EXHIBIT 2

Property No. 7007127-2



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: 7007127-2 Susan Sahim S & S Equities of NY & NJ, Inc. 33 East 20th Street, 3rd Floor New York, NY 10003-1351

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 224 East 48TH, 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 East 48TH, 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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 224 East 48TH, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7009845-1



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: 7009845-1 Dan Wurtzel Cooper Square Realty Inc. 622 Third Avenue, 14 Fl New York, NY 10017-6710

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 520 E 90, 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 **520 E 90**, **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,

allipon M. Scipal

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

cc (via U.S. mail): Board President: Lawrence Kay

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 520 E 90, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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

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

§898.4 Right of Entry

(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. 7010627-1

Elizabeth A. Southard FiOS Franchise Assurance – New York City



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

September 27, 2010

Property ID: 7010627 Doug King Allied Manor Road LLC 118-35 Queens Boulevard Forest Hills, NY 11375-7200

RE: Notice of Intention to Install Cable Television Facilities and Service at 800 Manor Rd Staten Island NY

Dear Property Owner/Manager:

Recently we contacted you regarding Verizon's plans to deliver a fiber optic telecommunications network called FiOS to your neighborhood, and we explained Verizon's need to place our facilities on your property.

Our records indicate that you have still not approved the proposed engineering plans, which conform to reasonable conditions necessary to protect the safety, functioning and appearance of the premises. Verizon's policy is to cooperate with property owners to arrange convenient dates for access, and to reach agreement on engineering plans/ designs for each individual property.

Verizon, however, is obligated under its Cable Franchise Agreement with the City of New York to build and provide its cable television facilities and service in a timely fashion. Therefore, Verizon must receive approval of the engineering plans as soon as possible so that we may commence construction. Moreover, Verizon is obligated under the same franchise agreement to inform you that, pursuant to Section 228 of the New York State Public Service Law, "no landlord shall interfere with the installation of cable television facilities upon his property or premises," including, but not limited to, not reviewing or approving the reasonable engineering plans that were presented to you.

For additional information on the scheduled site survey and installation dates, and on Verizon's process for installing cable television facilities on private property, please reference the enclosed form, "Notice of Intention to Install Cable Television Facilities and Service," which includes a copy of the relevant New York law related to this process.

Please contact Daniel Georges at 718 330-6004 or my office at (888) 364–3467 within two (2) weeks of receipt of this letter so that we can discuss and resolve this matter. If Verizon does not hear from you in this timeframe, I will forward this matter to Verizon's Legal Department. Your cooperation in this matter would be greatly appreciated. I look forward to hearing from you.

Sincerely,

Elizabeth A. Southard Manager FiOS Franchise Assurance New York City

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STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

VERIZON NEW YORK INC.

NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228, as interpreted by the Supreme Court of the United States and the Court of Appeals of the State of New York, and under 16 NYCRR Part 898, **VERIZON NEW YORK INC.** has the right to, and will install cable television facilities and service upon your properties at 800 Manor Rd Staten Island NY. Verizon will perform this installation on or after November 1, 2010. Verizon has the right to enter and inspect your property in preparation for this installation. This inspection will be performed on or about (N/A). Verizon will be responsible for damage caused by the inspection of the property.

More specifically, Verizon's installation plan will:

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

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

While it is likely that the installation of cable service will enhance the value of your property, there will be no charge to you for such installation. If the value of your property is not enhanced, you may be entitled to compensation set by the New York State Public Service Commission according to the procedures delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested.

If you have any questions, you may write or call the company's representative; or write or call the Secretary to the New York State Public Service Commission at (518) 474-6530, 3 Empire State Plaza, Albany, New York 12223-1350.

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

DATED: September 27, 2010

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship...

 No landlord shat is interfere with the installation of cable trievision facilities upon his property or premises, except that a landlord may require;

(1) that the installation of cable blevision facilities conform to such reasonable contributes are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other females:

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

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

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

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

2. Rental agreements and leases executed polar to January first, nineteen hundred sevenly-linee may be enforced poly/linstanding this section.

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

NEW YORK CODES BULES AND REGULATIONS - PART 333 -LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Laws §128(1))

§298.1 Prohibition

Except as provided in section 358.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.

§398.2 Just Compensation

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

§898.3 Motice of Installation

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

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

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

(I) the name and address of the landlord;

(ii) the approximate date of the installation; and

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

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

6998.4 Right of Enliny.

(a) A cable television company shall have the right to enter property of the landbird for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable beevision company shall serve notice upon the landbird, or an automized agent which notice shall contain the date of the entry and all other information described in section 853 3(b) of this Part. The cable belevision company shall be liable to the landbird for any damages caused by such entry but such damages shall not duplicate damages paid by the cable belevision company pursuant to section 226(11(a)(3) of the Public Bervice Law. (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 859.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

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

(2) the specific location of the real property;

(2) the resident address of the landlord, if known;
(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and

the measures to be taken to minimize the activities impact of the installation; (5) the name of the individual or officer responsible for the actual installation; (5) a statement that the cable television company shall indemnity the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnity the landlord;

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

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

(3) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer fied within the time permitted, the complexity of the petition may grant to the petitioning cable below an order of entry which order shall constitute a ruling that the petitioning cable below for other regulations contained in this Part. If the landlord files a written answer to the petition, the cable belowing or othery shall have 10 days within which to reply to said answer. The complexity facturel issues presented thereby or direct such other procedures as may be completent with the installation of cable belowing to advect the other of the petition structure and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable belowing or any facturel issues presented thereby or direct such other procedures as may be completent with the installation of cable belowing on any facturel issues presented thereby or direct such other procedures as may be completent with the matsilation of cable belowing the petition.

§656.5 Application for just compensation.

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

\$898.6 Contents of application for just compensation.

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

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

(b) the previous use of such space;

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

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

§698.7 Service of Application.

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

§898.8 Responses.

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

§898.9 Hearing and determination.

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar if shall conduct a hearing pursuant to section 215(3) of the Public Service Law. (b) An applicant may, which 20 days from the release date of the commission order which sets compensation at one dollar or less, the switten request for a hearing pursuant to section 215(3) of the Public Service Law. (b) An applicant may, which 20 days from the release date of the commission order which sets compensation at one dollar or less, the switten request for a hearing pursuant to section 215(3) of the Public Service Law and Chapter 5, Butchapter A of this Title.

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

USPS Tracking No. 71901018587020789797

Property No. 7012671-1



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: 7012671-1 Cindy Ortiz Stellar Management 156 William Street, 10th Floor New York, NY 10038-2615

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 238-240 East 13TH, 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 **238-240 East 13TH, 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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 238-240 East 13TH, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7012945-1



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: 7012945-1 John Lemarier Maygina Realty, LLC/Mortlen Realty Corp 1950 Third Avenue New York, NY 10029-4024

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 169 E 106, 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 **169 E 106**, **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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 169 E 106, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 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. (b) An applicant may, within 20 days from the release date of the commission

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7014721-1



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: 7014721-1 A.J. Ursillo Pride Property Management 11 New Street Englewood Cliffs, NJ 07632-2937

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 814 Carroll, 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 **814 Carroll, Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

alupon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 814 Carroll, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 3, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: October 2, 2014

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Iandlord 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 sectionhearing. 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.		(b) An applicant may, within 20 days from the release date of the commission
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 sectionSubchapter 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.	landlord for the purpose of making surveys or other investigations preparatory	hearing. Upon timely receipt of such request, the commission shall conduct a
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 sectionapplicant 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.	notice upon the landlord, or an authorized agent which notice shall contain the	Subchapter A of this Title.
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	damages paid by the cable television company pursuant to section	

Property No. 7016802-1



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: 7016802-1 Maria Forgione 18 GPS Realty LLC 445 Park Avenue, 19th Floor New York, NY 10022-2606

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 18 Gramercy Pk S, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **18 Gramercy Pk S**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

cc (via U.S. mail): Board President: Gina Reidinger

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 18 Gramercy Pk S, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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; (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

(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 (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.

(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.

228(1)(a)(3) of the Public Service Law.

§898.4 Right of Entry

any time on landlords upon whose property cable television service or

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

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

Property No. 7017788-1


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: 7017788-1 Labe Twerski Residential Management Group, Inc. 1651 Coney Island Ave., 4th Fl Brooklyn, NY 11230-5856

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1730 E 14TH, 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 **1730 E 14TH, Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1730 E 14TH, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7024146-1



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: 7024146-1 Robert McCarthy Gerard J Picaso Inc 770 Lexington Ave, 7th Floor New York, NY 10065-8165

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 174 E 74, 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 **174 E 74, 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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 174 E 74, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 14, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 14, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part. television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry order which sets compensation at one dollar or less, file a written request for a

(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.

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. 7028376-1



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

Elizabeth A. Southard FiOS Franchise Assurance – New York City

October 29, 2010

Property ID: 7028376 Harry Hicks Seacliff/Towers Owners Corp 20 Cliff St. Ste 1A Staten Island, NY 10305-3925

RE: Notice of Intention to Install Cable Television Facilities and Service at 20 Cliff, Staten Island NY

Dear Property Owner/Manager:

Recently we contacted you regarding Verizon's plans to deliver a fiber optic telecommunications network called FiOS to your neighborhood, and we explained Verizon's need to place our facilities on your property.

Our records indicate that you have still not approved the proposed engineering plans, which conform to reasonable conditions necessary to protect the safety, functioning and appearance of the premises. Verizon's policy is to cooperate with property owners to arrange convenient dates for access, and to reach agreement on engineering plans/ designs for each individual property.

Verizon, however, is obligated under its Cable Franchise Agreement with the City of New York to build and provide its cable television facilities and service in a timely fashion. Therefore, Verizon must receive approval of the engineering plans as soon as possible so that we may commence construction. Moreover, Verizon is obligated under the same franchise agreement to inform you that, pursuant to Section 228 of the New York State Public Service Law, "no landlord shall interfere with the installation of cable television facilities upon his property or premises," including, but not limited to, not reviewing or approving the reasonable engineering plans that were presented to you.

For additional information on the scheduled site survey and installation dates, and on Verizon's process for installing cable television facilities on private property, please reference the enclosed form, "Notice of Intention to Install Cable Television Facilities and Service," which includes a copy of the relevant New York law related to this process.

Please contact Daniel Georges at 718 330-6004 or my office at (888) 364–3467 within two (2) weeks of receipt of this letter so that we can discuss and resolve this matter. If Verizon does not hear from you in this timeframe, I will forward this matter to Verizon's Legal Department. Your cooperation in this matter would be greatly appreciated. I look forward to hearing from you.

Sincerely,

Elizabeth A. Southard Manager FiOS Franchise Assurance New York City

Cc: Board Member Harry Hicks USPS Tracking No. 71901018587020791448

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK		
VERIZON NEW YORK INC.))	
То))	NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE
Sea Cliff Towers Owners Corp (Landlord))	

PURSUANT to Public Service Law §228, as interpreted by the Supreme Court of the United States and the Court of Appeals of the State of New York, and under 16 NYCRR Part 898, **VERIZON NEW YORK INC.** has the right to, and will install cable television facilities and service upon your properties at 20 Cliff, Staten Island NY. Verizon will perform this installation on or after February 1, 2011. Verizon has the right to enter and inspect your property in preparation for this installation. This inspection will be performed on or about (N/A). Verizon will be responsible for damage caused by the inspection of the property.

More specifically, Verizon's installation plan will:

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

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

While it is likely that the installation of cable service will enhance the value of your property, there will be no charge to you for such installation. If the value of your property is not enhanced, you may be entitled to compensation set by the New York State Public Service Commission according to the procedures delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested.

If you have any questions, you may write or call the company's representative; or write or call the Secretary to the New York State Public Service Commission at (518) 474-6530, 3 Empire State Plaza, Albany, New York 12223-1350.

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

DATED: October 29, 2010

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

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

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

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

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

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

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

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

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

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

§898.1 Prohibition

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

§898.2 Just Compensation

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

\$898.3 Notice of installation

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

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

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

(ii) the name and address of the landlord;

(ii) the approximate date of the installation; and

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

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

5898.4 Right of Entry.

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of the entry and all other information described in section 853.8(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)(s) of the Public Service Law. (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 888.8 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

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

(2) the specific location of the real property;

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

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnity the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnity the landlord;

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

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

(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 28 of the Public Service Law and the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service and the service Law.

§898.5 Application for just compensation.

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

§898.6 Contents of application for just compensation.

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

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

(b) the previous use of such space;

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

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

5898.7 Service of Application.

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

§898.8 Responses.

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

5898.9 Hearing and determination

(a) It the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dolar 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 dolar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue. Property No. 7052501-1



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: 7052501-1 Brian Kenny Rose Associates, Inc. 200 Madison Avenue, 5th Floor New York, NY 10016-3903

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 250 West 93RD, 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 **250 West 93RD**, **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

cc (via U.S. mail): Board President: Melvin Friedland

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 250 West 93RD, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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

(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.

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.

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

(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,

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.

Property No. 7057984-1



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: 7057984-1 Alberto De Paz Algin Management 183 Madison Avenue, Suite #1602 New York, NY 10016-4407

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 229 W 60, 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 **229 W 60**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 229 W 60, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7061142-1



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

December 13, 2011

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7061142 John Timlin Hampton Management Co 135 E 57th St 22nd New York, NY 10022-2134

RE: Notice of Intention to Install Cable Television Facilities and Service at 1533 3 Avenue Manhattan NY

Dear Property Owner/Manager:

Recently we contacted you regarding Verizon's plans to deliver a fiber optic telecommunications network called FiOS to your neighborhood, and we explained Verizon's need to place our facilities on your property.

Our records indicate that you have still not approved the proposed engineering plans, which conform to reasonable conditions necessary to protect the safety, functioning and appearance of the premises. Verizon's policy is to cooperate with property owners to arrange convenient dates for access, and to reach agreement on engineering plans/ designs for each individual property.

Verizon, however, is obligated under its Cable Franchise Agreement with the City of New York to build and provide its cable television facilities and service in a timely fashion. Therefore, Verizon must receive approval of the engineering plans as soon as possible so that we may commence construction. Moreover, Verizon is obligated under the same franchise agreement to inform you that, pursuant to Section 228 of the New York State Public Service Law, "no landlord shall interfere with the installation of cable television facilities upon his property or premises," including, but not limited to, failure to approve the reasonable engineering plans that were presented to you with the Certificate of Acceptance of Proposed Work.

For additional information on the scheduled installation dates, and on Verizon's process for installing cable television facilities on private property, please reference the enclosed form, "Notice of Intention to Install Cable Television Facilities and Service," which includes a copy of the relevant New York law related to this process.

Please contact my office at (888) 364–3467 within two (2) weeks of receipt of this letter so that we can discuss and resolve this matter. If Verizon does not hear from you in this timeframe, I will forward this matter to Verizon's Legal Department. Your cooperation in this matter would be greatly appreciated. I look forward to hearing from you.

Sincerely,

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

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

VERIZON NEW YORK INC.		
То)))	
3rd & 87th L.P. 220 East 87th Street Association)	
(Landlord))	

NOTICE OF INTENTION TO INSTALL CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228, as interpreted by the Supreme Court of the United States and the Court of Appeals of the State of New York, and under 16 NYCRR Part 898, **VERIZON NEW YORK INC.** has the right to, and will install cable television facilities and service upon your property at 1533 3 Avenue Manhattan NY. Verizon will perform this installation on or after January 23, 2012. VERIZON NEW YORK INC. will bear the entire cost of the installation, operation or removal of its facilities and will also indemnify you for any damage caused by such installation, operation or removal. The cable television facilities and services must be installed in a manner that protects the safety, functioning and appearance of your property, and the convenience and well-being of your tenants.

More specifically, Verizon's installation plan will:

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

Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department at 888-364-3467 or NYCFiOS@verizon.com.

While it is likely that the installation of cable service will enhance the value of your property, there will be no charge to you for such installation. If the value of your property is not enhanced, you may be entitled to compensation set by the New York State Public Service Commission according to the procedures delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested.

If you have any questions, you may write or call the company's representative; or write or call the Secretary to the New York State Public Service Commission at (518) 474-6530, 3 Empire State Plaza, Albany, New York 12223-1350.

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

DATED: December 13, 2011

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

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

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

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

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

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

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

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

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

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

§898.1 Prohibition

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

§898.2 Just Compensation

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

§898.3 Notice of installation

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

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

the name and address of the cable television company;

(II) the name and address of the landlord;

(II) the approximate date of the installation; and

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

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

§898.4 Right of Entry.

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

USPS Tracking No. 71901018587020809181

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

 proof of service of a nonce of intent to install cable television service upon the landlord;

(2) the specific location of the real property;

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

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnify the landlord for

any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnity the landlord;

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

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

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

§898.5 Application for just compensation.

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

§898.6 Contents of application for just compensation.

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

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

(b) the previous use of such space;

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

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

§898.7 Service of Application.

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

§898.8 Responses.

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

§898.9 Hearing and determination.

(a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing pursuant to section 216(3) of the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue. Property No. 7061253-1



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: 7061253-1 Barry Mitchell Century Operating Corp 440 9th Avenue, 15th Fl New York, NY 10001-1628

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 55 3 Av, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **55 3 Av, New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

alupon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 55 3 Av, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7061783-1



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: 7061783-1 Natasha Punit Extell Development Company 805 3rd Avenue New York, NY 10022-7513

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: Wilshire Plaza Llc C/, 134 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 **Wilshire Plaza Llc C/, 134 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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at Wilshire Plaza Llc C/, 134 W 58, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7062232-1



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: 7062232-1 Migdalia Soto Urban Pathways, Inc. 459 West 46st New York, NY 10036-3510

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 459 W 46, 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 **459 W 46**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 459 W 46, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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DATED: ____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7063959-1



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: 7063959-1 Michael Sternburch 1347 E 17th LLC 1399 Coney Island Ave Brooklyn, NY 11230-4137

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1347 E 17, 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 **1347 E 17**, **Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1347 E 17, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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DATED: _____October 28, 2014____

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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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7063977-1



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: 7063977-1 Labe Twerski Residential Management Inc 1651 Coney Island Avenue, Suite 4 Brooklyn, NY 11230-5856

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1750 E 14, 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 **1750 E 14, Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1750 E 14, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7063984-1



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: 7063984-1 Jacob Seidenfeld Herald Realty 11 LLC 275 Madison Avenue, 11th Floor New York, NY 10016-1101

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 2026 Ocean Pkwy, Brooklyn NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **2026 Ocean Pkwy**, **Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 2026 Ocean Pkwy, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7063991-1



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: 7063991-1 David Hoch S E Company LLC 1529 56 Street Brooklyn, NY 11219-4738

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1866 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 **1866 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.

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1866 Ocean Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7064163-1



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: 7064163-1 Leonard & Jack Janklowicz 3260 Realty Company 1353 47th Street Brooklyn, NY 11219-2612

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 3260 Coney Island 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 **3260 Coney Island Av**, **Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 3260 Coney Island Av, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7064239-1



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: 7064239-1 Jacob Selenfele EMOR SK Limited Partnership 1085 East 18th Street Brooklyn, NY 11230-4405

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 3100 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 **3100 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.

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

Sincerely,

allipon M. Scipal

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

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TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7064325-1



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: 7064325-1 Angela Drew Marcus Garvey Brownstone Houses Inc 353 Chester Street Brooklyn, NY 11212-5401

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 376 Chester, 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 **376 Chester, Brooklyn NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 376 Chester, Brooklyn NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 20, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any questions regarding the New York State Public Service Commission's rules or regulations, you may write or call Verizon New York Inc.'s representative, or write or call the Secretary to the New York State Public Service Commission at <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 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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part. television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7064447-1



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: 7064447-1 Caroline Berley Abington Holding 950 Third Avenue New York, NY 10022-2851

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 214 E 24, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **214 E 24**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 214 E 24, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7064818-1



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

September 3, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Property ID: 7064818-1 Stacey Shurgin Leeds Associates LLC 215 West 83rd Street, Lobby New York, NY 10024-4919

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 215 W 83, 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 **215 W 83**, **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.

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

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

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

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

Sincerely,

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 215 W 83, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after October 3, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: September 3, 2014

 PUBLIC SERVICE LAW §228. Landlord tenant relationship 1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such reasonable conditions are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants; (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities. (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television service on or within his property or premises, or from any cable television service on or within his property or premises, or from any cable television shall, by regulation, determine to be reasonable; or 	Part, the ified by an rice upon the he property, ereof, and tallation; tallation; landlord for of of
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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 compe	ensation
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228(1)(a)(3) of the Public Service Law.	

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Property No. 7064953-1



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: 7064953-1 Gloria Blanchard 2460 7th Avenue Housing Development Fund Co. 2460 7th Avenue New York, NY 10030-3538

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 2460 Adam C Powell Blvd, 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 **2460 Adam C Powell Blvd**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 2460 Adam C Powell Blvd, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 14, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: ____October 14, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part. television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry order which sets compensation at one dollar or less, file a written request for a

(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.

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. 7065102-1



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: 7065102-1 Cesar Maldonado Kensington Associates, LLC 1476 Walton Ave Bronx, NY 10452-6502

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 141 W 139, 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 **141 W 139**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

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

Sincerely,

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 141 W 139, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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; (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065146-1



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

Elizabeth A. Southard FiOS Franchise Assurance – New York City

October 29, 2010

Property ID: 7065146 Peggy Washington River View Towers Inc 626 Riverside Drive New York, NY 10031-7201

RE: Notice of Intention to Install Cable Television Facilities and Service at 626 Riverside Dr, New York NY

Dear Property Owner/Manager:

Recently we contacted you regarding Verizon's plans to deliver a fiber optic telecommunications network called FiOS to your neighborhood, and we explained Verizon's need to place our facilities on your property.

Our records indicate that you have still not approved the proposed engineering plans, which conform to reasonable conditions necessary to protect the safety, functioning and appearance of the premises. Verizon's policy is to cooperate with property owners to arrange convenient dates for access, and to reach agreement on engineering plans/ designs for each individual property.

Verizon, however, is obligated under its Cable Franchise Agreement with the City of New York to build and provide its cable television facilities and service in a timely fashion. Therefore, Verizon must receive approval of the engineering plans as soon as possible so that we may commence construction. Moreover, Verizon is obligated under the same franchise agreement to inform you that, pursuant to Section 228 of the New York State Public Service Law, "no landlord shall interfere with the installation of cable television facilities upon his property or premises," including, but not limited to, not reviewing or approving the reasonable engineering plans that were presented to you.

For additional information on the scheduled site survey and installation dates, and on Verizon's process for installing cable television facilities on private property, please reference the enclosed form, "Notice of Intention to Install Cable Television Facilities and Service," which includes a copy of the relevant New York law related to this process.

Please contact Craig M Bryant at 212 766-2257 or my office at (888) 364–3467 within two (2) weeks of receipt of this letter so that we can discuss and resolve this matter. If Verizon does not hear from you in this timeframe, I will forward this matter to Verizon's Legal Department. Your cooperation in this matter would be greatly appreciated. I look forward to hearing from you.

Sincerely,

Elizabeth A. Southard Manager FiOS Franchise Assurance New York City

Cc: Board Member Gwendolyn Moody

USPS Tracking No. 71901018587020791950

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

STATE OF NEW YORK COUNTY OF NEW YORK

)	
VERIZON NEW YORK INC.	ý	
)	
	ý	NOTICE OF INTENTION
То)	TO INSTALL CABLE TELEVISION
)	FACILITIES AND SERVICE
)	
Riverview Towers Inc.	<i>,</i>	
(Landlord))	
)	

PURSUANT to Public Service Law §228, as interpreted by the Supreme Court of the United States and the Court of Appeals of the State of New York, and under 16 NYCRR Part 898, **VERIZON NEW YORK INC.** has the right to, and will install cable television facilities and service upon your properties at 626 Riverside Dr, New York NY. Verizon will perform this installation on or after February 1, 2011. Verizon has the right to enter and inspect your property in preparation for this installation. This inspection will be performed on or about (N/A). Verizon will be responsible for damage caused by the inspection of the property.

More specifically, Verizon's installation plan will:

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

Should you have any questions regarding this Notice, please contact Craig M Bryant at 212 766-2257.

While it is likely that the installation of cable service will enhance the value of your property, there will be no charge to you for such installation. If the value of your property is not enhanced, you may be entitled to compensation set by the New York State Public Service Commission according to the procedures delineated on the reverse side of this Notice.

This Notice may be served, among other ways, by certified mail return receipt requested.

If you have any questions, you may write or call the company's representative; or write or call the Secretary to the New York State Public Service Commission at (518) 474-6530, 3 Empire State Plaza, Albany, New York 12223-1350.

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

DATED: October 29, 2010

PUBLIC SERVICE LAW § 228. Landlord-tenant relationship.

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

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

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

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

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

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

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

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

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

§898.1 Prohibition

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

§898.2 Just Compensation

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

\$898.3 Notice of installation

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

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

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

(ii) the name and address of the landlord;

(ii) the approximate date of the installation; and

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

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

5898.4 Right of Entry.

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of the entry and all other information described in section 853.8(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)(s) of the Public Service Law. (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 888,8 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:

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

(2) the specific location of the real property;

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

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
(5) the name of the individual or officer responsible for the actual installation;
(6) a statement that the cable television company shall indemnity the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnity the landlord;

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

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

(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 28 of the Public Service Law and the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service and the service Law.

§898.5 Application for just compensation.

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

§898.6 Contents of application for just compensation.

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

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

(b) the previous use of such space;

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

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

5898.7 Service of Application.

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

§898.8 Responses.

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

\$898.9 Hearing and determination

(a) It the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dolar 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 dolar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I Subchapter A of this Title.

(c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue. Property No. 7065198-1



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: 7065198-1 Shirley Claiborne Housing 2000 HDFC 2034 Adam Clayton Powell Jr., #1B New York, NY 10027-6266

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 2030 Adam C Powell Blvd, New York NY

Dear Property Owner/Manager:

71791000164816771938-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 **2030 Adam C Powell Blvd**, **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. USPS Tracking No.: 7179100164816771921

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): Board President: Rachel Brown

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 2030 Adam C Powell Blvd, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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; (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 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.

228(1)(a)(3) of the Public Service Law.

§898.4 Right of Entry

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

(a) A cable television company shall have the right to enter property of 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

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

Property No. 7065493-1



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: 7065493-1 Edwin Coderp The Heights Real Estate Company 369 East 62nd Street New York, NY 10065-7705

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 4996 Broadway, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **4996 Broadway**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

However, in the event that you do not cooperate in providing Verizon access, you should know that under Section 228 of the New York Public Service Law and Part 898, Title 16 of the New York Codes, Rules and Regulations ("NYCRR"), Verizon has the right to install cable television facilities upon the Property. Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y. 2d 124 (1981). Section 228 of the New York Public Service Law states that "[n]o landlord shall interfere with the installation of cable television facilities upon his property or premises" In addition, Verizon's Cable Franchise Agreement with the City of New York requires Verizon to provide cable television service to residents in its franchise area who request it, and Verizon has a limited timeframe in which to do so. Verizon's compliance with these franchise requirements may be compromised by the delay we are experiencing in trying to gain access to and install cable television facilities at your Property.
If you believe that Verizon's installation of cable television facilities constitutes an undue "taking" of your Property, you may file a petition for "just compensation" with the New York State Public Service Commission under the procedures set forth in Section 228 of the New York Public Service Law and Part 898, Title 16 of the NYCRR. Please note, however, that the filing of such a petition does not delay Verizon's right to access your Property. The complete text of Section 228 may be found on the enclosed copy of the notice of Verizon's intention to survey/install/upgrade cable television facilities and service.

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 4996 Broadway, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065560-1



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: 7065560-1 Steven Lavelle Ventura Land Corp 149-45 Northern Boulevard, #6V Flushing, NY 11354-3871

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 5025 Broadway, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **5025 Broadway**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 5025 Broadway, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065650-1



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: 7065650-1 Blanca Buduen Intervest Development Corp 1841 Broadway, Suite #1000 New York, NY 10023-7644

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

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1 Sickles, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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; (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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 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.

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. 7065652-1



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: 7065652-1 Mayer Brandwein New Park Management LLC 98 Cuttermill Road, Suite #444 Great Neck, NY 11021-3000

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 4861 Broadway, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **4861 Broadway**, **New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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

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

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

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

Sincerely,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 4861 Broadway, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065655-1



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: 7065655-1 Denise Clarke Nagle House Inc. 240 Nagle Avenue, #7B New York, NY 10034-4111

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 250 Nagle Avenue, New York NY

Dear Property Owner/Manager:

I have been advised by Verizon New York Inc.'s ("Verizon") NYC FiOS Real Estate Department of the difficulty Verizon has encountered in attempting to install and/or attach its FiOS facilities at **250 Nagle Avenue, New York NY** ("Property"). Our records indicate that you have not responded to our previous correspondence, that you have conditioned Verizon's access on unreasonable terms and conditions or that you have denied Verizon access to the Property. The purpose of this letter is to restate our need to gain access to your Property.

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

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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 250 Nagle Avenue, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065657-1



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: 7065657-1 Carolyn Reyes Century Management Services Inc 440 9th Avenue, 15th Floor New York, NY 10001-1628

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1705 Ft George Hill, 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 **1705 Ft George Hill, 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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1705 Ft George Hill, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065866-1



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: 7065866-1 Patricia Ford Mark Greenberg Real Estate Co LLC 1981 Marcus Avenue, Suite # C131 New Hyde Park, NY 11042-1032

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 350 Cabrini Blvd, 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 **350 Cabrini Blvd, 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,

allipon M. Scipal

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

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 350 Cabrini Blvd, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 18, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: <u>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 §898.7 Service of Application days prior to the commencement of such installation. (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. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7065922-1



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: 7065922-1 Frederick Rudd RUDD Realty Management Corp 641 Lexington Ave., 10th Flr. New York, NY 10022-4503

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 100 Overlook Terr, 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 **100 Overlook Terr, 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,

allipon M. Scipal

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

cc (via U.S. mail): Owner: Overlook Towers Corp.
NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 100 Overlook Terr, New York NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 28, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: _____October 28, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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

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

§898.4 Right of Entry

(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. 7066178-1



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: 7066178-1 Gilbert Peart 1534 Beach Avenue Realty Corp. 10 West 15th Street, Suite #228 New York, NY 10011-6819

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 1534 Beach 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 **1534 Beach 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

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 1534 Beach Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 14, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: ____October 14, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part. television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the 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.

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. 7066457-1



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: 7066457-1 Alex Hoffman Decatur Realty Holdings 3343 LLC 1072 Madison Avenue Lakewood, NJ 08701-2650

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at: 3345 Decatur 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 **3345 Decatur 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

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, Verizon New York Inc. intends to install/upgrade cable television facilities and service upon your property at 3345 Decatur Av, Bronx NY. Verizon New York Inc. would like to perform this installation/upgrade on or after November 14, 2014. In the event of any damage to your property, Verizon New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves the following:

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

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

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

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

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

DATED: ____October 14, 2014____

PUBLIC SERVICE LAW (b) where the installation of cable television service or facilities is not effected §228. Landlord-tenant relationship pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an 1. No landlord shall (a) interfere with the installation of cable television authorized officer of the cable television company setting forth: facilities upon his property or premises, except that a landlord may require: (1) that the installation of cable television facilities conform to such (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 (a) If the commission finds that just compensation for the installation of cable any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part. television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission §898.4 Right of Entry order which sets compensation at one dollar or less, file a written request for a

(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.

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,