



VCC Service Availability. Five9's VCC Service shall be available to make and receive calls on a twenty-four (24) hours a day/seven (7) days a week basis, with targeted uptime of at least 99.999% on a calendar month basis, exclusive of permitted downtime (the unavailability of the VCC Service because of either scheduled maintenance or events beyond the reasonable control of Five9). For purposes of clarification, Customer understands that events beyond the reasonable control of Five9 include, but are not limited to, (i) Customer's network or equipment malfunctions; (ii) service interruptions caused by the independent telecommunications providers Five9 contracts with to provide voice connectivity to Five9; or (iii) force majeure events as defined in the Agreement.

In the event Five9 does not meet the Service Availability listed above for three consecutive calendar months, Customer shall have the right to terminate the Agreement without penalty. Five9 agrees that upon settlement of any and all outstanding charges owed by Customer, Five9 will refund the pro-rata portion (remainder in months, rounded down) prepaid VCC Agent Seat fees for service not yet delivered. Customer understands that termination of this Agreement does not entitle Customer to a refund of any fees for services delivered by Five9 up to the date of termination.

In the event Five9 does not meet the Service Availability listed above, Customer may be eligible to receive a service credit for the affected month. To receive a credit, Customer must make a written request to Five9 (to Five9 Customer Support and/or your account manager) within 30 days of the service incident. Amount of service credit will depend upon length and severity of service outage and shall be calculated as a percentage of monthly VCC Agent Seat fees (excluding telecom charges that may be included) for a given calendar month as shown below.

For monthly down time beyond Service Availability of:

- Less than two hours: credit of up to 5%
- Two or more hours: credit of up to 10%