140 West Street 6<sup>th</sup> Floor New York, NY 10007 Tel (212) 519-4718 richard.fipphen@verizon.com

Richard C. Fipphen Assistant General Counsel



March 17, 2015

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

Re: Matter 15-\_\_\_\_ – Petition of Verizon New York Inc. for Limited Orders of Entry for 28 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 28 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,

Pulm C. Tyl

Richard C. Fipphen

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 28 Multiple-Dwelling Unit Buildings in the City of New York

Matter 1:	5
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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 28 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 28 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 is provided in Exhibit 2.

#### Name of the Individual Responsible for Installation

5. Alyson Seigal, 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.

# <u>Summary of Verizon's Efforts to Gain Entry to the Buildings for the Pre-Installation Surveys</u>

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,

Pulm C. Top

RICHARD C. FIPPHEN

140 West Street, 6<sup>th</sup> Floor

New York, New York 10007

(212) 519-4718

Counsel for Verizon New York Inc.

Dated: New York, New York

March 17, 2015

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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.

Leefe B. Clemons

**KEEFE B. CLEMONS** 

Dated: New York, New York March 17, 2015

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 28 Multiple-Dwelling Unit Buildings in the City of New York

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

A copy of the Petition of Verizon New York Inc. for Limited Orders of Entry for 28

Multiple-Dwelling Unit Buildings in the City of New York was sent on March 17, 2015 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 March 17, 2015

### SERVICE LIST

303-305 East 93, LLC

c/o J P Thompson Associates, Inc.

Attn: Jane Thompson

250 West 57th Street, #1300

New York, NY 10107

259 West 10th LLC

c/o A & R Kalimian Realty

Attn: Hanna Sivinov

600 Lexington Avenue, 14th Floor

New York, NY 10022

131 Sullivan Mgt. Corp.

Attn: John Paravalo

105 Clay Street

Brooklyn, NY 11222

168 Norfolk Street HDFC

Attn: Aracelis Nunez

168 Norfolk Street

New York, NY 10002

723 Realty LLC

Attn: Jason Korn

2003 Avenue J, #1C

Brooklyn, NY 11210

Third Housing Company, Inc.

c/o Electchester Management LLC

Attn: Matthew Jennings

158-11 Jewel Avenue, #2

Flushing, NY 11365

The Monarch Condominium

c/o Lasala Management, Inc.

Attn: William J. Archer 66 Palmer Avenue, #43

Bronxville, NY 10708

184th Realty Group LLC

Attn: Zachary Magid

66 Highland Avenue

Roslyn, NY 11576

J. P. Feldman Company, LLC

c/o PWB Management Corp.

Attn: Thomas Webler

330 East 204th Street

Bronx, NY 10467

333 E. 150 Street Realty LLC

Attn: Earl Bailey

333 East 150th Street, #1

Bronx, NY 10451

Nosotros HDFC Attn: Martin Rivera

1465 Nelson Avenue Bronx, NY 10452 1650 BLHC Services Corp.

Attn: Dana Marte 1276 Fulton Avenue Bronx, NY 10456

Highbridge Community Development Corp.

Attn: Mark Mazzella 1465 Nelson Avenue, #A Bronx, NY 10452 1801 Loring Associates, LLCAttn: Robert Hershkowitz3240 East Tremont Avenue

Bronx, NY 10461

Nina Dunn HDFC Attn: Bruce Smith

1670 Longfellow Avenue, #1F

Bronx, NY 10460

Mosholu Avenue Apartment Corp. c/o Metro Management & Development, Inc.

Attn: Steven Berisha 42-25 21st Street

Long Island City, NY 11101

**Zell Corporation** 

Attn: Dom Petruzzelli

P.O. Box 916 Rye, NY 10580 El Cemi HDFC, Inc. c/o MHR Management Attn: Maria Rosado

1191 Broadway, 1st Floor Brooklyn, NY 11221

90 East End Ave Condominium c/o Eckstein Development

Attn: Eric Ekstein

415 Madison Avenue, 5th Floor

New York, NY 10017

Phoenicia Properties LLC c/o Verco Properties LLC Attn: Christopher Verni One Station Plaza, #2A Mamaroneck, NY 10543 Pella Realty Corp.

Attn: George Kelesidis 15 Lawton Street, #48 Brooklyn, NY 11221 Lafayette Artists Corp. c/o Irvine Realty Group, Inc.

Attn: Rosemary Nash

122 East 55th Street, 3rd Floor

New York, NY 10022

East 36th Street Realty Associates LLC

Attn: Beth Walman

200 West 86th Street, #19C

New York, NY 10024

Seville Associates LLC c/o Fairline Management

Attn: Neil Polon

377 Fifth Avenue, 5th Floor

New York, NY 10016

76 Madison Avenue Condominium c/o Andrews Building Corp.

Attn: Dana Gordon

666 Broadway, 12th Floor

New York, NY 10012

Marchi Realty Corp.

Attn: Robert Marchi 251 East 31st Street

New York, NY 10016

Hamilton Heights Cluster Associates, LP

c/o Urban Green Management

Attn: Eric Anderson 340 Pleasant Avenue New York, NY 10035 170 Vermilyea LLC c/o Executive Towers

Attn: Joel Kohen

514 West 184th Street, Basement

New York, NY 10033