

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

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**Petition of Verizon New York Inc. for Limited
Orders of Entry for 39 Multiple-Dwelling Unit
Buildings in the City of New York**
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Case No. 14-01349

**RESPONDENT DENIS P. MULLARKEY, LLC'S OPPOSITION TO PETITION FOR
LIMITED ORDERS OF ENTRY**

Respondent, Denis P. Mullarkey, LLC ("Respondent" or "Mullarkey LLC") by and through its attorneys, Milman Labuda Law Group, PLLC, submit its opposition to Verizon New York Inc.'s ("Verizon") petition for limited orders of entry onto its properties.

In its petition, Verizon seeks entry onto Mullarkey LLC's property located at 89-21 169 Street in Queens, New York in order to conduct a pre-installation survey in preparation for future installation of cable television facilities. In doing so, they allege that Mullarkey LLC has affirmatively denied such access. Mullarkey LLC opposes this petition for the reasons set forth below.

Facts

Mullarkey LLC owns the property located at 89-21 169 Street in Queens, New York ("Building"). On June 12, 2013, Verizon sent a letter to Mullarkey LLC, notifying it that Verizon would be installing/upgrading the cable television facilities and service, and that an inspection survey was necessary. (Mullarkey Dec. Exhibit A). In response to this letter, Mullarkey LLC wrote to this Commission opposing Verizon's access to his properties, setting forth several reasons. (Mullarkey Dec. Exhibit B). Specifically, Verizon's poor workmanship has included:

- Installing new binding posts without removing the old binding posts
- Leaving doors to binding post doors open which leaves the wires exposed to tenants including children and elderly

- Leaving old wires sticking out of old binding post boxes causing an unsafe environment for tenants and an aesthetically undesirable living space
- Moving telephone pole to a different location on the side walk and failing to properly fill in the hole where the old pole was located

In sum, these facts unequivocally establish that Verizon has consistently failed to clean up their work area leaving scraps, wires, nails and other dangerous construction material accessible to small children. Even more egregiously, Verizon removed a telephone pole and filled in the hole with asphalt instead of cement, leaving another “eye sore” and failing to properly fix the space. Verizon also caused damage to the Building. In fact, these issues have created several “eye sores” to the Building’s aesthetics and have created an unsafe environment for tenants, which include children and the elderly. Mullarkey estimates that the damage to the Building is valued at approximately \$2,000. Verizon also never compensated Mullarkey LLC for such damage. Verizon should leave the Building in the same way they found it, but they don’t and really show total disregard to the Building and its tenants. In short, Verizon has been nothing but a menace to the Building.

On April 1, 2014, Verizon sent another such letter to Mullarkey LLC. (Mullarkey Dec. Exhibit C). On April 15, 2014, Mullarkey wrote to Verizon, explaining that its previous issues had not be resolved, that it had not been paid any compensation for the prior damage, and as such, it would not permit Verizon into its Building until these issues were resolved. (Mullarkey Dec. Exhibit D). Pictures of Verizon’s complete lack of disregard to the Building and its tenants are also attached hereto. (Mullarkey Dec. Exhibit E).

Respondent’s Position

As a result of these issues, Mullarkey LLC will not permit Verizon into its building to perform a survey until the prior issues raised herein by Mullarkey have been resolved. Once these issues are resolved, Mullarkey LLC will provide access to its building to Verizon.

Otherwise, Verizon will continue to show no respect for the Building and its tenants, only performing the bare minimum tasks without cleaning up after themselves.

WHEREFORE, Respondent, Mullarkey LLC demands an order denying Verizon's petition for limited orders of entry, ordering Verizon to pay damages caused to Mullarkey LLC's property, together with costs and disbursements of this action.

Dated: July 31, 2014
Lake Success, NY

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