EXHIBIT 2

Property No. 7008565-1



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 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 7008565-1 Arik Lifshitz D.S.A. Management Co. Inc. 60 Madison Avenue, Suite #1111 New York, NY 10010-1644

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 273 East 3RD, 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 **273 East 3RD**, **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.

alupon M. Scipal

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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 273 East 3RD, New York NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 28, 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: (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; (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; (5) the name of the individual or officer responsible for the actual 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. (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; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 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

(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.

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.

(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,

Property No. 7013266-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 7013266-1 Thomas Rohlman Pine Management, Inc. 78 Manhattan Avenue New York, NY 10025-4666

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 337 State, 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 **337 State, 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 337 State, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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.

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DATED: <u>November 4, 2014</u>

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(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; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. An application for just compensation shall set forth specific facts relevant to the §898.2 Just Compensation determination of just compensation. 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The secretary may, §898.3 Notice of installation (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 (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

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,

(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

Subchapter A of this Title.

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§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.

Property No. 7014811-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 7014811-1 Peter Yee Charles H. Greenthal Management 4 Park Avenue, 3rd Floor New York, NY 10016-5329

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 295 Washington 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 **295 Washington 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.

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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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 295 Washington Av, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

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DATED: <u>November 4, 2014</u>

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(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; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or television 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

(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.

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.

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,

Property No. 7018542-1



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: 7018542-1 Toni Hanson Douglas Elliman Property Management 675 Third Avenue, 6th Floor New York, NY 10017-5700

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: Carnegie Hill 91ST, 15 E 91, 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 **Carnegie Hill 91ST, 15 E 91, 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.

alupon M. Scipal

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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at Carnegie Hill 91ST, 15 E 91, New York NY. The inspection will be performed on or about November 3, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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

 S228. Landord trend relationship Landord trelationship	PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
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 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) Sever 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 or premises. Sever lang to the compensation for just compensation for just compensation for just compensation for just compensation shall be factor effect relevision company of the installation of cable television company for the installation of cable television company for the installation of section 280 of the specific facts relevant to the determination of just compensation. Such facts relevant to the determination of last compensation. Such facts relevant to the determination of last compensation for just compensation shall be determined by the commission and content of such installation of table television company proposing to installation of table television company may may the individent and upper service of facilities and contex of the cable television company; Statication fact the petitic more property of the installation is and be put the commission shall persoribe the procedure for service of facilities and con		landlord is made in the proceeding or no answer filed within the time permitted,
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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
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228(1)(a)(3) of the Public Service Law.	220(1)(a)(3) OI THE PUDIC SERVICE LAW.	

Property No. 7022937-1



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: 7022937-1 Robert Guttman 564 Associates LLC 61 Harrison Ave, Apt 2J Brooklyn, NY 11211-8123

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 2301 Ocean 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 **2301 Ocean 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.

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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 2301 Ocean Av, Brooklyn NY. The inspection will be performed on or about November 3, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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

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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. 7064192-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 7064192-1 Jerry Miller Miller Management LLC 1293 East 5th Street, #1G Brooklyn, NY 11230-4654

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 3109 Brighton 7, 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 **3109 Brighton 7, 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 3109 Brighton 7, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 2014</u>

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
 §228. Landlord-tenant relationship No longlord shall (a) interfore with the installation of eable television 	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 catting forth:
 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 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; and	(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;
(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 petition and may set forth any additional matter not contained in the petition.
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
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 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 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.
ANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service	2009 5 Application for just companyation
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 accept any payment from any cable television company in exchange for permitting cable television company in exchange for	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.
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 just compensation shall deal with a but application of 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 television service or facilities. The amount of just compensation shall be	just compensation. Such facts should include, but need not be limited to, a 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 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 facilities and
§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 andlord or an authorized agent, written notice of intent thereof at least 15	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
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, out need not be limited to:	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.
 i) the name and address of the cable television company; iii) the name and address of the landlord; 	§898.8 Responses
(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.	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	§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
§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 to the installation. Before such entry, the cable television company shall serve	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 L

hearing pursuant to section 216(3) of the Public Service Law and Chapter I,

(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

Subchapter A of this Title.

on the issue.

(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.

Property No. 7064556-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 7064556-1 Peter Pantelic Halstead Management Company, LLC 770 Lexington Avenue - 7th Floor, PO Box 401 New York, NY 10065-8193

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 117 East 37 Street, 117 E 37, 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 **117 East 37 Street**, **117 E 37, 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 117 East 37 Street, 117 E 37, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 2014</u>

PUBLIC SERVICE LAW	(b) where the installation of cable television service or facilities is not effected
 §228. Landlord-tenant relationship No landlord shall (a) interfere with the installation of cable television 	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:
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; (2) that the coble television company or the tenant or a combination thereaf	(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; and	(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;
(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;
from any cable television company in exchange therefore in excess of any amount which the Commission shall, by regulation, determine to be	(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;
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.
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
 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, 	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
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 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 – 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
§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 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	(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 landlord or an authorized agent, written notice of intent thereof at least 15	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
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.	8808 0 Hearing and determination
(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.	§898.9 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 aball except at a bearing purpuent to except 216(2) of the Public Service Law
§898.4 Right of Entry (a) A cable television company shall have the right to enter property of the	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
landlord for the purpose of making surveys or other investigations preparatory	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,

(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

Subchapter A of this Title.

on the issue.

(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.

Property No. 7065773-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 7065773-1 Konstantine Tsiskakis Tsiskos Management 21-70 31st Street Astoria, NY 11105-2671

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 5 Pinehurst 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 **5 Pinehurst 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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 5 Pinehurst Av, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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
 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 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 (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.	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
(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	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 thi
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.
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 or 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
	television service or facilities in accordance with Section 228 of the Public Servic
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
SPOR 1 Drahihitian	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 accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	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.
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 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 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	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 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	§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
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 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 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	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

on the issue.

applicant agree upon the amount of just compensation and the commission

approves such amount, the commission shall not be required to conduct a hearing

(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.

Property No. 8071353-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8071353-1 Farik Badalov FirstService Residential New York, Inc 622 Third Avenue , 14FI New York, NY 10017-6704

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 2250 Benson 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 **2250 Benson 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.

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 2250 Benson Avenue, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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 arthrogen of the selve table television
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 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; and	(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;
(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 thi 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.
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 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 tenant or other occupant of such building to use or avail himself of master or	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,
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 Servic
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 accept any payment from any cable television company in exchange for permitting achieves a particle of facilities on equilibric acid landlord	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.
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 Every landlord shall be entitled to the payment of just compensation for	determination of just compensation shall set for a pecific 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	(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 landlord or an authorized agent, written notice of intent thereof at least 15	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
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 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.
 the name and address of the cable television company; 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
8909 4 Diabt of Entry	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.

hearing pursuant to section 216(3) of the Public Service Law and Chapter I,

(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

Subchapter A of this Title.

on the issue.

(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.

Property No. 8072770-1



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 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8072770-1 Robert Miller B & R Management Co LLC 363 Westchester Avenue, 2nd Floor Port Chester, NY 10573-3809

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 72-25 Austin, Queens NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **72-25 Austin, Queens NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

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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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 72-25 Austin, Queens NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 28, 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: (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; (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; (5) the name of the individual or officer responsible for the actual 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. (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; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 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

(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.

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.

(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,

Property No. 8086627-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8086627-1 Peter DeLuca 199 Bleecker LLC 199 Bleecker Street New York, NY 10012-1444

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 199 Bleecker, 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 **199 Bleecker**, **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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 199 Bleecker, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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 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	(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	(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 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
(a) Discriminate in restal charges or otherwise, between tenents who reserve	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.
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
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 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
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 §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 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 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 (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	2000 Z Osmites of Ameliantian
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;	§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.	Commission within twenty days non 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 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 i
	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
(a) A Caple leevision company shall have me norm to enter probent or the	I ORDER WHICH SELS COMPENSATION AT ONE COMAL OT LESS. THE A WHITEH RECORDER TO CA

on the issue.

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

(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.

Property No. 8087207-1



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 14, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8087207-1 Stuart Orenstein J & C Lamb Management 4 Park Avenue, Mezz Level New York, NY 10016

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 224 W 18, 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 **224 W 18, 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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 224 W 18, New York NY. The inspection will be performed on or about November 14, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 14, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 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 §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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

§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.

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.

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,

Property No. 8098956-1



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 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8098956-1 Michael Mikelic KPP Management LLC 1140 Avenue of the Americas, 9th Floor New York, NY 10036-5803

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 2475 Hughes Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **2475 Hughes Av, Bronx NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

alupon M. Scipal

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

NOTICE OF INTENTION TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 2475 Hughes Av, Bronx NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 28, 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: (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; (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; (5) the name of the individual or officer responsible for the actual 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. (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; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 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

(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.

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.

(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,

Property No. 8100126-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8100126-1 Mark Engel Langsam Property Services 1601 Bronxdale Ave. Bronx, NY 10462-3364

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 951 Woodycrest Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **951 Woodycrest Av, Bronx NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

alupon M. Scipal

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

NOTICE OF INTENTION TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 951 Woodycrest Av, Bronx NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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 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 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	(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; 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 thi 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.
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 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 which to reply to said answer. The commission may grant or deny the petition,
ndividual 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 §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 accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's	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.
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 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 o
§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 landlord or an authorized agent, written notice of intent thereof at least 15	upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.
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 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.
(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 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	§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
§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	

hearing pursuant to section 216(3) of the Public Service Law and Chapter I,

(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

Subchapter A of this Title.

on the issue.

(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.

Property No. 8100302-1



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

October 20, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8100302-1 Warren Harr Grenadier Realty Corp 1230 Pennsylvania Ave Brooklyn, NY 11239-1199

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 50 E 168, 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 **50 E 168, 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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 50 E 168, Bronx NY. The inspection will be performed on or about November 20, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 20, 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 landlard shall (a) interfere 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: 	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;	(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, including the type and method of installation, the anticipated costs thereof, and
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	(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
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	(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 pincteen	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
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
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 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
3(-)	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 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 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	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;	§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
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.

on the issue.

(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

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. Property No. 8100780-1



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

October 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8100780-1 Mark Mazzella Highbridge CDC 1465 Nelson Avenue A Bronx, NY 10452-1758

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 1419 Shakespeare Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **1419 Shakespeare Av**, **Bronx NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

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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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 1419 Shakespeare Av, Bronx NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

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The installation/upgrade of cable 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, you may write or call the company'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 28, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 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

(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.

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.

(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,

Property No. 8211606-1



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

October 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8211606-1 Gary Smith MRC 754 E 161 St HDFC 589 8th Avenue, 10th Floor New York, NY 10018-3068

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 1504 Longfellow Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **1504 Longfellow Av, Bronx NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations ("NYCRR"), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that "[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises" In addition, Verizon's Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon's compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property. USPS Tracking No.: 71791000164816619384

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

cc (via U.S. mail): Owner: Mrc 754 E 161 St Hdfc

NOTICE OF INTENTION TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 1504 Longfellow Av, Bronx NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 28, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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.

§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.

NIS-20120612 F USPS Tracking No. : 71791000164816619384 71791000164816619377-CC

228(1)(a)(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 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

(c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or

damages caused by such entry but such damages shall not duplicate

damages paid by the cable television company pursuant to section

Part. The cable television company shall be liable to the landlord for any

facilities were placed prior to the effective date of this Part.

commission's rules.

Property No. 8228201-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8228201-1 Jacquelyn Duggan Gumley HAFT 415 Madison Ave, 5th Flr New York, NY 10017-7928

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 53 E 66, 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 **53 E 66**, **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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 53 E 66, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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.

§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.

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.

Property No. 8228454-1



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

October 20, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8228454-1 George Georgallas Hotel Carlyle Owners Corporation 35 E 76th Street New York, NY 10021-1827

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: Carlyle Hotel, 35 E 76, 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 **Carlyle Hotel, 35 E 76, 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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at Carlyle Hotel, 35 E 76, New York NY. The inspection will be performed on or about November 20, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 20, 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 landlard shall (a) interfere 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: 	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;	(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, including the type and method of installation, the anticipated costs thereof, and
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	(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
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	(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 pincteen	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
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
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 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
3(-)	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 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 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	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;	§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
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.

on the issue.

(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

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. Property No. 8231889-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8231889-1 Burton Wallack Wallack Management Co., Inc. 441 Lexington Ave, 4th Fl New York, NY 10017-3950

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 370 W 58, 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 **370 W 58, 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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 370 W 58, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or

any time on landlords upon whose property cable television service o 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.

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.

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,

Property No. 8250727-1



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

October 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8250727-1 Gary Smith MRC 754 E 161 St HDFC 589 8th Avenue, 10th Floor New York, NY 10018-3068

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 1496 Longfellow Av, Bronx NY

Dear Property Owner/Manager:

71791000164816619391-CC

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 **1496 Longfellow Av, Bronx NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations ("NYCRR"), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that "[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises" In addition, Verizon's Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon's compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property. Cover-trz²0120612 F USPS Tracking No.: 71791000164816619407

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

cc (via U.S. mail): Owner: Mrc 754 E 161 St Hdfc

NOTICE OF INTENTION TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 1496 Longfellow Av, Bronx NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 28, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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.

§898.9 Hearing and determination

Subchapter A of this Title.

on the issue.

(a) If the commission finds that just compensation for the installation of cable

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,

(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

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

(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.

NIS-20120612 F USPS Tracking No. : 71791000164816619407 71791000164816619391-CC Property No. 8254804-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8254804-1 Pen Wisneski Reliant Realty Services, Inc 885 Second Ave , 16th Fl New York, NY 10017-2201

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 114 E 104, 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 **114 E 104**, **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.

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 114 E 104, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or 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,

(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

Subchapter A of this Title.

on the issue.

§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.

facilities were placed prior to the effective date of this Part.

Property No. 8260064-1



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 28, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8260064-1 Gary Smith MRC 754 East 161st HDFC 589 8th Avenue, 10th Floor New York, NY 10018-3068

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 1500 Longfellow Av, Bronx NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **1500 Longfellow Av, Bronx NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations ("NYCRR"), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that "[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises …." In addition, Verizon's Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon's compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property. ^{Cover-trz-20120612 F} USPS Tracking No. : 71791000164816619421 71791000164816619414-CC

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): Owner: Mrc 754 East 161st Hdfc

NOTICE OF INTENTION TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 1500 Longfellow Av, Bronx NY. The inspection will be performed on or about November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 28, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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.

§898.9 Hearing and determination

Subchapter A of this Title.

on the issue.

(a) If the commission finds that just compensation for the installation of cable

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,

(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

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

(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.

NIS-20120612 F USPS Tracking No. : 71791000164816619421 71791000164816619414-CC Property No. 8262956-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 8262956-1 Bruce Sloane Waverly Place Realty LLC 450 Fashion Ave , 2906A New York, NY 10123-2906

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 200 Waverly PI, 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 **200 Waverly PI**, **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.

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 200 Waverly PI, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 §898.5 Application for just compensation Law §228(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 §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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

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,

(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

Subchapter A of this Title.

on the issue.

§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.

Property No. 9324572-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9324572-1 Howard Mandel Brenda Management 1837 Flatbush Ave Brooklyn, NY 11210-4840

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 836 Crown, 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 **836 Crown, 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.

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 836 Crown, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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

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,

(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

Subchapter A of this Title.

on the issue.

§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.

Property No. 9335489-1



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 20, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9335489-1 Eugene Buchinger Mazal Equities Corp. 34 South 4th Street Brooklyn, NY 11249-5105

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 337 Kent 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 **337 Kent Av, Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 337 Kent Av, Brooklyn NY. The inspection will be performed on or about November 20, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 20, 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 landlard shall (a) interfere 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: 	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;	(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, including the type and method of installation, the anticipated costs thereof, and
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	(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
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	(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 pincteen	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
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
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 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
3(-)	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 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 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	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;	§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
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.

on the issue.

(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

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. Property No. 9342703-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9342703-1 Rubin Pikus Maserati Associates LLC 42 Bayview Avenue Manhasset, NY 11030-1806

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 2121 Westbury Ct, 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 **2121 Westbury Ct**, **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.

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 2121 Westbury Ct, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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

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,

(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

Subchapter A of this Title.

on the issue.

§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.

Property No. 9343054-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9343054-1 Gerald Haak Maxx Properties 600 Mamaroneck Avenue Harrison, NY 10528-1624

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 70 Lenox 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 **70 Lenox 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.

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 INSPECTION AND SURVEY

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 70 Lenox Rd, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 §898.5 Application for just compensation Law §228(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 §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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

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,

(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

Subchapter A of this Title.

§898.4 Right of Entry

NIS-20120612 F USPS Tracking No. : 71791000164816770801

(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.

Property No. 9343178-1



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 20, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9343178-1 Robert Malek Malek Management 1491 Coney Island Ave Brooklyn, NY 11230-4737

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 591 Ocean 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 **591 Ocean Av, Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 591 Ocean Av, Brooklyn NY. The inspection will be performed on or about November 20, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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 20, 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 landlard shall (a) interfere 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: 	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;	(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, including the type and method of installation, the anticipated costs thereof, and
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	(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
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	(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 pincteen	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
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
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 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
3(-)	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 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 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	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;	§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
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.

on the issue.

(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

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. Property No. 9343180-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9343180-1 Adriana Sakkal 280 East 21 LLC 666 Ocean Ave , A4 Brooklyn, NY 11226-5336

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 280 E 21, 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 **280 E 21, 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 280 E 21, Brooklyn NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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

§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.

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

Property No. 9406242-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9406242-1 Reginald Russo Manhattan Valley Mgmt 73 West 108th Street New York, NY 10025-3222

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 1886 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 **1886 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.

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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 1886 7 Av, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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.

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DATED: <u>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or television 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

(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.

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.

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,

Property No. 9406297-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9406297-1 Peter Spooner E&M Associates LLC 1465A Flatbush Ave Brooklyn, NY 11210-2428

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 301 W 111, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **301 W 111, 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 301 W 111, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

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DATED: <u>November 4, 2014</u>

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(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; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or

any time on landlords upon whose property cable television service o 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.

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.

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,

Property No. 9406686-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9406686-1 Michael Schulv Renaissance Realty Group LLC 1946 Coney Island Ave Brooklyn, NY 11223-2329

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 92 Morningside Av, 92 Morningside 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 **92 Morningside Av, 92 Morningside 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 92 Morningside Av, 92 Morningside Av, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or television 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

(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.

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.

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,

Property No. 9407443-1



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

November 4, 2014

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

Property ID: 9407443-1 Mary Stawikey Langsam Property Services Corp. 1601 Bronxdale Avenue, Suite #201 Bronx, NY 10462-3364

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service - Inspection and Survey at: 551 W 170, 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 **551 W 170, 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

PURSUANT to Public Service Law §228, and 16 NYCRR Part 898, Verizon New York Inc. has the right to enter and inspect your property in order to prepare drawings, plans and designs in preparation for the installation/upgrade of cable television facilities and service upon your property located at 551 W 170, New York NY. The inspection will be performed on or about November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. After having prepared the plans and designs, Verizon New York Inc. will make plans for the facilities available for your information, review and consideration. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

An inspection / survey to determine a plan for the building of 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.

Verizon New York Inc.'s installation/upgrade conforms with the safety, functioning and appearance of the building. 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 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, you may write or call the company'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>November 4, 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: (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; (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 insurance or other evidence of ability to indemnify the landlord; (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 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. 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 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 completion of the installation of the cable television facilities, whichever is later. permitting cable television service or facilities on or within said landlord's §898.6 Contents of application for just compensation property or premises. 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 (d) the method or methods used to determine such values. The secretary may, §898.3 Notice of installation (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 (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

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,

(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

Subchapter A of this Title.

on the issue.

§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.