EXHIBIT 2

PART B

(Property Nos. 8100956-1 to 12165676-1)
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8100956-1
Mark Goldberg
922 Southern LLC
922 Southern Blvd
Bronx, NY 10459-4506

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
916 Southern Blvd, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 916 Southern Blvd, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans/designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: 922 Southern LLC
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

Pursuant to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 916 Southern Blvd, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

The Landlord’s Right to Initiate a Compensation Proceeding Will Expire Four (4) Months From the Service of this Notice or from the Date of Installation, Whichever Is Later.

Dated: August 5, 2014
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted with prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 8967. Our records indicate that this item was delivered on 08/13/2014 at 12:49 p.m. in BRONX, NY 10459. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature]

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8100956-1-Mark Goldberg, 922 So
July 22, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101265-1
Yechiel Weinberger
Elder 1070 LLC
5014 16th Avenue, Suite #257
Brooklyn, NY 11204-1404

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
1070 Elder Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 1070 Elder Av, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigel
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1070 Elder Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after August 25, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _____ July 22, 2014 _____
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant, or a combination thereof, bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.
2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced without this section.
3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS — PART 898 — LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.
§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.
§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.
§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.
(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the tenant to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.
   Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.
§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.
§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television services and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.
§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.
§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/04/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1948 1336 7226. Our records indicate that this item was delivered on 08/01/2014 at 10:17 a.m. in BROOKLYN, NY 11204. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101265-1-Yechiel Weinberger,E
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101377-1
Robert Wisgo
Parkoff Management
98 Cuttermill Road, Suite 444 S
Great Neck, NY 11021-3000

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
3300 Netherland Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 3300 Netherland Av, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 3300 Netherland Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ August 5, 2014 ____
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning, and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, ord or permit any act, that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part.

(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

1) proof of service of a notice of intent to install cable television service upon the landlord;
2) the specific location of the real property;
3) the resident address of the landlord, if known;
4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
5) the name of the individual or officer responsible for the actual installation;
6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
8) a summary of efforts by the cable television company to effect entry of the property for installation; and
9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities;
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 8981. Our records indicate that this item was delivered on 08/11/2014 at 11:55 a.m. in GREAT NECK, NY 11021. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature Image]

Address of Recipient:

[Address Image]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101377-1-Robert Wisgo, Parkoff
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101414-1
Marshall Kanter
Garthchester Realty Ltd
209 Garth Road
Scarsdale, NY 10583-8006

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
3725 Henry Hudson Pkwy W, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 3725 Henry Hudson Pkwy W, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 3725 Henry Hudson Pkwy W, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ August 5, 2014 _______
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part.

(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities;

(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the Chief Executive Officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 8998. Our records indicate that this item was delivered on 08/12/2014 at 11:16 a.m. in SCARSDALE, NY 10583. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature]

Address of Recipient:

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101414-1-Marshall Kanter,Gart
Property No. 8101517-1
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101517-1
George Simalocaj
Metropolitan Property Services
141-50 85th Road
Briarwood, NY 11435-2599

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
725 Fox, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 725 Fox, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ….” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: Fox Street Apartments, L.P.
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 725 Fox, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______August 5, 2014______
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for accepting cable television service or facilities on or within said landlord's property or premises.

(c) Discern in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part.

(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKRG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9018. Our records indicate that this item was delivered on 08/11/2014 at 01:09 p.m. in JAMAICA, NY 11435. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101517-1-George Simalocaj, Met
Property No. 8101552-1
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101552-1
George Simolacaj
Metropolitan Property Services
141-50 85th Road
Briarwood, NY 11435-2599

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
737 Fox, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 737 Fox, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises …. ” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon's proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon's facilities. Verizon's policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon's NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon's installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon's right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon's intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon's rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon's National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: Fox Street Apartments L.P.
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 737 Fox, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______August 5, 2014_______
$228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:

   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;

   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and

   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:

(i) the name and address of the cable television company;

(ii) the name and address of the landlord;

(iii) the approximate date of the installation; and

(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

1. proof of service of a notice of intent to install cable television service upon the landlord;

2. the specific location of the real property;

3. the resident address of the landlord, if known;

4. a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;

5. the name of the individual or officer responsible for the actual installation;

6. a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;

7. a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;

8. a summary of efforts by the cable television company to effect entry of the property for installation; and

9. a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;

(b) the previous use of such space;

(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and

(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9025. Our records indicate that this item was delivered on 08/11/2014 at 01:09 p.m. in JAMAICA, NY 11435. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 810155241-George Simolacaj,Met
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101569-1
Judith Rivera
Metro Management
42-25 21st Street
Long Island City, NY 11101-4906

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
3800 Waldo Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 3800 Waldo Av, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Telegroppler Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ….” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: Waldo Gardens Inc.
Board President: Joan Kaufman
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 3800 Waldo Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _____ August 5, 2014 _____
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least fifteen days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within twenty days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constiute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have ten days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within thirty days from the date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9032. Our records indicate that this item was delivered on 08/11/2014 at 11:25 a.m. in LONG ISLAND CITY, NY 11101. The scanned image of the recipient information is provided below.

Signature of Recipient: 

[Signature]

Address of Recipient: 

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101569-1-Judith Rivera, Metro
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9049. Our records indicate that this item was delivered on 08/11/2014 at 11:25 a.m. in LONG ISLAND CITY, NY 11101. The scanned image of the recipient information is provided below.

Signature of Recipient:  

[Signature]

Address of Recipient:  

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101569-1-Waldo Gardens Inc.
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101821-1
Mark Brand
Glenwood Management
1200 Union Tumpike
New Hyde Park, NY 11040-1708

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
600 W 246, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 600 W 246, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. **Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.**

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal  
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 600 W 246, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or own himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS — PART 698 — LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 698.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the Commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 698 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 698.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
UNITED STATES POSTAL SERVICE

Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9087. Our records indicate that this item was delivered on 08/12/2014 at 08:21 a.m. in NEW HYDE PARK, NY 11040. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 810182111-Mark Brand, Glenwood
Property No. 8101954-1
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8101954-1  
Arylane McGlashan  
Prestige Management  
1200 Zerega Avenue, 2nd Floor  
Bronx, NY 10462-5415

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:  
1010 Faile, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 1010 Faile, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ….” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.


Cover:Ur2-20120512 F
Verizon's proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon's facilities. Verizon's policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1010 Faile, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ August 5, 2014 _______
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for excess in any amount which the Commission shall, by regulation, determine to be reasonable; or
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.
(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMK TG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9094. Our records indicate that this item was delivered on 08/11/2014 at 12:28 p.m. in BRONX, NY 10462. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8101954-1-Arylane McGlashan,Pr
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8215215-1
Itzy Weinberger
Plaza Management USA Inc.
199 Lee Avenue, Suite #381
Brooklyn, NY 11211-8919

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
733 E 147, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 733 E 147, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

[Signature]

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: 147 Street Realty Inc.
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 733 E 147, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part.

(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If, after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9124. Our records indicate that this item was delivered on 08/11/2014 at 12:18 p.m. in BROOKLYN, NY 11211. The scanned image of the recipient information is provided below.

Signature of Recipient:

[signature]

Address of Recipient:

[address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8215215-1-Itzy Weinberger, Flaz
June 27, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8226302
Dimitri Naylor
Webb & Brooker Inc
2534 7th Avenue, Ground Floor
New York, NY 10039

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
15 W 116, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 15 W 116, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 3d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 15 W 116, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after July 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ June 27, 2014 _______
PUBLIC SERVICE LAW

§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:

(1) that the installation of cable television facilities be in accordance with such reasonable conditions as are necessary to protect the safety, function, and appearance of the premises, and the convenience and well being of other tenants;

(2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and

(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessors or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS — PART 898 — LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:

(i) the name and address of the cable television company;

(ii) the name and address of the landlord;

(iii) the approximate date of the installation; and

(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;

(2) the specific location of the real property;

(3) the resident address of the landlord, if known;

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;

(5) the name of the individual or officer responsible for the actual installation;

(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;

(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;

(8) a summary of efforts by the cable television company to effect entry of the property for installation; and

(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;

(b) the previous use of such space;

(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and

(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1197 0732. Our records indicate that this item was delivered on 07/07/2014 at 12:17 p.m. in NEW YORK, NY 10039. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.
Property No. 8232110-1
April 9, 2013

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8232110
Annabelle Santiago
722-724 Tenth Avenue Holding LLC
632 Broadway, 7th Floor
New York, NY 10012-2614

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
722 10 Av, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 722 10 Av, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ...” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon's proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon's facilities. Verizon's policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon's NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon's installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon's right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon's intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon's Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon's rights under New York law or Verizon's Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon's National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Thomas E. Miller
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 722 10 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after July 10, 2013. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______April 9, 2013______
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall [(a)] interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities;
(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for an excess of any amount which the Commission shall, by regulation, determine to be reasonable; or
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.
2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.
3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or own himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least fifteen days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all the other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) a specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within twenty days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have ten days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within twenty days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
The following is the delivery information for Certified Mail™ item number 7190 1018 5870 2084 7817. Our records indicate that this item was delivered on 04/13/2013 at 10:35 a.m. in NEW YORK, NY, 10012. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8232110
Property No. 8232758-1
May 20, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8232758
Marie Ruffino
B&L Management Co. LLC
316 East 63rd Street, Suite #1A
New York, NY 10065-7755

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
337 W 30, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 337 W 30, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 337 W 30, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after June 20, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ May 20, 2014 _______
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
   (b) demand or accept payment from any tenant, in any form, for permitting cable television service on or within his property or premises, or from any cable television company in exchange for providing cable television services or facilities on or within said landlord’s property or premises.

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
   (b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
      (i) the name and address of the cable television company;
      (ii) the name and address of the landlord;
      (iii) the approximate date of the installation; and
      (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 890.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(e)(3) of the Public Service Law.
(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities;
   (d) the methods or methods used to determine such value. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 06/02/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1050 9537. Our records indicate that this item was delivered on 05/27/2014 at 02:02 p.m. in NEW YORK, NY 10065. The scanned image of the recipient information is provided below.

Signature of Recipient:  

Address of Recipient:  

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8232758-Marie Ruffino,BandL Ma
Property No. 8249691-1
August 5, 2014

VIA CERTIFIED MAIL — RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8249691-1
Jack Caliendo
Nurge Avenue Holding Corp.
56-10 Nurge Avenue
Maspeth, NY 11378-3339

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
2901 Matthews Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 2901 Matthews Av, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

Cover-Ltr:2-20120612 F
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

Pursuant to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 2901 Matthews Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
### New York Codes Rules and Regulations — Part 898 — Landlord-Tenant Relationship (Statutory authority: Public Service Law §228(1))

#### §898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

#### §898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

#### §898.3 Notice of Installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
- (i) the name and address of the cable television company;
- (ii) the name and address of the landlord;
- (iii) the approximate date of the installation; and
- (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

#### §898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) Where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
- (1) proof of service of a notice of intent to install cable television service upon the landlord;
- (2) the specific location of the real property;
- (3) the resident address of the landlord, if known;
- (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
- (5) the name of the individual or officer responsible for the actual installation;
- (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
- (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
- (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
- (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

#### §898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

#### §898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
- (a) the location and amount of space occupied by the installation;
- (b) the previous use of such space;
- (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
- (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

#### §898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

#### §898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

#### §898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9179. Our records indicate that this item was delivered on 08/11/2014 at 01:02 p.m. in MASPETH, NY 11378. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Scanned image]

Address of Recipient:

[Scanned image]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8249691-1-Jack Caliendo, Nurge
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8256471-1
Jeffrey Manocherian
Manocherian Brothers Inc.
150 East 58th Street, 28th Floor
New York, NY 10155-2898

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
78 Bank, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 78 Bank, New York NY ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations ("NYCRR"), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ...." In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

[Signature]

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 78 Bank, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.
2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.
3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1) b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(e)(3) of the Public Service Law.
(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.
Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9186. Our records indicate that this item was delivered on 08/12/2014 at 12:46 p.m. in NEW YORK, NY 10155. The scanned image of the recipient information is provided below.

Signature of Recipient: 

[Signature]

Address of Recipient:

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8256471-1-Jeffrey Manocherian,
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8260960-1
Benny Caiola
B&L Management Co., LLC
316 East 63rd Street, Suite #1A
New York, NY 10065-7755

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
309 W 30, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 309 W 30, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Telemoverter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: 309 West 30 LLC
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 309 W 30, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9216. Our records indicate that this item was delivered on 08/11/2014 at 11:28 a.m. in NEW YORK, NY 10065. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature]

Address of Recipient:

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8260960-1-Benny Caiola,BandL M
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9209. Our records indicate that this item was delivered on 08/11/2014 at 11:28 a.m. in NEW YORK, NY 10065. The scanned image of the recipient information is provided below.

Signature of Recipient: 

[Signature]

Address of Recipient: 

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 8260960-1-309 West 30 LLC C/O:
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 8262971-1
Gerard Ragone
SJR Management Co., LLC
236 West 10th Street
New York, NY 10014-5400

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
277 W 11, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 277 W 11, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.

Alyson M. Seigal
Area Manager
FiOS Franchise Assurance – New York City

140 West Street, Room 1105
New York, NY 10007
Phone: (888) 364-3467
NYCFiOS@verizon.com
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 277 W 11, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: ________August 5, 2014________
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent whose notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228 (1)(e)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9223. Our records indicate that this item was delivered on 08/11/2014 at 12:17 p.m. in NEW YORK, NY 10014. The scanned image of the recipient information is provided below.

Signature of Recipient: 

[Signature]

Address of Recipient: 

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9343986-1
Sheik Saddick
Almarc Realty Corp.
8605 Bay Parkway, 2nd Floor
Brooklyn, NY 11212-4101

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
6801 19 Av, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **6801 19 Av, Brooklyn NY** (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Ithalo v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises .....

In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 6801 19 Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _____ August 5, 2014 _____
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning and appearance of the premises, and the convenience and well-being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for the installation of cable television service or facilities on or within said landlord’s property or premises.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or own himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part.

(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/25/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9254. Our records indicate that this item was delivered on 08/22/2014 at 01:25 p.m. in BROOKLYN, NY 11214. The scanned image of the recipient information is provided below.

Signature of Recipient: [Signature]

Address of Recipient: [Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9343986-1-Sheik Saddick, Almarc
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9346537-1
Salvatore Parlanti
Colonial Road Associates LLC
1053 Arden Avenue
Staten Island, NY 10312-3624

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
7040 Colonial Rd, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 7040 Colonial Rd, Brooklyn NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 7040 Colonial Rd, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______August 5, 2014_______
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
   (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or
   (c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.
2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.
3. No cable television company may enter into any agreement with the owners, lessors or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
   (b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
      (i) the name and address of the cable television company;
      (ii) the name and address of the landlord;
      (iii) the approximate date of the installation; and
      (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
   (c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.
   (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
      (1) proof of service of a notice of intent to install cable television service upon the landlord;
      (2) the specific location of the real property;
      (3) the resident address of the landlord, if known;
      (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
      (5) the name of the individual or officer responsible for the actual installation;
      (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
      (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
      (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
      (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
   (b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
   (c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9261. Our records indicate that this item was delivered on 08/11/2014 at 01:19 p.m. in STATEN ISLAND, NY 10312. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9346537-1-Salvatore Parlanti,C
Property No. 9347662-1
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9347662-1
Nolberb Urena
Bronstein Properties, LLC
108-18 Queens Boulevard, Suite #302
Forest Hills, NY 11375-4758

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
252 74, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 252 74, Brooklyn NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ...” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/ UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 252 74, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014

NIW-20120612 F
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
(b) demand or accept payment from any tenant, in any form, for permitting cable television service on or within his property or premises, or from any cable television company in exchange for any amount which the Commission shall, by regulation, determine to be reasonable; or
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1) (b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to,
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3 (b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.
(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.
   Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Content of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities;
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216 of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216 of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9278. Our records indicate that this item was delivered on 08/11/2014 at 02:02 p.m. in FOREST HILLS, NY 11375. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9347662-1-Nolberto Urena,Brans
Property No. 9352256-1
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9352256-1
Amelia Raymond
194 Howard Avenue
Staten Island, NY 10301-4407

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
9949 Shore Rd, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 9949 Shore Rd, Brooklyn NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. **Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.**

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal  
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 9949 Shore Rd, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for granting an extension of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessors or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Exception as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall describe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

3. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9308. Our records indicate that this item was delivered on 08/12/2014 at 12:00 p.m. in STATEN ISLAND, NY 10301. The scanned image of the recipient information is provided below.

Signature of Recipient: [Signature]

Address of Recipient: [Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9352256-1-Amelia Raymond,,194
July 22, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9352337-1
Ronald Katz
Katz Realty Group
4517 Marathon Parkway, 2nd Floor
Little Neck, NY 11362-1253

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
10031 4 Av, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 10031 4 Av, Brooklyn NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenant(s) and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 10031 4 Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after August 25, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _____ July 22, 2014 _____
PUBLIC SERVICE LAW

§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to promote the safety, function, and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owner, lessee or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part.

(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant's property before the installation of cable television facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1336 7233. Our records indicate that this item was delivered on 08/01/2014 at 09:43 a.m. in LITTLE NECK, NY 11362. The scanned image of the recipient information is provided below.

Signature of Recipient: 
Kerry Rivera

Address of Recipient: 
LITTLE NECK, 

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9352337-1-Ronald Katz,Katz Rea
Property No. 9352338-1
July 22, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9352338-1
Ronald Katz
Katz Realty LLC
4517 Marathon Pkwy, 2nd Floor
Little Neck, NY 11362-1253

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
419 101, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 419 101, Brooklyn NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 419 101, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after August 25, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ July 22, 2014 _______
**PUBLIC SERVICE LAW**

§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessors or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

**NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))**

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/04/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1336 7240. Our records indicate that this item was delivered on 08/01/2014 at 09:43 a.m. in LITTLE NECK, NY 11362. The scanned image of the recipient information is provided below.

Signature of Recipient: 

Kerry Rivera

Address of Recipient: 

16-17 

maratho n

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9352338-1-Ronald Katz, Katz Re
Property No. 9353829-1
July 22, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9353829-1
Roberta Koeppel
Koeppel Management
141 East 89th Street, Atn Dooman /Suite #3K
New York, NY 10128

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
6801 Bay Pkwy, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 6801 Bay Pkwy, Brooklyn NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 6801 Bay Pkwy, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after August 25, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: July 22, 2014
PUBLIC SERVICE LAW

§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:

(1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;

(2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and

(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:

(i) the name and address of the cable television company;

(ii) the name and address of the landlord;

(iii) the approximate date of the installation; and

(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;

(2) the specific location of the real property;

(3) the resident address of the landlord, if known;

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;

(5) the name of the individual or officer responsible for the actual installation;

(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;

(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;

(8) a summary of efforts by the cable television company to effect entry of the property for installation; and

(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;

(b) the previous use of such space;

(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and

(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/04/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1336 7257. Our records indicate that this item was delivered on 08/01/2014 at 10:59 a.m. in NEW YORK, NY 10128. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature Image]

Address of Recipient:

[Address Image]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9353829-1-Roberta Koeppel,Koep
Property No. 9358235-1
March 11, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9358235
Dennis Zaslavsky
Kalabi Realty Co.
950 Third Avenue, Suite #2700
New York, NY 10022-2851

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
382 3 Av, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 382 3 Av, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Thomas E. Miller
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 382 3 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after June 11, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: March 11, 2014
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
(i) the name and address of the cable television company;
(ii) the name and address of the landlord;
(iii) the approximate date of the installation; and
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) Where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) a specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.6 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 03/24/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 0675 4835. Our records indicate that this item was delivered on 03/18/2014 at 12:45 p.m. in NEW YORK, NY 10022. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9358235-Dennis Zaslavsky, Kalab
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9379340-1
Pamela Delorme
Delkap Management Inc
82-12 151st Ave, 1 Flr
Howard Beach, NY 11414-1761

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
87-30 62 Av, Queens NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 87-30 62 Av, Queens NY ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations ("NYCRR"). Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: Austin Towers Condo
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 87-30 62 Av, Queens NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessors or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS — PART 898 — LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the Commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the Commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the Commission's rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent whom notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the Commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the Commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The Commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

A landlord may file with the Commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but not be limited to, a showing of:
   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant's property before the installation of cable television facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
   (d) the methods or methods used to determine such values. The Secretary shall, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the Commission.

§898.7 Service of Application

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses

Responses to the application, if any, shall be served on all parties and on the Commission within twenty days from the service of the application.

§898.9 Hearing and determination

(a) If the Commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9346. Our records indicate that this item was delivered on 08/11/2014 at 11:01 a.m. in HOWARD BEACH, NY 11414. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9379340-1-Pamela Delorme, Delka
Property No. 9405349-1
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9405349-1
William Brodhagen
Sandberg Management Corp.
345 Seventh Avenue, 8th Floor
New York, NY 10001-5050

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
1200 Broadway, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 1200 Broadway, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises .....

In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City

cc (via U.S. mail): Owner: Sandberg Management Corp
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1200 Broadway, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _____ August 5, 2014 _____
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

   (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS—PART 898—LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the Commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
(b) The secretary of the Commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the Commission’s rules.
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 898.3(b) of this Part.
(b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the Commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the Commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The Commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the Commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the Commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9353. Our records indicate that this item was delivered on 08/11/2014 at 06:05 p.m. in NEW YORK, NY 10001. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature Image]

Address of Recipient:

[Address Image]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9405349-1-William Brochhagen,S
Date Produced: 08/18/2014

DAMKTBG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9360. Our records indicate that this item was delivered on 08/11/2014 at 06:05 p.m. in NEW YORK, NY 10001. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature]

Address of Recipient:

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9405349-1-Sandberg Management
November 11, 2010

Property ID: 9405446
John Czajkowski
AKAM Management
8 West 38th Street, 7th Floor
New York, NY 10018-0165

RE: Notice of Intention to Install Cable Television Facilities and Service at
425 5 Av New York NY

Dear Property Owner/Manager:

Recently we contacted you regarding Verizon’s plans to deliver a fiber optic telecommunications network called FiOS to your neighborhood, and we explained Verizon’s need to place our facilities on your property.

Our records indicate that you have still not approved the proposed engineering plans, which conform to reasonable conditions necessary to protect the safety, functioning and appearance of the premises. Verizon’s policy is to cooperate with property owners to arrange convenient dates for access, and to reach agreement on engineering plans/designs for each individual property.

Verizon, however, is obligated under its Cable Franchise Agreement with the City of New York to build and provide its cable television facilities and service in a timely fashion. Therefore, Verizon must receive approval of the engineering plans as soon as possible so that we may commence construction. Moreover, Verizon is obligated under the same franchise agreement to inform you that, pursuant to Section 228 of the New York State Public Service Law, “no landlord shall interfere with the installation of cable television facilities upon his property or premises,” including, but not limited to, not reviewing or approving the reasonable engineering plans that were presented to you.

For additional information on the scheduled site survey and installation dates, and on Verizon’s process for installing cable television facilities on private property, please reference the enclosed form, “Notice of Intention to Install Cable Television Facilities and Service,” which includes a copy of the relevant New York law related to this process.

Please contact Kwame Amofo-Danquah at 212 240-5096 or my office at (888) 364–3467 within two (2) weeks of receipt of this letter so that we can discuss and resolve this matter. If Verizon does not hear from you in this timeframe, I will forward this matter to Verizon’s Legal Department. Your cooperation in this matter would be greatly appreciated. I look forward to hearing from you.

Sincerely,

Elizabeth A. Southard
Manager
FiOS Franchise Assurance
New York City
VERIZON NEW YORK INC. 

TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE 

AKAM Realty (Landlord) 

PURSUANT to Public Service Law §228, as interpreted by the Supreme Court of the United States and the Court of Appeals of the State of New York, and under 16 NYCRR Part 898, VERIZON NEW YORK INC. has the right to, and will install cable television facilities and service upon your properties at 425 5 Av New York NY. Verizon will perform this installation on or after February 1, 2011. Verizon has the right to enter and inspect your property in preparation for this installation. This inspection will be performed on or about (N/A). Verizon will be responsible for damage caused by the inspection of the property.

More specifically, Verizon’s installation plan will:

Generally consist of constructing pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work to be performed in accordance with the Certificate of Acceptance of Proposed Work.

Should you have any questions regarding this Notice, please contact Kwame Amoafo-Danquah at 212 240-5096.

While it is likely that the installation of cable service will enhance the value of your property, there will be no charge to you for such installation. If the value of your property is not enhanced, you may be entitled to compensation set by the New York State Public Service Commission according to the procedures delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested.

If you have any questions, you may write or call the company’s representative; or write or call the Secretary to the New York State Public Service Commission at (518) 474-6530, 3 Empire State Plaza, Albany, New York 12223-1350.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: November 11, 2010
PUBLIC SERVICE LAW
§ 226. Landlord-tenant relationship.

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange for excess of any amount which the commission shall, by regulation, determine to be reasonable, or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-five may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owner, lessors or persons controlling the renter, concerning the installation or removal of cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or occupy himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS - PART 898 - LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §226(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.3 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of the entry and all other information described in section 893.3(b) of this Part.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for the installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof.

(c) An application to the court shall be made in accordance with section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with section 228 of the Public Service Law.

§898.5 Application for just compensation.
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation.
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant's property before the installation of cable television facilities and the value of the applicant's property subsequently to the installation of cable television facilities; and
(d) the method or methods used to determine such values.

§898.7 Service of Application.
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses.
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination.
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An application may, within 90 days from the date of the order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date: 12/15/2010

Carmen Ebanks:

The following is in response to your 12/15/2010 request for delivery information on your Certified Mail(TM) item number 7190 1018 5870 2079 2728. The delivery record shows that this item was delivered on 11/15/2010 at 03:31 PM in NEW YORK, NY 10018. The scanned image of the recipient information is provided below.

Signature of Recipient: [Signature Image]

Address of Recipient: [Address Image]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9406022-1
Kimberly Winter
Charles H Greenthal Company
4 Park Ave, 3rd Floor
New York, NY 10016-5300

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
the Princeton House, 215 W 95, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at the Princeton House, 215 W 95, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at the Princeton House, 215 W 95, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ August 5, 2014 _______
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

   (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

   (c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 899.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

   (b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:

      (i) the name and address of the cable television company;
      (ii) the name and address of the landlord;
      (iii) the approximate date of the installation; and
      (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

   (c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part.

   (b) The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 899.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

   (a) the location and amount of space occupied by the installation;
   (b) the previous use of such space;
   (c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
   (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

   (b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.

   (c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9414. Our records indicate that this item was delivered on 08/11/2014 at 01:27 p.m. in NEW YORK, NY 10016. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9406022-1-Kimberly Winter,Char
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9406144-1
Jeff Kleffman
AKAM Associates
260 Madison Ave, 12 Flr
New York, NY 10016-2412

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
301 E 45, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 301 E 45, New York NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 301 E 45, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: _______ August 5, 2014 _______
PUBLIC SERVICE LAW
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:

(1) that the installation of cable television facilities conform to such reasonable conditions necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;

(2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and

(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or

(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessors or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:

(i) the name and address of the cable television company;

(ii) the name and address of the landlord;

(iii) the approximate date of the installation; and

(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 803.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

(1) proof of service of a notice of intent to install cable television service upon the landlord;

(2) the specific location of the real property;

(3) the resident address of the landlord, if known;

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;

(5) the name of the individual or officer responsible for the actual installation;

(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;

(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;

(8) a summary of efforts by the cable television company to effect entry of the property for installation; and

(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant the petitioning cable television company an order of entry which order shall constitute a rules that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

(a) the location and amount of space occupied by the installation;

(b) the previous use of such space;

(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and

(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9421. Our records indicate that this item was delivered on 08/11/2014 at 02:07 p.m. in NEW YORK, NY 10016. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9406144-1-Jeff Kleffman, AKAM A
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 9408199-1
Richard MA
TMI Realty LLC
45-31 Bell Blvd, 2nd Floor
Bayside, NY 11363-3568

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
133-36 41 Rd, Queens NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 133-36 41 Rd, Queens NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

[Signature]

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 133-36 41 Rd, Queens NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
§228. Landlord-tenant relationship
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
   (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or
   (c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.
2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.
3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-RENTER RELATIONSHIP (Statutory authority: Public Service Law §228(1))
§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228(1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
   (b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
      (i) the name and address of the cable television company;
      (ii) the name and address of the landlord;
      (iii) the approximate date of the installation; and
      (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.
   (c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.
   (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
      (1) proof of service of a notice of intent to install cable television service upon the landlord;
      (2) the specific location of the real property;
      (3) the resident address of the landlord, if known;
      (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
      (5) the name of the individual or officer responsible for the actual installation;
      (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
      (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
      (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
      (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a rule that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
   (b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
   (c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 9445. Our records indicate that this item was delivered on 08/11/2014 at 10:59 a.m. in BAYSIDE, NY 11361. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature Image]

Address of Recipient:

[Address Image]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 9408199-1-Richard MA, TMI Realt
August 5, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 11057407-1
Peter Rebenwurzel
97 Euclid Realty LLC
1499 Coney Island Avenue
Brooklyn, NY 11230-4713

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at:
99 Euclid Av, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **99 Euclid Av, Brooklyn NY** (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. **Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.**

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

[Signature]

Alyson M. Seigal
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 99 Euclid Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after September 5, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: August 5, 2014
§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
(a) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, function and appearance of the premises, and the convenience and well being of other tenants;
(b) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
(c) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition
Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
(i) the name and address of the cable television company;
(ii) the name and address of the landlord;
(iii) the approximate date of the installation; and
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry
(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
(1) proof of service of a notice of intent to install cable television service upon the landlord;
(2) the specific location of the real property;
(3) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
(7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation
A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation
An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:
(a) the location and amount of space occupied by the installation;
(b) the previous use of such space;
(c) the value of the applicant’s property before the installation of cable television facilities and the value of the applicant’s property subsequent to the installation of cable television facilities; and
(d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application
A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses
Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination
(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter 1, Subchapter A of this Title.
(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.
Date Produced: 08/18/2014

DAMKTG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1648 1357 7755. Our records indicate that this item was delivered on 08/11/2014 at 01:24 p.m. in BROOKLYN, NY 11230. The scanned image of the recipient information is provided below.

Signature of Recipient :

[Signature]

Address of Recipient :

[Address]

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 11057407-1-Peter Rebenwurzel,9
Property No. 12165676-1
September 20, 2013

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 12165676
Ramona Alix
1349 Franklin LLC
1349 Franklin Avenue
Bronx, NY 10456-2453

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.’s (“Verizon”) NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at 1349 Franklin Av, Bronx NY (“Property”). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon’s access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

By way of background, Verizon is attempting to gain access to your building because we have received a request for FiOS service(s) from a tenant(s) in your building and/or a resident(s) on your block, and our access to your Property is necessary to provide cable television services to those tenants and/or residents. We are very excited about the opportunity to provide world-class voice, data and video services to you and the area residents using a fiber based network to deliver these services at unprecedented speeds and capacities. Your cooperation in allowing Verizon access to your Property will enable your tenants and/or other residents on your block to receive the services they want in a timely manner.

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations (“NYCRR”), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that “[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises ....” In addition, Verizon’s Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon’s compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
Verizon’s proposed installation will protect the safety, functioning and appearance of the premises, and Verizon will bear the cost of the installation of its cable television facilities. Verizon will also indemnify the landlord for damage caused by the installation of Verizon’s facilities. Verizon’s policy is to work with you to arrange convenient dates for access and to reach agreement on engineering plans / designs for the Property. Please contact Verizon’s NYC FiOS Real Estate Department at (888) 364-3467 within two weeks of receipt of this letter so that we may move forward with the process of bringing FiOS to your Property and/or other properties on your block.

If you believe that Verizon’s installation of cable television facilities constitutes an undue “taking” of your Property, you may file a petition for “just compensation” with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon’s right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon’s intention to survey/install/upgrade cable television facilities and service.

If we do not hear from you within two weeks as mentioned above, Verizon’s Legal Department may be forced to file a Petition for Order of Entry to the New York State Public Service Commission, after which you will be afforded, per 16 NYCRR 898.4(b)(9), twenty days to answer the Petition and set forth any additional matter not contained in the Petition. The Petition will seek an order granting Verizon the right to survey for and/or install/upgrade cable television facilities and service at your Property. If you have specific legal questions about Verizon’s rights under New York law or Verizon’s Cable Franchise Agreement, we recommend that you engage an attorney. You may also contact Michael Morano, Assistant General Counsel for Verizon’s National Operations, at (908) 559-3332 to discuss legal issues or questions, but please be advised that he represents Verizon and cannot provide you with legal advice.

Your cooperation in this matter would be greatly appreciated. We look forward to hearing from you.

Sincerely,

[Signature]

Thomas E. Miller
Manager, FiOS Franchise Assurance – New York City
NOTICE OF INTENTION
TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1349 Franklin Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 25, 2013. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.’s installation/upgrade plan involves the following:

Generally consist of building pathway from street to building and/or building to building basement(s), core drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct system as required. Within these pathways fiber optic cable will be placed and spliced. Work will be performed in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc.’s installation/upgrade conforms with the safety, functioning and appearance of the building in accord with the requirements of the New York State Public Service Commission law and regulations. Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and there will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you may attempt to seek compensation according to the procedures established by the New York State Public Service Commission as delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission’s rules or regulations, you may write or call Verizon New York Inc.’s representative, or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or #3 Empire State Plaza, Albany, NY 12223-1350, Tel. No. (518) 474-6530.

THE LANDLORD’S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: ______September 20, 2013______
PUBLIC SERVICE LAW

§228. Landlord-tenant relationship

1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
   (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
   (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
   (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.

(b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
   (1) proof of service of a notice of intent to install cable television service upon the landlord;
   (2) the specific location of the real property;
   (3) the resident address of the landlord, if known;
   (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
   (5) the name of the individual or officer responsible for the actual installation;
   (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
   (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
   (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
   (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.

3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord’s property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.

(b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
   (i) the name and address of the cable television company;
   (ii) the name and address of the landlord;
   (iii) the approximate date of the installation; and
   (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission’s rules.

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 229(1)(a)(3) of the Public Service Law.
Date Produced: 10/07/2013

DAMK TG INC:

The following is the delivery information for Certified Mail™ item number 7179 1000 1646 0940 0502. Our records indicate that this item was delivered on 10/02/2013 at 12:36 p.m. in BRONX, NY 10456. The scanned image of the recipient information is provided below.

Signature of Recipient:

Ramona Alix

Address of Recipient:

1349 Franklin Ave

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 12165676-Ramona Alix, 1349 Fran