support shall apply only to the portion of eligible services used by an eligible health care provider.

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4. REGULATIONS (Cont'd)

4.20. Health Care Providers Support Program (Cont'd)

1. General

d. Responsibility of eligible health care providers

1. Rural health care providers and consortia shall participate in a competitive bidding process for all services eligible for reduced rates in accordance with any state and local procurement rules.
2. Rural health care providers and consortia shall submit requests for services to the program Administrator, as designated by the FCC, and follow established procedures.
3. Services requested must be used for purposes related to the provision of health care services or instruction that the health care provider is legally authorized to provide under the law.
4. Services cannot be sold, resold or transferred in consideration for money or any other thing of value.

e. Responsibility of the Company

1. The Company shall offer the rates and charges as specified in this Tariff, to eligible health care providers to the extent that facilities and services are available.
2. The Company shall offer services to eligible rural health care providers and consortia at prices no higher than the highest urban rate as defined in the FCC Order and Rules.
3. In competitive bidding situations, where specific flexible pricing arrangements are allowed, the Company may offer flexible pricing (to determine the reduced rate) subject to New York State Public Service Commission approval.

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4. REGULATIONS (Cont'd)

4.20. Health Care Providers Support Program (Cont'd)

3. Rates and Charges

The following price adjustments will be available to eligible rural health care providers, except subparagraph c., which shall be available to all eligible health care providers, regardless of location:

- a. A reduced rate for telecommunications services, using a bandwidth capacity of up to 1.544 Mbps, not to exceed the highest tariffed or publicly available rate charged to a commercial Customer for a similar service provided over the same distance in the nearest city in New York State with a population of at least 50,000.
- b. An exemption from some mileage charges for any telecommunications services, using a bandwidth capacity of up to 1.544 Mbps, that is necessary for the provision of health care services. The exempted mileage includes the distance between the rural health care provider and the most distant perimeter of the nearest city in New York State with a population of 50,000 or more, less the standard urban distance, which is the maximum average diameter of all cities with population of 50,000 or more in the state.
- c. Each eligible health care provider that cannot obtain toll-free access to an Internet service provider is entitled to receive toll charge credits for toll charges imposed for connecting to an Internet service provider as per the FCC Rules. Such toll charge credits are available pursuant to applicable toll tariffs.

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