

Rule No. 22

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LIMITATION OF LIABILITY

A. Liability of the Utility

- 1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct or violations of law.
- 2. In the event an error or omission is caused by the gross negligence of the Utility, the liability of the Utility shall be limited to an and in no event exceed the sum of \$2,000.
- 3. Except as provided in Sections A.1. and A.2. of this rule, the liability of the Utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnished by the Utility, including exchange, toll, private line, supplemental equipment, TWX, alphabetical directory listings (excluding the use of bold face type), and all other services, shall in no event exceed an amount equal to the pro rata charges to the customer for the period during which the services or facilities are affected by the mistake, omission, interruption, delay, error or defect, provided, however, that where any mistake, omission, interruption, delay, error or defect in any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall the liability exceed the total amount of the charges to the customer for all services or facilities for the period affected by the mistake, omission, interruption, delay, error or defect.

B. Credit Allowance for Interruptions in Service

The following allowances are provided for interruptions in service, as specified for particular services furnished by the Utility:

- 1. The Utility shall allow, for interruptions in service of 24 hours or more not due to conduct of the customer, an amount equal to the pro rata charges for each 24-hour period, or major fraction thereof after the initial period, of interruption in the following services:
 - a. Mobile Telephone Service
 - b. Private line services and channels, as follows:
 - (1) Private line telephone service.
 - (2) Private line teletypewriter and Morse services.

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(To be inserted by utility)

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Rule No. 22

LIMITATION OF LIABILITY
(Continued)

B. Credit Allowance for Interruptions in Service - (Continued)

1. b. Private line services and channels, as follows: - (Continued)

- (3) Channels for data transmission.
- (4) Channels for remote metering, supervisory control, and miscellaneous signaling purposes.
- (5) Channels for telephotograph transmission.
- (6) Speaker microphone service.
- (7) Channels for one-way speech networks in connection with loudspeakers.
- (8) Channels for one-way program transmission networks in connection with loudspeakers.
- (9) Channels for farmer lines and toll service station lines.
- (10) Bells and lights system attack warning service.

The allowance on items B.1.b.(1) through B.1.b.(6) above applies only to service within the same exchange area. The allowance on items B.1.b.(7) and B.1.b.(8) above applies only to station facilities.

- c. Teletypewriter exchange service.
- d. Wide Area Telephone Service.

Where credit is allowed against initial charges, the initial period shall be reduced in the same proportion, and additional hourly rates shall apply to each hour or major fraction thereof for Wide Area Telephone Service furnished in excess of the initial period as so reduced.

- 2. The Utility shall allow, for interruptions in exchange telephone service of 24 hours or more not due to conduct of the customer, an amount equal to the fixed monthly charges for exchange service multiplied by the ratio of the days of interruption to thirty days. When interruptions continue beyond 24 hours, credit allowance will be given in successive 24-hour multiples. Also, see Schedule No. A-20, Local Service Guarantee Program.

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LIMITATION OF LIABILITY - Continued

B. Credit Allowance for Interruptions in Service - Continued

3. The Utility shall allow, for interruptions in TELPAK channels and services of two consecutive hours or more not due to conduct of the customer or failure of facilities provided by the customer, an amount determined as follows:

- a. For items other than TELPAK base capacity, an amount equal to 1/720 of the fixed monthly charge for such item for each hour or major fraction thereof of interruption.
- b. For TELPAK base capacity furnished for use as a single capacity, an amount computed as in B.3.a. above.
- c. For TELPAK base capacity furnished for use as various channels of lesser capacity, (a) if the interrupted channels are less than 50 percent of the equivalent telephone grade channels in the section, no amount allowed, or (b) if the interrupted channels are 50 percent or more of the equivalent telephone grade channels in the section, an amount computed as in B.3.a. above.

For each classification of TELPAK base capacity, credit is computed separately for each two-point section affected.

4. The Utility shall allow, for interruptions of 30 minutes or more not due to conduct of the customer (including authorized users), an amount equal to the pro rata charges in half-hour multiples for each 30-minute period, or major fraction thereof after the initial period, of interruption in the following private line services and channels:

- a. Private line telephone service.
- b. Private line teletypewriter and Morse Services.
- c. Channels for data transmission.
- d. Channels for remote metering, supervisory control and miscellaneous signaling purposes.
- e. Speaker microphone service.
- f. Channels for one-way speech networks in connection with loudspeakers.

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LIMITATION OF LIABILITY - Continued

B. Credit Allowance for Interruptions in Service - Continued

- 4. g. Channels for one-way program transmission networks in connection with loudspeakers.
- h. Special assembly services and channels for miscellaneous experimental purposes.

The allowance on item B.4.a. above applies only to full period service. The allowance on items B.4.a. through B.4.e. above applies only to service between separate exchange areas. The allowance on items B.4.f. and B.4.g. above applies only to interexchange and interdistrict channels.

- 5. The Utility shall allow, for interruptions of 30 seconds or more not due to conduct of the customer or failure of facilities provided by the customer, an amount equal to the pro rata charges in five-minute multiples for each five minute period or major fraction thereof of interruption in the following private line services and channels:

- a. Channels for program transmission in connection with loudspeakers, sound reproduction or sound recording.
- b. Channels for video transmission in connection with television viewers.

- 6. The Utility shall allow, for interruptions of short period private line telephone service which aggregate one-sixth or more of the daily contract service not due to conduct of the customer (including authorized users), an amount equal to the pro rata charges for the period of interruption (excluding lost time made up later in the same day at the customer's request).

- 7. The Utility shall allow, for interruptions of two consecutive hours or more not due to conduct of the customer (including failure of facilities provided by the customer), an amount equal to 1/720 of the fixed monthly charge for each hour or major fraction thereof of interruption in private line channels for television transmission for use in educational television systems.

For purposes of these regulations, an interruption is deemed to exist from the time it is reported to or detected by the Utility.

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LIMITATION OF LIABILITY - Continued

C. Credit Allowance for Errors or Omissions in Telephone Directories

Subject to the provisions of Section A.3. of this rule the Utility shall allow, for errors or omissions in alphabetical telephone directories (excluding the use of bold face type), an amount within the following limits:

1. For listings in alphabetical telephone directories furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the effective life of the directory in which the error or omission occurred.
2. For listings and lines of information in alphabetical telephone directories furnished at additional charge as set forth in Schedule No. A-7, Directory Listings, an amount not in excess of the charge for that listing or line of information during the effective life of the directory in which the error or omission occurred.
3. For listings in information records furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the period the error or omission continued.
4. For listings in information records furnished at additional charge, an amount not in excess of the charge for the listing during the period of the error or omission continued.
5. For listings in telephone directories furnished in connection with mobile telephone service, an amount not in excess of the guarantee and fixed charges for the service during the effective life of the directory in which the error or omission occurred.
6. For listings in TWX directories, an amount not in excess of the separate charge, if any, for the listing.

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