140 West Street 6<sup>th</sup> Floor New York, NY 10007 Tel (212) 519-4717

Joseph A. Post Deputy General Counsel – NY



August 25, 2015

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

Re: Matter 15-\_\_\_\_ – Petition of Verizon New York Inc. for Orders of Entry for 54 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 54 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 54 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>.

Respondents: If you believe that your building was included in this Petition in error or you are now willing to allow installation of Verizon's cable television facilities, the quickest and most efficient way of letting us know is to send an email to <a href="mailto:228correspondence@verizon.com">228correspondence@verizon.com</a>. We will review and follow up on your email promptly. Please include in the email message your name, company, telephone number, email address and the address of the building (as it appears on Exhibit 1 of the Petition).

Respectfully submitted,

Joseph a. Post

Joseph A. Post

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 54 Multiple-Dwelling Unit Buildings in the City of New York

#### 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 54 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 54 MDUs listed in Exhibit 1. Each MDU is a residential building; the address of each MDU is set forth in Columns B and C of Exhibit 1 and the number of living units in each MDU is set forth in Column D.

## **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 I 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</u> <u>Just Compensation</u>

7. The proposed installation work will be conducted without prejudice to any rights the owner of each MDU may have 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. Verizon has been unable to obtain access to install its facilities for reasons that may include, but are not necessarily limited to, refusals to permit access, delays by building owners or

managing agents in communicating with Verizon or in reaching a decision, and requests to defer

work by Verizon pending building renovations or other activity. Verizon will continue

attempting to work cooperatively with building owners and managing agents to obtain access,

and will periodically advise the Commission of the progress of such efforts.

**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,

Joseph a. Post

JOSEPH A. POST 140 West Street, 6<sup>th</sup> Floor

New York, New York 10007

(212) 519-4717

Counsel for Verizon New York Inc.

Dated: August 25, 2015

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# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 54 Multiple-Dwelling Unit Buildings in the City of New York

Matter 15-\_\_\_\_

#### 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 August 25, 2015

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 54 Multiple-Dwelling Unit Buildings in the City of New York

Matter 15-\_\_\_\_

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

A copy of the Petition of Verizon New York Inc. for Orders of Entry for 54 Multiple-Dwelling Unit Buildings in the City of New York was sent on August 25, 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 August 25, 2015

#### SERVICE LIST

Plaza Owners, Inc. c/o Malek Management

Attn: Robert Malek

1491 Coney Island Avenue

Brooklyn, NY 11230

355 East 4th Street Associates Corp.

Attn: Gideon Platt

1324 Lexington Avenue, #245

New York, NY 10128

Archives LLC

c/o Rockrose Development Corp.

Attn: Javier Reyna

15 East 26th Street, 7th Floor

New York, NY 10010

Return To Home LLC

c/o Buchbinder & Warren LLC

Attn: Rosemary Paparo

1 Union Square West, 4th Floor

New York, NY 10003

**MBM Estates LLC** 

Attn: David Rieger 1846 50th Street

Brooklyn, NY 11204

Caralex Holdings, LLC

c/o Abington Properties

Attn: Denis Zaslavsky

950 Third Avenue, 27th Floor

New York, NY 10022

Roxborough Apartments Corp.

Attn: Paul Bogoni 251 West 92nd Street New York, NY 10025 304 W. 75th Apartments Corp.

c/o Argo Real Estate LLC

Attn: James Hayden 50 West 17th Street New York, NY 10011

Cambridge Development, LLC

c/o Atria Management Company LLC

Attn: Thomas Muller

333 West 86th Street

New York, NY 10024

3117 Broadway Owners Corp.

c/o FirstService Residential New York, Inc.

Attn: Josh Marx

622 Third Avenue, 14th Floor

New York, NY 10017

Isham 512 LLC c/o Bronstein Properties, LLC

Attn: Bennett Klion

108-18 Queens Bouelvard, #302

Forest Hills, NY 11375

Barry Martin 4410 Corp. Attn: Ina Feinstein

4422 Broadway, P.O. Box 330

New York, NY 10040

4300 Broadway LP c/o Hope Management LLC Attn: Michael Zolty 5308 13th Avenue, #252 Heights Realty Associates c/o Chatam Management Company, Inc.

Attn: Michelle Intriago

2123 Williamsbridge Road, 2nd Floor

Bronx New York 10461

S & G Realty Co. LLC Attn: Dov Sandberg P.O. Box 300462 Brooklyn, NY 11230

Brooklyn, NY 11219

Bridgeview II LLC c/o Allied Properties, LLC

Attn: Bella Poulos

9322 Third Avenue, #502 Brooklyn, NY 11209

London Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Aaron Goldfried 40 West 57th Street, 23rd Floor New York, NY 10019 La France Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Aaron Goldfried

40 West 57th Street, 23rd Floor

New York, NY 10019

Copenhagen Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Aaron Goldfried 40 West 57th Street, 23rd Floor New York, NY 10019

Rome Realty Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Aaron Goldfried 40 West 57th Street, 23rd Floor New York, NY 10019 Columbia Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Vicente Febre 40 West 57th Street, 23rd Floor

New York, NY 10019

Singapore Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Juan Feliciano 40 West 57th Street, 23rd Floor New York, NY 10019

Sydney Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Peter Ferrera 40 West 57th Street, 23rd Floor New York, NY 10019

Sanford Housing Tenants Corp. c/o CLS Properties Management Inc. Attn: Diego Belacazar 42-73 Main Street, #103 Flushing, NY 11355

JMK Property Two, LLC c/o Michael Young Realty, Inc. Attn: Michael Young 2 North Dean Street, #211 Englewood, NJ 07631 Ceylon Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Juan Feliciano 40 West 57th Street, 23rd Floor New York, NY 10019

Mandalay Leasing Limited Partnership c/o Estates NY Real Estate Services LLC Attn: Juan Feliciano 40 West 57th Street, 23rd Floor New York, NY 10019

Brisbane Leasing Limited Partnershp c/o Estates NY Real Estate Services LLC Attn: Peter Ferrera 40 West 57th Street, 23rd Floor New York, NY 10019

JMK Property Three, LLC c/o Michael Young Realty, Inc. Attn: Michael Young 2 North Dean Street, #211 Englewood, NJ 07631

Rafolin Corp. c/o All Area Realty Services Inc. Attn: Michael Rudolph 99 Tulip Avenue, #302 Floral Park, NY 11001 GNF Properties Company, LLC c/o Arbeni Management Company Inc.

Attn: Beatriz Melendez 2465 Arthur Avenue Bronx, NY 10458 SCS Realty, LLC

c/o Progressive Management of NY Corp.

Attn: Neal Rick

15 Verbena Avenue, #100 Floral Park, NY 11001

CRP 524 East 119th Street LLC

c/o Liberty Place Property Management

Attn: Miguel Rivera 1841 Broadway, #400 New York, NY 10023 **Hotel Carlyle Owners Corporation** 

c/o The Carlyle, LLC

Attn: George Georgallas 35 East 76th Street

New York, NY 10021

Fraydun Enterprises LLC c/o Pan Am Equities, LLC

Attn: John Cacaj

18 East 50th Street, 10th Floor

New York, NY 10022

442-10 Owner LLC

c/o Silverstone Property Group, LLC

Attn: Andrew Chadsey

825 Third Avenue, 37th Floor

New York, NY 10022

151 West 10th Street Associates, LLC

c/o Buchbinder & Warren LLC

Attn: Rachel Stowell

One Union Square West, #402

New York, NY 10003

Beekman Regent Condominium

c/o Charles H. Greenthal Management Corp.

Attn: Victor Kavy

4 Park Avenue, 3rd Floor

New York, NY 10016

163 Ocean Tenants Corp.

c/o Meridian Properties, LLC

Attn: Mike Niamonitakis

310 85th Street, #A2

Brooklyn, NY 11209

1834 Caton Partners LLC

c/o Goldmont Realty Corp.

Attn: Jonathon Samet

1360 East 14th Street, #101

Brooklyn, NY 11230

Kensington Imperial LLC c/o Almarc Realty Corp. Attn: Sheik Saddick 8605 Bay Parkway, 2nd Floor

Brooklyn, NY 11214

Hamilton Tenants Corporation Attn: David Lebowitz 1531 57th Street Brooklyn, NY 11219

Fort Apt. Corp.
c/o J C Management Services, LLC
Attn: John Coco
28-60 31st Street
Astoria, NY 11102

Singer Studio Corp. c/o Orsid Realty Corp. Attn: Justine Delegana

1740 Broadway, 2nd Floor

New York, NY 10019

New York, NY 10019

Greene Ave 2012 BSRC HDFC, Inc. c/o Multifamily Management Services Attn: Jeffrey Goldstein 200 West 57th Street, #702

The Worth Building Condominium c/o Jordan Cooper & Associates Inc.
Attn: Paul Brensilber
440 9th Avenue, 15th Floor
New York, NY 10001

3045 Ocean Parkway Tenants Corp. c/o D & D Management Attn: Zoia Wilhelm 6725 13th Avenue

One Pierrepont Street Corporation c/o Advanced Management Services Attn: Steven Kramberg

26 Court Street, #804 Brooklyn, NY 11242

Brooklyn, NY 11219

8701 Ridge Blvd LLC c/o Jalen Management Company Attn: Paula Zacharakos 7018 Fort Hamilton Parkway Brooklyn, NY 11228

19 Kenmare Street Partners LLC c/o Citi-Urban Management Corp.
Attn: Joe Mohan
6 Grace Avenue, #400
Great Neck, NY 11021

The 155 Condominium c/o AKAM Associates, Inc. Attn: Rebecca Farley 260 Madison Avenue, 12th Floor New York, NY 10016

Golden Ridgewood Management LLC Attn: Ira Seeman 205 East 77th Street, #6D New York, NY 10075 The Centre Court Condominium c/o Argo Real Estate LLC Attn: Ryan Bondoc 50 West 17th Street, 6th Floor New York, NY 10011

860 West Tower, Inc. c/o Rose Associates, Inc. Attn: Emmet Hegarty 860 UN Plaza New York, NY 10017