

Tariff Liability

Calls Between Wire Telephones – Liability

1. The Company's failure to provide Message Toll Telephone Service under this Tariff shall be excused by labor difficulties, governmental order, civil commotions, acts of God and other circumstances beyond the Company's control.
2. The Company's liability, if any, for its willful misconduct is not limited by this Tariff. With respect to any other claim or suit, by a customer or by any others, for damages associated with any aspect of the provision of service (including the failure to reach a called station), the Company's liability, if any, shall not exceed an amount equal to the initial minute charge applicable for such call to the called station. This liability shall be in addition to any billing adjustment. However, any such mistakes, omissions, interruptions, delays, errors, or defects in transmission of service which are caused or contributed to by the negligence or willful act of the customer or authorized user, or which arise from the use of customer-provided facilities or equipment shall not result in the imposition of any liability whatsoever upon the Company.
3. The customer shall indemnify and save the Company harmless against claims for libel, slander, or infringement of copyright arising directly or indirectly from the material transmitted over its facilities or the use thereof: against claims for infringement or patents arising from combining with, or using in connection with, facilities of the Company, apparatus and systems of the customer: and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.