140 West Street 27<sup>th</sup> Floor New York, NY 10007 Tel (212) 321-8115 Fax (212) 962-1687 richard.fipphen@verizon.com

Richard C. Fipphen Assistant General Counsel



February 6, 2014

Honorable Kathleen H. Burgess Secretary New York Public Service Commission Three Empire State Plaza Albany, New York 12223

Re: Matter 14-\_\_\_\_ – Petition of Verizon New York Inc. for Limited Orders of Entry for 31 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Limited Orders of Entry for 31 Multiple-Dwelling Unit Buildings in the City of New York.

Each respondent named in the Petition has been served with a paper copy of the Petition and accompanying Exhibit 1. Due to its size, a paper copy of Exhibit 2 has not been provided to each respondent. Instead, Exhibit 2 has been posted on a public webpage and can be found at <a href="http://www22.verizon.com/about/community/nypsc\_petitions.htm">http://www22.verizon.com/about/community/nypsc\_petitions.htm</a>.

If any of the respondents believe that they have been included in this Petition in error or are now willing to allow a survey of their property in preparation for installation of Verizon's cable television facilities at their building, they should contact me at the above email address.

Respectfully submitted,

Ruber C. Tolan

Richard C. Fipphen

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 31 Multiple-Dwelling Unit Buildings in the City of New York

Matter 1	l <b>4-</b>
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#### PETITION FOR LIMITED ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Limited Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to conduct a pre-installation survey at 31 multiple-dwelling unit buildings ("MDUs") in the City of New York. In support of this Petition, Verizon states as follows:

## **Specific Location of the Properties**

1. Verizon seeks to conduct a pre-installation survey, in preparation for future installation of cable television facilities, at the 31 MDUs listed in Exhibit 1. Each MDU is a residential building; the number of living units in each MDU is set forth in column D of Exhibit 1. The owner or managing agent of each MDU listed on Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access for purposes of performing a pre-installation survey, or (2) affirmatively denied Verizon's request for access. Column I of Exhibit 1 sets forth the type of response received for each building.

#### **Owners and Agents**

2. The names of the current owners and managing agents of each MDU are listed in Columns E, F and G of Exhibit 1.

## **Description of the Work to be Performed**

3. By this Petition, Verizon seeks permission to enter each MDU to conduct a preinstallation survey, in preparation for future installation of Verizon's cable television facilities at the MDU, to allow Verizon to provide cable television service to residents in the MDU.

## <u>Proof of Service of Notice of Intention to Install Cable Television Facilities</u> and Service

4. Each MDU owner and/or managing agent received two letters from Verizon. Each letter was accompanied by a Notice of Intention to Install Cable Television Facilities and Service, as required by 16 NYCRR Part 898. Mailing dates of the notices for each building are set forth in Column H of Exhibit 1. Supporting documentation, including proof of delivery (if available), is provided in Exhibit 2.

#### Name of the Individual Responsible for Installation

5. Thomas E. Miller, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed pre-installation surveys.

#### Indemnification

6. Verizon warrants that it will bear the entire cost of each survey. Verizon further warrants that it will indemnify the owner of each MDU for any damage that may be caused by Verizon in connection with the survey.

# <u>Pre-Installation Survey Work will be Conducted Without Prejudice to the Owner's Right to Receive Just Compensation</u>

7. The proposed pre-installation survey work will be conducted without prejudice to the rights of the owner of each MDU to receive just compensation in accordance with 16 NYCRR § 898.2.

Summary of Verizon's Efforts to Gain Entry to the Buildings for the

**Pre-Installation Surveys** 

8. Verizon's formal efforts are set forth in Column H of Exhibit 1.

**Opportunity for the Owner to Answer the Petition** 

9. The owner of each MDU listed in Exhibit 1 has twenty (20) days from receipt of

this Petition to file an answer. The answer must be responsive to this Petition and may set forth

any additional matter not contained herein.

WHEREFORE, Verizon respectfully requests that the Commission grant Verizon the

relief requested herein and issue an Order pursuant to 16 NYCRR § 898.4 permitting Verizon to

conduct a pre-installation survey at each MDU, together with such other relief as the

Commission may deem just and proper.

Respectfully submitted,

Pulsa C. Top RICHARD C. FIPPHEN

140 West Street, 27<sup>th</sup> floor

New York, New York 10007

(212) 321-8115

Counsel for Verizon New York Inc.

Dated: New York, New York February 6, 2014

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## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

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#### AFFIRMATION OF KEEFE B. CLEMONS

Keefe B. Clemons, an attorney admitted to practice in the courts of the State of New York, affirms under penalty of perjury, pursuant to CPLR 2106, as follows:

- 1. I am an officer of the petitioner Verizon New York Inc.
- 2. I am not a party to this action.
- 3. I have read the foregoing Petition and I know its contents. To the best of my knowledge, based on information provided to me by employees of the Petitioner and its affiliates, the foregoing Petition is true.

Lufe B. Clemons

**KEEFE B. CLEMONS** 

Dated: New York, New York February 6, 2014

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 31 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-\_\_\_\_

#### **DECLARATION OF LAURA A. SHINE**

A complete copy of the Petition of Verizon New York Inc. for Limited Orders of Entry for 31 Multiple-Dwelling Unit Buildings in the City of New York was sent on February 6, 2014 by First Class U.S. Mail to the persons on the attached Service List.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

LAURA A. SHINE

Dated: New York, New York February 6, 2014 2411 Adam Clayton Powell LLC c/o Granite International Management LLC Attn: Catherine Economakis 138 Atlantic Avenue Brooklyn, NY 11201 Manhattan Building Management, LLC c/o NYC Management, LLC Attn: Michael Besen 381 Park Avenue South, 15<sup>th</sup> Floor New York, NY 10016

Eastside Ventura LLC Attn: Joseph Sbiroli 149-45 Northern Blvd, Suite 6V Flushing, NY 11354 2110 Arthur Owners LLC c/o Rockaway Capital Partners LLC Attn: Aaron Solomon 207 Rockaway Turnpike, Suite 300 Lawrence, NY 11559

2085 Lexington Operating Corp. c/o A.S.A. Managing Partners
Attn: Annie Assouline
415 East 75<sup>th</sup> Street, 1<sup>st</sup> Floor
New York, NY 10021

166 West 72<sup>nd</sup> Street LLC Attn: Allan Goldman 640 Fifth Avenue New York, NY 10019

Future Purchase LLC c/o Renaissance Realty Group LLC Attn: Perry Mitchell 1946 Coney Island Avenue Brooklyn, NY 11223 Bronx 360 Realty LLC c/o TUC Management Co. Attn: Jeffrey Gold 200 West 57<sup>th</sup> Street, Suite 702 New York, NY 10019

Dimitry Geyber 4816 Bedford Avenue, Apt. E- 3C Brooklyn, NY 11235 Eastern Estates LLC Attn: David Sputz 490 New York Avenue, Suite 1A Brooklyn, NY 11225 All Saints HDFC Inc. c/o The Wavecrest Management Team Attn: Gerry Puente 87-14 116<sup>th</sup> Street

Rraci Real Estate Corp. Attn: Hajdin Rraci 2138 Williamsbridge Road Bronx, NY 10461

549 Realty Corp. Attn: John Smith 342 East 236<sup>th</sup> Street Bronx, NY 10470

Richmond Hill, NY 11418

Ennismore Apartments, Inc. c/o R.C.R. Management, LLC Attn: Ari Paul 155 Riverside Drive New York, NY 10024

251 Central Park West Housing LLC c/o Orwell Management
Attn: Earle Saunders
1 West 85<sup>th</sup> Street, Suite 4A
New York, NY 10024

1200 Gravesend Neck Owners Corp. c/o Chestnut Holdings of NY Inc.
Attn: Ben Rieder
5676 Riverdale Avenue, Suite 307
Bronx, NY 10471

Cumberland Apts. L.P. c/o New Park Management Attn: Mayer Brandwein 110 East 55<sup>th</sup> Street New York, NY 10022

Rockaway 154 LLC Attn: Yechiel Weinberger 4711 12<sup>th</sup> Avenue Brooklyn, NY 11219

Dubor Associates c/o R.Y. Management Co., Inc. Attn: Robert Vaccarello 1619 Third Avenue New York, NY 10128 724 East 27<sup>th</sup> Street LLC c/o Jonas Equities Inc. Attn: Moshe Rhine 725 Church Avenue Brooklyn, NY 11218 1296 Realty LLC c/o Pinnacle Group Attn: Edward Suazo 1 Penn Plaza, Suite 4000 New York, NY 10119

666 East 233 LLC Attn: David Radoncic 3425 Kingsbridge Avenue Bronx, NY 10463

Carroll Flats LLC Attn: Mike Spera 5014 16<sup>th</sup> Avenue, Suite 191 Brooklyn, NY 11204 457 Schenectady LLC c/o Pinnacle Group Attn: Marc Barhorin 1 Penn Plaza, Suite 4000 New York, NY 10119

518 East 80<sup>th</sup> Street Co. LLC Attn: Matla Wiener 518 East 80<sup>th</sup> Street, Apt. 4B New York, NY 10075 Twin Parks, L.P. c/o Reliant Realty Services Inc. Attn: Pen Wisneski 885 Second Avenue, 31<sup>st</sup> Floor New York, NY 10017

Glendoa Briarwood Corp. Attn: Stuart Milstein 9 East 38<sup>th</sup> Street, 6<sup>th</sup> Floor New York, NY 10016 Gentry Apartments Inc. c/o Excel Bradshaw Management Attn: Thomas Randazzo 501 Surf Avenue Brooklyn, NY 11224

Dubor Associates c/o R.Y. Management Co., Inc. Attn: Robert Vaccarello 1619 Third Avenue New York, NY 10128 Bethune Towers Associates c/o Dalton Management Co. Attn: Ronald Dawley 60 East 42<sup>nd</sup> Street, Suite 1835 New York, NY 10165 Dunbar Owner LLC c/o Affordable Apartment Management

Attn: Jeffrey Fitts 226 West 150<sup>th</sup> Street New York, NY 10039