140 West Street
6<sup>th</sup> Floor
New York, NY 10007
Tel (212) 519-4718
Fax (212) 962-1687
richard.fipphen@verizon.com

Richard C. Fipphen Assistant General Counsel



March 23, 2015

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

Re: Case 15-V-\_\_\_\_ – Petition of Verizon New York Inc. for Orders of Entry for 26 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Orders of Entry for 26 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 26 properties. Verizon requests that orders of entry be issued by the Commission directing the owner of each building to permit Verizon to install cable television facilities, as provided in Section 898.4(b)(9) of the Commission's Rules.

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 installation of Verizon's cable television facilities at their building, they should contact me at the above email address.

Respectfully submitted,

Pulse C. July

Richard C. Fipphen

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 26 Multiple-Dwelling Unit Buildings in the City of New York

Case 1	15-V	_
--------	------	---

#### PETITION FOR ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber-optic facilities to provide cable television service at 26 multiple-dwelling unit ("MDU") buildings in the City of New York. In support of this Petition, Verizon states as follows:

## **Specific Location of the Properties**

1. Verizon seeks to install fiber-optic facilities to provide cable television service at the 26 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 in Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access to install fiber-optic facilities to provide cable television service, 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 install fiber-optic facilities to provide cable television services to residents and businesses in each building. These fiber-optic

facilities will also allow Verizon to provide voice telephony and broadband services in the building. Pre-installation surveys of each property have been completed. Column J of Exhibit 1 sets forth the type of installation that Verizon intends to use for each building.

### Proof of Service of Notice of Intention to Install Cable Television Facilities and Service

4. After several unsuccessful attempts by Verizon to secure permission to start the proposed fiber-optic installation, each owner and/or managing agent received a letter from Verizon along with a Notice of Intent to Install Cable Television Facilities. 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 installations.

## **Indemnification**

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

# <u>Installation Work Will Be Conducted without Prejudice to the Owner's Right to Receive Just Compensation</u>

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

### **Summary of Verizon's Efforts to Gain Entry to the Buildings**

8. Verizon's formal efforts to gain entry to the identified properties are set forth in Column H of Exhibit 1. In addition to those efforts, Verizon has attempted to contact the owners

and managing agents by telephone and/or e-mail to secure access to the properties, without

success.

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

9. The owner of each building listed on 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 matters 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

install cable television facilities at each building, 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: March 23, 2015

3

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 26 Multiple-Dwelling Unit Buildings in the City of New York

Case 15-V-\_\_\_\_

### 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.

KEEFE B. CLEMONS

Dated: New York, New York March 23, 2015

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 26 Multiple-Dwelling Unit Buildings in the City of New York

Case 15-V-\_\_\_\_

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

A copy of the Petition of Verizon New York Inc. for Orders of Entry for 26 Multiple-Dwelling Unit Buildings in the City of New York was sent on March 23, 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 23, 2015

### SERVICE LIST

LEAB Holding Corp.
Attn: Alfredo De Jesus
88 Middle Neck Road
Great Neck, NY 11021

149 St LLC c/o Zara Realty Holding Corp. Attn: Rajesh Subraj 166-07 Hillside Avenue Jamaica, NY 11432

Jaxboro Corp. c/o All Area Realty Services Inc. Attn: Anastasios Magoulas 99 Tulip Avenue, #302 Floral Park, NY 11001 The Winston, LLC c/o Steven S. Manage. LLC Attn: Alan Hoffman 40-70 Hampton Street, Management Office Elmhurst, NY 11373

Westleigh Co, LLC Attn: Erik Rodie 1500 Paerdegat Avenue North Brooklyn, NY 11236 86-15 Realty Co., LLC c/o Miller & Miller Management Attn: Robert Miller 363 Westchester Avenue Port Chester, NY 10573

Chelsea Morning Apt. Corp. c/o ABC Realty Attn: Bill Harra 152 West 57th Street, 12th Floor New York, NY 10019

Lam Gen 25 LLC c/o Liberty Management Attn: Tom Benincase 109 Spencer Place Mamaroneck, NY 10543

152 W. 58 St. Owners Corp. c/o Matthew Adam Properties Attn: Janusz Sikora 127 East 59th Street, 3rd Floor New York, NY 10022 1503 Lexington Associates LLC c/o Liberty Management Attn: Tom Benincase 109 Spencer Place Mamaroneck, NY 10543

1627 Park Ave LLC c/o Eli Park Realty Corp. Attn: George Abi-Hassoun 1627 Park Avenue New York, NY 10029

PMV Realty Management, LLC Attn: Peter Vataj 266 Bedford Park Bronx, NY 10458

G&M Properties HP HDFC, Inc.
Attn: Danny Serrano
1605 Martin Luther King Jr. Boulevard
Bronx, NY 10453

Crotona Park Redevelopment LLC c/o Alma Realty Corp.
Attn: John Mavroudis
31-10 37th Avenue, #500
Long Island City, NY 11101

J.M.S. Realty Management LLC Attn: John Sheehan 2130 Williamsbridge Road, #1G Bronx, NY 10461 104-106 East 81st Street LLC c/o Sol Goldman Investments, LLC Attn: Elvis Kojasevic 1185 6th Avenue, 10th Floor New York, NY 10036

344 East 85th St LLC c/o TR Property Management Group LLC Attn: David Soltero 130 East 59th Street, #14A New York, NY 10022 451 West 48th Street HDFC c/o HSC Management Corp.
Attn: Myra Caban
850 Bronx River Road
Yonkers, NY 10708

60-62 Lispenard LLC Attn: Howard Lepow 6 East 79th Street New York, NY 10075 235 West 71st Development LLC c/o First Services Residential Attn: Stuart Spiro 622 3rd Avenue, 15th Floor New York, NY 10017

Duane Street Island Corp.
Attn: Margaret Newman
177 Duane Street, 4th Floor
New York, NY 10013

108-114 Wooster Street Corporation c/o Andrews Building Corp.
Attn: Vivan Robinson
666 Broadway, 12th Floor
New York, NY 10012

L. Brusco LLC c/o Fenwick Keats Management Attn: Jeffrey Wolk 419 Park Avenue South, 7th Floor New York, NY 10016

574 Amsterdam Realty Corp. Attn: Sybil Rosenberg 3 Brassie Road Eastchester, NY 10709

Belair Corp. c/o Mark Greenberg Real Estate Co. LLC Attn: Robert D'Aimco 1981 Marcus Avenue, #C131 Lake Success, NY 11042 25 Fifth Avenue Condominium c/o The Lovett Company Attn: Ellen Kornfeld 10915 14th Avenue College Point, NY 11356