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

Richard C. Fipphen Assistant General Counsel



October 30, 2014

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

Re: Matter 14-____ – Petition of Verizon New York Inc. for Limited Orders of Entry for 21 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Limited Orders of Entry for 21 Multiple-Dwelling Unit Buildings in the City of New York.

Each respondent named in the Petition has been served with a paper copy of the Petition and accompanying Exhibit 1. Due to its size, a paper copy of Exhibit 2 has not been provided to each respondent. Instead, Exhibit 2 has been posted on a public webpage and can be found at http://www22.verizon.com/about/community/nypsc_petitions.htm.

If any of the respondents believe that they have been included in this Petition in error or are now willing to allow a survey of their property in preparation for installation of Verizon's cable television facilities at their building, they should contact me at the above email address.

Respectfully submitted,

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Richard C. Fipphen

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 21 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14	
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PETITION FOR LIMITED ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Limited Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to conduct a pre-installation survey at 21 multiple-dwelling unit buildings ("MDUs") in the City of New York. In support of this Petition, Verizon states as follows:

Specific Location of the Properties

1. Verizon seeks to conduct a pre-installation survey, in preparation for future installation of cable television facilities, at the 21 MDUs listed in Exhibit 1. Each MDU is a residential building; the number of living units in each MDU is set forth in column D of Exhibit 1. The owner or managing agent of each MDU listed on Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access for purposes of performing a pre-installation survey, or (2) affirmatively denied Verizon's request for access. Column I of Exhibit 1 sets forth the type of response received for each building.

Owners and Agents

2. The names of the current owners and managing agents of each MDU are listed in Columns E, F and G of Exhibit 1.

Description of the Work to be Performed

3. By this Petition, Verizon seeks permission to enter each MDU to conduct a preinstallation survey, in preparation for future installation of Verizon's cable television facilities at the MDU, to allow Verizon to provide cable television service to residents in the MDU.

<u>Proof of Service of Notice of Intention to Install Cable Television Facilities</u> and Service

4. Each MDU owner and/or managing agent received two letters from Verizon.

Each letter was accompanied by a Notice of Intention to Install Cable Television Facilities and Service, as required by 16 NYCRR Part 898. Mailing dates of the notices for each building are set forth in Column H of Exhibit 1. Supporting documentation is provided in Exhibit 2.

Name of the Individual Responsible for Installation

5. Alyson Seigal, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed pre-installation surveys.

Indemnification

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

<u>Pre-Installation Survey Work will be Conducted Without Prejudice to the Owner's Right to Receive Just Compensation</u>

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

<u>Summary of Verizon's Efforts to Gain Entry to the Buildings for the Pre-Installation Surveys</u>

8. Verizon's formal efforts are set forth in Column H of Exhibit 1.

Opportunity for the Owner to Answer the Petition

9. The owner of each MDU listed in Exhibit 1 has twenty (20) days from receipt of

this Petition to file an answer. The answer must be responsive to this Petition and may set forth

any additional matter not contained herein.

WHEREFORE, Verizon respectfully requests that the Commission grant Verizon the

relief requested herein and issue an Order pursuant to 16 NYCRR § 898.4 permitting Verizon to

conduct a pre-installation survey at each MDU, together with such other relief as the

Commission may deem just and proper.

Respectfully submitted,

Pulm C. Top

RICHARD C. FIPPHEN

140 West Street, 6th Floor

New York, New York 10007

(212) 519-4718

Counsel for Verizon New York Inc.

Dated: New York, New York October 30, 2014

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STATE OF NEW YORK **PUBLIC SERVICE COMMISSION**

Petition of Verizon New York Inc. for Limited Orders of Entry for 21 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-

AFFIRMATION OF KEEFE B. CLEMONS

Keefe B. Clemons, an attorney admitted to practice in the courts of the State of New York, affirms under penalty of perjury, pursuant to CPLR 2106, as follows:

- 1. I am an officer of the petitioner Verizon New York Inc.
- 2. I am not a party to this action.
- 3. I have read the foregoing Petition and I know its contents. To the best of my knowledge, based on information provided to me by employees of the Petitioner and its affiliates, the foregoing Petition is true.

Leefe B. Clemons **KEEFE B. CLEMONS**

Dated: New York, New York October 30, 2014

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 21 Multiple-Dwelling Unit Buildings in the City of New York

DECLARATION OF LAURA A. SHINE

A copy of the Petition of Verizon New York Inc. for Limited Orders of Entry for 21 Multiple-Dwelling Unit Buildings in the City of New York was sent on October 30, 2014 by First Class U.S. Mail to the persons on the attached Service List.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

LAURA A. SHINE

Dated: New York, New York October 30, 2014

SERVICE LIST

Wetherole Holding LLC c/o Estates NY Real Estate Services LLC

Attn: Denis Omeragic

97-77 Queens Boulevard, Suite 1210

Rego Park, NY 11374

Sutter Housing Associates Attn: Martin Shnay 98 Cuttermill Road, Suite 240S

Capital Hall Preservation HDFC c/o Grenadier Realty

Attn: Howard Fleishman 166 West 87th Street New York, NY 10024 Phillips Senior HDFC

Great Neck, NY 11021

c/o Dalton Management Co., LLC

Attn: Jonathan Warner

60 East 42nd Street, Suite 1835

New York, NY 10165

Louise Cavolina

2958 Roberts Avenue, Apt. B1

Bronx, NY 10461

2305 Holland LLC

c/o Appula Management Corp.

Attn: Magali Dominguez

733 Yonkers Avenue, 4th Floor

Yonkers, NY 10704

JJA Holding Corp.

Attn: Patrick O'Connell 4356 Katonah Avenue Bronx, NY 10470 Rockaway One Company, LLC c/o Pelican Management

Attn: Marc Goldfarb

524 North Avenue, 5th Floor

New Rochelle, NY 10801

Verga Associates LLC

Attn: John Verga 785 Ocean Parkway

Brooklyn, NY 11230

ZOR Properties LLC

Attn: David Winiarski

1030 Ocean Avenue, Apt. 1B

Brooklyn, NY 11226

J & N Realty Associates, LLC Attn: Ronald Swartz

80 Cuttermill Road, Suite 402

Great Neck, NY 11021

Noonan Towers Company, LLC

Attn: Josh Goldfarb

524 North Avenue, 5th Floor New Rochelle, NY 10801

Prospect Union Associates LP

Attn: John Skelly

333 Meadowlands Parkway, 4th Floor

Secaucus, NJ 07097

174 LLC

c/o Chestnut Holdings of New York, Inc.

Attn: Shoshana Bar-David

5676 Riverdale Avenue, Suite 307

Bronx, NY 10471

214 E 163 LLC

c/o Chestnut Holdings of New York, Inc.

Attn: Shoshana Bar-David

5676 Riverdale Avenue, Suite 307

Bronx, NY 10471

Fort Sheri Realty LLC c/o Almarc Realty Corp.

Attn: Sheik Saddick

8605 Bay Parkway, 2nd Floor

Brooklyn, NY 11214

The Waterford

c/o Robert E. Hill Inc.

Attn: Kennita Anderson 279 West 231st Street

Bronx, NY 10463

224-236 Realty LLC

Attn: Eric Samson

1274 49th Street, Suite 35

Brooklyn, NY 11219

Caring Communities Assoc. HDFC

c/o POP Management

Attn: Emmie Ryan

191 Joralemon Street

Brooklyn, NY 11201

Georgetown Leasing LLC

c/o Kings & Queens Residential LLC

Attn: Denis Omeragic

97-77 Queens Boulevard, Suite 1210

Rego Park, NY 11374

601 Albany Realty Corp.

Attn: Marc Faham

147 West 35th Street, Suite 1704

New York, NY 10001