

XO™ Carrier DIA Service Level Agreement (“SLA”)

XO Dedicated Internet Access (DIA) Services are backed by specific service level guarantees.

Network Availability Guarantee - 100%

The XO® IP Network, as defined in this section, is guaranteed to be available and capable of forwarding IP packets 100% of the time, as averaged over a calendar month. The XO IP network includes the customer's access port (the port on the XO aggregation router upon which the customer's circuit terminates) and the XO IP backbone network. The XO IP backbone network includes XO owned and controlled routers and circuits (including any transit connections).

If the Network Availability guarantee is not met in a calendar month, the customer will receive a credit of 1/30th of the Monthly Recurring Charge (MRC) for that month for each full hour of outage in excess of the 100% guaranteed under this SLA. Limits on the credit and the reporting procedures are detailed below.

Latency Guarantee (55 Milliseconds)

The XO® IP backbone network (as defined in the previous section) is guaranteed to have an average round trip packet transit time within the XO IP backbone network over a calendar month of 55ms or less. The average latency is measured as the average of 15-minute samples across the XO IP backbone network taken throughout the calendar month.

If the Latency guarantee is not met in a calendar month, the customer will receive a credit of 1/30th of the Monthly Recurring Charge (MRC) for that month for each full 1ms above the 55ms average maximum guaranteed under this SLA. Limits on the credit and the reporting procedures are detailed below.

Packet Loss

The XO® IP backbone network (as defined above) is guaranteed to have a maximum average packet loss of less than 1% over a calendar month. The packet loss is measured as the average of 15-minute samples across the XO IP backbone network taken throughout the calendar month.

If the Packet Loss guarantee is not met in a calendar month, the customer will receive a credit of 1/30th of the Monthly Recurring Charge (MRC) for that month for each full 1% above the 1% average maximum guaranteed under this SLA. Limits on the credit and the reporting procedures are detailed below.

Network Jitter Guarantee

The average network jitter delay caused by the XO® IP backbone network (as defined above) is guaranteed not to exceed 1ms during any calendar month.

If this Guarantee is not satisfied during a calendar month, the customer will be credited 1/30th of the Monthly Recurring Charge (MRC) for each full millisecond (1ms) exceeding the 1ms average. Limits on the credit and the reporting procedures are detailed below.

Credit Limits and Reporting Procedures

Total credits under this SLA are limited to the Monthly Recurring Charge (MRC) for the affected DIA service for the month in which the service does not meet the guarantees. The above guarantees do not include the local access circuit (e.g. local loop), Customer Premises Equipment (router or CPE) or the customer's Local Area Network (LAN), scheduled maintenance events, customer caused outages or disruptions, interconnections to or from and connectivity within other Internet Service Provider (ISP) networks, and force majeure events (as defined in the relevant service contract).

Please call XO Customer Care at **1.888.575.6398** to request a SLA credit

Rev. 10/01/09