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

Richard C. Fipphen Assistant General Counsel



May 22, 2014

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

Re: Case 14-V-\_\_\_\_ – Petition of Verizon New York Inc. for Orders of Entry for 53 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 53 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 53 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 53 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-V
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#### 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 53 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 53 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, 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 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: May 22, 2014

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# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 53 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-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.

Lufe B. Clemons

KEEFE B. CLEMONS

Dated: New York, New York May 22, 2014

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 53 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-V-\_\_\_\_

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

A copy of the Petition of Verizon New York Inc. for Orders of Entry for 53 Multiple-Dwelling Unit Buildings in the City of New York was sent on May 22, 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. SH

Dated: New York, New York May 22, 2014

### SERVICE LIST

Willis Avenue Housing c/o Lemle & Wolff, Inc. Attn: Jessica Foster 5925 Broadway Bronx, NY 10463

East 220 Holdings LLC Attn: Omid Cohen 1840 Phelan Place, Suite F Bronx, NY 10453

3544 LLC Attn: Nick Gazivoda 287 East Gun Hill Road Bronx, NY 10467 4026 Carpenter Avenue LLC c/o Chappaqua Realty & Management Co. Attn: Rita Blanco 4 S Evarts Avenue Elmsford, NY 10523

1386 Associates, LLC c/o SDG Management Corp. Attn: Noey Matos 888 7th Avenue, 24th Floor New York, NY 10106

Highbridge Community Housing Dev. Attn: Mark Mazzella 1465 Nelson Avenue, Suite A Bronx, NY 10452

Bx Washington LLC c/o 1288 Washington LLC Attn: Allen Gross 1658 Coney Island Avenue, Suite 2F Brooklyn, NY 11230

137 E 26 Realty LLCAttn: Stanley Wasserman145 Huguenot Street, Suite 503New Rochelle, NY 10801

E&M Management Harlem Attn: Yehuda Ruzorsky 102 East 116th Street New York, NY 10029 Elk 525 East 81st LLC c/o Elk Investors Attn: Edward Kamkhin 489 Fifth Avenue, 7th Floor New York, NY 10017 Diego Beekman Mutual Housing Assoc.

Attn: Sharon Holder 694 East 141st Street Bronx, NY 10454 Harlington Properties LLC c/o Harlington Realty Corporation

Attn: Paetra Kausmann 156A East 83rd Street New York, NY 10028

Diego Beekman Mutual Housing Assoc.

Attn: Sharon Holder 694 East 141st Street Bronx, NY 10454 Soundview Apartments Realty LLC

Attn: Aaron Rivlin 1491 Coney Island Avenue

Brooklyn, NY 11230

1534 Realty Corp. c/o ACS Properties Attn: Bashkim Celaj 754 Mace Avenue

Bronx, NY 10461

Forest Hills South Owners Inc. c/o John B. Lovett & Associates

Attn: Ken Lovett 109-15 14th Avenue College Point, NY 11356

Diego Beekman Mutual Housing Assoc.

Attn: Sharon Holder 694 East 141st Street Bronx, NY 10454 103-35 120 St Realty LLC c/o Lilmor Management Attn: Morris Lieberman 2003 Avenue J, Suite 1C Brooklyn, NY 11210

32-30 Owners Corp. c/o 8MDR of Queens, Inc. Attn: Adam Muskatt

158-13 72nd Avenue. Suite 2F

Flushing, NY 11365

1012 Nameoke Realty LLC c/o Lilmor Management
Attn: Morris Lieberman
2003 Avenue J, Suite 1C
Brooklyn, NY 11210

Highbridge Community Housing Dev.

Attn: Mark Mazzella

1465 Nelson Avenue, Suite A

Bronx, NY 10452

Peter & Marina Kokenakos LLC

Attn: Peter Kokenakos

97 80th Street

Brooklyn, NY 11209

784 Park Avenue Realty Inc.

c/o Douglas Elliman Property Management

Attn: Neil Rappaport

675 Third Avenue, 6th Floor

New York, NY 10017

2816 Roebling Avenue LLC

Attn: Palush Marku

635 East 211th Street, Apt. B

Bronx, NY 10467

Naica Housing Development

c/o Lemle & Wolff, Inc.

Attn: Christopher Anelante

5925 Broadway

Bronx, NY 10463

11 P LLC

c/o L.D. Property Management

Attn: Doug Pelinkovic

2419 Crotona Avenue

Bronx, NY 10458

Ende Associates LLC

Attn: Dawn DeAndrade

41-45 Elliot Place, Suite 5

Bronx, NY 10452

Forest Hills South Owners Inc. c/o John B. Lovett & Associates

Attn: Ken Lovett

109-15 14th Avenue

College Point, NY 11356

Jesup Avenue Associates, L.P.

c/o Highbridge Community Housing Development

Attn: Mark Mazzella

1465 Nelson Avenue, Suite A

Bronx, NY 10452

1967 Marmion Avenue Owner LLC

c/o Colonial Management

Attn: Jack Garber

2273 65th Street

Brooklyn, NY 11204

Cameo Owner Corp. c/o Murray Hill Management Attn: Tony Lekic 38-15 149th Street, Board Office

Flushing, NY 11354

275-277 Realty LLC Attn: Jay Gold 549 Empire Boulevard, Suite 100 Brooklyn, NY 11225

Bristow Stebbins Owners LLC c/o C&C Affordable Management LLC Attn: Nick Papakostopoulos 1735 Park Avenue, Suite 300 New York, NY 10035 Tompkin Square Park Apts. LLC c/o JRC Management
Attn: Richard Podpirka
93-54 Queens Boulevard, Apt. 1K
Rego Park, NY 11374

Kemer Realty Corp.
Attn: Kemal Catto
1148 Boyton Avenue, Apt. 1A
Bronx, NY 10472

Queen S Jade Inc. Attn: Benjamin Wai 200 Mulberry Street New York, NY 10012

Forest Hills South Owners Inc. c/o John B. Lovett & Associates Attn: Ken Lovett 109-15 14th Avenue College Point, NY 11356 University Avenue Senior HDFC c/o Highbridge Community Housing Dev. Attn: Mark Mazzella 1465 Nelson Avenue, Suite A Bronx, NY 10452

36-20 Frey LLC c/o Frey Management Attn: Steven Frey 1408 East 15th Street, 1st Floor Brooklyn, NY 11230 Carmil Apartments Inc. c/o Norcor Management Corp. Attn: Jean Spera 40-14 72nd Street, Suite B Woodside, NY 11377 Quickfoot Realty LLC c/o Yani Realty LLC Attn: Jerry Papafloratos 38-08 Bell Boulevard, Suite 11 Bayside, NY 11361 Forest Hills South Owners Inc. c/o John B. Lovett & Associates Attn: Ken Lovett 109-15 14th Avenue College Point, NY 11356

North State Realty Associates, LLC Attn: Steve Finkelstein 111 Brook Street, 2nd Floor Scarsdale, NY 10583 Empire Realty of Corbin LLC Attn: Benjamin Bernstein 150 Corbin Place, Suite 1N Brooklyn, NY 11235

Abeken Apartments, L.P. c/o Abeken Management LLC Attn: Kenneth Bergstol 475 Route 304 New City, NY 10956 Kensington Houses Associates, L.P. c/o Highbridge Community Housing Dev. Attn: Mark Mazzella 1465 Nelson Avenue, Suite A

Bronx, NY 10452

The Stanford Condominium c/o Halstead Management Attn: Alfredo Sanchez 770 Lexington Avenue, 7th Floor New York, NY 10065

66-15 Equities Inc. c/o First Management Corporation Attn: James Demetriou 34-03 Broadway Astoria, NY 11106

Kennedy Plaza LLC c/o Diversified Building Corporation Attn: Kevin Cullen 366 North Broadway, Suite Ph7E Jericho, NY 11753 10 Park Avenue Tenants Corp. c/o AKAM Associates, Inc. Attn: Andrew Leight 260 Madison Avenue, 12th Floor New York, NY 10016 175-20 Wexford Terrace Owners Inc. c/o Northern Management, Inc. Attn: Bruce Rubel 175-61 Hillside Avenue, Room 300 Jamaica, NY 11432

Regency Towers LLC c/o Carlyle Construction Corp. Attn: Piet Quackenbush 340 East 46th Street, 1st Floor New York, NY 10017 Mass Mutual Life Insurance Company c/o Roseland Management Attn: George Laitsas 560 West 43rd Street New York, NY 10036