TERMS AND CONDITIONS

The terms and conditions in this Part E are in addition to all applicable terms and conditions specified in Part A of this Product Guide and the applicable regulations and rates specified in Company tariffs.

A. APPLICATION

This Product Guide, Part E contains the terms, conditions, rates and charges applicable to the provision of intrastate advanced data telecommunications services by Verizon New York Inc. ('Verizon" or the "Company") within the State of New York.

TERMS AND CONDITIONS

B. DEFINITION OF TERMS AND ABBREVIATIONS

The following definitions are applicable to this Product Guide, Part E:

802.3 – IEEE 10 Mbps Ethernet Local Area Network

802.5 - IEEE 16 Mbps Token Ring Local Area Network

802.3u - IEEE 100 Mbps Ethernet Local Area Network

802.3z - IEEE 1000 Mbps Ethernet Local Area Network

ACCESS LINE - A local channel for voice, data, or video communications which connects the Customer location to a location of the Company or its underlying carrier or service provider.

ACCESS LOCAL LOOP - A dedicated line and related facilities that connects the Customer location to the Company's Point of Presence (POP). Access Local Loop facilities are attached at both ends of an end-to-end circuit.

ACCOUNT - The Customer who has agreed, orally or in writing, to honor the terms of service established by the Company. An Account may have more than one service or telephone number and/or telephone numbers billed to the same Customer address. An Account may include multiple locations for the same Customer.

ADDITIONAL LOGICAL CHANNELS - Additional communications channels on a given Network Address allowing a Customer to establish permanent virtual circuits between multiple locations and maintain a high degree of flexibility in configuring the network.

ANALOG 2/4 WIRE E&M VOICE - Describes two point tie line type voice communication service.

ANSI - American National Standards Institute

ATM - Asynchronous Transfer Mode

AUI - Autonomous Unit Interface

AUTHORIZATION CODE - A pre-defined series of numbers to be dialed by the Customer upon access to the Company's system to identify the caller and validate the caller's authorization to use the services provided. The Customer is responsible for charges incurred through the use of his or her assigned Authorization Code. An example of an Authorization Code is a calling card account number and personal identification number.

BEST EFFORT SERVICE — A term for Quality of Service (QoS) class with no specified parameters and with no assurances that the traffic will be delivered across the network to the target device.

CELL — A unit of transmission in Asynchronous Transfer Mode (ATM). A cell is a fixed-size packet consisting of a 48-octet payload and 5 octets of control overhead in the form of a header.

TERMS AND CONDITIONS

B. DEFINITION OF TERMS AND ABBREVIATIONS (Continued)

CELL DELAY VARIATION TOLERANCE (CDVT) — The amount of variation permitted for early arrival of clusters of cells at the source UNI. Cells exceeding the tolerance will be declared non-conforming and will be discarded.

COMMITTED INFORMATION RATE (CIR) – A feature that provides Customers with a mechanism for prioritizing data on a per Permanent Virtual Circuit (PVC) basis across a given User Network Interface (UNI). A CIR allows a sustained throughput at a chosen rate without having any frames designated “discard eligible” under normal operating conditions.

CONSTANT BIT RATE (CBR) — One of four ATM Qualities of Service (QoS) supported by Verizon. CBR is a steady flow of user information required to support applications where variable delays in transmission would negatively impact the information content. Examples of applications requiring CBR are voice, and some types of video.

CONTIGUOUS BIT RATES - Fractional DSI digital data transmission speeds which support the full and open utilization of the distinct bandwidth provided. A contiguous fractional DS1 circuit is treated as a single channel through the networks, unlike non-contingent fractional OSI (not offered with this Product Guide, Part E which provides multiple DS0's treated as separate channels through the network.

CUSTOMER - Any person, firm, partnership, corporation or other entity who subscribes to or uses service under the terms and conditions of this Product Guide, Part E. The Customer is responsible for the payment of charges for service offered by the Company which are subscribed to or used by the Customer. The Customer is also responsible for payment of charges for a third person's use of service to which the Customer subscribes.

CUSTOMER SITE - A single physical location where the Customer's circuits terminate.

DECIBEL (dB) - A measurement of change in signal strength. One decibel (1 dB) of loss in a lightwave system represents about a 20 percent drop in power.

DEDICATED ACCESS - A dedicated communications channel that terminates on a switch facility provided by the Company or the Company's underlying carrier or service provider.

DEPARTMENT - The New York Department of Public Service.

DOMAIN – A Virtual Local Area Network (VLAN) or a collection of circuits that belong to one closed user group.

DS0 - Describes transmission bandwidth capable of supporting digital bit rates of up to 56 kilobits per second (Kbps).

DS1 PORT CONNECTION – An interface on the Frame Relay network which terminates a Customer’s 1.536 megabits per second (Mbps) circuit.

DS3 PORT CONNECTION – An interface on the Frame Relay network which terminates a Customer’s 44.736 megabits per second (Mbps) circuit.

TERMS AND CONDITIONS

B. DEFINITION OF TERMS AND ABBREVIATIONS (Continued)

EIR – Excess Information Rate (MEF 10)

ENTERPRISE SUBSCRIBER NETWORK ACCESS LINES – are dedicated analog and digital lines provisioned over Company facilities to provide a connection from the customer's premise to hub or serving wire center and utilize the Frame Relay User to Network Interface (UNI) standards. Enterprise Subscriber Network Access Lines provide transmission speeds of 56 kilobits per second (Kbps), 128 kilobits per second, 256 kilobits per second, 384 kilobits per second, 768 kilobits per second and 1.536 megabits per second (Mbps).

FDDI - 100 Mbps Fiber Distributed Dual Interface (ANSI X3T9)

GIGABITS PER SECOND(Gbps.): Data transfer rate for 1000 Mbps – The speed at which data is transferred through the network, where one (1) Gigabit Per Second equals the transfer rate of one (1) billion bits of data in one (1) second.

GROOMING – Allows the connection of up to 24 DSO channels, or one or more Fractional DS1 channels to a single DS1 channel. Grooming also allows the connection of up to 28 DS1 channels to a single DS3 channel.

HUB – A Company designated serving wire center which is equipped to provide private line service.

IEEE - Institute of Electrical and Electronics Engineers

INTEROFFICE CHANNEL (IOC) - The IOC is the dedicated transport facility between the Company's points of presence.

LATA - Local access and transport area. A geographic area established by the US District Court for the District of Columbia in Civil Action No. 82-0192, as modified by the FCC.

LOGICAL CHANNEL - A communications channel that allows transmission of sequenced data packets through one network. One logical channel comes standard with one 56 Kbps, 384 Kbps and 1.536 Mbps Frame Relay UNI Port With Access Line.

MAU - Multi-Station Access Unit

MAXIMUM BURST SIZE (MBS) — The maximum number of cells that can be passed to the service provider's network in a single burst at a rate that exceeds the Sustained Cell Rate (SCR), but does not exceed the Peak Cell Rate (PCR) assigned to the Variable Bit Rate (VBR) connection. Cells exceeding the MBS will be declared as nonconforming and will be discarded.

MEGABIT PER SECOND (Mbps) – The speed where data is being transferred in the network, where one Megabit Per Second equals a transfer rate of 1 million bits of data in 1 second.

NANOMETERS (nm) – Wavelength frequency equivalent to 1 billionth of a meter.

TERMS AND CONDITIONS

B. DEFINITION OF TERMS AND ABBREVIATIONS (Continued)

NETWORK ADDRESS - The numeric characters representing the origination or destination point (i.e., the UNI Port With Access Line) for each dedicated circuit accessing the Frame Relay network. The Network Address is numbered in telephone number format. One Network Address comes standard with one UNI Port With Access Line.

NETWORK MAP - The complete configuration of a Customer's Frame Relay Subscriber Network Access Lines and permanent virtual circuits, as defined by the interconnectivity of network addresses and logical channels.

NETWORK TO NETWORK INTERFACE (NNI) – The NNI port configuration is used for connecting two networks together for bi-directional messaging.

NRC - Nonrecurring Charge. Typically, but not always, associated with installation and service order activity.

PEAK CELL RATE (PCR) — The highest available rate of information transfer on a VBR connection, and the continuous cell rate allowed for CBR. Cells exceeding the sustained cell rate and below the peak cell rate will be limited to a maximum burst size.

PERMANENT VIRTUAL CIRCUITS (PVC) are the electronic equivalent of a private line between two points.

PORT CONNECTION – The point of entry into a public frame relay network service.

PREMISES - The physical space designated by the Customer for the termination of the Company's service.

RJ45 - Standard eight conductor modular jack or plug

SONET (Synchronous Optical NETwork) – the North American standard for the transmission of high capacity bandwidth over optical facilities. This synchronous transmission platform utilizes a modular multiplexing approach. Due to the large bandwidth, some of the payload is used to monitor, protect, manage, and improve the transmission of the signal.

STP - Shielded Twisted Pair

SUSTAINED CELL RATE (SCR) — The maximum rate at which VBR cells may be constantly transmitted with a high assurance that no cells will be lost. Cells transmitted within the SCR have the highest priority of the VBR traffic and will not be tagged as eligible for discard.

SYNCHRONOUS OPTICAL NETWORK (SONET) — A standards based fiber optic communication network that transports both asynchronous and synchronous digital signals using the Synchronous Transport Signal (STS) format. As defined in this service offering, ATM SONET UNI connections are provisioned as a survivable service with an alternate (not diverse) route.

SWC - Serving Wire Center.

TERMS AND CONDITIONS

B. DEFINITION OF TERMS AND ABBREVIATIONS (Continued)

TERMINAL EQUIPMENT - Telecommunications devices, apparatus and associated wiring on the premises of the Customer.

UNSPECIFIED BIT RATE (UBR) — One of four ATM Qualities of Service (QoS) supported by Verizon, UBR is a best-effort service with no performance guarantees. UBR is best suited for applications that are not delay sensitive such as web browsing, e-mail or data base queries.

USER TO NETWORK INTERFACE (UNI) – A standard interface used to connect the end user to the Frame Relay Service network. It receives the data frame from the Customer's Local Area Network (LAN) or other Customer Provided Equipment (CPE) devices and verifies that the Data Link Connection Identifier (DLCI) is valid before relaying the frame to the destination end point. The DLCI is a Frame Relay term defining a 10-bit field of the address field, and identifies data links and their service parameters.

UTP - Unshielded Twisted Pair bandwidth, some of the payload is used to monitor, protect, manage, and improve the transmission of the signal.

VARIABLE BIT RATE (VBR) — Two of the four ATM Qualities of Service (QoS) supported by Verizon. VBR is a flow of information that is bursty and does not flow at a constant rate. VBR is available as Real Time (VBRrt) and VBR non-real time (VBRnrt). An example of an application using VBR is Local Area Network (LAN) traffic.

VIRTUAL CHANNEL CONNECTION (VCC) — A connection set up by the Company based on information contained on a service order rather than by dial-up signaling. A Virtual Channel Connection (VCC) is a type of PVC, with independent identity and defined service parameters, that is provisioned via service order, and cannot be altered by the customer without additional service order activity.

VIRTUAL PATH CONNECTION (VPC) — A type of PVC with defined service parameters that is provisioned via service order. Customers may provision their own virtual channels within the VPC, provided that the sum of the service parameters of all of the virtual channels does not exceed the aggregate service parameters of the VPC.

TERMS AND CONDITIONS

C. CONTRACT SERVICE ARRANGEMENTS

Customer-specific contract service arrangements may be furnished in lieu of existing Product Guide, Part E offerings.

1. Rates, charges, term, and additional terms and conditions, if applicable, for the contract service arrangement shall be developed on an individual case basis.

2. Unless otherwise specified, the terms and conditions for contract service arrangements are in addition to the applicable terms and conditions and rates specified in this Product Guide, Part E.

D. TERMINAL EQUIPMENT

Service may be used with or terminated in Customer-provided terminal equipment. Such terminal equipment shall be furnished by and maintained at the expense of the Customer, except as otherwise provided. The Customer is also responsible for all costs it incurs in the use of service, including but not limited to equipment, wiring, electrical power, and personnel. When such terminal equipment is used, it shall in all respects comply with the generally accepted minimum protective standards of the telecommunications industry as endorsed by the Federal Communications Commission.

E. INSPECTION, TESTING AND ADJUSTMENT

.1. The Company may, upon reasonable notice, make such tests and inspections as may be necessary to determine whether Product Guide requirements are being complied with in the installation, operation, and maintenance of the Customer's or the Company's equipment. The Company may, without notice, interrupt service at any time, as necessary, because of a departure from any of these requirements and may continue such interruption until its requirements have been satisfied.

2. Upon reasonable notice, the facilities provided by the Company shall be made available to the Company by the Customer for such tests and adjustments as may be necessary for their maintenance to a condition satisfactory to the Company.

3. The Company shall not be liable to the Customer for any damages for service interruption pursuant to this Section.

TERMS AND CONDITIONS

F. INTERRUPTION OF SERVICE

1. It shall be the obligation of Customer to notify Company of any interruption of service. Before giving such notice, Customer shall ascertain that the trouble is not being caused by any action or omission of Customer or is not in wiring or equipment connected to the terminal of Company. Company's liability for service interruption is limited according to the provisions of this Product Guide, Part A.

2. When service is interrupted for four hours or more, Company will, upon request by Customer, issue a credit computed as set forth below, provided such interruption is not determined by Company to have been caused by the negligence or willful action of Customer, or any other person at Customer's terminal location, or by the failure of Customer's equipment or power supply.

3. Credit is computed by multiplying the monthly rate for service by the ratio that the number of hours in the period of interruption bears to 720 hours. For the purpose of this computation, each month shall be considered to have 720 hours. The credit shall be based upon the non-usage charges for the month during which the interruption occurred, excluding equipment and access line charges.

4. An interruption is measured from the time Company detects trouble or Customer notifies Company of the interruption by an expeditious means, until the trouble is cleared. Each interruption is considered separately for the purposes of establishing credit allowance. No credit shall be given for an interruption of service of less than four hours. The credit for a billing period shall not exceed the monthly rate.

G. PROVISION OF SERVICE

Services are provided only in those geographic areas where facilities exist, where the Company has in its discretion determined (subject to applicable law) to provide services, and where the Company is authorized to provide services. Services offered under this Product Guide are subject to availability.

H. SPECIAL CONSTRUCTION

The terms and conditions, rates and charges for special construction are set forth in contracts between the Company and the Customer and apply in instances where substantial construction costs with no foreseeable reuse of facilities is forecast. The Special Construction rates and charges are in addition to the terms and conditions, rates and charges specified in this Product Guide.

TERMS AND CONDITIONS

I. TERMINATION BY NOTICE

Subscribers of services based on packet, optical and wave technology, including Frame Relay Service, Transparent LAN Services, Asynchronous Transfer Mode Cell Relay Service (ATMCRS), and data services in bandwidths greater than 1.5 Mbps may terminate such services by giving 30 days' notice, either written or electronic. Subscriber requests to disconnect services should be submitted via the Company's online account management tool, at https://enterprisecenter.verizon.com. Notice is deemed effective only if the subscriber receives confirmation of receipt from the Company; subscriber should contact its account representative or Company's customer service if it does not receive such confirmation within two business days.

J. AVAILABILITY OF SERVICE

Company's service is furnished to Customers for advanced data communications originating and terminating within the State of New York under the terms and conditions of this Product Guide, Part E. Company's service is available twenty-four hours per day, seven days per week, unless otherwise specified herein.

Company arranges for installation, operation, and maintenance of the service provided in this Product Guide, Part E for Customer in accordance with the terms and conditions set forth in this Product Guide, Part E.

K. MILEAGE MEASUREMENT

The mileage to be used to determine the monthly rate for the Channel Mileage is calculated on the airline distance between the locations involved, i.e., the serving wire centers associated with two Customer-designated premises; a serving wire center associated with a Customer-designated premises and a Network Controller location or Company Hub; a serving wire center associated with a Customer-designated premises and an expanded Interconnection multiplexing location; an expanded Interconnection multiplexing location and a Company Hub where multiplexing functions are performed; or two Company Hubs. The serving wire center associated with a Customer-designated premises is the serving wire center from which the Customer-designated premises would normally obtain a dial tone.

The mileage to be used to determine the monthly rate for the Channel Mileage is calculated on the airline distance between the locations involved, i.e., the serving wire centers associated with two Customer-designated premises, a serving wire center associated with Customer-designated premises and a Network Controller location or a Company Hub; a serving wire center associated with a Customer-designated premises and expanded interconnection multiplexing location and a Company Hub where multiplexing functions are performed; or two Company Hubs. The serving wire center associated with a Customer-designated premise is the serving wire center from which the Customer-designated premises would normally obtain dial tone.

TERMS AND CONDITIONS

K. MILEAGE MEASUREMENT (Continued)

When Hubs are involved, mileage is computed and rates applied separately for each section of the Channel Mileage, i.e., Customer-designated premises serving wire center, expanded interconnection multiplexing node or virtual collocation arrangement. However, when any service is routed through a Hub for purposes other than Customer specified bridging, multiplexing, grooming, vertical service, rates will be applied only to the distance calculated between the serving wire centers associated with the Customer-designated premises.

Formula: $$\sqrt{\frac{(V_1V_2)^2+(H_1H_2)^2}{10}}$$

L. FACILITIES HUBS

The Customer has the option of ordering analog facilities or digital high capacity facilities (i.e., DS1, DS1C or DS3) to a facility Hub for channelizing to individual services requiring lower capacity facilities.

Different locations may be designated as Hubs for different facility capacities, e.g., multiplexing from digital to analog may occur at one location while multiplexing from digital to digital may occur at one location while multiplexing from digital to analog may occur at a different location. Locations (wire centers) that provide multiplexing of High Capacity Services have been designated as Intermediate Hubs, Super-Intermediate Hubs or Terminus hubs. When ordering, the Customer will specify the desired multiplexing Hub(s) or grooming Hubs, as applicable.