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** ALSO MEMBER OF MO BAR

*** ALSO MEMBER OF CT BAR

May 12, 2014

Certified Mail Return Receipt Requested

No.: 7014-0510-0001-0611-0447

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

Re: Matter No.: 14-00524 – Answer to Petition of Verizon New York Inc.
for Order of Entry to 307 East 44th Street, New York, New York

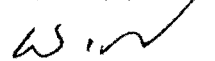
Dear Secretary Burgess:

We represent Beaux Arts II LLC, the owner of the building at 307 East 44th Street, New York, New York. Enclosed please find our Answer to the Petition submitted on behalf of our client.

As set forth in our Answer, Beaux Arts II LLC denies that it failed to cooperate with Verizon. Attached as Exhibit A to our answer are copies of a letter agreement between our client and Verizon and a Certificate of Acceptance of Proposed Work, which was signed by our client.

We respectfully request that the Petition be dismissed as against our client, Beaux Arts II LLC. Please advise the undersigned if any further information is needed.

Very truly yours,



Kenneth E. Rosen

Enclosure

cc: Richard C. Fipphen, Esq.
Attorney for Petitioner
140 West Street, 27th Floor
New York, New York 10007

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X

In the Matter of the Petition of

VERIZON NEW YORK INC.,

Petitioner,

For Orders of Entry for 21 Multiple
Dwelling Unit Buildings in the
City of New York

-----X

Case 14-V- _____

Matter No.: 14-00524

ANSWER

PLEASE TAKE NOTICE that Respondent BEAUX ARTS II LLC (“Respondent”) appears in this matter by its attorneys, Rose & Rose, and demands that all further papers and documents be served upon its attorneys at the address below.

PLEASE TAKE FURTHER NOTICE that the Respondent hereby answers the Petition as follows:

1. Answering paragraph 1 of the petition, admits that 307 East 44th Street, New York, New York is a residential building containing 307 dwelling units; emphatically denies that the owner or managing agent of said building failed to respond to Verizon’s request for access or refused such access; and lacks knowledge or information sufficient to respond to the allegations made with respect to other buildings not owned by Respondent.

2. Answering paragraph 2, admits only that Respondent BEAUX ARTS II LLC is the owner of the building at 307 East 44th Street, New York, New York and lacks knowledge or information sufficient to respond to the remaining allegations made in paragraph 2 of the Petition.

3. Denies having knowledge or information sufficient to respond to the allegations made in paragraph 3 of the Petition.

4. Answering paragraph 4, denies that Verizon was unsuccessful in attempting to secure permission from Respondent for installation of its fiber-optic equipment; and otherwise lacks knowledge or information sufficient to respond to the allegations made therein.

5. Denies having knowledge or information sufficient to respond to the allegations made in paragraph 5 of the Petition.

6. Denies having knowledge or information sufficient to respond to the allegations made in paragraph 6 of the Petition.

7. Denies having knowledge or information sufficient to respond to the allegations made in paragraph 7 of the Petition.

8. Answering paragraph 8, denies that Verizon was unsuccessful in attempting to contact the Respondent to secure access to Respondent's building; and otherwise lacks knowledge or information sufficient to respond to the allegations made therein.

9. Paragraph 9 of the Petition is a statement which does not call for a response.

FIRST DEFENSE

10. There is no merit whatsoever to Verizon's allegations that it was unable to contact Respondent in regard to Verizon's desire to install fiber-optic equipment in Respondent's building, or that Respondent failed or refused to allow such installation.

11. Respondent and Verizon have been in communication for months, during which they have worked out details of the installation, including the necessary replacement of moldings in the subject building which will be necessitated by the planned installation.

12. Any delay in reaching agreement was due to Verizon not promptly responding to the Respondent-owner's request for changes to the proposed agreement.

13. As of May 2, 2014, Verizon and Respondent owner have reached agreement on all

details.

14. On May 2, 2014, Respondent owner signed and forwarded to Verizon's representative a Letter Agreement and Certificate of Acceptance of Proposed Work, which documents were drafted by Verizon, and copies of which are annexed hereto as Exhibit A.

CONCLUSION

15. The Petition, as against Respondent BEAUX ARTS II LLC, has no merit and should be dismissed.

WHEREFORE, Respondent BEAUX ARTS II LLC demands that the Petition be dismissed.

Dated: New York, New York
May 12, 2014

ROSE & ROSE
Attorneys for Respondent BEAUX ARTS II LLC
291 Broadway, 13th Floor
New York, New York 10007
(212) 349-3366

by: 

Kenneth E. Rosen, Esq.

TO: Richard C. Fipphen
Attorney for Petitioner
140 West Street, 27th Floor
New York, New York 10007
(212) 321-8115

Kathleen H. Burgess
Secretary to the Commission
Three Empire State Plaza
Albany, New York 12223-1350

Ken Rosen

From: Wilce Robles [Wrobles@brodskyorg.com]
Sent: Friday, May 02, 2014 3:00 PM
To: Amofo-Danquah, Kwame (Kwame) (kwame.1.amofo@verizon.com)
Cc: Ken Rosen; Wilce Robles
Subject: FW: Scanned document from Wilce Robles
Attachments: Verizon FIOS 307 East 44th Street agreement.pdf

Kwame, please see attached Signed Hallway Molding agreement and notice of intent to install service at 307 East 44th Street.

Let me know what the next steps are.

Wilce Robles

From: Wilce Robles [mailto:Wrobles@brodskyorg.com]
Sent: Friday, May 02, 2014 2:46 PM
To: Wilce Robles
Cc: Wilce Robles
Subject: Scanned document from Wilce Robles

Kwame Amofo-Danquah

Network Engineer

NYC FIOS Real Estate Department



140 West St, Room 1105
New York, NY 10007
Phone: (212) 240-5096
Fax: (212) 964-6420
kwame.l.amofo@verizon.com@verizon.com

April 30, 2014

Beaux Arts II, LLC
307 East 44th Street
New York, NY 10065

RE: Letter Agreement between Verizon New York Inc. and Beaux Arts II, LLC- 307 East 44th Street, New York, NY

Dear Wilce:

This letter agreement, when signed by Beaux Arts II, LLC ("Owner") and Verizon New York Inc. ("Verizon"), shall constitute a binding agreement between the parties regarding Verizon's FiOS installation at the below referenced address:

- a. As you are aware, Verizon is preparing to bring FiOS to your building. We are prepared to proceed with the installation process at 307 East 44th Street, New York, New York ("Building"), and request your concurrence with the following details before work shall commence. Verizon will perform the installation of its facilities in accordance with the High Level Survey dated ~~March 21, 2012~~. Owner agrees to purchase and install specialized molding not stocked by Verizon, and Owner agrees that installation of any specialized molding will be completed by Owner within the time frame to be provided by Verizon. Neither Owner nor Owner's agent, nor anyone acting by or under the authority of either of them, shall authorize or permit any use of the specialized molding that would interfere with Verizon's equipment.
- b. Verizon's will pay Owner a lump sum amount of \$30,000.00 related to the specialized hallway molding described above. Owner may invoice Verizon for this amount upon thirty (30) days after the specialized molding been installed by Owner and inspected by Verizon. The invoice can be sent to:
Kwame Amofo-Danquah
140 West Street, Room 1105
New York, NY 10007
kwame.l.amofo@verizon.com@verizon.com
- c. The terms of this letter agreement shall apply to Verizon's work at this Building only.
- d. This letter agreement shall not be valid unless executed by both parties on or before May 30, 2014.

Further, each Party represents that it has the authority to enter into this agreement and to abide by the terms hereof. By executing this agreement the signatories hereto certify that they are authorized representatives of Verizon and Owner respectively and empowered by their respective duties to execute this agreement.

This letter agreement shall be governed by, construed under, and enforced in accordance with the laws of the state of New York. This letter agreement embodies the entire agreement between the parties with respect to the subject matter hereof, aside from the Certificate of Acceptance of Proposed Work, and supersedes all prior agreements and understandings, whether written or oral, and all contemporaneous oral agreements and understandings relating to the subject matter hereof. No agreement hereafter made shall be effective to change, modify or discharge this letter agreement, in whole or in part, unless such agreement is in writing and signed by or on behalf of the party against whom enforcement of the change, modification or discharge is sought. This letter agreement shall be binding on the parties hereto and their respective personal and legal representatives, successors and permitted assigns.

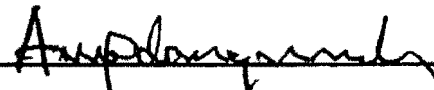
To indicate agreement to the terms and conditions contained herein, please execute this letter agreement in the space provided below and return the same to me at the above address.

Sincerely,

Kwame Amofo-Danquah

ACCEPTED AND AGREED TO THIS 30 DAY OF April, 2014.

VERIZON NEW YORK INC.

By: 

Name: Kwame Amofo-Danquah

Title: Network Engineer

ACCEPTED AND AGREED TO THIS 2 DAY OF May, 2014.

Beaux Arts II, LLC
By: 

Name: Wilce Robles

Title: Building Manager



Kwame Amofo-Danquah
Network Engineer
NYC FiOS Real Estate Department

140 West Street, Floor 11
New York, NY 10007
Phone: 212-240-5096
Fax: 212-964-6420
Kwame.l.amofo@verizon.com

Date: April 24th, 2013

Verizon Property ID: 7064596
Beaux Art Realty II LLC
400 West 59th Street
New York, NY 10019

Attn: Wilce Robles

**RE: Notice of Intention to Install Cable Television Facilities and Service at
307 East 44 Street, Manhattan NY**

Dear Wilce:

Verizon is pleased to be working with you as we build out our FiOS network! This amazing network is in your neighborhood, and now we want to bring it to your building(s).

Verizon and its representatives will work closely with you to bring these services to you and your tenants. We have surveyed your building(s) and we must confirm your approval of the design plan for the installation of our FiOS facilities on your property. Verizon's design proposal takes into account the safety, functioning and appearance of the premises. In addition, Verizon will bear the cost of the installation and operation of its FiOS facilities.

Please review the enclosed documents(s), and provide us with your approval and signature on the Certificate of Acceptance of Proposed and Right of Way as soon as possible, so that we may move forward with the construction process.

Verizon is focused on the FiOS installation to your property as we work to meet commitments to our customers to provide television services over our FiOS network. For additional information on our proposed work start date and on Verizon's process for installing cable television facilities on private property, please see 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 me at 646-599-3974/212-240-5096, so that we may confirm your approval of the design plan and answer any questions you may still have about the installation of our FiOS facilities.

Thank you for your cooperation and assistance.

Sincerely,

Kwame Amofo-Danquah

PUBLIC SERVICE LAW

§228. Landlord-tenant relationship

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

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

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

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

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

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

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

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

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

§898.1 Prohibition

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

§898.2 Just Compensation

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

§898.3 Notice of installation

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

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

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

(ii) the name and address of the landlord;

(iii) the approximate date of the installation; and

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

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

§898.4 Right of Entry

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

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

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

(2) the specific location of the real property;

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

(4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;

(5) the name of the individual or officer responsible for the actual installation;

(6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;

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

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

(9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition.

Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

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

§898.6 Contents of application for just compensation

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

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

(b) the previous use of such space;

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

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

§898.7 Service of Application

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

§898.8 Responses

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

§898.9 Hearing and determination

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

(b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.

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

Certificate of Acceptance of Proposed Work

Date: 04/24/2013

Verizon Property ID: 7064596

Property Address: 307 East 44th Street Block: 101337 Lot: 0006
in the City/Town of New York, State of New York

Type of Work: 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. Detailed specifications and work requirements are attached

The installation and design plan summarized above will take into account the safety, functioning and appearance of the premises, and will be installed with minimal disruption to tenants and at no cost to the landlord (cooperative association). As required by state law, Verizon will indemnify the landlord (cooperative association) for any damage caused by the installation, operation or removal of Verizon's facilities.

Material changes to the proposed installation and design plan will be presented to the landlord or the landlord's agent for approval prior to execution.

The undersigned agent of the above-listed property represents that he/she has the requisite authority to execute this Certificate on behalf of such property and, by signing this Certificate, acknowledges and approves the attached proposed installation and design plan on behalf of such property.

Name: Wilce Rables (print)
Name: Wilce Rables (sign)
Title: Building Manager
Date: 5/2/14

Attachments:

- Notice of Intention to Install Cable Television Facilities and Service
- 2. Schematic dated: 03/21/2012
- 3. Construction Coordination Document _____

Certificate of Acceptance of Proposed Work

Date: 04/24/2013 Verizon Property ID: 7064596 Vz Block #: _____
 Property Address: 307 East 44th Street Block: 101337 Lot: 0006
 in the City/Town of Manhattan, State of New York

Type of Work: Generally consist of placing FiOS fiber optic facilities on or about the property to provide FiOS services to owner's building and other buildings within the block.

Summary of Verizon FiOS installation plan (All dimensions, quantities, and locations are approximate and Verizon will require periodic access to its facilities in order to conduct installation, maintenance and/or upgrade activities):

Cable	
Quantity +/-2	Attach to: (check all that apply) <input checked="" type="checkbox"/> Building <input type="checkbox"/> Side <input checked="" type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Pole (existing) <input type="checkbox"/> Pole (new)
Diameter +/-1"	Span from: (check all that apply) <input checked="" type="checkbox"/> Building <input type="checkbox"/> Side <input checked="" type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Pole (existing) <input type="checkbox"/> Pole (new)
	Span to: (check all that apply) <input checked="" type="checkbox"/> Building <input type="checkbox"/> Side <input checked="" type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Pole (existing) <input type="checkbox"/> Pole (new)

Terminal			
Quantity: 1	Length: +/- 14.59"	Depth: +/- 6"	Height: +/- 16.29"
Location: (check all that apply) <input type="checkbox"/> Building <input type="checkbox"/> Side <input checked="" type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Pole (existing) <input type="checkbox"/> Pole (new)			

Hub			
Quantity:	Length:	Depth:	Height:
Location: (check all that apply) <input type="checkbox"/> Building <input type="checkbox"/> Side <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Pole (existing) <input type="checkbox"/> Pole (new)			

Service Wires
<input type="checkbox"/> From terminal to individual residences

New Pole			
Quantity:	Height:	Diameter:	Location: (see attached schematic)

Entrance from street
<input checked="" type="checkbox"/> Existing Entrance <input type="checkbox"/> New Entrance (see attached schematic) <input type="checkbox"/> Aerial <input checked="" type="checkbox"/> Underground <input type="checkbox"/> None Required

Interior Pathway Required
<input checked="" type="checkbox"/> It has been identified that interior pathway work will also be required within the interior of the building. To minimize tenant disruption, Verizon will not initiate this work until residents have indicated that they desire the service

The installation and design plan summarized above will take into account the safety, functioning and appearance of the premises, and will be installed with minimal disruption to tenants and at no cost to the landlord. As required by state law, Verizon will indemnify the landlord for any damage caused by the installation, operation or removal of Verizon's facilities.

Material changes to the proposed installation and design plan will be presented to the landlord or the landlord's agent for approval prior to execution.

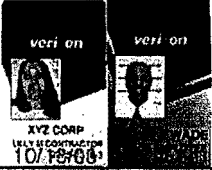
The undersigned agent of the above-listed property represents that he/she has the requisite authority to execute this Certificate on behalf of such property and, by signing this Certificate, acknowledges and approves the proposed installation and design plan on behalf of such property.

Attachments:

- Notice of Intention to Install Cable Television Facilities and Service
- 2. Schematic dated: _____

Name: *Wilce Robles* (sign)
 Name: Wilce Robles (print)
 Title: Building Manager
 Date: 5/2/14

FiOS Construction Coordination Sheet
For: 307 East 44th Street ("Building")

Access Procedures during FiOS Network Construction			
Work Hours:	Start: 9:00 am Monday thru Friday	Stop: 4:00 pm	
Daily check-in procedures:			
Entrance(s) to be used, if not main entrance to Building:			
Restricted areas of Building:			
Procedures for obtaining and using keys for locked areas of Building:			
Subcontractor(s) approved to do work in the Building on behalf of Verizon:			
<p>If requested by property owner and/or property owner's representative, Verizon employees and all others performing work in the Building on behalf of Verizon will provide standard forms of photo identification:</p> 			
Access Procedures after FiOS Network is installed			
<p>Verizon will conduct installations of individual resident's FiOS in concert with appointments scheduled by the resident. It is expected that resident's comply with Building rules when scheduling installations. In the case of an emergency or equipment malfunction, Verizon and/or Verizon's subcontractors will require access to the Building at any time, subject to reasonable security, safety and identification procedures required by owner.</p>			
Clean Up Procedures			
<p>Verizon will perform all work in a neat, professional and workmanlike manner, using commercially reasonable and appropriate construction standards. Work areas will be swept or vacuumed if dust or debris is created.</p>			
Contact Information			
Verizon Project Manager:	Name:	Phone:	Email:
Building On-Site Contact:	Name: <i>Wilke Robles</i>	Phone: <i>212-986-5622</i>	Email: <i>wrobles@brodsky.org, CO</i>
Environmental			
<p>Verizon will not use, generate, store, release or dispose of any hazardous materials from, on, under, in, about or within the Building in violation of any environmental law.</p>			
Garbage/Trash Disposal			
<p>If a dumpster is required to manage daily construction debris, its location will be coordinated with the owner or their representative. Debris will not be left in hallways or common areas overnight.</p>			
Grounding			
<p>Installation of Optical Network Terminals in resident's apartments requires a three prong grounded outlet. If such outlet is unavailable, owner will replace problematic outlets with a grounded three-prong electrical outlet or will allow residents to replace problematic outlets with a grounded three-prong electrical outlet.</p>			Initials
Licensing			
<p>If requested, Verizon and/or Verizon's subcontractors will provide proofs that the company and/or personnel assigned to the job are licensed to perform work in the Building.</p>			
Molding Selection			
Molding Style: NA	Molding Color:		Initials

Molding and Other Pathways

If Verizon installs conduits, raceways or molding ("Pathways") in the Building, then the Pathways will be installed at locations and with materials reasonably approved by owner. Upon installation, the Pathways will be deemed Building fixtures and will be owned by owner, subject to Verizon's right to remove, replace and maintain the Pathways. Unless otherwise specified by law or regulation the fiber optic, copper and coaxial cables and lines and any flexible microducts ("Cabling Equipment") installed by Verizon within such Pathways will not be Building fixtures and will continue to be owned by Verizon. Owner may not move, disturb, alter or change the Cabling Equipment or connect, directly or indirectly, any telephones, computers, televisions or other devices to the Cabling Equipment. If molding is installed by Verizon ("Verizon's Molding"), Verizon's Molding may cover the conduits and raceways containing Verizon's Cabling Equipment as well as any adjacent conduits and raceways owned by owner or any cable TV or other communications company serving the Building, and owner will have the right to remove, replace and maintain Verizon's Molding and will also have the right to allow its contractors and any cable TV or other communications company serving the Building to remove, replace and maintain Verizon's Molding; provided such installation, removal, replacement or maintenance of Verizon's Molding does not materially adversely affect the operation of Verizon's facilities.

Noise/Other Disruptions

Verizon will not unreasonably disrupt other providers of services of all types in the Building or unreasonably interfere with the tenants' use and enjoyment of their living units or the common areas of the Building or with the operation of the Building. Verizon will not permanently block access to or obstruct or hinder the operation or use of the streets, sidewalks, entrances, garages, parking areas or other common areas of the Building. Any temporary obstructions will be coordinated with owner.

Notices

Written notices or communications from either party can be given to owner or Verizon at the following addresses:

To owner: <u>Beaux Arts II LLC</u> <u>307 East 44th St</u> <u>NYC NY 10065</u> <u>ATTN: Management</u>	With a copy to: <u>Wilce Rables</u> <u>400 West 59th St, 3rd Floor</u> <u>NYC NY 10019</u>
To Verizon: Verizon New York Inc. NYC FiOS Real Estate Dept 140 West Street, 11 th Floor New York, New York 10007	

Parking

Verizon employees and all others performing work in the Building on behalf of Verizon will park their vehicles on public streets, unless they receive the express consent of the owner or owner's representative to park on the private property belonging to owner.

Permitting

If requested, Verizon and/or Verizon's subcontractors will provide owner with copies of federal, state and municipal permits, licenses and approvals (if applicable).

Potential Damages

In the event of damage caused by negligence of Verizon, Verizon will repair such damage and restore the property back to substantially the same condition as existed prior to such damage.

Safety Measures

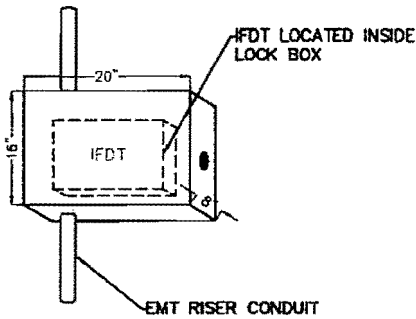
Verizon will take all reasonable precautions necessary for the safety of persons and property in and about the Building. Verizon will erect and properly maintain all necessary safety guards and signs as is reasonably required by the conditions and progress of the work so that the public is protected.

Storage

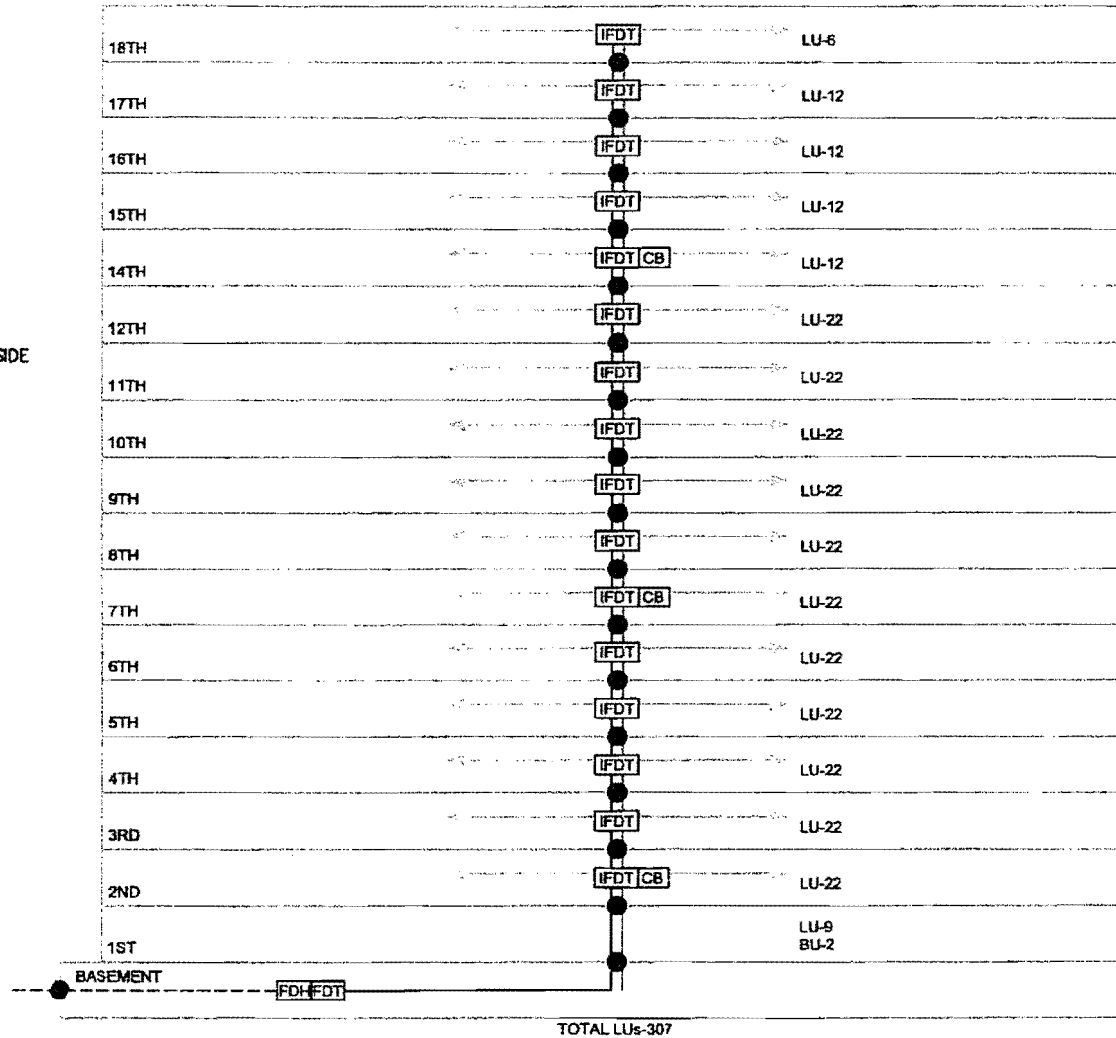
If owner gives Verizon permission to store materials in the Building, Verizon will coordinate the storage of materials with owner and Verizon will only store materials in areas designated by owner. It is Verizon's responsibility to ensure that its materials are stored appropriately and securely locked.

Approved storage areas:	
-------------------------	--

Total No. of LUs on this Floor:	307/BUILDING
Total Molding Footage:	0'
Total No. of Cores:	17
Total No. of Penetrations:	0
Total EMT Footage:	204'
Total Inner Duct Footage:	0'
Total Micro-Duct Footage:	0'
Total Fiber Drop Footage:	0'



LOCK BOX DETAIL
SCALE: NTS



NOTE:
1. INSTALL NEW EMT CONDUIT FOR RISER IN STAIRWELL.
2. 1ST FLOOR TO BE FED FROM BASEMENT FDT VIA 12.7MM MICRODUCT.

ELEVATION SCHEMATIC
SCALE: 1/16" = 1'

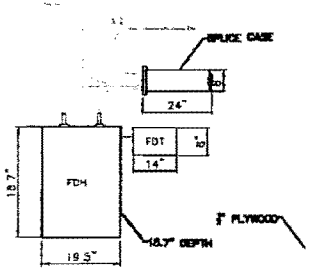
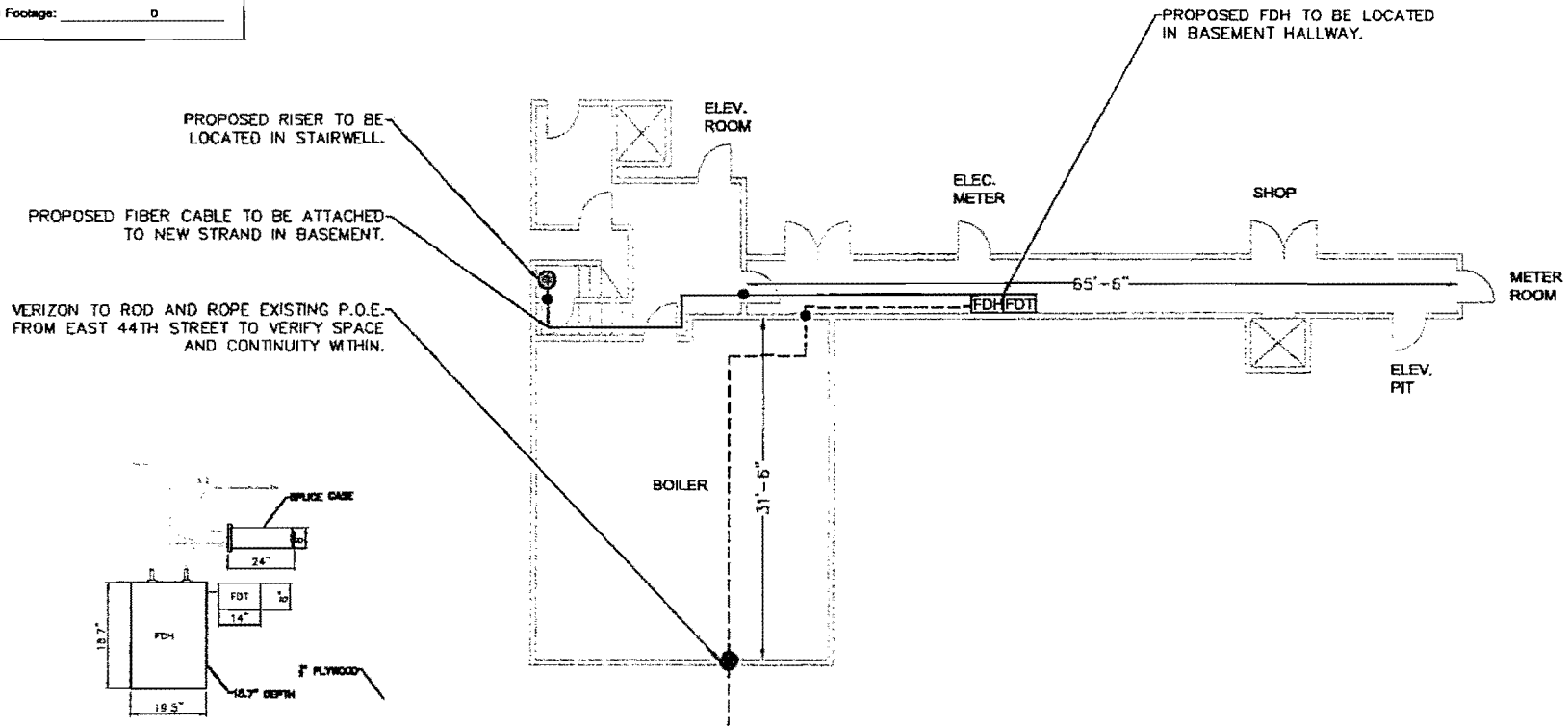
LEGEND:	----- ENTRANCE CABLE
● BUILDING PENETRATION	----- RISER CABLE
● CORE PENETRATION	----- EMT CONDUIT
● PROPOSED RISER	----- FIBER DROP CABLE
● INTERIOR WALL PENETRATION	----- INTERIOR MOLDING
FDH FIBER DISTRIBUTION HUB	----- MICRO-DUCT
IFDT FIBER DISTRIBUTION TERMINAL	----- INNERDUCT
RFDT RAPID FIBER DISTRIBUTION TERMINAL	
CB COLLECTOR BOX	

DESIGNED BY:
BluePath
Telecommunications Engineering
111-115 FRANK E. RODGERS BLVD SOUTH
HARRISON, NEW JERSEY 07029
PHONE 973.350.0089 FAX 973.350.0067

BROAD GAUGE PROVIDED BY:
CCI Corbel Communications
875 EAST 145TH STREET
BRONX, NEW YORK 10455
PHONE 718.742.1284 FAX 718.742.1293

PROJECT:		307 EAST 44TH STREET NEW YORK, NY 10017	
DRAWING TITLE:		ELEVATION SCHEMATIC	
PROJECT NO.	12-101B-070	DATE:	3/21/12
SCALE:	AS NOTED	DRAWN BY:	AMP
CORBEL APPROVAL:		DRAWING NO. ELEV SHEET 1 OF 5	

Total No. of LUs on this Floor:	0
Total Molding Footage:	0
Total No. of Cores:	1 RISER
Total No. of Penetrations:	3
Total EMT Footage:	0'
Total Inner Duct Footage:	0'
Total Micro-Duct Footage:	0'
Total Fiber Drop Footage:	0



HUB ELEVATION

EAST 44TH STREET

NOTE:
1. BASEMENT FDT TO FEED 1ST FLOOR UNITS VIA 12.7MM MICRODUCT.

LEGEND:	
●	BUILDING PENETRATION
●	CORE PENETRATION
●	PROPOSED RISER
●	INTERIOR WALL PENETRATION
FDH	FIBER DISTRIBUTION HUB
FDT	FIBER DISTRIBUTION TERMINAL
RFDT	RAPID FIBER DISTRIBUTION TERMINAL
CB	COLLECTOR BOX
---	ENTRANCE CABLE
---	RISER CABLE
---	EMT CONDUIT
---	FIBER DROP CABLE
---	INTERIOR MOLDING
---	MICRO-DUCT
---	INNERDUCT

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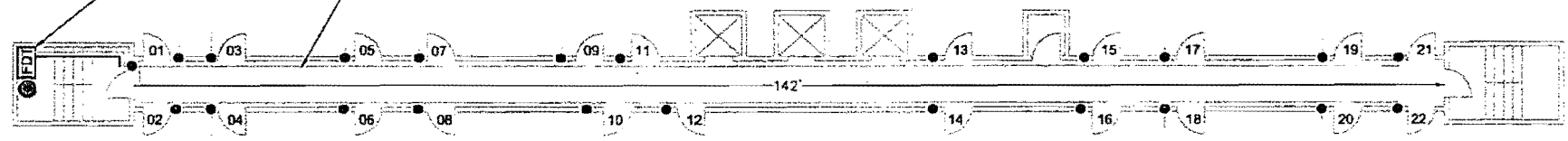
PROJECT: 307 EAST 44TH STREET NEW YORK, NY 10017			
DRAWING TITLE: FLOOR PLAN			
PROJECT NO. 12-101B-070	DATE: 3/21/12	DRAWING NO. FP-A	
SCALE: AS NOTED	DRAWN BY: AMP	CORBEL APPROVAL:	SHEET 2 OF 5



Total No. of LUs on this Floor:	22 X 11 FLRS
Total Molding Footage:	0
Total No. of Cores:	1 RISER X 11 FLRS
Total No. of Penetrations:	23 X 11 FLRS
Total EMT Footage:	0'
Total Inner Duct Footage:	0'
Total Micro-Duct Footage:	0'
Total Fiber Drop Footage:	(2) 200' X 11 FLRS

PROPOSED IFDT AND RISER TO BE LOCATED IN STAIRWELL.

PROPOSED BUNDLE DROPS TO BE INSTALLED WITHIN EXISTING MOLDING.



**2ND - 12TH TYPICAL
FLOOR PLAN**
SCALE: 1/16" = 1'

LEGEND:	
	BUILDING PENETRATION
	CORE PENETRATION
	PROPOSED RISER
	INTERIOR WALL PENETRATION
	FIBER DISTRIBUTION HUB
	FIBER DISTRIBUTION TERMINAL
	RAPID FIBER DISTRIBUTION TERMINAL
	COLLECTOR BOX
	ENTRANCE CABLE
	RISER CABLE
	EMT CONDUIT
	FIBER DROP CABLE
	INTERIOR MOLDING
	MICRO-DUCT
	INNERDUCT

DESIGNED BY:

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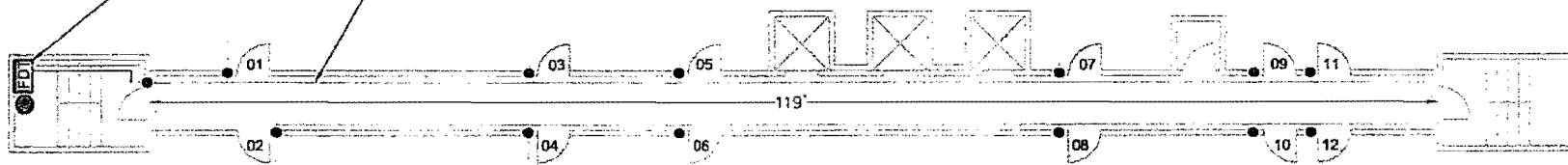
PROJECT:		307 EAST 44TH STREET NEW YORK, NY 10017	
DRAWING TITLE:		FLOOR PLAN	
PROJECT NO.	12-101B-070	DATE:	3/21/12
SCALE:	AS NOTED	DRAWN BY:	AMP
		CORBEL APPROVAL:	
		DRAWING NO.	FP-B
		SHEET 3 OF 5	

Total No. of LUs on this Floor: 12 X 4 FLRS
 Total Molding Footage: 0
 Total No. of Cores: 1 RISER X 4 FLRS
 Total No. of Penetrations: 13 X 4 FLRS
 Total EMT Footage: 0'
 Total Inner Duct Footage: 0'
 Total Micro-Duct Footage: 0'
 Total Fiber Drop Footage: 300' X 4 FLRS



PROPOSED IFDT AND RISER TO BE LOCATED IN STAIRWELL.

PROPOSED BUNDLE DROPS TO BE INSTALLED WITHIN EXISTING MOLDING.



14TH - 17TH TYPICAL FLOOR PLAN
 SCALE: 1/16" = 1'

LEGEND:	
	BUILDING PENETRATION
	CORE PENETRATION
	PROPOSED RISER
	INTERIOR WALL PENETRATION
	FIBER DISTRIBUTION HUB
	FIBER DISTRIBUTION TERMINAL
	RAPID FIBER DISTRIBUTION TERMINAL
	COLLECTOR BOX
	ENTRANCE CABLE
	RISER CABLE
	EMT CONDUIT
	FIBER DROP CABLE
	INTERIOR MOLDING
	MICRO-DUCT
	INNERDUCT

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PROJECT:		307 EAST 44TH STREET NEW YORK, NY 10017	
DRAWING TITLE:		FLOOR PLAN	
PROJECT NO.:	12-101B-070	DATE:	3/21/12
SCALE:	AS NOTED	DRAWN BY:	AMP
CORBEL APPROVAL:		DRAWING NO. FP-C	
		SHEET 4 OF 5	

GENERAL NOTES

- VERIZON TO ROD AND ROPE EXISTING P.O.E. FROM EAST 44TH STREET TO VERIFY SPACE AND CONTINUITY WITHIN.
- PROPOSED IFDTS AND RISERS TO BE LOCATED IN STAIRWELLS.
- PROPOSED BUNDLE DROPS TO BE INSTALLED WITHIN EXISTING MOLDING IN HALLWAYS.
- EXISTING CATV LOCATED ON INTERIOR OF BUILDING.
- 3 PRONGED GROUNDED OUTLETS ARE PRESENT IN BUILDING AS PER ANGEL 646-895-1151 ON MARCH 15 AT 11 AM.
- ALL STAIRWELL MOLDING TO BE METAL MOLDING.
- CORE PENETRATION REQUIRED FOR RISER CONSTRUCTION. FIRESTOP AND SEAL PER CODE.
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO PERFORMING ANY CORE DRILLING WORK.
- ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING MANAGEMENT/MAINTENANCE DEPARTMENT.

LEGEND: 	DESIGNED BY: Telecommunications Engineering 111-115 FRANK E. RODGERS BLVD SOUTH HARRISON, NEW JERSEY 07029 PHONE 973.350.0089 FAX 973.350.0067	BROAD GAUGE PROVIDED BY: 875 EAST 145TH STREET BRONX, NEW YORK 10455 PHONE 718.742.1284 FAX 718.742.1293	PROJECT: 307 EAST 44TH STREET NEW YORK, NY 10017 DRAWING TITLE: GENERAL NOTES <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">PROJECT NO. 12-101B-070</td> <td style="width: 33%;">DATE: 3/21/12</td> <td style="width: 33%;">DRAWING NO.</td> </tr> <tr> <td>SCALE: AS NOTED</td> <td>DRAWN BY: AMP</td> <td>CORBEL APPROVAL:</td> </tr> </table>	PROJECT NO. 12-101B-070	DATE: 3/21/12	DRAWING NO.	SCALE: AS NOTED	DRAWN BY: AMP	CORBEL APPROVAL:
PROJECT NO. 12-101B-070	DATE: 3/21/12	DRAWING NO.							
SCALE: AS NOTED	DRAWN BY: AMP	CORBEL APPROVAL:							
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 2em; font-weight: bold;">GN</td> </tr> <tr> <td style="font-size: 0.8em;">SHEET 5 OF 5</td> </tr> </table>	GN	SHEET 5 OF 5				
GN									
SHEET 5 OF 5									

Cert. By At. ney certify that the within has been compared by me with the original and found to be a true and complete copy.
 Attorney's Affirmation state that I am the attorney(s) of record for _____ in the within action: I have read the foregoing _____ and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by _____

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: _____

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF _____

ss.:

I, the undersigned, being duly sworn, depose and say: I am

Individual Verification in the action; I have read the foregoing _____

and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Corporate Verification the _____ of _____ a _____

corporation and a party in the within action, I have read the foregoing and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on _____

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF **New York**

ss.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at **New York, New York**

On **May 13, 2014**

I served the within **Answer**

Service By Mail by mailing a copy of each of the following persons at the last known address set forth after each name below.

Personal Service on Individual by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as *a party therein*:

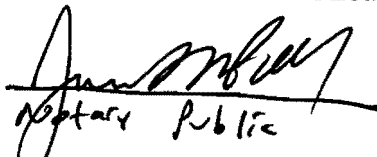
Service by Electronic Means by transmitting a copy to the following persons by FAX at the telephone number set forth after each name below E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.

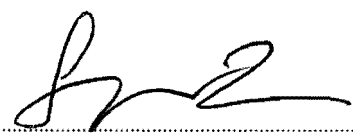
Overnight Delivery Service by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

*** **Richard C. Fipphen (copy)**
Attorney for Petitioner
140 West Street, 27th Floor
New York, New York 10007
(212) 321-8115

*** **Kathleen H. Burgess (original)**
Secretary to the Commission
Three Empire State Plaza
Albany, New York 12223-1350

JEREMY M. POLAND
Notary Public, State Of New York
No. 02PO6083235
Qualified In Kings County **Suffolk count**
Commission Expires November 12, 20**14**


Notary Public


The name signed must be printed beneath

In the Matter of the Petition of
VERIZON NEW YORK INC.,
Petitioner,

For Orders of Entry for 21 Multiple
Dwelling Unit Buildings in the
City of New York

ANSWER

ROSE & ROSE

Attorney(s) for Respondent
Beaux Arts II LLC
Office and Post Office Address, Telephone

291 Broadway, 13th Floor
New York, New York 10007
(212) 349-3366

To

Signature (Rule 130-1.1-a)



Print name beneath

KENNETH E. ROSE

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: _____

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at
on at M.

of which the within is a true copy
one of the judges of the

Dated,

Yours, etc.