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



April 9, 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 37 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 37 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. John

Richard C. Fipphen

### STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 37 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-\_\_\_\_

## 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 37 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 37 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> <u>and Service</u>

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. 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</u> <u>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</u> <u>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,

Ruber C. Def

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 April 9, 2014

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 37 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-\_\_\_\_

## **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 April 9, 2014

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 37 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-\_\_\_\_

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

A copy of the Petition of Verizon New York Inc. for Limited Orders of Entry for 37

Multiple-Dwelling Unit Buildings in the City of New York was sent on April 9, 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.

Shine

Dated: New York, New York April 9, 2014

#### SERVICE LIST

346 West 53<sup>rd</sup> Street Realty Corp.
Attn: Antonio Disaverio
41-63 71<sup>st</sup> Street
Woodside, NY 11377

1689 First Avenue Inc.Attn: Abdul Azizi72 Yukon DriveWoodbury, NY 11797

322 East 93rd Street LLC c/o Castagnello Realty LLC Attn: Gail Castagnello 221 West 79th Street, Apt. 2F New York, NY 10024

634 East 11<sup>th</sup> Street Corp.
Attn: Kwei Chu
63 Avenue A, Suite 16C
New York, NY 10009

Grove 44 Associates, LLC c/o R.A. Cohen & Associates, Inc. Attn: Ralph Della Cava 60 East 42<sup>nd</sup> Street, Suite 850 New York, NY 10165

605 East 169<sup>th</sup> Street HDFC Attn: Sarah Williams 605 East 169<sup>th</sup> Street, Apt. 5D Bronx, NY 10456

770 Associates LLC
Attn: Luga Gjonlekaj
770 E 225<sup>th</sup> Street, Basement
Bronx, NY 10466

1144 Pelham Parkway LLCAttn: Hajdin Rraci2138 Williamsbridge RoadBronx, NY 10461

Bayberry Greens Condominium c/o Delkap Management Inc. Attn: Joeiann Locito 82-12 151<sup>st</sup> Avenue Howard Beach, NY 11414

Bowne Overseas LLC c/o Orin Management Attn: Orin Management 37-04 Parsons Boulevard Flushing, NY 11354 Linmar, L.P. c/o Abington Holding Corp. Attn: Abe Kalimian 950 Third Avenue, 27<sup>th</sup> Floor New York, NY 10022

Seven Hills Management Inc. Attn: Christos Ifantides 41-42 Elbertson Street, Apt. 206 Elmhurst, NY 11373

Coral Gardens Owners Inc. c/o SLJ Properties, LLC Attn: Leonard Jacobs 144-63 35<sup>th</sup> Avenue, Suite 1G Flushing, NY 11354 JMK Property Three LLC c/o Michael Young Realty Inc. Attn: Michael Young 144-15 41<sup>st</sup> Avenue Flushing, NY 11355

Kew Gardens BAP LLC Attn: Paul Reich 73-07 153<sup>rd</sup> Street, Apt. 1A Flushing, NY 11367

140-65 Beech Owners Corp.c/o Malek ManagementAttn: Robert Malek1491 Coney Island AvenueBrooklyn, NY 11230

Princeton Construction Corp. Attn: Greg Marks 95-25 Queens Boulevard, Room 1014 Rego Park, NY 11374 Maryland Leasing, L.P. c/o Kings & Queens Residential LLC Attn: Gary Flamenbaum 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

JMK Property Two LLC c/o Michael Young Realty Inc. Attn: Michael Young 144-15 41<sup>st</sup> Avenue Flushing, NY 11355

Dartmouth Cooperative c/o Metro Management Development Attn: Jerry Edley 42-25 21<sup>st</sup> Street Long Island City, NY 11101 Syl-Len Realty Corp. Attn: Bruce Rubel 175-61 Hillside Avenue, Suite 300 Jamaica, NY 11432 Vineyard Cooperative c/o Orsid Realty Corp. Attn: Neil Davidowitz 1740 Broadway, 2<sup>nd</sup> Floor New York, NY 10019

Kew Gardens BAP LLC Attn: Paul Reich 73-07 153<sup>rd</sup> Street, Apt. 1A Flushing, NY 11367

Kew Gardens BAP LLC Attn: Paul Reich 73-07 153<sup>rd</sup> Street, Apt. 1A Flushing, NY 11367 Kew Gardens BAP LLC Attn: Paul Reich 73-07 153<sup>rd</sup> Street, Apt. 1A Flushing, NY 11367

Kew Gardens BAP LLC Attn: Paul Reich 73-07 153<sup>rd</sup> Street, Apt. 1A Flushing, NY 11367

Martinique Realty Associates c/o Argo Real Estate LLC Attn: Perry Levitt 50 West 17<sup>th</sup> Street, 6<sup>th</sup> Floor New York, NY 10011 Auburn Leasing Limited Liability Company c/o Kings & Queens Residential LLC Attn: Steven Goldberg 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

General Apartment Corp Condominium c/o BPC Management Attn: Rick Manero 80 Livingston Street Brooklyn, NY 11201

Attn: Jacob Landau 1225 39<sup>th</sup> Street Brooklyn, NY 11218

89-19 Tenants Corp.

Kew Gardens BAP LLC

Colden Owners Corp. c/o FirstService Residential Attn: Freddie Rodriquez 622 Third Avenue, 15<sup>th</sup> Floor New York, NY 10017

Burns Management Co. LLC Attn: Rachel Pinkhasov 63-07 Saunders Street, Suite 1F Flushing, NY 11374

WM 30 Park, LLC c/o Windsor Property Management Attn: Devon Blais 165 East 66<sup>th</sup> Street, Suite 17E New York, NY 10065

Sydney Engel Associates, L.P. c/o Essex Plaza Management Attn: Ada Torres 1833 Amsterdam Avenue New York, NY 10031

45th Avenue Housing Company c/o Douglas Elliman Property Management Attn: Edward Ermler 140-16 45<sup>th</sup> Avenue Flushing, NY 11355 Woodner House Condo c/o Four Seasons Management Attn: Jessica Chang 22-30 119<sup>th</sup> Street College Point, NY 11356

Israel Senior Citizens Housing Development Fund Corp.
c/o Jasa Housing Management Services for the Aged
Attn: Donald Manning
132 West 31<sup>st</sup> Street, 15<sup>th</sup> Floor
New York, NY 10001