140 West Street
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New York, NY 10007
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Richard C. Fipphen Assistant General Counsel



December 5, 2014

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

Re: Case 14-V-\_\_\_\_ – Petition of Verizon New York Inc. for Orders of Entry for 35 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Orders of Entry for 35 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 35 properties. Verizon requests that orders of entry be issued by the Commission directing the owner of each building to permit Verizon to install cable television facilities, as provided in Section 898.4(b)(9) of the Commission's Rules.

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

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

Respectfully submitted,

Pulse C. July

Richard C. Fipphen

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 35 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-V	
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#### PETITION FOR ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber-optic facilities to provide cable television service at 35 multiple-dwelling unit ("MDU") buildings in the City of New York. In support of this Petition, Verizon states as follows:

## **Specific Location of the Properties**

1. Verizon seeks to install fiber-optic facilities to provide cable television service at the 35 MDUs listed in Exhibit 1. Each MDU is a residential building; the number of living units in each MDU is set forth in Column D of Exhibit 1. The owner or managing agent of each MDU listed in Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access to install fiber-optic facilities to provide cable television service, or (2) affirmatively denied Verizon's request for access. Column I of Exhibit 1 sets forth the type of response received for each building.

# **Owners and Agents**

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

### **Description of the Work to be Performed**

3. By this Petition, Verizon seeks permission to install fiber-optic facilities to provide cable television services to residents and businesses in each building. These fiber-optic

facilities will also allow Verizon to provide voice telephony and broadband services in the building. Pre-installation surveys of each property have been completed. Column J of Exhibit 1 sets forth the type of installation that Verizon intends to use for each building.

### Proof of Service of Notice of Intention to Install Cable Television Facilities and Service

4. After several unsuccessful attempts by Verizon to secure permission to start the proposed fiber-optic installation, each owner and/or managing agent received a letter from Verizon along with a Notice of Intent to Install Cable Television Facilities. Mailing dates of the notices for each building are set forth in Column H of Exhibit 1. Supporting documentation is provided in Exhibit 2.

### Name of the Individual Responsible for Installation

5. Alyson Seigal, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed installations.

## **Indemnification**

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

# <u>Installation Work Will Be Conducted without Prejudice to the Owner's Right to Receive Just Compensation</u>

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

### **Summary of Verizon's Efforts to Gain Entry to the Buildings**

8. Verizon's formal efforts to gain entry to the identified properties are set forth in Column H of Exhibit 1. In addition to those efforts, Verizon has attempted to contact the owners

and managing agents by telephone and/or e-mail to secure access to the properties, without

success.

**Opportunity for the Owner to Answer the Petition** 

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

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

forth any additional matters not contained herein.

WHEREFORE, Verizon respectfully requests that the Commission grant Verizon the

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

install cable television facilities at each building, together with such other relief as the

Commission may deem just and proper.

Respectfully submitted,

Pulm C. Tyl

RICHARD C. FIPPHEN 140 West Street, 6<sup>th</sup> Floor

New York, New York 10007

(212) 519-4718

Counsel for Verizon New York Inc.

Dated: December 5, 2014

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# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 35 Multiple-Dwelling Unit Buildings in the City of New York

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

### AFFIRMATION OF KEEFE B. CLEMONS

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

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

Leefe B. Clemons

KEEFE B. CLEMONS

Dated: New York, New York December 5, 2014

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 35 Multiple-Dwelling Unit Buildings in the City of New York

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

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

A copy of the Petition of Verizon New York Inc. for Orders of Entry for 35 Multiple-Dwelling Unit Buildings in the City of New York was sent on December 5, 2014 by First-Class U.S. Mail to the persons on the attached Service List.

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

LAURA A. SHINE

Dated: New York, New York December 5, 2014

### **SERVICE LIST**

Group 103 LLC

c/o Sassouni Management Inc.

Attn: Rafael Sassouni 9 Park Place, Suite 1E Great Neck, NY 11021 Jo & Wo Realty Corp. Attn: Moses Wolf

4718 18th Avenue, Suite 141

Brooklyn, NY 11204

Royal Assets LLC Attn: Joshua Siew

115 Vermilyea Avenue, Suite 1A

New York, NY 10034

LaVerdad LLC

c/o Finkelstein Timberger Realty

Attn: Steven Finkelstein 111 Brook Street, 2nd Floor

Scarsdale, NY 10583

Tristate Realty Holdings LLC c/o Quality One Management

Attn: Nate Follman 203 West 145th Street New York, NY 10039 Morris 1 LLC

c/o Chestnut Holdings of New York, Inc.

Attn: Shoshana Barr David

5676 Riverdale Avenue, Suite 307

Bronx, NY 10471

1820 Loring Associates, LLC

c/o Weiss Realty

Attn: Kenneth Yustman 3240 East Tremont Avenue

Bronx, NY 10461

Community Action For Human Services, Inc.

c/o Phipps Houses Services, Inc.

Attn: Lorrain Ryan

902 Broadway, 13th Floor

New York, NY 10010

1235 Concourse Tenants Corp.

c/o Total Realty Associates

Attn: Milagros Martinez 4768 Broadway, Suite 1012

New York, NY 10034

S & S Madison Associates

Attn: Lynn Shayani 1015 Madison Avenue

New York, NY 10075

Dorathea Eberhart, L.P. c/o Eberhart Brothers
Attn: John Fitzgerald
312 East 82nd Street
New York, NY 10028

Lespmha HDFC c/o Lespmha Inc. Attn: Richard Ramirez 228 East 3rd Street New York, NY 10009

Harlem 124th Street LLC Attn: Selwyn Roberts 13 East 124th Street New York, NY 10035

124 Hudson Condo c/o Andrews Building Corporation Attn: Jonathan Scutari 666 Broadway, 12th Floor New York, NY 10012

Bancroft Owners Inc. c/o Halstead Management Attn: David Kalbfeld 770 Lexington Avenue, 7th Floor New York, NY 10065 244-246 Owners Corp. c/o Sandra Greer Real Estate Inc. Attn: Sami Najjar 201 East 77th Street, Ground Level New York, NY 10075

169 Beekman Associates LP c/o Jack Resnick & Sons Inc.
Attn: Patrick Martin
110 East 59th Street, 34th Floor
New York, NY 10022

Burt Wartell Trustee c/o A.J. Clarke R.E. Corp. Attn: Angela Cronk 1881 Broadway, 4th Floor New York, NY 10023

133 Mulberry Holding LLC c/o Barberry Rose Management Attn: Jose Diaz 1024 Broadway Woodmere, NY 11598

The 110 West 86th Street Condominium c/o Charles H. Greenthal Management Co. Attn: Virginia Conti 4 Park Avenue, 3rd Floor New York, NY 10016

Abyssinian Tower Owners, LP c/o Prestige Management Inc.
Attn: Arlyane McGlashan
1200 Zerega Avenue, 2nd Floor
Bronx, NY 10462

Paul Robeson Houses Associates, LP c/o PRC Management Co. LLC Attn: Michael Nowlin 955 East 163rd Street Bronx, NY 10459

Barrington Condominium c/o Quantum Property Management Attn: Joseph Kanner 33 West Main Street, Suite 301 Elmsford, NY 10523

Dorice D'Anna c/o P.J. Falci Management Co. Inc. Attn: Patrick Falci 164-11 Northern Boulevard Flushing, NY 11358

100 West 121 Street HDFC c/o Imani Management
Attn: Angel Lavergne
408 Lenox Avenue
New York, NY 10037

Laura B. Thomas Houses, LP c/o Prestige Management Inc. Attn: Marie Rosado 1200 Zerega Avenue, 2nd Floor Bronx, NY 10462

Senior Living Options Inc. c/o Wavecrest Management Team Attn: Judy Cordero 87-14 116th Street Richmond Hill, NY 11418

The Wainright Condo c/o Gutman Management Attn: Sam Gutman 4907 18th Avenue, Suite 2 Brooklyn, NY 11204

Hubert Street Condominium c/o Andrews Building Corporation Attn: Fred Poses 666 Broadway, 12th Floor New York, NY 10012

Delshah 321 Lenox LLC c/o Delshah Capital LLC Attn: Veronica Humphries 114 East 13th Street, 1st Floor Front New York, NY 10003 218-220-222 West 141 Street Housing Corp. c/o West Harlem Group Assistance, Inc.
Attn: Donald Notice
1652 Amsterdam Avenue
New York, NY 10031

The Langston Condominium c/o Midboro Management Attn: Robert Grant 333 7th Avenue, 5th Floor New York, NY 10001

High Meadows Tenants Corp. c/o SLJ Property Management Attn: Leonard Jacobs 144-63 35th Avenue, #1G Flushing, NY 11354 Macquarie New York Parking 2 LLC c/o Dalton Management Co. LLC Attn: Jonathan Warner 60 East 42nd Street, Suite 1835 New York, NY 10165

Macedonia Baptist Church of Rockaway Beach, Inc. c/o D & F Development Group Attn: Crystal Radcliff 100 Schoolhouse Road Levittown, NY 11756