EXHIBIT 2 PART A (Property Nos. 7007165-1 to 7064444-1)

Property No. 7007165-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7007165-1 Lisa Gorelli Lawrence Properties 150 West 30th Street, 2nd Floor New York, NY 10001-4146

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1050 Third Avenue, 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 **1050 Third Avenue**, 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.

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,

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

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 1050 Third Avenue, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW §228. Landlord-tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	(3) the resident address of the landlord, if known;(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.	(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
(b) demand or accept payment from any tenant, in any form, in exchange for	insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	rights of the landlord to just compensation in accordance with section 898.2 of this Part:
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
	property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy-three may be enforced notwithstanding this section.	landlord is made in the proceeding or no answer filed within the time permitted,
3. No cable television company may enter into any agreement with the	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
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS – PART 898 – LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation
	A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
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	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.
permitting cable television service or facilities on or within said landlord's	
property or premises.	§898.6 Contents of application for just compensation
§898.2 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
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the	(a) the location and amount of space occupied by the installation;(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
§898.3 Notice of installation	cable television facilities; and (d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television	upon good cause shown, permit the filing of supplemental information at any time
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	\$909.7 Sarvisa of Application
days prior to the commencement of such installation. (b) The secretary of the commission shall prescribe the procedure for service	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;(ii) the name and address of the landlord;	§898.8 Responses
(ii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the	commission within twenty days from the service of the application.
commission's rules.	\$909.0 Hearing and datarmingting
(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or	§898.9 Hearing and determination (a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	(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
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7009918-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7009918-1 Tobias Sahl Stellar Management 156 William Street, 10th Floor New York, NY 10038-2615

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1316 5 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 **1316 5 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.

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,

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

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 1316 5 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord-tenant relationship	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
1. No landlord shall (a) interfere with the installation of cable television	authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	(4) much of comiser of a motion of interaction install applies tale, initian comiser summa the
(1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and	(1) proof of service of a notice of intent to install cable television service upon the landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(2) that the cable television company or the tenant or a combination thereof	(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of
(b) demand or accept payment from any tenant, in any form, in exchange for	insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(-) Distribute in mostel above an effective between terrents when every	property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy-three may be enforced notwithstanding this section.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
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	answer to the petition, the cable television company shall have 10 days within
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS – PART 898 –	Law.
LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation
SOOD 4 Deskikister	A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept as provided in section 696.2 of this Part, no landood shall demand of accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's	
property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of:
determined by the commission in accordance with section 228 (1)(b) of the	(a) the location and amount of space occupied by the installation;(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
	cable television facilities; and
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television	upon good cause shown, permit the filing of supplemental information at any time
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.	§898.7 Service of Application
(b) The secretary of the commission shall prescribe the procedure for service	A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the	commission within twenty days from the service of the application.
commission's rules. (c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
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	Subchapter A of this Title. (c) If after the filing of an application, the cable television company and the
Part. The cable television company shall be liable to the landlord for any	applicant agree upon the amount of just compensation and the commission
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7011817-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7011817-1 Jacob Landau Osgood LLC 1225 39th Street Brooklyn, NY 11218-1932

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 220 Osgood Av, Staten Island 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 **220 Osgood Av, Staten Island 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.

USPS Tracking No. 71791000164815763941

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,

allipon M. Scipal

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

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 220 Osgood Av, Staten Island NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

 1. Includes that (a) (interface with the including of any control interface on the case on the case on the case of any control interface on any control interface on any control interf	PUBLIC SERVICE LAW §228. Landlord-tenant relationship	(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
 (1) Indit the installation of cable devision negatives on the second cable cable devision service upon the installation. The additional service is and the benefits of the landbox of the la		cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
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 (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service or or within be property or premises, or any othin the property or previous and those second and the property or premises. 2. Retail agreements and leases executed proto to January first, interfere hundred second and the property or premises, or any other with any agreement with the induction is afforded in exponentiation. Interfering with or any agreement with the induction is afforded in the property or premitted, the property or premitted, the property of the Public Service Laws to the protocharge or nearwer file within a contained in the property of the Public Service Laws complex with the petition, including intervel with any act, hat would have the afford in agreement with the patition in agreement with the induction in the patition in agreement with the petition in calculate television company in a within agreement with the regulation in the calculate television company in a within agreement with the regulation in the calculate television company in agreement with the regulation in the calculate television company in agreement with the regulation in the agreement with the interplation in the section BBS 2 of the Public Service Laws to the property of the protocharge in agreement with the interplation in the agreement with agreement with the interplation in the agreement with agreement	(3) that the cable television company agree to indemnify the landlord for	
 permitting cable televisions service on or within his property or premises, or from any cable television company in exchange therefore in excess of arrow which the Commission shall, by regulation, determine to be reasonable. (c) Diacriminate in rental charges or otherwise, between tenants who receive cable television service and thoses oxocuted prior to January first, ininteen funded ascenty-free may be enforced notwithstanding this section. 2. Rental agreements and leases oxocuted prior to January first, ininteen funded ascenty-free may be enforced notwithstanding this section. 3. No cable television company vary enfort in dary agreement with the oxenes, lessees or persons controlling or manging buildings served by a cable television company vary enfort in dary agreement with the oxenes, lessees or persons controlling or manging buildings served by a cable television company vary enfort in dary agreement with the oxenes, lessees or persons controlling or manging buildings served by a cable television company vary enfort in dary agreement with the installation shall be activation and the effect or person to the person or any facult bases or persons on individual antenna equipment. New VORK CODES RULES AND REGULATIONS-PART 888 – funded facult and the equiptions cable television company variant base of matilian or individual antenna equipment. VW VORK CODES RULES AND REGULATIONS-PART 888 – funded facult and the accondiate of the social section 1983.2 of this Part, section 888.3 of this facts in accordance with section 888.3 of this section facts in accordance with section 888.3 of this person indice described in acetion facts and contains, whichever is later. S888.2 Just Company and to cable television facts in accordance with action 888.3 of this perior facts should include, the near other periors facts and adverses of the cable television facts in accordance withe action 889.3 of this perior property or the mathemetic an		any damage caused in connection with the installation, including proof of
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 (c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not. 2. Rental agreements and leases weaked of not to lanuary first, intereen hundred seventy-three may be enforced notwithstanding this section. 3. No cable television company may enter into any agreement with the cable television company may enter into any agreement with the cable television company may enter into any agreement with the cable television company, or do or permit any adt, that would have the effect, cable television company, or do or permit any adt, that would have the effect, cable television company or any act, that would have the effect, cable television company or any act, that would have the effect, can do the regulations contained in the proteoming on any factual issues presented thereby or direct which accelerates as may be consistent with the situation of cable television service or facilities in accordance with Section 228 of the Public Service Law and the regulations contained with section 228 of the Public Service Law and the regulations contained with section 228 of the Public Service Law and the regulation or contained with section 228 of the Public Service Law and the regulation or pust compensation television service or facilities in accordance with Section 228 of the Public Service Law 328 of this Part, no landord shall demand accept any payment for any cable television company in the installation of accept any payment for any cable television company in the installation or priperty takes television service or facilities in accordance with Section 228 of the Public Service Law 2000 the site section 288 of the Public Service Law 2000 the stable television company in the installation or priperty takes the section 198.2 of this Part, no landord spatial sections service of the installation or pust compensation shall be property takes the section 198.2 of the Public Service Law 2000 the cable television company in the installati	amount which the Commission shall, by regulation, determine to be	Part;
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 a. No cable television company may enter into any agreement with the owners, lesses or pressons correling or managing buildings service by a cable television company, or do or permit any act, that would have the effect of cable television company, or do or permit which setting digits of any terms to other occupant of such building to use or avail himself of master or individual antered to definition agrupment. NEW YORK CODES RULES AND REGULATIONS – PART 888–LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law S228(1) S898.1 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 permiting cable television activation and patient of the cable television company of the installation of accept any payment from any cable television cable television company in exchange for permiting cable television activation 228 (1)(b) of the Service 1 as provided in section 898.2 of this Part, no landlord shall demand or scept any payment from any cable television cable television activation and paper section of the cable television activation and paper section of the cable television activation and paper section of the cable television activation and the activation and the section 898.3 of this Part or within stall andlord any file with the commission in accordance with section 228 (1)(b) of the public Service or facilities on or paymy for the installation of cable television facilities and andronts of specific facts relevant to the diamination of use or facilities in a service or facilities and addrons or fiber and the service or facilities and addrons of the cable television campany with section 228 (1)(b) of the service or facilities and the value of the applicant's property before the installation of cable television campany is the service or facilities and addrons of such notes, which shall incluto, b) the eartification of such and the service or facilities		landlord is made in the proceeding or no answer filed within the time permitted,
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 terant⁶ or other occupant of such building to use or avail himself of master or individual antenna equipment. terant⁶ 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 suthority: Public Service Law 8228(1) S898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable lelevision company in exchange for premitting cable television acceptore or delinities on or within said landford shall be service or facilities on the organisation for just compensation for just compensation for just compensation for just compensation shall be entitled to the payment of just compensation for just compensation shall be entitled to the payment of just compensation for just compensation shall be entitled to the payment of just compensation or cable television excert or delinities, which shall induce, but needs to be limited to, a deving of the part. The cable talevision company is to install cable television excert of statistics. Which shall cable talevision excert of statistics on the section 288.3 of the cable talevision company is to install cable television excert of section facilities, and (b) the proteous set of installation. (b) The secretary of the commission shall past compensation shall be served of heading and context of such socies. The secretary of the payment of the installation. (c) The secretary of the company property is and context of such socies. The secretary of the public Service Law and address of the cable talevision company; (b) the first of secretary of the commission shall proscribe the procedure of the splication for isstall cond to the splication for isstall cond to the splication property is located. (b) the name and address of the cable talevision company; (b) the prote of the splication for isstallation of cable televisio	cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
 Itelevision service of facilities in accordance with Section 228 of the Public Service Law (S28(1)) Status S28(1) Status Compensation or pust in exchange for permitting cable television company in exchange for permitting cable television company of the installation of pust compensation shall be television company in the installation of cable television company in the installation of pust compensation. Status Park He form and content of such notice, which shall include, but need not be limited to: a showing of the rade interporty of a landord shall serve upon sail landord in a such notice, which shall include, if the value of the application is content of such notice, which shall include, if the application for just compensation shall be served on all parties and on the commission faller scrube the installation of exclude the installation of exclude service the installation of actives of the cable television company; Status Park He form and content of such notice, which shall include, in the real property subsequent to the installation of the installation and ((h) the amber of a sporting of the installation and (in the installation of active servet he installation and upon the cable television company; Status Park He form and content of such notice, wh	tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
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 of the notice described in section 898.3 of this Part or 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 service of version facilities, whichever is later. §898.6 Contents of application for just compensation the cable television company for the installation of cable television for the Public Service Law upon application by the company for the installation of a patient of fust compensation of property taken by a cable television in accordance with section 226 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of the Part. §898.3 Notice of installation (d) Every cable television company in the installation. (e) Every cable television company proposing to install cable television for the Part. (i) The service of facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the tervice the installation for (i) The service of he landlord; (ii) The name and address of the landlord; (iii) the cable television company may hall have the right to enter property of the combission in subactance of the st		
A landford may file with the commission an application for just compensation §398.1 Prohibition Except as provided in section 998.2 of this Part, no landford shall demand or accept any payment from any cable television company in exchange for permitting cable television company making the service by the cable television company in the scharge by the cable television company in the installation of cable television service or facilities. The amount of just compensation shall be television in accordance with section 282 (1)(b) the previous use of such space: (b) The scretary of the commission in accordance with section 282 (1)(b) the previous use of such notice, which shall here of installation (c) The scretary of the commission shall prescribe the procedure for service of installation of euclines upon the ristallation and the form and content of such notice, which shall include, but need not be limited to; (b) The scretary of the commission shall prescribe the procedure for service of the application for just compensation shall be served upon the cable television company making the installation and upon the commission shall be installation and dures of the landford; (b) The scretary of the combines company; (b) The scretary of the installation and the form and content of such notice, which shall include, but need not section 290 of the suble served or any proporting the service by anot the service of the application. <tr< td=""><td>LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service</td><td></td></tr<>	LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service	
 Except as provided in section 888.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for payment for any cable television company in exchange for payment for any cable television company in exchange for the installation of the installation of the cable television facilities, whichever is later. Stas 2 Just Compensation Every landord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television excises of accurate with section 228 (1)(b) of the Public Service Law unon application for just compensation. Such facts should include, but need not be limited to, a showing of. (a) Every cable television company propsing to install cable television and amount of space occupied by the installation of cable television facilities and there of at least 15 days prior to the commission shall percently of a landlord shall serve upon said landlord or methods used to determine such values. The secretary may, upor application shall percently of a landlord shall serve upon said landlord or methods used to determine such values. The secretary may, upor application of such installation. (b) The secretary of the commission shall prescribe the procedure for service of facilities upon the property cable television company; (ii) the anne and address of the cable television company; (ii) the anne and address of the cable television company; (ii) the anne and address of the cable television service or facilities and editor of such rotize, which shall include, but need not be limited to: (a) case to the stallation; (b) The secretary of the commission shall percented the shallation; (b) The secretary of the commission shall percented the shallation; (b) The secretary of the commission shall be served to application in the secretary may, upor yob property cable television company; (ii) the		A landlord may file with the commission an application for just compensation
property or premises.§898.2 Lust Compensation§898.2 Lust Compensationapplication for just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation is presented facts relevant to the determination of just compensation. Such facts should include, but need not be limited to (a) the previous use of such space;(b) the previous use of such space; (c) the value of the applicant's property before the installation of cable television service or facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and (b) the previous use of such space;(c) the value of the applicant's property before the installation of cable television service or facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and (b) the previous use of such match and the fact or of such notice, and the form and content of such notice, which shall include; (i) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television service or facilities were placed prior to the effective date of this Part. \$988.4 Right of Entry (a) A cable television company shall b atable to the stallation. Section 228 (1) by application service or facilities were placed prior to the effective date of this Part. \$988.4 Right of Entry (b) An application, f any, shall be served on all parties and on the commission shall serve in complexion service of the sublication. Before service Law and Part 898 of the com	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	notice described in section 898.3 of this Part or within four months following the
 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. (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 commission shall prescribe the procedure for service of the method or methods used to determines uch values. The secretary may, upon god cause shown, permit the filing of aupplemental information at any time and address of the cable television company; (ii) the name and address of the cable television or space is of the landlord; (iii) the name and address of the landlord; (iii) the name and address of the landlord; (iii) the approximate date of the installation; and (o) there and address of the cable television company; (ii) the name and address of the cable television company; (iii) the approximate date of the installation; and (i) Notice that installation of equipment has been completed may be served any time on landlords upon whose property cable television company shall have the right to enter property of the landlord, or an authorized agent which notice shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) At a papication company shall have the right to enter property of the landlord, or an authorized agent which notice shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) At a cable television company shall be liable to the landlord for any dad mages caused by such entry but such damages shall not dupication any base served any time cable television company shall be rectivisent shall		
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 Public Service Law upon application by the landlord pursuant to section 898.5 of this Part. (c) the value of the applicant's property before the installation of cable television facilities; and (4) the methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to the commension shall prescribe the procedure for service 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 any time von all parties and on the commission facilities as described in the application, finds that just compensation for the installation of cable television company shall have the right to enter property of the landlord, or an authorized agent which notice shall contuit a mager saused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 	television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
 §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 cable television company; (iii) the name and address of the landlord; (iii) the name and address of the landlord; (iii) the name and address of the landlord; (iii) the approximate date of the installation; and (c) Notice that installation of equipment has been completed may be served any the right to enter property of the 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 installation. Before such entry, the cable television company shall serve notice upon 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 shall but buch damages shall not duplicate damages paid by the cable television company pursuant to section 	Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of 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 cable television company; (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 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 pursuant to section 933.3(b) of this Part. The cable television company pursuant to section 216(3) of the Public Service Law damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 2016(3) of the Public Service Law and Chapter I, Subchapter A of this Title.		cable television facilities; and
days prior to the commencement of such installation.§898.7 Service of Application(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:A copy of the application filed by the landlord for just compensation and upon the chief executive officer of the municipality in which the real property is located.(i) the name and address of the cable television company; (ii) the approximate date of the installation, and (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission srules.§898.8 Responses(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 be liable to the landlord for an untoice 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 sectionSubchapter A of this Title. (c) If after the filing of an application, the cable television and the commission approve such amount, the commission shall not be required to conduct a hearing on the issue.	service or facilities upon the property of a landlord shall serve upon said	
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 shall conduct a hearing pursuant to section 216(3) of the Public Service Law. 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. (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. 	(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or	0 0
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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(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.	to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section on the issue.	date of entry and all other information described in section 893.3(b) of this	(c) If after the filing of an application, the cable television company and the
	damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing

Property No. 7011878-1



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

September 9, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7011878-1 David Pian Metro Loft Management, LLC 5 Hanover Square, 3rd Floor New York, NY 10004-2657

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 135 William, 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 **135 William, 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.

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,

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

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 135 William, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 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 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 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.
(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.

Property No. 7012957-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7012957-1 Mike Davidowitz Sharp Management 1085 East 12th Street Brooklyn, NY 11230-4111

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 55 W 129, 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 **55 W 129, 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.

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,

alupon M. Scipal

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

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 55 W 129, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and	 proof of service of a notice of intent to install cable television service upon the landlord;
appearance of the premises, and the convenience and well being of other tenants;	(2) the specific location of the real property;(3) the resident address of the landlord, if known;
(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;	(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
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of
(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 our achieves a company in exchange therease the rest.	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
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or	Part; (8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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.	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,
3. No cable television company may enter into any agreement with the	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
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, discipling a cable television company or do or permit any act, that would have the effect,	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
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.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
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.	completion of the installation of the cable television facilities, whichever is later. §898.6 Contents of application for just compensation
§898.2 Just Compensation	An application for just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	just compensation. Such facts should include, but need not be limited to, a showing of:
television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the	(a) the location and amount of space occupied by the installation;(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	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
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	prior to final determination by the commission.
days prior to the commencement of such installation. (b) The secretary of the commission shall prescribe the procedure for service	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include, but need not be limited to:	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.
 (i) the name and address of the cable television company; (ii) the name and address of the landlord; (iii) the approximate data of the installation; and 	§898.8 Responses
 (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. 	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.
 (c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or 	§898.9 Hearing and determination (a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
 §898.4 Right of Entry (a) A cable television company shall have the right to enter property of the landlerd for the purpose of making surveys or other investigations proparatory. 	(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 basing. Upon timely receipt of such request the commission shall conduct a
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	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.
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	(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
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7014708-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7014708-1 Andrea Bunis Andrea Bunis Management Inc. 45 West 45th Street, Suite 901 New York, NY 10036-4602

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 140 8 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 **140 8 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.

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,

alupon M. Scipal

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

cc (via U.S. mail): Board President: Kevin Gildea

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 140 8 Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
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	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property; (2) the specific location of the level and if the sum
(2) that the cable television company or the tenant or a combination thereof	 (3) the resident address of the landlord, if known; (4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities; and	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;
(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.	(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
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	rights of the landlord to just compensation in accordance with section 898.2 of this Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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
2. Rental agreements and leases executed prior to January first, nineteen	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
hundred seventy three may be enforced notwithstanding this section.	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
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
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	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
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation Every landlord shall be entitled to the payment of just compensation for	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
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	(b) the previous use of such space;(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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 such a fact determine the theorem and the fact of the secret s
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	prior to final determination by the commission.
days prior to the commencement of such installation.(b) The secretary of the commission shall prescribe the procedure for servicefor the procedure of the commission shall prescribe the procedure for service	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include, but need not be limited to:	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.
(i) the name and address of the cable television company;(ii) the name and address of the landlord;	§898.8 Responses
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules. (c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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
§898.4 Right of Entry	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
(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	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
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	hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7014792-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7014792-1 Mitchell Pickman TKR Property Services 430 16th Street Brooklyn, NY 11215-5810

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 372 De Kalb Avenue, 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 **372 De Kalb Avenue**, **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.

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,

alupon M. Scipal

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

cc (via U.S. mail): Board President: Chelsea Stewart

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 372 De Kalb Avenue, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and	(1) proof of service of a notice of intent to install cable television service upon the landlord;
appearance of the premises, and the convenience and well being of other tenants;	(2) the specific location of the real property;(3) the resident address of the landlord, if known;
(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;	 (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
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	 (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	rights of the landlord to just compensation in accordance with section 898.2 of this Part;
reasonable; or	 (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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
2. Rental agreements and leases executed prior to January first, nineteen	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
hundred seventy three may be enforced notwithstanding this section.	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
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
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	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
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation Every landlord shall be entitled to the payment of just compensation for	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
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	 (b) the previous use of such space; (c) the value of the applicant's property before the installation of cable television (c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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 find determine then by the commission.
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 grint to the compresent of such installation	prior to final determination by the commission.
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,	§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
but need not be limited to: (i) the name and address of the cable television company;	chief executive officer of the municipality in which the real property is located.
(ii) the name and address of the landlord;	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
 (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. 	commission within twenty days from the service of the application.
 (c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or 	\$898.9 Hearing and determination (a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	(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
landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve	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,
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	Subchapter A of this Title. (c) If after the filing of an application, the cable television company and the
Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate	applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.	on the issue.
	1

Property No. 7014830-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7014830-1 Stanley Gallout 537 Clinton LLC 80 Maiden Lane, Room #2204 New York, NY 10038-4815

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 537 Clinton 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 **537 Clinton 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.

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.

alupon M. Scipal

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

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 537 Clinton Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

cable television company may	
	file with the commission a petition verified by an television company setting forth:
	of intent to install cable television service upon the
appearance of the premises, and the convenience and well being of other tenants; (2) the specific location of the r (3) the resident address of the	landlord, if known;
bear the entire cost of the installation, operation or removal of such facilities; including the type and method	s and equipment to be installed upon the property, of installation, the anticipated costs thereof, 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. (5) the name of the individual of (6) a statement that the cable t	ninimize the aesthetic impact of the installation; or officer responsible for the actual installation; television company shall indemnify the landlord for ction with the installation, including proof of
(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 (7) a statement that the installa	f ability to indemnify the landlord; ation shall be conducted without prejudice to the mpensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be reasonable; orPart; (8) a summary of efforts by the	e cable television company to effect entry of the
G	rd is afforded the opportunity to answer the petition
petition and may set forth any	t thereof which answer must be responsive to the additional matter not contained in the petition.
hundred seventy three may be enforced notwithstanding this section. Iandlord is made in the proceed	ding or no answer filed within the time permitted, the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a company has complied with re-	ute a ruling that the petitioning cable television equirements of section 228 of the Public Service ined in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any answer to the petition, the cabl	le television company shall have 10 days within The commission may grant or deny the petition,
direct such other procedures a	aring on any factual issues presented thereby or as may be consistent with the installation of cable n accordance with Section 228 of the Public Service
NEW YORK CODES RULES AND REGULATIONS PART 898 Law. LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law.	
	mmission an application for just compensation
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	te service by the cable television company of the 8.3 of this Part or within four months following the of the cable television facilities, whichever is later.
	sation shall set forth specific facts relevant to the sation. Such facts relevant to the
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cablejust compensation. Such facts showing of:	s should include, but need not be limited to, a
determined by the commission in accordance with section 228 (1)(b) of the (b) the previous use of such sp	
	property before the installation of cable television applicant's property subsequent to the installation of
§898.3 Notice of installation(d) the method or methods use(a) Every cable television company proposing to install cable televisionupon good cause shown, perm	ed to determine such values. The secretary may, nit the filing of supplemental information at any time
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	the commission.
	by the landlord for just compensation shall be on company making the installation and upon the
	unicipality in which the real property is located.
(ii) the name and address of the landlord; §898.8 Responses	if any, shall be served on all parties and on the
commission's rules.	s from the service of the application.
	ation It just compensation for the installation of cable In the application may be in excess of one dollar it
§898.4 Right of Entryshall conduct a hearing pursua(b) An applicant may, within 20	ant to section 216(3) of the Public Service Law. 0 days from the release date of the commission
landlord for the purpose of making surveys or other investigations preparatory hearing. Upon timely receipt o	n at one dollar or less, file a written request for a of such request, the commission shall conduct a
notice upon the landlord, or an authorized agent which notice shall contain the Subchapter A of this Title.	I6(3) of the Public Service Law and Chapter I,cation, the cable television company and the
Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicateapplicant agree upon the amou approves such amount, the company	unt of just compensation and the commission mmission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to sectionon the issue.228(1)(a)(3) of the Public Service Law.	

Property No. 7017824-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

September 9, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7017824-1 Ezra Betech Coney Management 1499 Coney Island Ave Brooklyn, NY 11230-4713

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 2035 E 7TH, 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 **2035 E 7TH, 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.

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.

alupon M. Scipal

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

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 2035 E 7TH, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 2014

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
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	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property; (2) the specific location of the level and if the sum
(2) that the cable television company or the tenant or a combination thereof	 (3) the resident address of the landlord, if known; (4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities; and	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;
(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.	(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
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	rights of the landlord to just compensation in accordance with section 898.2 of this Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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
2. Rental agreements and leases executed prior to January first, nineteen	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
hundred seventy three may be enforced notwithstanding this section.	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
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
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	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
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation Every landlord shall be entitled to the payment of just compensation for	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
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	(b) the previous use of such space;(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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 such a fact determine the theorem and the fact of the secret s
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	prior to final determination by the commission.
days prior to the commencement of such installation.(b) The secretary of the commission shall prescribe the procedure for servicefor the procedure of the commission shall prescribe the procedure for service	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include, but need not be limited to:	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.
(i) the name and address of the cable television company;(ii) the name and address of the landlord;	§898.8 Responses
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules. (c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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
§898.4 Right of Entry	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
(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	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
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	hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7017854-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7017854-1 Andre Williams Samson Management, LLC 97-77 Queens Boulevard, Suite #710 Rego Park, NY 11374-3395

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 299 Saint Marks Place, Staten Island 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 **299 Saint Marks Place**, **Staten Island 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.

USPS Tracking No. 71791000164815764078

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.

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

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 299 Saint Marks Place, Staten Island NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

cable television company may	
	file with the commission a petition verified by an television company setting forth:
	of intent to install cable television service upon the
appearance of the premises, and the convenience and well being of other tenants; (2) the specific location of the r (3) the resident address of the	landlord, if known;
bear the entire cost of the installation, operation or removal of such facilities; including the type and method	s and equipment to be installed upon the property, of installation, the anticipated costs thereof, 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. (5) the name of the individual of (6) a statement that the cable t	ninimize the aesthetic impact of the installation; or officer responsible for the actual installation; television company shall indemnify the landlord for ction with the installation, including proof of
(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 (7) a statement that the installa	f ability to indemnify the landlord; ation shall be conducted without prejudice to the mpensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be reasonable; orPart; (8) a summary of efforts by the	e cable television company to effect entry of the
G	rd is afforded the opportunity to answer the petition
petition and may set forth any	t thereof which answer must be responsive to the additional matter not contained in the petition.
hundred seventy three may be enforced notwithstanding this section. Iandlord is made in the proceed	ding or no answer filed within the time permitted, the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a company has complied with re-	ute a ruling that the petitioning cable television equirements of section 228 of the Public Service ined in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any answer to the petition, the cabl	le television company shall have 10 days within The commission may grant or deny the petition,
direct such other procedures a	aring on any factual issues presented thereby or as may be consistent with the installation of cable n accordance with Section 228 of the Public Service
NEW YORK CODES RULES AND REGULATIONS PART 898 Law. LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law.	
	mmission an application for just compensation
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	te service by the cable television company of the 8.3 of this Part or within four months following the of the cable television facilities, whichever is later.
	sation shall set forth specific facts relevant to the sation. Such facts relevant to the
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cablejust compensation. Such facts showing of:	s should include, but need not be limited to, a
determined by the commission in accordance with section 228 (1)(b) of the (b) the previous use of such sp	
	property before the installation of cable television applicant's property subsequent to the installation of
§898.3 Notice of installation(d) the method or methods use(a) Every cable television company proposing to install cable televisionupon good cause shown, perm	ed to determine such values. The secretary may, nit the filing of supplemental information at any time
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	the commission.
	by the landlord for just compensation shall be on company making the installation and upon the
	unicipality in which the real property is located.
(ii) the name and address of the landlord; §898.8 Responses	if any, shall be served on all parties and on the
commission's rules.	s from the service of the application.
	ation It just compensation for the installation of cable In the application may be in excess of one dollar it
§898.4 Right of Entryshall conduct a hearing pursua(b) An applicant may, within 20	ant to section 216(3) of the Public Service Law. 0 days from the release date of the commission
landlord for the purpose of making surveys or other investigations preparatory hearing. Upon timely receipt o	n at one dollar or less, file a written request for a of such request, the commission shall conduct a
notice upon the landlord, or an authorized agent which notice shall contain the Subchapter A of this Title.	I6(3) of the Public Service Law and Chapter I,cation, the cable television company and the
Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicateapplicant agree upon the amou approves such amount, the company	unt of just compensation and the commission mmission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to sectionon the issue.228(1)(a)(3) of the Public Service Law.	

Property No. 7017879-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

September 9, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7017879-1 Roman Kalika Dependable Property Management 10 Cove Lane, 1st Floor Brooklyn, NY 11234-5939

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 602 Avenue T, 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 **602 Avenue T, 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.

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.

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

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 602 Avenue T, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	(3) the resident address of the landlord, if known;(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)	§898.5 Application for just compensation
Law 9220(1)	A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
8808 3 Notice of installation	cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.	commission within twenty days from the service of the application.
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	television facilities as described in the application may be in excess of one dollar it
8808 4 Pight of Entry	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
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7017943-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7017943-1 Walter Roberts Hope Community, Inc. 174 East 104th Street New York, NY 10029-4916

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: Harlem Canaan House, 1 W 117, 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 **Harlem Canaan House**, **1 W 117**, **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.

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.

allipon M. Scipal

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

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 Harlem Canaan House, 1 W 117, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
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	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property; (2) the specific location of the level and if the sum
(2) that the cable television company or the tenant or a combination thereof	 (3) the resident address of the landlord, if known; (4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities; and	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;
(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.	(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
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	rights of the landlord to just compensation in accordance with section 898.2 of this Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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
2. Rental agreements and leases executed prior to January first, nineteen	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
hundred seventy three may be enforced notwithstanding this section.	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
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
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	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
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation Every landlord shall be entitled to the payment of just compensation for	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
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	(b) the previous use of such space;(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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 such a fact determine the theorem and the fact of the secret s
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	prior to final determination by the commission.
days prior to the commencement of such installation.(b) The secretary of the commission shall prescribe the procedure for servicefor the procedure of the commission shall prescribe the procedure for service	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include, but need not be limited to:	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.
(i) the name and address of the cable television company;(ii) the name and address of the landlord;	§898.8 Responses
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules. (c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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
§898.4 Right of Entry	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
(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	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
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	hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7017951-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7017951-1 Andre Williams Samson Management, LLC 97-77 Queens Boulevard, Suite #710 Rego Park, NY 11374-3395

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 610 Victory Blvd, Staten Island 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 **610 Victory Blvd, Staten Island 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.

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.

allipon M. Scipal

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

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 610 Victory Blvd, Staten Island NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

 1. Includes that (a) (interface with the including of any control interface on the case on the case on the case of any control interface on any control interface on any control interf	PUBLIC SERVICE LAW §228. Landlord-tenant relationship	(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
 (1) Indit the installation of cable devision negatives on the second cable cable devision service upon the installation. The additional service is and the benefits of the landbox of the la		cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
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 (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service or or within be property or premises, or any othin the property or previous and those second and the property or premises. 2. Retail agreements and leases executed proto to January first, interfere hundred second and the property or premises, or any other with any agreement with the induction is afforded in exponentiation. Interfering with or any agreement with the induction is afforded in the property or premitted, the property or premitted, the property of the Public Service Laws to the protocharge or nearwer file within a contained in the property of the Public Service Laws complex with the petition, including intervel with any act, hat would have the afford in agreement with the patition in agreement with the induction in the patition in agreement with the petition in calculate television company in a within agreement with the regulation in the calculate television company in a within agreement with the regulation in the calculate television company in agreement with the regulation in the calculate television company in agreement with the regulation in the agreement with the interplation in the section BBS 2 of the Public Service Laws to the property of the protocharge in agreement with the interplation in the agreement with agreement with the interplation in the agreement with agreement	(3) that the cable television company agree to indemnify the landlord for	
 permitting cable televisions service on or within his property or premises, or from any cable television company in exchange therefore in excess of arrow which the Commission shall, by regulation, determine to be reasonable. (c) Diacriminate in rental charges or otherwise, between tenants who receive cable television service and thoses oxocuted prior to January first, ininteen funded ascenty-free may be enforced notwithstanding this section. 2. Rental agreements and leases oxocuted prior to January first, ininteen funded ascenty-free may be enforced notwithstanding this section. 3. No cable television company vary enfort in dary agreement with the oxenes, lessees or persons controlling or manging buildings served by a cable television company vary enfort in dary agreement with the oxenes, lessees or persons controlling or manging buildings served by a cable television company vary enfort in dary agreement with the oxenes, lessees or persons controlling or manging buildings served by a cable television company vary enfort in dary agreement with the installation shall be activation and the effect or person to the person or any facult bases or persons on individual antenna equipment. New VORK CODES RULES AND REGULATIONS-PART 888 – funded facult and the equiptions cable television company variant base of matilian or individual antenna equipment. VW VORK CODES RULES AND REGULATIONS-PART 888 – funded facult and the accondiate of the social section 1983.2 of this Part, section 888.3 of this facts in accordance with section 888.3 of this section facts in accordance with section 888.3 of this person indice described in acetion facts and contains, whichever is later. S888.2 Just Company and for accordance with and address of this person. S888.3 Parkies and indices in accordance with action 888.3 of this performation factor and and and the equiption of the socable television for this accordance withs according at the se		any damage caused in connection with the installation, including proof of
 amount which the Commission shall, by regulation, determine to be pertirement of the Commission and barges or atherwise, between tenants who reaction and events and tensors or achieves and these who do not. Bental agreements and lasses executed prior to January first, iniveteen hundred sevenly-three may be enforced notwithstanding this section. Control agreements and lasses executed prior to January first, iniveteen hundred sevenly-three may be enforced notwithstanding this section. So has be devision company may enter into any agreement with the commission may agreement with the complexity or individual antern as quingement. New YORK CODES RULES AND REGULATIONS - PART 88 - LANDLORD FENENNT RELATIONSHIP (Staturory autority: Public Service Law S224(1) Staba 1 Prohibition Except ag provided in section 898.2 of this Part, no landord shall demand or porticity or premises. Staba 2. Derived to the paymont of just componsation from the installation of cable television company on a within seal landord site. Staba 2. Derived to the paymont of just componsation from the organizations company of the installation of cable television for just compensation. Such facts feedward to the detexistion for just compensation for the commission may agreement with sections 20 (1) (b) of the installation of cable television company of the installation of such marker and support of the paymont of agreement with sections agreement with section 20 (2) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c	permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
 (c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not. 2. Rental agreements and leases weaked of not to lanuary first, intereen hundred seventy-three may be enforced notwithstanding this section. 3. No cable television company may enter into any agreement with the cable television company may enter into any agreement with the cable television company may enter into any agreement with the cable television company, or do or permit any adt, that would have the effect, cable television company, or do or permit any adt, that would have the effect, cable television company or any act, that would have the effect, cable television company or any act, that would have the effect, can do the regulations contained in the proteoming on any factual issues presented thereby or direct which accelerates as may be consistent with the situation of cable television service or facilities in accordance with Section 228 of the Public Service Law and the regulations contained with section 228 of the Public Service Law and the regulations contained with section 228 of the Public Service Law and the regulation or contained with section 228 of the Public Service Law and the regulation or pust compensation television service or facilities in accordance with Section 228 of the Public Service Law 328 of this Part, no landord shall demand accept any payment for any cable television company in the installation of accept any payment for any cable television company in the installation or priperty takes television service or facilities in accordance with Section 228 of the Public Service Law 2000 the site section 288 of the Public Service Law 2000 the stable television company in the installation or priperty takes the section 198.2 of this Part, no landord spatial sections service of the installation or pust compensation shall be property takes the section 198.2 of the Public Service Law 2000 the cable television company in the installati	amount which the Commission shall, by regulation, determine to be	Part;
 Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition and may set forth ariy additional matter not contained in the petition. Petition addition addition addit matter petition. Petition additi		property for installation; and
 hundred severty-three may be enforced notwithstanding this section. 3. No cable television company may enter into any agreement with the owners, lesses or presons company an order of entry which order shall constitute a ruling that the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company andred files a written adversarial or the company is company has had hadrod has a with the commission has proved with has hadrod has a hardware of has hadred hadred has hadred hadred has hadre		petition and may set forth any additional matter not contained in the petition.
 a. No cable television company may enter into any agreement with the owners, lesses or pressons correling or managing buildings service by a cable television company, or do or permit any act, that would have the effect of cable television company, or do or permit which setting digits of any terms to other occupant of such building to use or avail himself of master or individual antered to definition agrupment. NEW YORK CODES RULES AND REGULATIONS – PART 888–LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law S228(1) S898.1 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 permiting cable television activation and patient of the cable television company of the installation of accept any payment from any cable television cable television company in exchange for permiting cable television activation 228 (1)(b) of the Service 1 as provided in section 898.2 of this Part, no landlord shall demand or scept any payment from any cable television cable television activation and paper section of the cable television activation and paper section of the cable television activation and paper section of the cable television activation and the activation and the section 898.3 of this Part or within stall andlord any file with the commission in accordance with section 228 (1)(b) of the public Service or facilities on or paymy for the installation of cable television facilities and andronts of specific facts relevant to the diamination of use on the section 898.3 Notice of installation (a cable television facilities the property of a landlord shall devision save upons adialized television facilities and the value of the applicant's property values. The secretary may, upon good cause of should include, but need not be installation of submersion and yterms of submersion should be service of facilities and on the commission. S988.3 Notice of i		landlord is made in the proceeding or no answer filed within the time permitted,
 cable television company, or do or permit any act, that would have the effect. cable television company and whe sisting rights of any torant or other occupant of such building to use or avail himself of matter or individual antenna equipment. Law and the regulations contained in this Part. The cammission company says within self of matter or facilities and the regulations contained in this Part. Law and the regulation contained in this Part. Law and the regulations contained in this Part. Law and the regulations contained in this Part. Law and the regulations contained in this Part. Law and the regulation contained in this Part. Law and the regulatio		entry which order shall constitute a ruling that the petitioning cable television
 terant⁶ or other occupant of such building to use or avail himself of master or individual antenna equipment. terant⁶ 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 suthority: Public Service Law 8228(1) S898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable lelevision company in exchange for premitting cable television acceptore or delinities on or within said landford shall be service or facilities on the organisation for just compensation for just compensation for just compensation for just compensation shall be entitled to the payment of just compensation for just compensation shall be entitled to the payment of just compensation for just compensation shall be entitled to the payment of just compensation or cable television excert or delinities, which shall induce, but needs to be limited to, a deving of the part. The cable talevision company is to install cable television excert of statistics. Which shall cable talevision excert of statistics on the section 288.3 of the cable talevision company is to install cable television excert of section facilities, and (b) the proteous set of installation. (b) The secretary of the commission shall past compensation shall be served of heading and context of such socies. The secretary of the payment of the installation. (c) The secretary of the company property is and context of such socies. The secretary of the public Service Law and address of the cable talevision company; (b) the first of secretary of the commission shall proscribe the procedure of the splication for isstall cond to the splication for isstall cond to the splication property is located. (b) the name and address of the cable talevision company; (b) the prote of the splication for isstallation of cable televisio	cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
 Itelevision service of facilities in accordance with Section 228 of the Public Service Law (S28(1)) Status S28(1) Status Compensation or pust in exchange for permitting cable television company in exchange for permitting cable television company of the installation of pust compensation shall be television company in the installation of cable television company in the installation of pust compensation. Status Park He form and content of such notice, which shall include, but need not be limited to: a showing of the rade interporty of a landord shall serve upon sail landord in a such notice, which shall include, if the value of the application is content of such notice, which shall include, if the application for just compensation shall be served on all parties and on the commission faller scrube the installation of eacting of the cable television company; Status and the form of the installation of active served the installation of active served the installation of active served the installation and ((h) the amber of active served the installation of the installation of the application. Status Park the cable television c	tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
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 of the notice described in section 898.3 of this Part or 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 service of version facilities, whichever is later. §898.6 Contents of application for just compensation the cable television company for the installation of cable television for the Public Service Law upon application by the company for the installation of a patient of fust compensation of property taken by a cable television in accordance with section 226 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of the Part. §898.3 Notice of installation (d) Every cable television company in the installation. (e) Every cable television company proposing to install cable television for the Part. (i) The service of facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service or facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the tervice the installation for (i) The service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the property of a landlord shall serve upon service of facilities upon the pr		
A landford may file with the commission an application for just compensation §398.1 Prohibition Except as provided in section 998.2 of this Part, no landford shall demand or accept any payment from any cable television company in exchange for permitting cable television company making the service by the cable television company in the scharge by the cable television company in the installation of cable television service or facilities. The amount of just compensation shall be television in accordance with section 282 (1)(b) the previous use of such space: (b) The scretary of the commission in accordance with section 282 (1)(b) the previous use of such notice, which shall here of installation (c) The scretary of the commission shall prescribe the procedure for service of installation of euclines upon the ristallation and the form and content of such notice, which shall include, but need not be limited to; (b) The scretary of the commission shall prescribe the procedure for service of the application for just compensation shall be served upon the cable television company making the installation and upon the commission shall be installation and dures of the landford; (b) The scretary of the combines company; (b) The scretary of the installation and the form and content of such notice, which shall include, but need not section 290 of the suble served or any proporting the service by anot the service of the application. <tr< td=""><td>LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service</td><td></td></tr<>	LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service	
 Except as provided in section 888.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for payment for any cable television company in exchange for payment for any cable television company in exchange for the installation of the installation of the cable television facilities, whichever is later. Stas 2 Just Compensation Every landord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television excises of accurate with section 228 (1)(b) of the Public Service Law unon application for just compensation. Such facts should include, but need not be limited to, a showing of. (a) Every cable television company propsing to install cable television and amount of space occupied by the installation of cable television facilities and there of at least 15 days prior to the commission shall percently of a landlord shall serve upon said landlord or methods used to determine such values. The secretary may, upor application shall percently of a landlord shall serve upon said landlord or methods used to determine such values. The secretary may, upor application of such installation. (b) The secretary of the commission shall prescribe the procedure for service of facilities upon the property cable television company; (ii) the anne and address of the cable television company; (ii) the anne and address of the cable television company; (ii) the anne and address of the cable television service or facilities and editor of such rotize, which shall include, but need not be limited to: (a) case to the stallation; (b) The secretary of the commission shall percented the shallation; (b) The secretary of the commission shall prescribe the procedure for server of facilities upon the grouperty cable television service or facilities and edited to the application is rules. (b) Natice that installation		A landlord may file with the commission an application for just compensation
property or premises.§898.2 Lust Compensation§898.2 Lust Compensationapplication for just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation is presented facts relevant to the determination of just compensation. Such facts should include, but need not be limited to (a) the previous use of such space;(b) the previous use of such space; (c) the value of the applicant's property before the installation of cable television service or facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and (b) the previous use of such space;(c) the value of the applicant's property before the installation of cable television service or facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and (b) the previous use of such match and the fact or of such notice, and the form and content of such notice, which shall include; (i) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television company; (ii) the name and address of the cable television service or facilities were placed prior to the effective date of this Part. \$988.4 Right of Entry (a) A cable television company shall b atable to the stallation. Section 228 (1) by application service or facilities were placed prior to the effective date of this Part. \$988.4 Right of Entry (b) An application, f any, shall be served on all parties and on the commission shall serve in complexion service of the sublication. Before service Law and Part 898 of the com	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	notice described in section 898.3 of this Part or within four months following the
 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. (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 commission shall prescribe the procedure for service of the method or methods used to determines uch values. The secretary may, upon god cause shown, permit the filing of aupplemental information at any time and address of the cable television company; (ii) the name and address of the cable television or space is of the landlord; (iii) the name and address of the landlord; (iii) the name and address of the landlord; (iii) the approximate date of the installation; and (o) there and address of the cable television company; (ii) the name and address of the cable television company; (iii) the approximate date of the installation; and (i) Notice that installation of equipment has been completed may be served any time on landlords upon whose property cable television company shall have the right to enter property of the landlord, or an authorized agent which notice shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) At a papication company shall have the right to enter property of the landlord, or an authorized agent which notice shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) At a cable television company shall be liable to the landlord for any dad mages caused by such entry but such damages shall not dupication any base served any time cable television company shall be rectivisent shall		
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 Public Service Law upon application by the landlord pursuant to section 898.5 of this Part. (c) the value of the applicant's property before the installation of cable television facilities; and (4) the methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to the commension shall prescribe the procedure for service 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 any time von all parties and on the commission facilities as described in the application, finds that just compensation for the installation of cable television company shall have the right to enter property of the landlord, or an authorized agent which notice shall contuit a mager saused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 	television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
 §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 cable television company; (iii) the name and address of the landlord; (iii) the name and address of the landlord; (iii) the name and address of the landlord; (iii) the approximate date of the installation; and (c) Notice that installation of equipment has been completed may be served any the right to enter property of the 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 installation. Before such entry, the cable television company shall serve notice upon 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 shall but buch damages shall not duplicate damages paid by the cable television company pursuant to section 	Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of 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 cable television company; (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 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 pursuant to section 933.3(b) of this Part. The cable television company pursuant to section 216(3) of the Public Service Law damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 2016(3) of the Public Service Law and Chapter I, Subchapter A of this Title.		cable television facilities; and
days prior to the commencement of such installation.§898.7 Service of Application(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:A copy of the application filed by the landlord for just compensation and upon the chief executive officer of the municipality in which the real property is located.(i) the name and address of the cable television company; (ii) the approximate date of the installation, and (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission srules.§898.8 Responses(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 be liable to the landlord for an untoice 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 sectionSubchapter A of this Title. (c) If after the filing of an application, the cable television and the commission approve such amount, the commission shall not be required to conduct a hearing on the issue.	service or facilities upon the property of a landlord shall serve upon said	
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 be liable to the landlord for 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 entry and all other information described in section to the existent 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	days prior to the commencement of such installation.	
 (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 	of such notice, and the form and content of such notice, which shall include, but need not be limited to:	
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 shall conduct a hearing pursuant to section 216(3) of the Public Service Law. 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. (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. 	(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or	0 0
 (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 		shall conduct a hearing pursuant to section 216(3) of the Public Service Law.
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	(a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
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damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section on the issue.	date of entry and all other information described in section 893.3(b) of this	(c) If after the filing of an application, the cable television company and the
	damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing

Property No. 7019479-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7019479-1 Maria Rosado MHR Management, Inc. 1191 Broadway, 1st Floor Brooklyn, NY 11221-3024

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 145 S 3, 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 **145 S 3**, **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.

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.

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

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 145 S 3, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	(3) the resident address of the landlord, if known;(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)	§898.5 Application for just compensation
Law 9220(1)	A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
8808 3 Notice of installation	cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.	commission within twenty days from the service of the application.
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	television facilities as described in the application may be in excess of one dollar it
8808 4 Pight of Entry	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
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7022281-1



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

May 27, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7022281 Kerry Smith Rose Associates 200 Madison Ave, 5th Floor New York, NY 10016-3912

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 146 West 57TH, 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 **146 West 57TH**, **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.

Cover-Ltr2-20120612 F USPS Tracking No. 71791000164810755781 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,

allipon M. Scipal

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

cc (via U.S. mail): Board President: Ira Rutkow

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 146 West 57TH, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after June 27, 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 <u>secretary@dps.ny.gov</u> 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: <u>May 27, 2014</u>

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 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 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.

Property No. 7022805-1



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

September 9, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7022805-1 Alan Polen Shorefront Apts LLC 1735 E 13th Street, Mgmt Suite Brooklyn, NY 11229

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 2250 E 4, 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 **2250 E 4**, **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,

alupon M. Scipal

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 2250 E 4, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 2014

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
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 processery to protect the safety, functioning and	(1) proof of service of a notice of intent to install cable television service upon the landlord;
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;	(2) the specific location of the real property; (3) the resident address of the landlord, if known;
 (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; 	 (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
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	 (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	rights of the landlord to just compensation in accordance with section 898.2 of this Part:
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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
2. Rental agreements and leases executed prior to January first, nineteen	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
hundred seventy three may be enforced notwithstanding this section.	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
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
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	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
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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.
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.	§898.6 Contents of application for just compensation
\$898.2 Just Compensation	An application for just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	just compensation. Such facts should include, but need not be limited to, a showing of:
television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the	 (a) the location and amount of space occupied by the installation; (b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation	cable television facilities; and (d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to: (i) the name and address of the cable television company;	chief executive officer of the municipality in which the real property is located.
 (ii) the name and address of the landlord; (iii) the approximate date of the installation; and (iv) a statistic of contine 200 of the Dublic Operation I are and Part 200 of the 	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.	commission within twenty days from the service of the application.
(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 data of this Part	§898.9 Hearing and determination (a) If the commission finds that just compensation for the installation of cable talevision facilities as described in the application may be in excess of one dollar it.
facilities were placed prior to the effective date of this Part. §898.4 Right of Entry	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
 (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 	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
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	hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7023159-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7023159-1 David Degidio Maxwell-Kates Inc. 9 East 38th Street, 6th Floor New York, NY 10016-0012

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1787 Madison 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 **1787 Madison 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,

alupon M. Scipal

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 1787 Madison Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(2) that the cable television company or the tenant or a combination thereof	(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
	any damage caused in connection with the installation, including proof of
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	within 20 days from the receipt thereof which answer must be responsive to the
2. Depted encourse and leaves everythed with the leaver first singles	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.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television
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,	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
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(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	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
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7025562-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7025562-1 Nicholas Conway Alma Realty Corp. 31-10 37th Avenue, Suite #500 Long Island City, NY 11101-2112

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 751 Tilden, 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 **751 Tilden, 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,

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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 751 Tilden, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(2) that the cable television company or the tenant or a combination thereof	(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
	any damage caused in connection with the installation, including proof of
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	within 20 days from the receipt thereof which answer must be responsive to the
2. Depted encourse and leaves everythed with the leaver first singles	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.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television
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,	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
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(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	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
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7026022-1



Thomas E. Miller FiOS Franchise Assurance – New York City 140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

December 13, 2011

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7026022 Abraham Rill Broadwall Management Corp 7 Penn Plz Ste 618 New York, NY 10001-0016

RE: Notice of Intention to Install Cable Television Facilities and Service at 444 E 82 Manhattan 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, failure to approve the reasonable engineering plans that were presented to you with the Certificate of Acceptance of Proposed Work.

For additional information on the scheduled 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 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,

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

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

VERIZON NEW YORK INC.)
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То)
10)
)
York Terrace Inc.	、 、
(Landlord))

NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

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 property at 444 E 82 Manhattan NY. Verizon will perform this installation on or after January 23, 2012. VERIZON NEW YORK INC. will bear the entire cost of the installation, operation or removal of its facilities and will also indemnify you for any damage caused by such installation, operation or removal. The cable television facilities and services must be installed in a manner that protects the safety, functioning and appearance of your property, and the convenience and well-being of your tenants.

More specifically, Verizon's installation plan will:

<u>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 will be performed in accordance with the Certificate of Acceptance of Proposed Work.</u>

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.

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: December 13, 2011

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

 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 therefor 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.

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:

the name and address of the cable television company;

(II) the name and address of the landlord;

(II) 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 the 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 paid by such entry but such damages shall not duplicate damages paid by the split television company and the 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:

 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 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 fled within the time permitted, the commission may grant to the petitioning cable company an order of entry which order shall constitute a ruling that the petitioning cable television company has compiled 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 instalation of cable television service Law.

§898.5 Application for just compensation.

À 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 pursuant to section 216(3) of the commission 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. Property No. 7037902-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7037902-1 Josh Goldfarb Fifth Ave Dev Company,LLC 524 North Ave , 5th Floor New Rochelle, NY 10801-3400

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1160 5 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 **1160 5 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,

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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 1160 5 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(2) that the cable television company or the tenant or a combination thereof	(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
	any damage caused in connection with the installation, including proof of
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	within 20 days from the receipt thereof which answer must be responsive to the
2. Depted encourse and leaves everythed with the leaver first singles	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.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television
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,	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
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(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	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
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7053701-1



140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

September 27, 2010

Property ID: 7053701 Benjamin Schwartz Metropolitan Prop. Services 141-50 85th Road, #1C Briarwood, NY 11435-2524

RE: Notice of Intention to Install Cable Television Facilities and Service at Harbor View North, 60 Hamilton Av Staten Island 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 Daniel Georges at 718 330-6004 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

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STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

VERIZON NEW YORK INC.)
)
То)
)
Sixty Hamilton LLC)
(Landlord))

NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

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 Harbor View North, 60 Hamilton Av Staten Island NY. Verizon will perform this installation on or after November 1, 2010. 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:

<u>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.</u>

Should you have any questions regarding this Notice, please contact Daniel Georges at 718 330-6004.

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: September 27, 2010

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PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

 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 therefor 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.

Rental agreements and leases executed prior to January first, nineleen 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 858 -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;

(I) the name and address of the landlord;

(II) 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 the 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 Bervice Law. (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 858.3 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:

 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 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 company an order of entry which order shall constitute a ruing that the petitioning cable television company has compiled 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 instalation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation.

A landierd 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 field 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 fling 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. Property No. 7055828-1



Thomas E. Miller FiOS Franchise Assurance – New York City 140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

December 13, 2011

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7055828 John Medaglia Urban Associates LLC 400 W 59th St, 3 FI New York, NY 10019-8023

RE: Notice of Intention to Install Cable Television Facilities and Service at 208 W 23, 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, failure to approve the reasonable engineering plans that were presented to you with the Certificate of Acceptance of Proposed Work.

For additional information on the scheduled 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 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,

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

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

VERIZON NEW YORK INC.)
VERIZON NEW TORK INC.)
)
T)
То)
)
)
JSB Properties LLC	
(Landlord))
)

NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

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 property at 208 W 23, New York NY. Verizon will perform this installation on or after January 23, 2012. VERIZON NEW YORK INC. will bear the entire cost of the installation, operation or removal of its facilities and will also indemnify you for any damage caused by such installation, operation or removal. The cable television facilities and services must be installed in a manner that protects the safety, functioning and appearance of your property, and the convenience and well-being of your tenants.

More specifically, Verizon's installation plan will:

<u>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 will be performed in accordance with the Certificate of Acceptance of Proposed Work.</u>

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.

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: December 13, 2011

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

 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 therefor 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.

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:

the name and address of the cable television company;

(II) the name and address of the landlord;

(II) 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 the 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 paid by such entry but such damages shall not duplicate damages paid by the split television company shall be set on the landlord for any 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:

 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 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 fled within the time permitted, the commission may grant to the petitioning cable company an order of entry which order shall constitute a ruling that the petitioning cable television company has compiled 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 instalation of cable television service Law.

§898.5 Application for just compensation.

À 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 pursuant to section 216(3) of the commission 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. Property No. 7057085-1



Thomas E. Miller Area Manager FiOS Franchise Assurance – New York City 140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

March 25, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7057085 Bernard Friedman Friedman Management Co 770 Lexington Ave , 18 Flr New York, NY 10065-8165

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 401 W 22, 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 **401 W 22, 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.

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,

Im Elille

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 401 W 22, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after June 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 <u>secretary@dps.ny.gov</u> 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: <u>March 25, 2014</u>

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 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 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.

Property No. 7061044-1



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

September 9, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061044-1 Martin Traum Matthew Adam Properties Inc 127 E 59th Street, 3rd Floor New York, NY 10022-1225

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 415 E 85, 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 **415 E 85**, **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.

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,

alupon M. Scipal

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 415 E 85, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	(3) the resident address of the landlord, if known;(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)	§898.5 Application for just compensation
Law 9220(1)	A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
8808 3 Notice of installation	cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.	commission within twenty days from the service of the application.
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	television facilities as described in the application may be in excess of one dollar it
8808 4 Pight of Entry	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
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7061082-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061082-1 Michael Kiernen Memorial Sloan Kettering Hospital 1233 York Avenue, Suite # 5J New York, NY 10065-6342

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 504 E 81, 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 **504 E 81**, **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.

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,

alupon M. Scipal

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 504 E 81, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1 No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	(3) the resident address of the landlord, if known;(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(a) Discriminate in reptal observes or otherwise, between tenents who receive	property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	landlord is made in the proceeding or no answer filed within the time permitted,
3 No cable television company may enter into any agreement with the	the commission may grant to the petitioning cable television company an order of
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation
5009 1 Drahibitian	A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's	
property or premises.	§898.6 Contents of application for just compensation
§898.2 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
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television	upon good cause shown, permit the filing of supplemental information at any time
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.	§898.7 Service of Application
(b) The secretary of the commission shall prescribe the procedure for service	A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7061305-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061305-1 Shavon Anderson Time Equities 55 Fifth Avenue , 15 Floor New York, NY 10003-4301

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 76 W 3, 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 **76 W 3**, **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.

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,

alupon M. Scipal

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 76 W 3, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

cable television company may	
	file with the commission a petition verified by an television company setting forth:
	of intent to install cable television service upon the
appearance of the premises, and the convenience and well being of other tenants; (2) the specific location of the r (3) the resident address of the	landlord, if known;
bear the entire cost of the installation, operation or removal of such facilities; including the type and method	s and equipment to be installed upon the property, of installation, the anticipated costs thereof, 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. (5) the name of the individual of (6) a statement that the cable t	ninimize the aesthetic impact of the installation; or officer responsible for the actual installation; television company shall indemnify the landlord for ction with the installation, including proof of
(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 (7) a statement that the installa	f ability to indemnify the landlord; ation shall be conducted without prejudice to the mpensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be reasonable; orPart; (8) a summary of efforts by the	e cable television company to effect entry of the
G	rd is afforded the opportunity to answer the petition
petition and may set forth any	t thereof which answer must be responsive to the additional matter not contained in the petition.
hundred seventy three may be enforced notwithstanding this section. Iandlord is made in the proceed	ding or no answer filed within the time permitted, the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a company has complied with re-	ute a ruling that the petitioning cable television equirements of section 228 of the Public Service ined in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any answer to the petition, the cabl	le television company shall have 10 days within The commission may grant or deny the petition,
direct such other procedures a	aring on any factual issues presented thereby or as may be consistent with the installation of cable n accordance with Section 228 of the Public Service
NEW YORK CODES RULES AND REGULATIONS PART 898 Law. LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law.	
	mmission an application for just compensation
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	te service by the cable television company of the 8.3 of this Part or within four months following the of the cable television facilities, whichever is later.
	sation shall set forth specific facts relevant to the sation. Such facts relevant to the
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cablejust compensation. Such facts showing of:	s should include, but need not be limited to, a
determined by the commission in accordance with section 228 (1)(b) of the (b) the previous use of such sp	
	property before the installation of cable television applicant's property subsequent to the installation of
§898.3 Notice of installation(d) the method or methods use(a) Every cable television company proposing to install cable televisionupon good cause shown, perm	ed to determine such values. The secretary may, nit the filing of supplemental information at any time
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	the commission.
	by the landlord for just compensation shall be on company making the installation and upon the
	unicipality in which the real property is located.
(ii) the name and address of the landlord; §898.8 Responses	if any, shall be served on all parties and on the
commission's rules.	s from the service of the application.
	ation It just compensation for the installation of cable In the application may be in excess of one dollar it
§898.4 Right of Entryshall conduct a hearing pursua(b) An applicant may, within 20	ant to section 216(3) of the Public Service Law. 0 days from the release date of the commission
landlord for the purpose of making surveys or other investigations preparatory hearing. Upon timely receipt o	n at one dollar or less, file a written request for a of such request, the commission shall conduct a
notice upon the landlord, or an authorized agent which notice shall contain the Subchapter A of this Title.	I6(3) of the Public Service Law and Chapter I,cation, the cable television company and the
Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicateapplicant agree upon the amou approves such amount, the company	unt of just compensation and the commission mmission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to sectionon the issue.228(1)(a)(3) of the Public Service Law.	

Property No. 7061339-1



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

September 9, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061339-1 Richard Ramirez L.E.S.P.M.H.A., Inc. 228 East 3rd Street New York, NY 10009-7584

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 334 E 8, 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 **334 E 8**, **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.

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,

alupon M. Scipal

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 334 E 8, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 2014

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlard shall (a) interfore with the installation of eable television	cable television company may file with the commission a petition verified by an
 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 	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
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(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;	(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
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.	(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
(b) demand or accept payment from any tenant, in any form, in exchange for	insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any	(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
amount which the Commission shall, by regulation, determine to be reasonable; or	Part; (8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	within 20 days from the receipt thereof which answer must be responsive to the
2. Rental agreements and leases executed prior to January first, nineteen	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
hundred seventy three may be enforced notwithstanding this section.	landlord is made in the proceeding or no answer filed within the time permitted,
3. No cable television company may enter into any agreement with the	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
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
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	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
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable
NEW YORK CODES RULES AND REGULATIONS PART 898	television service or facilities in accordance with Section 228 of the Public Service Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
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	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.
property or premises.	§898.6 Contents of application for just compensation An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	just compensation. Such facts should include, but need not be limited to, a showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
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	 (b) the previous use of such space; (c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
§898.3 Notice of installation	cable television facilities; and (d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
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	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to: (i) the name and address of the cable television company;	chief executive officer of the municipality in which the real property is located.
(ii) the name and address of the landlord;(iii) the approximate date of the installation; and	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the	commission within twenty days from the service of the application.
commission's rules. (c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(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	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
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	hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
date of entry and all other information described in section 893.3(b) of this	(c) If after the filing of an application, the cable television company and the
Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate	applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7061407-1



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

October 2, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061407-1 Martin Vargas 327 East 3rd Street HDFC 327 East 3rd Street, Apt. 1C New York, NY 10009-7855

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 327 E 3, 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 **327 E 3**, **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.

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,

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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 327 E 3, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1 No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	(3) the resident address of the landlord, if known;(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(a) Discriminate in reptal observes or otherwise, between tenents who receive	property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	landlord is made in the proceeding or no answer filed within the time permitted,
3 No cable television company may enter into any agreement with the	the commission may grant to the petitioning cable television company an order of
No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation
5009 1 Drahibitian	A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's	
property or premises.	§898.6 Contents of application for just compensation
§898.2 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
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television	upon good cause shown, permit the filing of supplemental information at any time
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.	§898.7 Service of Application
(b) The secretary of the commission shall prescribe the procedure for service	A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
 (iii) the approximate date of the installation; and (iv) a citation of section 228 of the Public Service Law and Part 898 of the 	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7061701-1



Thomas E. Miller FiOS Franchise Assurance – New York City 140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

June 10, 2011

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061701 Eric Greenberg Tudor Realty Services Corporation 250 Park Avenue South, 4th Flr. New York, NY 10003-1402

RE: Notice of Intention to Install Cable Television Facilities and Service at Parker Towne House, 3 Sheridan Sq 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, failure to approve the reasonable engineering plans that were presented to you with the Certificate of Acceptance of Proposed Work.

For additional information on the scheduled 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 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,

Fliller

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

cc (via U.S. mail): Louis DeVito

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

VERIZON NEW YORK INC.)
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Sheridan Owners Corp.	
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(Landlord)	)
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## NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

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 property at Parker Towne House, 3 Sheridan Sq New York NY. Verizon will perform this installation on or after July 1, 2011. VERIZON NEW YORK INC. will bear the entire cost of the installation, operation or removal of its facilities and will also indemnify you for any damage caused by such installation, operation or removal. The cable television facilities and services must be installed in a manner that protects the safety, functioning and appearance of your property, and the convenience and well-being of your tenants.

More specifically, Verizon's installation plan will:

# <u>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 will be performed in accordance with the Certificate of Acceptance of Proposed Work.</u>

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.

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: June 10, 2011

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

 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 therefor 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.

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;

(II) 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 the 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 paid by such entry but such damages shall not duplicate damages paid by the split, television company and as a protocol 800.2007/96450 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:

 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;
(5) a statement that the cable felevision company shall indemnify the landlord for any damage caused in connection with the installation, including proof of

Insurance or other evidence of ability to indemnity 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 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 field within the time permitted, the commission may grant to the petitioning cable company an order of entry which order shall constitute a ruling that the petitioning cable television company has compiled 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

#### §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 pursuant to section 216(3) of the Commission 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 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. Property No. 7061997-1



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

October 2, 2014

## VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061997-1 Dan Wurtzel FirstService Residential 622 Third Avenue, 14 Floor New York, NY 10017-6707

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1344 1 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 **1344 1 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.

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.

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

## 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 1344 1 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	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
1. No landlord shall (a) interfere with the installation of cable television	authorized officer of the cable television company setting forth:
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	(1) proof of service of a notice of intent to install cable television service upon the landlord:
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(2) that the cable television company or the tenant or a combination thereof	(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	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;
and (3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
	any damage caused in connection with the installation, including proof of
(b) demand or accept payment from any tenant, in any form, in exchange for	insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or from any cable television company in exchange therefore in excess of any	(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
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
	property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	landlord is made in the proceeding or no answer filed within the time permitted,
3. No cable television company may enter into any agreement with the	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
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	which to reply to said answer. The commission may grant or deny the petition,
navidual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's property or premises.	§898.6 Contents of application for just compensation
hhi h	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	just compensation. Such facts should include, but need not be limited to, a
television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television	upon good cause shown, permit the filing of supplemental information at any time
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.	§898.7 Service of Application
(b) The secretary of the commission shall prescribe the procedure for service	A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
<ul><li>(i) the name and address of the cable television company;</li><li>(ii) the name and address of the landlord;</li></ul>	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the	commission within twenty days from the service of the application.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(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	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
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
date of entry and all other information described in section 893.3(b) of this	(c) If after the filing of an application, the cable television company and the
Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate	applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	
	l

Property No. 7062480-1



**Thomas E. Miller** FiOS Franchise Assurance – New York City 140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

October 26, 2011

### VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7062480 Jonathan West Charles H. Greenthal Corp. 4 Park Avenue New York, NY 10016-5300

RE: Notice of Intention to Install Cable Television Facilities and Service at 1296 3 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, failure to approve the reasonable engineering plans that were presented to you with the Certificate of Acceptance of Proposed Work.

For additional information on the scheduled 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 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,

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

cc (via U.S. mail): Owner: 196 Owners Corp.

### STATE OF NEW YORK PUBLIC SERVICE COMMISSION

### STATE OF NEW YORK COUNTY OF NEW YORK

	)
VERIZON NEW YORK INC.	)
	)
	)
То	)
	)
	)
<u>196 Owners Corp.</u>	
(Landlord)	)
	)

### NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

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 property at 1296 3 Av, New York NY. Verizon will perform this installation on or after January 10, 2012. VERIZON NEW YORK INC. will bear the entire cost of the installation, operation or removal of its facilities and will also indemnify you for any damage caused by such installation, operation or removal. The cable television facilities and services must be installed in a manner that protects the safety, functioning and appearance of your property, and the convenience and well-being of your tenants.

More specifically, Verizon's installation plan will:

<u>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 will be performed in accordance with the Certificate of Acceptance of Proposed Work.</u>

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.

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: <u>October 26, 2011</u>

### 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 therefor 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 BUILES AND REGULATIONS - PART 398 -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:

the name and address of the cable television company;

the name and address of the landlord;

(II) 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 the 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

(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 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 company an order of entry which order shall constitute a ruling that the petitioning cable television company has compiled 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 3 hearing on the issue.

22B(1)(a)(3) of USPS Tracking No. 71901018587020805596; CC 71901018587020805602

Property No. 7062523-1



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

October 2, 2014

### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7062523-1 Michelle Zilberbeg Abington Holding 950 3rd Avenue, 27th Floor New York, NY 10022-2851

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 239 Park Av S, 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 **239 Park Av S, 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.

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.

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

## 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 239 Park Av S, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW §228. Landlord tenant relationship	(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
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and	<ol> <li>proof of service of a notice of intent to install cable television service upon the landlord;</li> </ol>
appearance of the premises, and the convenience and well being of other tenants;	<ul><li>(2) the specific location of the real property;</li><li>(3) the resident address of the landlord, if known;</li></ul>
(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;	(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
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of
(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 our only television company in exchange therefore in exceeded of the service of the s	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
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be reasonable; or	Part; (8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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.	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,
3. No cable television company may enter into any agreement with the	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
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, discipling a cable television company or do or permit any act, that would have the effect,	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
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.	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
NEW YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	Law.
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
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.	completion of the installation of the cable television facilities, whichever is later. §898.6 Contents of application for just compensation
§898.2 Just Compensation	An application for just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	just compensation. Such facts should include, but need not be limited to, a showing of:
television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the	<ul><li>(a) the location and amount of space occupied by the installation;</li><li>(b) the previous use of such space;</li></ul>
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	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
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	prior to final determination by the commission.
days prior to the commencement of such installation. (b) The secretary of the commission shall prescribe the procedure for service	§898.7 Service of Application A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include, but need not be limited to:	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.
<ul> <li>(i) the name and address of the cable television company;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the approximate data of the installation; and</li> </ul>	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
<ul> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> </ul>	commission within twenty days from the service of the application.
<ul> <li>(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or</li> </ul>	§898.9 Hearing and determination (a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
<ul> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the landlerd for the purpose of making surveys or other investigations proparatory.</li> </ul>	(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 basing. Upon timely receipt of such request the commission shall conduct a
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	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.
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	(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
damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section	approves such amount, the commission shall not be required to conduct a hearing on the issue.
228(1)(a)(3) of the Public Service Law.	

**Property No. 7062601-1** 



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

October 2, 2014

### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7062601-1 Mordy Sohn ORIN Management Corp. 37-04 Parsons Boulevard Flushing, NY 11354-5836

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 90 7 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 **90 7 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.

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.

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

## 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 90 7 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: <u>October 2, 2014</u>

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	<ul><li>(3) the resident address of the landlord, if known;</li><li>(4) a description of the facilities and equipment to be installed upon the property,</li></ul>
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)	§898.5 Application for just compensation
Law 9220(1)	A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
8808 3 Notice of installation	cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.	commission within twenty days from the service of the application.
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	television facilities as described in the application may be in excess of one dollar it
8808 4 Pight of Entry	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
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7063937-1



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

October 2, 2014

### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7063937-1 David Radoncic Pinnacle Group Management 1 Penn Plaza, Suite # 4000 New York, NY 10119-4199

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 815 Gravesend Neck 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 **815 Gravesend Neck 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.

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.

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

## 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 815 Gravesend Neck Rd, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other	landlord; (2) the specific location of the real property;
tenants;	(3) the resident address of the landlord, if known;
(2) that the cable television company or the tenant or a combination thereof	(4) a description of the facilities and equipment to be installed upon the property,
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and (3) that the cable television company agree to indemnify the landlord for	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;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
	any damage caused in connection with the installation, including proof of
(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	insurance or other evidence of ability to indemnify the landlord; (7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	within 20 days from the receipt thereof which answer must be responsive to the
2. Depted encourse and leaves everythed with the leaver first singles	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.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television
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,	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
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	completion of the installation of the cable television facilities, whichever is later.
property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a
Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.	(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
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
<ul> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the</li> </ul>	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.	(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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(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	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
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7064095-1



**Thomas E. Miller** Area Manager FiOS Franchise Assurance – New York City 140 West Street, Room 1105 New York, NY 10007 Phone: (888) 364–3467 NYCFiOS@verizon.com

September 20, 2013

### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064095 Jay Rosenfeld Ama, LLC 2611 West 2nd Street Brooklyn, NY 11223-6343

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 8855 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 **8855 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.

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.

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Thomas E. Miller Manager, FiOS Franchise Assurance New York City

# 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 8855 Bay Pkwy, Brooklyn 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 <u>secretary@dps.ny.gov</u> 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 (b) where the installation of cable television service or facilities is not effected §228. Landlord tenant relationship 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 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (1) proof of service of a notice of intent to install cable television service upon the reasonable conditions are necessary to protect the safety, functioning and landlord; appearance of the premises, and the convenience and well being of other (2) the specific location of the real property; tenants; (3) the resident address of the landlord, if known; (4) a description of the facilities and equipment to be installed upon the property, (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; including the type and method of installation, the anticipated costs thereof, and and the measures to be taken to minimize the aesthetic impact of the installation; (3) that the cable television company agree to indemnify the landlord for (5) the name of the individual or officer responsible for the actual installation; any damage caused by the installation, operation or removal of such facilities. (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of (b) demand or accept payment from any tenant, in any form, in exchange for insurance or other evidence of ability to indemnify the landlord; permitting cable television service on or within his property or premises, or (7) a statement that the installation shall be conducted without prejudice to the from any cable television company in exchange therefore in excess of any rights of the landlord to just compensation in accordance with section 898.2 of this amount which the Commission shall, by regulation, determine to be Part: reasonable: or (8) a summary of efforts by the cable television company to effect entry of the property for installation; and (c) Discriminate in rental charges or otherwise, between tenants who receive (9) a statement that the landlord is afforded the opportunity to answer the petition cable television service and those who do not. 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 2. Rental agreements and leases executed prior to January first, nineteen hundred seventy three may be enforced notwithstanding this section. 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 3. No cable television company may enter into any agreement with the entry which order shall constitute a ruling that the petitioning cable television owners, lessees or persons controlling or managing buildings served by a company has complied with requirements of section 228 of the Public Service cable television company, or do or permit any act, that would have the effect, 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 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 which to reply to said answer. The commission may grant or deny the petition, individual antenna equipment. 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 NEW YORK CODES RULES AND REGULATIONS PART 898 Law. LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1) §898.5 Application for just compensation A landlord may file with the commission an application for just compensation §898.1 Prohibition within four months following the service by the cable television company of the Except as provided in section 898.2 of this Part, no landlord shall demand or notice described in section 898.3 of this Part or within four months following the accept any payment from any cable television company in exchange for completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's property or premises. §898.6 Contents of application for just compensation An application for just compensation shall set forth specific facts relevant to the §898.2 Just Compensation determination of just compensation. Such facts relevant to the determination of Every landlord shall be entitled to the payment of just compensation for just compensation. Such facts should include, but need not be limited to, a property taken by a cable television company for the installation of cable showing of: television service or facilities. The amount of just compensation shall be (a) the location and amount of space occupied by the installation; determined by the commission in accordance with section 228 (1)(b) of the (b) the previous use of such space; Public Service Law upon application by the landlord pursuant to section 898.5 (c) the value of the applicant's property before the installation of cable television of this Part. facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and §898.3 Notice of installation (d) the method or methods used to determine such values. The secretary may, (a) Every cable television company proposing to install cable television upon good cause shown, permit the filing of supplemental information at any time service or facilities upon the property of a landlord shall serve upon said prior to final determination by the commission. landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation. §898.7 Service of Application (b) The secretary of the commission shall prescribe the procedure for service A copy of the application filed by the landlord for just compensation shall be of such notice, and the form and content of such notice, which shall include, 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. but need not be limited to: (i) the name and address of the cable television company; (ii) the name and address of the landlord; §898.8 Responses (iii) the approximate date of the installation; and Responses to the application, if any, shall be served on all parties and on the (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission within twenty days from the service of the application. commission's rules (c) Notice that installation of equipment has been completed may be served at §898.9 Hearing and determination (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part. 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 §898.4 Right of Entry (a) A cable television company shall have the right to enter property of the order which sets compensation at one dollar or less, file a written request for a landlord for the purpose of making surveys or other investigations preparatory hearing. Upon timely receipt of such request, the commission shall conduct a to the installation. Before such entry, the cable television company shall serve hearing pursuant to section 216(3) of the Public Service Law and Chapter I, notice upon the landlord, or an authorized agent which notice shall contain the Subchapter A of this Title. date of entry and all other information described in section 893.3(b) of this (c) If after the filing of an application, the cable television company and the Part. The cable television company shall be liable to the landlord for any applicant agree upon the amount of just compensation and the commission damages caused by such entry but such damages shall not duplicate approves such amount, the commission shall not be required to conduct a hearing damages paid by the cable television company pursuant to section on the issue. 228(1)(a)(3) of the Public Service Law.

Property No. 7064136-1



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

October 2, 2014

### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064136-1 Marc Flynn Newcastle Realty Services 270 Madison Ave, 19th Floor New York, NY 10016-0601

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 125 Brighton 11, 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 **125 Brighton 11, 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.

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.

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

## 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 125 Brighton 11, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1 No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:	authorized officer of the cable television company setting forth:
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	<ul><li>(3) the resident address of the landlord, if known;</li><li>(4) a description of the facilities and equipment to be installed upon the property,</li></ul>
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(a) Discriminate in reptal observes or otherwise, between tenents who receive	property for installation; and
(c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.	(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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	landlord is made in the proceeding or no answer filed within the time permitted,
3 No cable television company may enter into any agreement with the	the commission may grant to the petitioning cable television company an order of
<ol><li>No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a</li></ol>	entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or	which to reply to said answer. The commission may grant or deny the petition,
individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service	
Law §228(1)	§898.5 Application for just compensation
5009 1 Drahibitian	A landlord may file with the commission an application for just compensation
§898.1 Prohibition Except as provided in section 898.2 of this Part, no landlord shall demand or	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
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's	
property or premises.	§898.6 Contents of application for just compensation
§898.2 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
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable	showing of:
television service or facilities. The amount of just compensation shall be	(a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
§898.3 Notice of installation	(d) the method or methods used to determine such values. The secretary may,
(a) Every cable television company proposing to install cable television	upon good cause shown, permit the filing of supplemental information at any time
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.	§898.7 Service of Application
(b) The secretary of the commission shall prescribe the procedure for service	A copy of the application filed by the landlord for just compensation shall be
of such notice, and the form and content of such notice, which shall include,	served upon the cable television company making the installation and upon the
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses Responses to the application, if any, shall be served on all parties and on the
<ul> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the</li> </ul>	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.
commission's rules.	
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	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.
§898.4 Right of Entry	(b) An applicant may, within 20 days from the release date of the commission
(a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

Property No. 7064155-1



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

October 2, 2014

### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064155-1 Mikhail Gordeev 3311 Shore Parkway Realty Corp 1516 Voorhies Ave Brooklyn, NY 11235

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1516 Voorhies Avenue, 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 **1516 Voorhies Avenue**, **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.

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.

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

## 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 1516 Voorhies Avenue, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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.

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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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

<ul> <li>S228. Landord trend relationship</li> <li>Landord trelationship</li></ul>	PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
<ol> <li>I. No landlord shall (a) interfere with the installation of cable idevision company setting forth:</li> <li>(1) that the installation cable idevision company setting forth:</li> <li>(1) that the installation cable idevision service upon the installation of cable idevision company of the installation of cable idevision company of the installation of cable idevision company of the installation of cable idevision company setting forth:</li> <li>(2) that the installation, operation or removal of such facilities:</li> <li>(3) that the cable idevision company of the installation, operation or removal of such facilities:</li> <li>(4) derivation cable idevision company of the installation or removal of such facilities:</li> <li>(5) the resident installation, operation or removal of such facilities:</li> <li>(6) derivation cable idevision company or or within its productly the propertion of the residuence of ability to installation (installation, the installation, operation or removal of such facilities:</li> <li>(7) a statement that the installation or entrol of a such and the installation or entrol of a such and the installation installation (installation, the installation or entrol of a such and the installation or entrol of a such and the installation (installation, the installation or entrol of a such and the such and the installation or entrol of a such and the insta</li></ol>		pursuant to a notice served in accordance with section 898.3 of this Part, the
<ul> <li>(1) That the installation of cable talevision nearlines conform to such resonable configures are notices of notice of interts to installation.</li> <li>(2) That the cable talevision company or the tearts of a combination thread of the installation company or the installation or a combination thread of the installation, specific or oretwork of such facilities.</li> <li>(3) That the cable talevision encode on within his property or permises, or there with exponent in the installation, specific or oretwork of such facilities.</li> <li>(4) A description of the scale is a company in exchange for permitting cable talevision encode on within his property or permises, or there with a conducted with the installation.</li> <li>(5) Biornmand or accept payment from any tenam, in any form, in exchange for permitting cable talevision encode on within his property or permises, or there with a conducted with the installation.</li> <li>(6) Biornmand or accept payment from any tenam, in any form, in exchange for permitting cable talevision encode on within his property or permises.</li> <li>(7) a statiance or other evidence of ability to indirectly be installed on sale tale talevision encode on within his property or permises.</li> <li>(8) Biornman and these words of a company tend of the installation or cable talevision encode any agreement with the intervision and or accept talevision encode any agreement with the intervision and on except payment and encode and the evidence of ability to indirectly of an intervision with a state of a sale talevision encode any agreement with the intervision and agreement with the intervision and and the peritor and agreement with the intervision ag</li></ul>	1. No landlord shall (a) interfere with the installation of cable television	
<ul> <li>reasinable conditions are necessary to protect the safety, functioning and paperance of the premises, and the conventions and will being of different sections of the installation, caparitation the archive the safety of an installation, operation or removal of such facilities, and</li> <li>(3) That the cable television company agree to indemnify the facilities, and</li> <li>(3) That the cable television company agree to indemnify the facilities, and</li> <li>(3) That the cable television company agree to indemnify the facilities of the measures to be taken to minimize the actual installation, the articular stallation in the installation in the articular stallation in the installation in the articular stallation in the installation in the articular stallation in the articular stallation in the installation in the installation in the installation in the installation in the articular stallation in the installation in the protein in the installation in the installation in the installation in the protein in the installation in the protein in the installation in the protein in the installation in the installation in the protein in the installation in the installation in the installation in the protein in the installation in the protein in the installation in the installation in the protein in the installation in the protei</li></ul>		
<ul> <li>appearance of the premises, and the convenience and well being of other the transf.</li> <li>(2) the abactic television company or the tenant or a combination thread television company tene to the installation, operation or removal of such facilities.</li> <li>(3) the the cable television company argent to indicate thread television company tene to denote the installation.</li> <li>(4) the denote television company argent to the installation, television company television company tenes to do not.</li> <li>(5) the anse of the installation and the conducted without project and the installation in the cable television company television company</li></ul>		
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<ul> <li>bear the entire cost of the installation, operation or removal of such facilities, and including the type and method of installation, the articipated costs thereof, and yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor for yright data or officer operative for the actual infermitity the landoor to yright of the landoor to just compensation company to effect only of the actual infermitity the landoor to just compensation accordance with section 982.2 of the landoor to just compensation and the conductive of the actual infermitity the landoor to just compensation accordance with section 982.2 of the landoor to just compensation accordance with section 982.2 of the public to the actual of a section 982.2 of the public section 982.2 of the public section exponse to the public, the could on the installation of cable television company yright of the actual data sever. The commission any grant of dary the public section provide or section 983.2 of the public. Section 283.2 of the public secti</li></ul>		
<ul> <li>and <ul> <li>(a) that the cable television company agree to indemnify the landlord for any damage caused to the installation, company shall indemnify the landlord for any damage caused to the maxe of the individual or officer responsible for the actual installation;</li> <li>(b) damad or except payment from any tenant, in the yroperty or promises, or non avery the levision company in exchange therefore in excess of the landlord to just compensation in accordance with section 888.2 of the landlord to just compensation in accordance with section 888.2 of the landlord to just compensation in accordance with section 888.2 of the responsible company to ensert the previous to prevanise to the previous to responsible to the previous to responsible to the installation; including previous to responsible to the installation; including previous to responsible to the installation in accordance with section 888.2 of the responsible to the installation in the previous to responsible to the previous to responsible to the previous to responsible to the installation in the previous to responsible to the previous to responsible to the previous to responsible to the installation in the previous to responsible to the previous to responsible to the installation of a contension and yrary to conserve (file or phere yrange) and responsible to the previous to responsible to the previous company, and to responsible to the previous company and the responsible to the installation of accel television company and the responsible to the previous to response to the responsible to the installation of the responsible to the previous to response to response to the responsible to the previous to response to res</li></ul></li></ul>		(4) a description of the facilities and equipment to be installed upon the property,
<ul> <li>(3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such filter company again indemnify the landlord for any damage caused in connection within installation. Including proof of any damage caused in connection within installation. The landlord for any damage caused in connection within installation. The landlord for any damage caused in connection within installation. The landlord for additionation of the statistical connection within section 88.2 of the statistical connection. The landlord is and in the capital calls television company to effect entry of the statistical connection.</li> <li>(3) the statement that the carcely there of which as even the protecting the statement that the carcely there of which as even the protecting to answer the population. A determined to be reasonable, or (1) astatement that the carcely there of which assess the television company to effect entry of the public matching and matter not contained in the publics.</li> <li>2. Nortal agreements and leases executed prior to January first, mindeen than the carcely there of which assess the devision company an order to advise television company and order with section capation of the public service and the regulation contained in the publics.</li> <li>3. No cable television company may enter into any agreement with the commission company of the public service to facilities in accordance with section 28.2 of the Public Service Law 228(1) (b) of the state of the installation of cable television company of the</li></ul>		
<ul> <li>any damage caused by the installation, operation or removal of such facilities.</li> <li>(b) demand or access payment from any tenant, in any form, in exchange for permitting cable television company in exchange therefore in sucrace or other evidence of ability in installation shall be conducted without prejudice to the register of the analysis of the commession shall be reducted without prejudice to the register of the analysis of the company to effect entry of the register of the analysis of the company to effect entry of the property tor installation, and may so that the conducted without prejudice to the register of the analysis of the company to effect entry of the property tor installation, and may so that the conducted without prejudice to the register of the analysis of the company to effect entry of the property tor installation, and may so that the conducted without prejudice to the register of the analysis of the company to effect entry of the property tor installation, and may so that conducted with a system the petition and may so that the conducted with a system the petition and may so that the conducted with any additional mater or the petition. The analysis of the company to effect entry of the property of installation, and may so that the commission may greaners with the petition is made in the petition and may so that the petition</li></ul>		
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<ul> <li>permitting cable television service on ar within his property or premises, or macroadment with the Commission shall, by regulation, determine to be reasonable; or</li> <li>(7) a statement that the installation; and</li> <li>(8) a summary of efforts by the cable television company to effect entry of the property for installation; and</li> <li>(8) a summary of efforts by the cable television company to effect entry of the property for installation; and</li> <li>(8) a summary of effort by the cable television company to effect entry of the property for installation; and</li> <li>(9) a statement that the installation or cable television company in a compa</li></ul>		any damage caused in connection with the installation, including proof of
<ul> <li>from any cable television company in exchange therefore in excess of any reasonable, or reasonable, or reasonable, or individual anterna equipment.</li> <li>a sumary of efforts by the cable television company to effect entry of the cable television company of the cable television company and or permiting cable television company and or permit any cache television company of the cable television company and early the cable television company of the cable television company and the section 28 of the Public Service Law 3228(1)</li> <li>Next VORK CODES RUES AND REGULATIONS PART 888 LADLORD ENDERNAT RELATIONSHIP (Statutory author): Public Service Law 3228(1)</li> <li>New YORK CODES RUES AND REGULATIONS PART 888 LADLORD ENDERNAT RELATIONSHIP (Statutory author): Public Service Law 3228(1)</li> <li>S88.3 A prohibition Except any payment for any cable television company of the installation of cable television company of the installation of pust compensation for pust compe</li></ul>		
<ul> <li>anount which the Commission shall, by regulation, determine to be reasonable; or</li> <li>anount which the Commission shall, by regulation, determine to be reasonable; or</li> <li>anount which the Commission service and those who do not.</li> <li>2. Renta agreements and leases executed prior to January first, nineteen hundred seventy three may be enforced nowithstanding this section.</li> <li>3. No cable television company may enter into any agreement with the owners, lesses or persons contilling or managing buildings service of acalities or or permit any act, that would have the effect.</li> <li>a. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. Coable television company, or do or permit any act, that would have the effect.</li> <li>b. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. No cable television company and may act, that would have the effect.</li> <li>b. No cable television company and may act, that would have the effect.</li> <li>b. Net YORK CODES RULES AND REGULATIONS PART 898</li> <li>LANDLORD TENNIT RELATIONSHIP (Statutory authority: Public Servic Law §228.1)</li> <li>b. Server lay payment fom any cable television company for the installation of cable television company for the installation of cable television company for the installation of adverse table intervision company for the installation of cable television factors evert any payment fom any cable television co</li></ul>		
<ul> <li>(a) a summary of efforts by the cable television company to effect entry of the pattion and may set forth any the cable television company of the pattion and may set forth any the land/ord is afforded the opportunity to answer the petition. The additional matter net contained in the pattion.</li> <li>(b) a statement that the land/ord is afforded the opportunity to answer the petition. The additional matter net contained in the pattion and may set forth any may there into a way agreement within 20 days from the receipt there of which answer must be responsive to the petitioning cable television company and reter may agreement with the additional matter net contained in the petitioning cable television company and the petition.</li> <li>3. No cable television company and the may agreement with the editor of additional matter net contained in the petitioning cable television company and reter with a days within and may set fort any may that the petitioning cable television company and the owners. It heave that he land/ord is not matched like set within a days within any grant to contained in the petition.</li> <li>NEW YORK CDES FULES AND RECULATIONS PART 888. LANDLORD TEANT RELATIONSHIP (Statutory authority: Public Service Law; §288.1 Prohibition Service or facilities on accordance with section 22.2 of the Public Service Law; grass 2 using the section 898.2 of this Part, no land/ord shall demand or accept any payment for any cable television company of the installation of cable television service or facilities on accordance with section 28.2 of this Public Service Law; grass 2 using the section for just compensation for just compensation for just compensation and grass of the paylication for just compensation and grass of the cable television company; (a) Every cable television company; (b) the metide in section 388.3 of this specific facts relevant to the determination of y use compensation shall be service of application is application for just compensation and grass of the cable television company; (a)</li></ul>		
<ul> <li>(c) Discriminate in rental charges or otherwise, between tenants who receives cable television service and house who do not.</li> <li>2. Rental agreements and leases executed prior to January first, nineteen hundred sevently three may be enforced notwithstanding this section.</li> <li>3. No cable television company may enter into any agreement with the endition of and and and any set of than any grant to the petitioning cable television company an order entry which saving rule with existing rule and any set of the notice Service caw and humself of master of the regulations controlling cable television company in an order entry which are equipment.</li> <li>3. No cable television company may enter into any agreement with the tender dise in the proceeding or no answer filed within the uper mittade of the secontrasion may grant to the petitioning cable television company in an order entry which are equipment.</li> <li>New YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §282.1 yaid of shall be television service or facilities on ary cable television company in extension service or facilities on ary cable television company in the installation of cable television company of the installation of cable television company of the installation of cable television company in the installation of cable television company of the installation of cable television company in the installation of cable television company in the procedures as may be accordiate with section \$228 (1)(b) of the performance or facilities on any cable television company in the installation of cable television company in the proceedures as may be accordiate with section \$28 of the splication for just compensation frag with the section for just compensation for just compensat</li></ul>		
<ul> <li>cable television service and those who do not.</li> <li>2. Rental agreements and leases executed prior to January first, initedem hundred servery three may be enforced not/thittanding this section.</li> <li>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 on the pertition. The avail humself of master or constructive at multiple television company and enter individual antenna equipment.</li> <li>Nex the volte television company of the installation of cable television company shall have 10 days within the transparance by the commission may grant to deny the pertition, the cable television company and reference with the restination of active table television company shall have 10 days within the transparance by the collide service as any be consistent with the installation of cable television company of the installation of cable television company and the restine service or facilities in accordance with Section 223 of the Public Service with the installation of cable television company of the in</li></ul>		
<ul> <li>2. Rental agreements and leases executed prior to January first, intereem hundred severtly three may be enforced notwithstanding this section.</li> <li>3. No cable television company may enter into any agreement with the commission company, or do or permit any act, that would have the effect.</li> <li>a. No cable television company, or do or permit any act, that would have the effect.</li> <li>a. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. Controlling or managing buildings served by a cable television company is the xable title of a statistical to the application or any facuta is also served by a cable television company is the xable television company is the xable table served or facilities in accordance with said tandlord's is made in the proceeding or no answer file devision company any an order entry which order shall constitute a ruling that the petition, cable television company is and that estimates a may array to the petition, and any additional matter not contained in this Part. If the landlord lies a written in drive the commission may grant to the petition, cable television company is and that estimates a may be constatent with the installation of the regulations contained in this Part. If the landlord lies a written individual anter and the regulations and part of the petitics. Service Law gase is a provide in section and written y and the section and mark is a dimension. Service is a tervite or facilities and the regulation for just compensation for just compensation for pust compensation for just compensation for pust compensation shall be entitied to the payment for any cable television company in the state (1) (b) of the complexion for just compensation shall be entitied to a papication by the landlord sign with well mark of (1) (b) of the section and mark in the section and and and and and and and and and an</li></ul>		
<ol> <li>Rental agreements and leases executed prior to January first, inneteem hundred seventy three may be enforced notwithstanding this section.</li> <li>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 and enter the section service or analysing the settioning cable television company and a the settine section service or analysing the settioning cable television company and the settine settine section service or avail himself of master or individual antenna equipment.</li> <li>New YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONS/HIP (Statutory authority: Public Service and pair section 288.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for property or bremisting cable television company in exchange for property or shall be television service or facilities in accordance with section 288 (1) (1)</li> <li>S988.1 Prohibition</li> <li>S988.2 Just Compensation</li> <li>Severy landlord shall be entitled to the payment of just compensation for just compensation for just compensation for just compensation for just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the installation; (b) the earbit television company in condance with section 228 (1)(b) of the provide vision campany in exchange for installation (is) the application for just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compansation shall beterivis in acompany for the installation of cable television c</li></ol>	cable television service and those who do not.	
<ul> <li>3. No cable television company may enter into any agreement with the commission may grant to the petitioning cable television company and call television company and the petitioning cable television company and the regulations contained in this Part. If the landlord files a written the regulations contained in this Part. If the landlord files a written the regulations contained in this Part. If the landlord for the service of facilities in accordance with Section 228 of the Public Service Law g228(1)</li> <li>Star S228(1)</li> <li>Star</li></ul>	2. Rental agreements and leases executed prior to January first, nineteen	Participation by the landlord is not mandatory, however, if no appearance by the
<ol> <li>No cable television company may enter into any agreement with the owners, lesses 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 individual antenna equipment. If the landlord files a written answer to the petition, the cable television may grant or deny the petition, the cable television 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 company shall have the installation of cable television service or facilities in accordance with section 228 of the Public Service Law §282.8(1)</li> <li>Sever 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 property or premises.</li> <li>Sever as provide television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company for the installation of cable television for just compensation shall be determined or the cable television company for the installation of a section 280.2 of this Part.</li> <li>Sever cable television company propong to installation of cable television company propong to installation of able television company in exchange to installation of the cable television company propong to installation of the paylicant is property subsequent to the installation of a cable television company in exchange to installation of a paylicant is property subsequent to the installation (b) the providus a</li></ol>		landlord is made in the proceeding or no answer filed within the time permitted,
<ul> <li>covners, lesses 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 indirectly of diminishing or interfering with existing rights of any tenant or other recupant of such building to use or avail himself of mastor or individual antenna equipment.</li> <li>Lew and the regulations contained in this Part. If the landlord files a written and probe to add answer. The commission may grant or dery 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 right compensation for just compensation for just compensation for just compensation an application for just compensation application for just compensation for the cable television company in exchange for permitting cable television company in exchange for property tark by a cable television company for the installation of cable television facilities, whichever is later.</li> <li>§898.2 Just Compensation</li> <li>Every Landlord shall be entitled to the payment of just compensation for just compensation. Such facts relevant to the determination of the cable television company of the installation of cable television facilities, whichever is later.</li> <li>§898.3 Notice of installation</li> <li>(a) to the commission shall prescribe the procedure for sarvice of facilities on the property of a landlord shall serve upon said landlord;</li> <li>(b) the previous use of such aspace;</li> <li>(c) Notice that installation or dable television company proposing to install cable television radium such notice, which shall include, but need not be limited to:</li> <li>(c) Notice that installation or devision company;</li> <li>(ii) the approach of such notice, which shall include, which the real property is located.</li> <li>(j) the name and address of the cable television company;</li> <li>(ii) the approach of se</li></ul>		the commission may grant to the petitioning cable television company an order of
<ul> <li>cable television company, or do or parmit any act, that would have the effect, directly or individual antenna equipment.</li> <li>Law and the regulations contained in this Part. If the landlord files a written art or other occupant of such building to use or avail himself of master or individual antenna equipment.</li> <li>Law and the regulations contained in this Part. If the landlord files a written not be devision company shall have to days within which to reply to said answer. The commission may grant or deny the petition, the cable television company shall have to days within three target or the other petiton, the cable television company of the petiton.</li> <li>NEW YORK CODES RULES AND REGULATIONS PART 88</li> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>S888.1 Prohibition</li> <li>S888.1 Prohibition</li> <li>S888.1 Prohibition</li> <li>S888.2 Just Compensation for just compensation for just compensation of sale television company for the installation of cable television company for the installation of cable television in accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the compensation is accordance with section 228 (1)(b) the compensation shall be determined to a strower or facilities. The amount of just compensation for just compensation shall be determined by the commission in accordance with section 228 (1)(b) the commission shall prescribe the proceed with section 228 (1)(b) the commission shall prescribe the proceed with section 228 (1) the commission shall prescribe the proceed with section 228 (1) the commission shall prescribe the proceed with section 228 (1) the commission fall the splication for just compensation at a stallation of</li></ul>		
directly or indirectly of diminishing or interfering with existing rights of any        answer to the petition, the cable television company shall have 10 days within          New YORK CODES RULES AND REGULATIONS PART 898 LANDORD TENANT RELATIONSHIP (Statutory authority: Public Service       Law §228(1)        such other procedures as may be consistent with the installation of cable          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       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 for just compensation.          989.8.2 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       determination of just compensation shall be       determination of just compensation.          989.8.3 Noice of installation        (a) Every cable television company proposing to install cable television       company company compensation.          989.8.3 Noice or installation        (b) the previous use of such space;          989.8.4 Noice or installation        (c) Notice dimination;       discust property diverse of the installation of       such as a different with the commission all property       discust property before the       installation       (a) Every cable television company proposing to       install cable television co		
<ul> <li>Interact or other occupant of such building to use or avail himself of master or individual antena equipment.</li> <li>Individual equipment.</li> <li>Individual antena equipme</li></ul>		
<ul> <li>NEW YORK CODES RULES AND REGULATIONS PART 898</li> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>Except as provided in section 898.2 of this Part, no landlord shall demand or permitting cable television company in exchange for permitting cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.</li> <li>§898.2 Just Compensation</li> <li>Every landlord shall be entitled to the payment of just compensation for just compensation for just compensation for just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be releavision company for the installation of cable television facilities, and</li> <li>(a) Every cable television company proposing to install cable television facilities, and</li> <li>(b) The secretary of the commission's rules.</li> <li>(c) Notice that installation, equipment has been completed may be served any time and address of the landlord;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the name and address of the landlord;</li> <li>(iii) the name and</li></ul>		
<ul> <li>NEW YORK CODES RULES AND REGULATIONS PART 888 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>§898.1 Prohibition</li> <li>§898.1 Prohibition</li> <li>§898.2 provided in section 898.2 of this Part, no landlord shall demand accept any payment from any cable television company in exchange for property able television service or facilities on or within said landlord's property able television service or facilities, whichever is later.</li> <li>§898.2 Just Compensation service or facilities. The amount 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 for property taken by a cable television company for the installation of cable television service or facilities. The amount 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 for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation for just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the installation;</li> <li>(b) the park.</li> <li>(a) the cable television company proposing to install cable television facilities and the form and content of such notice, which shall include, but need not be imitted to:</li> <li>(b) the ame and address of the cable television company;</li> <li>(ii) the name and address of the cable television company;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the name an</li></ul>	individual antenna equipment.	
NEW YORK CODES RULES AND REGULATIONS PART 898           LANDLORD TEMANT 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           §898.2 Just Compensation           Forporty or premises.           §898.3 Use of facilities. The amount of just compensation for property taken by a cable television mapping to install cable television effective or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) 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 authorized agent, written notice of installation.           (b) The secretary of the commission's nulse.           (c) Notice that installation red such takes to the evalue of the application field by the landlord for service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of install cable.           (i) The secretary of the commission single service or facilities upon the property of a landlord; (ii) the name and address of the landletor		
<ul> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>Skept as provided in section 898.2 of this Part, no landlord shall demand of accept any payment from any cable television company in exchange for property able television service or facilities on or within said landlord's property corprensises.</li> <li>§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 for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation of just compensation. Such facts relevant to the determination of property taken by a cable television company for the installation of 226 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.3</li> <li>§898.3 Notice of installation (a) The secretary of the commission fault event there of a leadord shall event pons said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commension 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 cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the commission 's rules.</li> <li>(b) the approximate date of the installation; and the service of facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the commission 's rules.</li> <li>(c) Notice that installation of equipment ha</li></ul>	NEW YORK CODES BUILES AND REGULATIONS PART 898	
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<ul> <li>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.</li> <li>Stable 2 Just Compensation</li> <li>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 to the paylication by the commission in accordance with section 289 (10b) of the location and uncur of space occupied by the installation;</li> <li>(b) the previous use of such space;</li> <li>(c) by the routing the notice of installation.</li> <li>(b) the previous use of such space;</li> <li>(c) the rane and address of the cable television company; ritic of facilities and the form and content of such installation.</li> <li>(b) the previous use of such space;</li> <li>(c) Notice that installation of addition;</li> <li>(d) the name and address of the landlord;</li> <li>(ii) the ame and address of the landlord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a clattion of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served or facilities and explication application, if any, shall be served on all parties and on the commission is rules.</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		
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<ul> <li>(ii) the name and address of the landlord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(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.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> <li>§898.4 Right of Entry</li> <li>(b) An applicant may, within 20 days from the release date of the commission at one dollar or less, file a written request for a</li> </ul>		chief executive officer of the municipality in which the real property is located.
<ul> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(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.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>	()	8808 8 Perpenses
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	landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
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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 (c) If after the filing of an application, the cable television company and the		
Part. The cable television company shall be liable to the landlord for any applicant agree upon the amount of just compensation and the commission		
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228(1)(a)(3) of the Public Service Law.	220(1)(a)(3) OI THE PUDIC SERVICE LAW.	

Property No. 7064180-1



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

October 2, 2014

#### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064180-1 Dassy Mandelbaum 2785 Ocean Parkway Inc 100A Broadway, Suite 412 Brooklyn, NY 11249-8611

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 2785 Ocean 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 **2785 Ocean 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,

allipon m. Scipal

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 2785 Ocean Pkwy, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

<ul> <li>S228. Landord trend relationship</li> <li>Landord trelationship</li></ul>	PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
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<ul> <li>(c) Discriminate in rental charges or otherwise, between tenants who receives cable television service and house who do not.</li> <li>2. Rental agreements and leases executed prior to January first, nineteen hundred sevently three may be enforced notwithstanding this section.</li> <li>3. No cable television company may enter into any agreement with the endition of and and and any set of than any grant to the petitioning cable television company an order entry which saving rule with existing rule and any set of the notice Service caw and humself of master of the regulations controlling cable television company in an order entry which are equipment.</li> <li>3. No cable television company may enter into any agreement with the tender dise in the proceeding or no answer filed within the uper mittade of the secontrasion may grant to the petitioning cable television company in an order entry which are equipment.</li> <li>New YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §282.1 yaid of shall be television service or facilities on ary cable television company in extension service or facilities on ary cable television company in the installation of cable television company of the installation of cable television company of the installation of cable television company in the installation of cable television company of the installation of cable television company in the installation of cable television company in the procedures as may be accordiate with section \$228 (1)(b) of the performance or facilities on any cable television company in the installation of cable television company in the proceedures as may be accordiate with section \$28 of the splication for just compensation frag with the section for just compensation for just compensat</li></ul>		
<ul> <li>cable television service and those who do not.</li> <li>2. Rental agreements and leases executed prior to January first, initedem hundred servery three may be enforced not/thittanding this section.</li> <li>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 on the pertition. The avail humself of master or constructive at multiple television company and enter individual antenna equipment.</li> <li>Nex the volte television company of the installation of cable television company shall have 10 days within the transparance by the commission may grant to deny the pertition, the cable television company and reference with the restination of active table television company shall have 10 days within the transparance by the collide service as any be consistent with the installation of cable television company of the installation of cable television company and the restine service or facilities in accordance with Section 223 of the Public Service with the installation of cable television company of the in</li></ul>		
<ul> <li>2. Rental agreements and leases executed prior to January first, intereem hundred severtly three may be enforced notwithstanding this section.</li> <li>3. No cable television company may enter into any agreement with the commission company, or do or permit any act, that would have the effect.</li> <li>a. No cable television company, or do or permit any act, that would have the effect.</li> <li>a. No cable television company, or do or permit any act, that would have the effect.</li> <li>b. Controlling or managing buildings served by a cable television company is the xable title of a statistical to the application or any facuta is also served by a cable television company is the xable television company is the xable table served or facilities in accordance with said tandlord's is made in the proceeding or no answer file devision company any an order entry which order shall constitute a ruling that the petition, cable television company is and that estimates a may array to the petition, and any additional matter not contained in this Part. If the landlord lies a written in drive the commission may grant to the petition, cable television company is and that estimates a may be constatent with the installation of the regulations contained in this Part. If the landlord lies a written individual anter and the regulations and part of the petitics. Service Law gase is a provide in section and written y and the section and mark is a dimension. Service is a tervite or facilities and the regulation for just compensation for just compensation for pust compensation for just compensation for pust compensation shall be entitied to the payment for any cable television company in the state (1) (b) of the complexion for just compensation shall be entitied to a papication by the landlord sign with well mark of (1) (b) of the section and mark in the section and and and and and and and and and an</li></ul>		
<ol> <li>Rental agreements and leases executed prior to January first, inneteem hundred seventy three may be enforced notwithstanding this section.</li> <li>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 and enter the section service or analysing the settioning cable television company and a the settine section service or analysing the settioning cable television company and the settine settine section service or avail himself of master or individual antenna equipment.</li> <li>New YORK CODES RULES AND REGULATIONS PART 898 LANDLORD TENANT RELATIONS/HIP (Statutory authority: Public Service and pair section 288.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for property or bremisting cable television company in exchange for property or shall be television service or facilities in accordance with section 288 (1) (1)</li> <li>S988.1 Prohibition</li> <li>S988.2 Jusi Compensation</li> <li>Severy landlord shall be entitled to the payment of just compensation for just compensation for just compensation for just compensation for just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the determination or just compensation. Such facts relevant to the installation; (b) the earbit television company in condance with section 228 (1)(b) of the paylic and the splicant's property before the installation; (b) the earbit television company in exchange for installation (1) and/ord is mandified or an administrative shall be television company in exchange for installation (1) and/ord is marker or facilities and the splication for just compensation. Such facts relevant to the deterimination or just</li></ol>	cable television service and those who do not.	
<ul> <li>3. No cable television company may enter into any agreement with the commission may grant to the petitioning cable television company and call the evision company of a company has compiled in this Part. If the landlord files a written entry which order shall constitute a ruling that the petitioning cable television company and the regulations contained in this Part. If the landlord files a written and write regulations contained in this Part. If the landlord for the cable television company is a company has compiled in the regulations contained in the petitioning cable television company is a company has compiled in the regulations contained in the regulations contained in the regulations contained in the regulation of the commission may grant or dery the petition, and there were the petition dery the petition is accordance with section 228 of the Public Service Law s228(1)</li> <li>Steps 2. ANDLORD TEINANT RELATIONSHIP (Statutory authority: Public Service Law symment from any cable television company is a contexpany of the installation of cable television an application for just compensation for just compensation for just compensation. Such facts relevant to the commission shall petities on other writhin said landlord's specific facts relevant to the determination of the cable television. Such facts relevant to the determination of the cable television company is contained and the sort of the commission shall prescribe the procedure for such notice, which shall include, which shall include, but need not be limited to:</li> <li>Steps 3. Shoce of installation (such company is a contexpany of the installation of cable television company is a cost notice, which shall include, which shall include, but need not be limited to:</li> <li>Steps 4. Specifie detare sort method is a service of the commission is accordance with section 228 of the service Law sort with section 23 (1)(b) of the c</li></ul>	2. Rental agreements and leases executed prior to January first, nineteen	Participation by the landlord is not mandatory, however, if no appearance by the
<ol> <li>No cable television company may enter into any agreement with the owners, lesses 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 individual antenna equipment. If the landlord files a written answer to the petition, the cable television may grant or deny the petition, the cable television may grant or deny the petition, schedule an administrative heading on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television company shall have the installation of cable television service or facilities in accordance with section 228 of the Public Service Law §282.8(1)</li> <li>Sever 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 property or premises.</li> <li>Sever as provide television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company for the installation of cable television for just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service or facilities and context of sub contrast and the sub contrast and the section 280 (1) of the Public Service or facilities and context or the stallation of the commission and context of sub contrast and the section 280 (1) of the commission in accordance with section 228 (1)(b) the previous use of sub contrast and than applicatit</li></ol>		landlord is made in the proceeding or no answer filed within the time permitted,
<ul> <li>covners, lesses 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 indirectly of diminishing or interfering with existing rights of any tenant or other recupant of such building to use or avail himself of mastor or individual antenna equipment.</li> <li>Lew and the regulations contained in this Part. If the landlord files a written and probe to add answer. The commission may grant or dery 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 right compensation for just compensation for just compensation for just compensation an application for just compensation application for just compensation for the cable television company in exchange for permitting cable television company in exchange for property tark by a cable television company for the installation of cable television facilities, whichever is later.</li> <li>§898.2 Just Compensation</li> <li>Every Landlord shall be entitled to the payment of just compensation for just compensation. Such facts relevant to the determination of the cable television company of the installation of cable television facilities, whichever is later.</li> <li>§898.3 Notice of installation</li> <li>(a) to the commission shall prescribe the procedure for sarvice of facilities on the property of a landlord shall serve upon said landlord;</li> <li>(b) the previous use of such aspace;</li> <li>(c) Notice that installation or dable television company proposing to install cable television radium such notice, which shall include, but need not be limited to:</li> <li>(c) Notice that installation or devision company;</li> <li>(ii) the approach of such notice, which shall include, which the real property is located.</li> <li>(j) the name and address of the cable television company;</li> <li>(ii) the approach of se</li></ul>		the commission may grant to the petitioning cable television company an order of
<ul> <li>cable television company, or do or parmit any act, that would have the effect, directly or individual antenna equipment.</li> <li>Law and the regulations contained in this Part. If the landlord files a written art or other occupant of such building to use or avail himself of master or individual antenna equipment.</li> <li>Law and the regulations contained in this Part. If the landlord files a written not be devision company shall have to days within which to reply to said answer. The commission may grant or deny the petition, the cable television company shall have to days within three target or the other petiton, the cable television company of the petiton.</li> <li>NEW YORK CODES RULES AND REGULATIONS PART 88</li> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>S888.1 Prohibition</li> <li>S888.1 Prohibition</li> <li>S888.1 Prohibition</li> <li>S888.2 Just Compensation for just compensation for just compensation of sale television company for the installation of cable television company for the installation of cable television in accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the compensation is accordance with section 228 (1)(b) the compensation shall be determined to a strower or facilities. The amount of just compensation for just compensation shall be determined by the commission in accordance with section 228 (1)(b) the commission shall prescribe the proceed with section 228 (1)(b) the commission shall prescribe the proceed with section 228 (1) the commission shall prescribe the proceed with section 228 (1) the commission shall prescribe the proceed with section 228 (1) the commission fall the splication for just compensation at a stallation of</li></ul>		
directly or indirectly of diminishing or interfering with existing rights of any        answer to the petition, the cable television company shall have 10 days within          New YORK CODES RULES AND REGULATIONS PART 898 LANDORD TENANT RELATIONSHIP (Statutory authority: Public Service       Law §228(1)        such other procedures as may be consistent with the installation of cable          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       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 for just compensation.          989.8.2 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       determination of just compensation shall be       determination of just compensation.          989.8.3 Noice of installation        (a) Every cable television company proposing to install cable television       company company compensation.          989.8.3 Noice or installation        (b) the previous use of such space;          989.8.4 Noice or installation        (c) Notice diministion shall be       property dive the installation or       submission shall be       property taken by a cable television company or       for installation          989.8.4 Noice or installation       (a) Every cable televisi		
<ul> <li>Interact or other occupant of such building to use or avail himself of master or individual antena equipment.</li> <li>Individual equipment.</li> <li>Individual antena equipme</li></ul>		
<ul> <li>NEW YORK CODES RULES AND REGULATIONS PART 898</li> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>Except as provided in section 898.2 of this Part, no landlord shall demand or permitting cable television company in exchange for permitting cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.</li> <li>§898.2 Just Compensation</li> <li>Every landlord shall be entitled to the payment of just compensation for just compensation for just compensation for just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be releavision company for the installation of cable television facilities, and</li> <li>(a) Every cable television company proposing to install cable television facilities, and</li> <li>(b) The secretary of the commission's rules.</li> <li>(c) Notice that installation, equipment has been completed may be served any time and address of the landlord;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the name and address of the landlord;</li> <li>(iii) the name and</li></ul>		
<ul> <li>NEW YORK CODES RULES AND REGULATIONS PART 888 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>§898.1 Prohibition</li> <li>§898.1 Prohibition</li> <li>§898.2 provided in section 898.2 of this Part, no landlord shall demand accept any payment from any cable television company in exchange for property able television service or facilities on or within said landlord's property able television service or facilities, whichever is later.</li> <li>§898.2 Just Compensation service or facilities. The amount 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 for property taken by a cable television company for the installation of cable television service or facilities. The amount 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 for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation for just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the installation;</li> <li>(b) the park.</li> <li>(a) the cable television company proposing to install cable television facilities and the form and content of such notice, which shall include, but need not be imitted to:</li> <li>(b) the ame and address of the cable television company;</li> <li>(ii) the name and address of the cable television company;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the name an</li></ul>	individual antenna equipment.	
NEW YORK CODES RULES AND REGULATIONS PART 898           LANDLORD TEMANT 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           §898.2 Just Compensation           Forporty or premises.           §898.3 Use of facilities. The amount of just compensation for property taken by a cable television mapping to install cable television effective or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) 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 authorized agent, written notice of installation.           (b) The secretary of the commission's nulse.           (c) Notice that installation red such takes to the evalue of the application field by the landlord for service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of install cable.           (i) The secretary of the commission single service or facilities upon the property of a landlord; (ii) the name and address of the landletor		
<ul> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>Skept as provided in section 898.2 of this Part, no landlord shall demand of accept any payment from any cable television company in exchange for property able television service or facilities on or within said landlord's property corprensises.</li> <li>§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 for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation of just compensation. Such facts relevant to the determination of property taken by a cable television company for the installation of 226 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.3</li> <li>§898.3 Notice of installation (a) The secretary of the commission fault event there of a leadord shall event pons said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commension 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 cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the commission 's rules.</li> <li>(b) the approximate date of the installation; and the service of facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the commission 's rules.</li> <li>(c) Notice that installation of equipment ha</li></ul>	NEW YORK CODES BUILES AND REGULATIONS PART 898	
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 pervery landlord shall be entitled to the payment of just compensation for pervery 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 hall be determined by the commission in accordance with section 228 (1)(b) of the 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. Notice of installation (a) the commensent of suct notice, which shall include, but need not be limited to: (b) The secretary of the commense of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be limited to: (c) Notice that installation of such notice, which shall include, but need not be division facilities and address of the 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 commission finds that ju		Luw.
<ul> <li>§888.1 Prohibition</li> <li>Except as provided in section 888.2 of this Part, no landlord shall demand or property calculations service or facilities. The amount of just compensation for property taken by a cable television company for the installation of cable television service and relativise. The amount of just compensation shall be entitled to the payment of just compensation 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 entitled to the payment of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application.</li> <li>(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 comment of such notice, and the form and content of such notice. (i) the name and address of the cable television company;</li> <li>(iii) the approximate date of the installation;</li> <li>(i) the arame and address of the cable television company;</li> <li>(iii) the approximate date of the installation;</li> <li>(i) the arame and address of the landlord;</li> <li>(iii) the approximate date of the installation;</li> <li>(iii) the approximate date of the install</li></ul>		
<ul> <li>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.</li> <li>Stable 2 Just Compensation</li> <li>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 to the paylication by the commission in accordance with section 289 (10b) of the location and uncur of space occupied by the installation;</li> <li>(b) the previous use of such space;</li> <li>(c) by the routing the notice of installation.</li> <li>(b) the previous use of such space;</li> <li>(c) the rane and address of the cable television company; ritic of facilities and the form and content of such installation.</li> <li>(b) the previous use of such space;</li> <li>(c) Notice that installation of addition;</li> <li>(d) the name and address of the landlord;</li> <li>(ii) the ame and address of the landlord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a clattion of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served or facilities and explication application, if any, shall be served on all parties and on the commission is rules.</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		
<ul> <li>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.</li> <li>§898.2 Just Compensation</li> <li>Every landlord shall be entitled to the payment of just compensation or allot of the paper of just compensation or flat compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation.</li> <li>(a) the previous use of such space;</li> <li>(b) the service or facilities und the installation of cable television facilities; and the value of the applicant's property subsequent to the installation;</li> <li>(b) the service or facilities; and the value of the applicant's property subsequent to the installation;</li> <li>(c) the ralue of the application flat determination by the commission.</li> <li>(d) the methods used to determine such values. The secretary may upon good cause shown, permit the filing of supplemental information at any tire in to flat deters of the installation;</li> <li>(e) the aude or methods used to determine such values. The secretary may upon good cause shown, permit the filing of supplemental information and upon the commission shall prescribe the procedure for service of Application file by the landlord for just compensation shall be served an all defermination of section 228 of the cable television company making the installation;</li> <li>(i) the name and address of the cable television company;</li> <li>(ii) the approximate date of the installation;</li> <li>(iii) the approximate date of the installation;</li> <li>(b) the servic</li></ul>		
<ul> <li>permitting cable television service or facilities on or within said landlord's property or premises.</li> <li>§898.6 Contents of application for just compensation Such racts relevant to the determination or pust compensation. Such facts should include, but need not be limited to, a showing of.</li> <li>(a) the location an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.</li> <li>(b) The secretary of the installation.</li> <li>(c) Notice that installation of explice the installation, and thread and address of the landlord;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the ame and address of the landlord;</li> <li>(iii) the ame and address of the landlord;</li> <li>(iii) the ame and address of the landlord;</li> <li>(iii) the approximate date of the installation, and thread address of the landlord;</li> <li>(iii) the approximate date of the installation; and intervent and address of the landlord;</li> <li>(iii) the approximate date of the linstallation; and intervent and address of the landlord;</li> <li>(iii) the approximate date of the installation; and intervent and address of the landlord;</li> <li>(iii) the approximate date of the linstallation; and intervent and intervent and the sale.</li> <li>(c) Notice that installation of equipment has been completed may be served an any time on landlords upon whose property cable television service or facilities are described in the application for the installation of cable television for the installation of cable television for the installation of cable television service or facilities are described in the application may be in excess of one dollar of eases. file a written request for a order which sets compensation and be address, file a written request for a order which sets compensation for the installation or cable television service or facilities are described in the application.</li> </ul>	• •	
<ul> <li>§898.2 Just Compensation</li> <li>§898.2 Just Compensation</li> <li>§898.2 Just Compensation</li> <li>§898.3 Notice of racilities. 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.</li> <li>§898.3 Notice of installation (a) (b) the previous use of such space;</li> <li>(c) the value of the applicant's property before the installation, of 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 notice, which shall include, but need not be limited to:</li> <li>(i) The secretary of the commission shall prescribe the procedure for service of such used at def the installation; and</li> <li>(ii) the name and address of the cahel television company;</li> <li>(iii) the name and address of the cahelord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission 's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served at any time on landlord; upon whose property cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		
<ul> <li>§898.2 Just Compensation</li> <li>§898.2 Just Compensation</li> <li>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</li> <li>(b) the previous use of such space;</li> <li>(c) the value of the applicant's property before the installation of cable television 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 commensement of such installation.</li> <li>(b) The secretary of the commission shall prescribe the procedure for service of facilities and the form and content of such notice, which shall include, but need not be limited to:</li> <li>(c) The name and address of the cable television company;</li> <li>(ii) the name and address of the cable television company;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission 's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served a any time on landlords upon whose property cable television service or facilities and etermination (a) fit the commission finds that just compensation for the installation of cable television facilities as described in the applicantion (b) any time release date of the commission finds that just compensation for the installation of cable television facilities as described in the explicantion (a) and there release date of the commission service or facilities and company shall have the right to enter property of the commission finds that just compensation for the installation of cable television facilities as described in the applicantion may be in excess of one dolla shall</li></ul>	property or premises.	
<ul> <li>Évery 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 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 commission shall prescribe the procedure for service of such spaces of the cable television company;</li> <li>(i) The secretary of the combines of the cable television company;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the combinision fruget with section service or facilities. Who hase property cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>	8808.2 Just Componentian	
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	landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve hearing pursuant to section 216(3) of the Public Service Law and Chapter I, notice upon the landlord, or an authorized agent which notice shall contain the Subchapter A of this Title		•
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 (c) If after the filing of an application, the cable television company and the		
Part. The cable television company shall be liable to the landlord for any applicant agree upon the amount of just compensation and the commission		
		approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section on the issue.		on the issue.
228(1)(a)(3) of the Public Service Law.	220(1)(a)(3) OI THE PUDIC SERVICE LAW.	

Property No. 7064227-1



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

October 2, 2014

#### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064227-1 Joseph Spitzer Allstate Realty Associates 5420 13th Avenue Brooklyn, NY 11219-4127

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 3121 Brighton 5, 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 **3121 Brighton 5**, **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,

alupon M. Scipal

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 3121 Brighton 5, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 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 <u>secretary@dps.ny.gov</u> 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: October 2, 2014

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
§228. Landlord tenant relationship	pursuant to a notice served in accordance with section 898.3 of this Part, the
1. No landlord shall (a) interfere with the installation of cable television	cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
facilities upon his property or premises, except that a landlord may require:	
(1) that the installation of cable television facilities conform to such	(1) proof of service of a notice of intent to install cable television service upon the
reasonable conditions are necessary to protect the safety, functioning and	landlord;
appearance of the premises, and the convenience and well being of other	(2) the specific location of the real property;
tenants; (2) that the cable television company or the tenant or a combination thereof	<ul><li>(3) the resident address of the landlord, if known;</li><li>(4) a description of the facilities and equipment to be installed upon the property,</li></ul>
bear the entire cost of the installation, operation or removal of such facilities;	including the type and method of installation, the anticipated costs thereof, and
and	the measures to be taken to minimize the aesthetic impact of the installation;
(3) that the cable television company agree to indemnify the landlord for	(5) the name of the individual or officer responsible for the actual installation;
any damage caused by the installation, operation or removal of such facilities.	(6) a statement that the cable television company shall indemnify the landlord for
(b) demand or accept payment from any tenant, in any form, in exchange for	any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
permitting cable television service on or within his property or premises, or	(7) a statement that the installation shall be conducted without prejudice to the
from any cable television company in exchange therefore in excess of any	rights of the landlord to just compensation in accordance with section 898.2 of this
amount which the Commission shall, by regulation, determine to be	Part;
reasonable; or	(8) a summary of efforts by the cable television company to effect entry of the
(c) Discriminate in rental charges or otherwise, between tenants who receive	property for installation; and (9) a statement that the landlord is afforded the opportunity to answer the petition
cable television service and those who do not.	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	Participation by the landlord is not mandatory, however, if no appearance by the
hundred seventy three may be enforced notwithstanding this section.	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
3. No cable television company may enter into any agreement with the	entry which order shall constitute a ruling that the petitioning cable television company an order of
owners, lessees or persons controlling or managing buildings served by a	company has complied with requirements of section 228 of the Public Service
cable television company, or do or permit any act, that would have the effect,	Law and the regulations contained in this Part. If the landlord files a written
directly or indirectly of diminishing or interfering with existing rights of any	answer to the petition, the cable television company shall have 10 days within
tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.	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
NEW YORK CODES RULES AND REGULATIONS PART 898	Law.
LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)	§898.5 Application for just compensation
Law 9220(1)	A landlord may file with the commission an application for just compensation
§898.1 Prohibition	within four months following the service by the cable television company of the
Except as provided in section 898.2 of this Part, no landlord shall demand or	notice described in section 898.3 of this Part or within four months following the
accept any payment from any cable television company in exchange for	completion of the installation of the cable television facilities, whichever is later.
permitting cable television service or facilities on or within said landlord's property or premises.	§898.6 Contents of application for just compensation
	An application for just compensation shall set forth specific facts relevant to the
§898.2 Just Compensation	determination of just compensation. Such facts relevant to the determination of
Every landlord shall be entitled to the payment of just compensation for	just compensation. Such facts should include, but need not be limited to, a
property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be	showing of: (a) the location and amount of space occupied by the installation;
determined by the commission in accordance with section 228 (1)(b) of the	(b) the previous use of such space;
Public Service Law upon application by the landlord pursuant to section 898.5	(c) the value of the applicant's property before the installation of cable television
of this Part.	facilities and the value of the applicant's property subsequent to the installation of
8808 3 Notice of installation	cable television facilities; and
§898.3 Notice of installation (a) Every cable television company proposing to install cable television	(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
service or facilities upon the property of a landlord shall serve upon said	prior to final determination by the commission.
landlord or an authorized agent, written notice of intent thereof at least 15	
days prior to the commencement of such installation.	§898.7 Service of Application
(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,	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
but need not be limited to:	chief executive officer of the municipality in which the real property is located.
(i) the name and address of the cable television company;	
(ii) the name and address of the landlord;	§898.8 Responses
(iii) the approximate date of the installation; and	Responses to the application, if any, shall be served on all parties and on the
(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.	commission within twenty days from the service of the application.
(c) Notice that installation of equipment has been completed may be served at	§898.9 Hearing and determination
any time on landlords upon whose property cable television service or	(a) If the commission finds that just compensation for the installation of cable
facilities were placed prior to the effective date of this Part.	television facilities as described in the application may be in excess of one dollar it
8808 4 Pight of Entry	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
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve	hearing pursuant to section 216(3) of the Public Service Law and Chapter I,
notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	(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
damages caused by such entry but such damages shall not duplicate	approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section	on the issue.
228(1)(a)(3) of the Public Service Law.	

**Property No. 7064444-1** 



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

September 9, 2014

#### VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064444-1 Thomas Ahn Beth Israel Medical Ctr Inc 555 West 57th Street, 5th Floor New York, NY 10019-2925

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 310 E 24, 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 **310 E 24**, **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,

alupon M. Scipal

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 310 E 24, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 9, 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 <u>secretary@dps.ny.gov</u> 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 9, 2014

<ul> <li>S228. Landord trend relationship</li> <li>Landord trelationship</li></ul>	PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
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<ul> <li>(1) That the installation of cable talevision nearlines conform to such resonable configures are notices of notice of interts to installation.</li> <li>(2) That the cable talevision company or the tearts of a combinator thread of the installation.</li> <li>(3) That the cable talevision company agrees to indemrify the landlord for the social set of the installation, specific or oretwork of such facilities.</li> <li>(4) The the cable talevision encode on within its program of such facilities.</li> <li>(b) The the cable talevision encode on within its program of such facilities.</li> <li>(c) Biormand or accept payment from any team, in any form, in exchange for permitting cable talevision encode on within his program to a such facilities.</li> <li>(c) Biormand is include the such and the induct of the installation.</li> <li>(c) Biormand or accept payment from any team, in any form, in exchange for permitting cable talevision encode on within his program to 882.2 of the social company in exchange therefore in access of any damage causel is connection with the installation.</li> <li>(c) Biormand is include therefore in access of any damage for permitting cable talevision encode any damage for the devision encode any damage for the access there of which any damage for the access there access there access the access the access the access there access the access there access the access the access there access the access the access there access the access the access the access the access there access the access there access the access there access the access the access the access there access there access there access the access the acce</li></ul>	1. No landlord shall (a) interfere with the installation of cable television	
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<ul> <li>3. No cable television company may enter into any agreement with the commission may grant to the petitioning cable television company and call the commission may grant to the petitioning cable television candpany has completed in this Part. If the landlord files a written entry which order shall constitute a ruling that the petitioning cable television company and call the equilations contained in this Part. If the landlord files a written entry which to regulations contained in this Part. If the landlord for up the petitioning cable television company is a completed with requirements of section 228 of the Public Service Law g228(1)</li> <li>Steps 228(1)</li> <li>Steps 238(1)</li> <li>S</li></ul>	2. Rental agreements and leases executed prior to January first, nineteen	Participation by the landlord is not mandatory, however, if no appearance by the
<ol> <li>No cable television company may enter into any agreement with the owners, lesses 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 individual antenna equipment. If the landlord files a written answer to the petition, the cable television may grant or deny the petition, the cable television 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 company shall have the installation of cable television service or facilities in accordance with section 228 of the Public Service Law §282.8(1)</li> <li>Sever 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 property or premises.</li> <li>Sever as provide television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company in exchange for property taken by a cable television company for the installation of cable television for just compensation shall be determined or the cable television company for the installation of a section 280.2 of this Part.</li> <li>Sever cable television company propong to installation of cable television company propong to installation of able television company in exchange for such or facilities and context of the commission.</li> <li>Sever cable television company propong to installation install be television company in exchange for such of a section 228 of the public Service and doress of the cable television company is and have</li></ol>		landlord is made in the proceeding or no answer filed within the time permitted,
<ul> <li>covners, lesses 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 indirectly of diminishing or interfering with existing rights of any tenant or other recupant of such building to use or avail himself of mastor or individual antenna equipment.</li> <li>Lew and the regulations contained in this Part. If the landlord files a written and probe to add answer. The commission may grant or dery 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 right compensation for just compensation for just compensation for just compensation an application for just compensation application for just compensation for the cable television company in exchange for permitting cable television company in exchange for property tark by a cable television company for the installation of cable television facilities, whichever is later.</li> <li>§898.2 Just Compensation</li> <li>Every Landlord shall be entitled to the payment of just compensation for just compensation. Such facts relevant to the determination of the cable television company of the installation of cable television facilities, whichever is later.</li> <li>§898.3 Notice of installation</li> <li>(a) to the commission shall prescribe the procedure for sarvice of facilities on the property of a landlord shall serve upon said landlord;</li> <li>(b) the previous use of such aspace;</li> <li>(c) Notice that installation or dable television company proposing to install cable television radium such notice, which shall include, but need not be limited to:</li> <li>(c) Notice that installation or devision company;</li> <li>(ii) the approach of such notice, which shall include, which the real property is located.</li> <li>(j) the name and address of the cable television company;</li> <li>(ii) the approach of se</li></ul>		the commission may grant to the petitioning cable television company an order of
<ul> <li>cable television company, or do or parmit any act, that would have the effect, directly or individual antenna equipment.</li> <li>Law and the regulations contained in this Part. If the landlord files a written art or other occupant of such building to use or avail himself of master or individual antenna equipment.</li> <li>Law and the regulations contained in this Part. If the landlord files a written not be devision company shall have to days within which to reply to said answer. The commission may grant or deny the petition, the cable television company shall have to days within three target or the other petiton, the cable television company of the petiton.</li> <li>NEW YORK CODES RULES AND REGULATIONS PART 88</li> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>S888.1 Prohibition</li> <li>S888.1 Prohibition</li> <li>S888.1 Prohibition</li> <li>S888.2 Just Compensation accordance with section 228 of the Public Service or facilities on or within isaid landlord's 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) the compensation in accordance with section 228 (1)(b) the enter determination of just compensation is accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the commission in accordance with section 228 (1)(b) the serverator of the commensent of such hotize, which shall include, but need not be limited to.</li> <li>(a) the location of public Service Law and Part 898 of the commission shall prescribe the proceeding service or facilities, and the real address of the landlord;</li> <li>(b) the name and address of the cable television company;</li> <li>(c) Notice that installation of equipment has been completed may be served radiities were placed prior to the effective date of this Part.</li> <li>(a) A cab</li></ul>		
directly or indirectly of diminishing or interfering with existing rights of any        answer to the petition, the cable television company shall have 10 days within          New YORK CODES RULES AND REGULATIONS PART 898 LANDORD TENANT RELATIONSHIP (Statutory authority: Public Service       Law §228(1)        such other procedures as may be consistent with the installation of cable          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       property or premises.        \$898.1 AnDICRD Tenant from any cable television company in exchange for       property or premises.          898.2 Just Compensation       Except as provided in section 898.2 of this Part, no landlord shall demand or       accept vor premises.          898.2 Just Compensation       Exerve tas provide television company for the       installation of pust compensation shall be       determination of just compensation for       property taken by a cable television company for the       installation of just compensation shall be       determination by the cable television company or posing to install cable television       determination of just compensation.          (a) Every cable television company proposing to install cable television       company company difter the installation       (a) Every cable television company proposing to install cable television       company and methods       commission.        See a counter of supplemental       information            (a) the coation rade accept any            property taken by a cable television company            (b) the previouse use of suchaspace            (c) the value of the application fo		
<ul> <li>Interact or other occupant of such building to use or avail himself of master or individual antena equipment.</li> <li>Individual equipment.</li> <li>Individual antena equipme</li></ul>		
<ul> <li>NEW YORK CODES RULES AND REGULATIONS PART 898</li> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>Except as provided in section 898.2 of this Part, no landlord shall demand or permitting cable television company in exchange for permitting cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.</li> <li>§898.2 Just Compensation</li> <li>Every landlord shall be entitled to the payment of just compensation for just compensation for just compensation for just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be limited to, a should include, but need not be releavision company for the installation of cable television facilities, and</li> <li>(a) Every cable television company proposing to install cable television facilities, and</li> <li>(b) The secretary of the commission's rules.</li> <li>(c) Notice that installation, equipment has been completed may be served any time and address of the landlord;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the name and address of the landlord;</li> <li>(iii) the name and</li></ul>		
<ul> <li>NEW YORK CODES RULES AND REGULATIONS PART 888 LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>§898.1 Prohibition</li> <li>§898.1 Prohibition</li> <li>§898.2 provided in section 898.2 of this Part, no landlord shall demand accept any payment from any cable television company in exchange for property able television service or facilities on or within said landlord's property able television service or facilities, whichever is later.</li> <li>§898.2 Just Compensation service or facilities. The amount 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 for property taken by a cable television company for the installation of cable television service or facilities. The amount 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 for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation for just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts relevant to the installation;</li> <li>(b) the park.</li> <li>(a) the cable television company proposing to install cable television facilities and the form and content of such notice, which shall include, but need not be imitted to:</li> <li>(b) the ame and address of the cable television company;</li> <li>(ii) the name and address of the cable television company;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the name an</li></ul>	individual antenna equipment.	
NEW YORK CODES RULES AND REGULATIONS PART 898           LANDLORD TEMANT 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           §898.2 Just Compensation           Forporty or premises.           §898.3 Use of facilities. The amount of just compensation for property taken by a cable television mapping to install cable television effective or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) 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 authorized agent, written notice of installation.           (b) The secretary of the commission's nulse.           (c) Notice that installation red such takes to the evalue of the application field by the landlord for service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of install cable.           (i) The secretary of the commission single service or facilities upon the property of a landlord; (ii) the name and address of the landletor		
<ul> <li>LANDLORD TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1)</li> <li>§898.1 Prohibition</li> <li>Skept as provided in section 898.2 of this Part, no landlord shall demand of accept any payment from any cable television company in exchange for property able television service or facilities on or within said landlord's property corprensises.</li> <li>§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 for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation of just compensation. Such facts relevant to the determination of property taken by a cable television company for the installation of 226 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.3</li> <li>§898.3 Notice of installation (a) The secretary of the commission fault event there of a leadord shall event pons said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commension 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 cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the commission 's rules.</li> <li>(b) the approximate date of the installation; and the service of facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the commission 's rules.</li> <li>(c) Notice that installation of equipment ha</li></ul>	NEW YORK CODES BUILES AND REGULATIONS PART 898	
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<ul> <li>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.</li> <li>Stable 2 Just Compensation</li> <li>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 to the paylication by the commission in accordance with section 289 (10b) of the location and uncur of space occupied by the installation;</li> <li>(b) the previous use of such space;</li> <li>(c) by the routing the notice of installation.</li> <li>(b) the previous use of such space;</li> <li>(c) the rane and address of the cable television company; ritic of facilities and the form and content of such installation.</li> <li>(b) the previous use of such space;</li> <li>(c) Notice that installation of addition;</li> <li>(d) the name and address of the landlord;</li> <li>(ii) the ame and address of the landlord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a clattion of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served or facilities and explication application, if any, shall be served on all parties and on the commission is rules.</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		
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<ul> <li>permitting cable television service or facilities on or within said landlord's property or premises.</li> <li>§898.6 Contents of application for just compensation Such racts relevant to the determination or pust compensation. Such facts should include, but need not be limited to, a showing of.</li> <li>(a) the location an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.</li> <li>(b) The secretary of the installation.</li> <li>(c) Notice that installation of explice the installation, and thread and address of the landlord;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the ame and address of the landlord;</li> <li>(iii) the ame and address of the landlord;</li> <li>(iii) the ame and address of the landlord;</li> <li>(iii) the approximate date of the installation, and thread address of the landlord;</li> <li>(iii) the approximate date of the installation; and intervent and address of the landlord;</li> <li>(iii) the approximate date of the linstallation; and intervent and address of the landlord;</li> <li>(iii) the approximate date of the installation; and intervent and address of the landlord;</li> <li>(iii) the approximate date of the linstallation; and intervent and intervent and the sale.</li> <li>(c) Notice that installation of equipment has been completed may be served an any time on landlords upon whose property cable television service or facilities are described in the application for the installation of cable television for the installation of cable television for the installation of cable television service or facilities are described in the application may be in excess of one dollar of eases. file a written request for a order which sets compensation and be address, file a written request for a order which sets compensation for the installation or cable television service or facilities are described in the application.</li> </ul>	• •	
<ul> <li>§898.2 Just Compensation</li> <li>§898.2 Just Compensation</li> <li>§898.2 Just Compensation</li> <li>§898.3 Notice of racilities. 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.</li> <li>§898.3 Notice of installation (a) (b) the previous use of such space;</li> <li>(c) the value of the applicant's property before the installation, of 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 notice, which shall include, but need not be limited to:</li> <li>(i) The secretary of the commission shall prescribe the procedure for service of such used at def the installation; and</li> <li>(ii) the name and address of the cahel television company;</li> <li>(iii) the name and address of the cahelord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission 's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served at any time on landlord; upon whose property cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		
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<ul> <li>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 previous use of such space;</li> <li>(a) the previous use of such space;</li> <li>(b) the service of installation</li> <li>(c) the value of the applicant's property before the installation of cable television service of facilities and the value of the applicant's property subsequent to the installation facilities; and</li> <li>(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 tir prior to 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:</li> <li>(i) the name and address of the cable television company;</li> <li>(ii) the name and address of the cable television company;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(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.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		
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<ul> <li>Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.</li> <li>§898.3 Notice of installation</li> <li>§898.3 Notice of installation</li> <li>(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 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: <ul> <li>(i) the name and address of the cable television company;</li> <li>(ii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission 's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served any any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul></li></ul>		(a) the location and amount of space occupied by the installation;
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 any time not haddrofs 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		
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<ul> <li>days prior to the commencement of such installation.</li> <li>(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:</li> <li>(i) the name and address of the cable television company;</li> <li>(ii) the name and address of the landlord;</li> <li>(iii) the approximate date of the installation; and</li> <li>(iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.</li> <li>(c) Notice that installation of equipment has been completed may be served any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.</li> <li>§898.4 Right of Entry</li> <li>(a) A cable television company shall have the right to enter property of the</li> </ul>		prior to final determination by the commission.
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(a) A cable television company shall have the right to enter property of the order which sets compensation at one dollar or less, file a written request for a	§898.4 Right of Entry	
	(a) A cable television company shall have the right to enter property of the	order which sets compensation at one dollar or less, file a written request for a
	landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
to the installation. Before such entry, the cable television company shall serve hearing pursuant to section 216(3) of the Public Service Law and Chapter I,		•
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 (c) If after the filing of an application, the cable television company and the		
Part. The cable television company shall be liable to the landlord for any applicant agree upon the amount of just compensation and the commission		
		approves such amount, the commission shall not be required to conduct a hearing
damages paid by the cable television company pursuant to section on the issue.		on the issue.
228(1)(a)(3) of the Public Service Law.	220(1)(a)(3) OI THE PUDIC SERVICE LAW.	