

Rialto Management Corp 15 MAR -6 AM 8: 36
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New York, New York 10021
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March 2, 2015

FEDERAL EXPRESS

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

Re: Case 15-00336 – Petition of Verizon New York Inc. for Order of
Entry for 30 Multiple Dwelling Unit Buildings in the City of New York
(the “Petition”)
LOCATION: 1473-5 Second Avenue, NYC

Dear Ms. Burgess:

We are in receipt of the above Petition from Verizon New York Inc. (“Verizon”) and submit this letter in response and opposition.

MHG Family Limited Partnership is the owner (“MHG”) of the buildings located at 1473-1475 Second Avenue, New York, N.Y. (the “Buildings”) In its Petition, Verizon alleges that MHG has (i) failed to respond to Verizon’s letters requesting access to the buildings for the purpose of installing fiber optic facilities and/or (ii) denied Verizon’s requests for access. (P 1 of the Petition attached as Exhibit A). As detailed below, Verizon’s claims are inaccurate and misleading.

Rialto Management Corp (“Rialto”), the managing agent for the Buildings, did receive letters from Verizon requesting access to the Buildings. After receiving that correspondence, Rialto attempted to contact Verizon by telephone, but received no response. On January 20, 2015, Rialto wrote to Alyson Segal of Verizon – the individual primarily responsible for the proposed installation – and indicated that it would cooperate with the proposed installation. A copy of the Rialto letter, together with the receipt indicating it was mailed by Federal Express, is annexed as Exhibit B. Rialto has never received a response from Ms. Segal.

Rialto continued with attempts to communicate with Verizon on this issue. Between January 29 and 30, 2015, Rialto spoke with, and emailed Michael Morano, Assistant General counsel for Verizon, reiterating its intention to cooperate in the installation process and requesting that the appropriate Verizon officials contact Rialto to arrange for access. Copies of these emails are annexed as Exhibit C.

In a letter dated February 3, 2015, Verizon's real estate department acknowledged that they were working with the Owner to install a FIOS system in the Building. An agreement and plan for that installation is attached to the letter. (See Exhibit D).

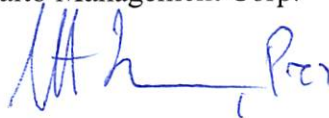
Clearly, Verizon is confused and unable to coordinate its functions. The Petition, signed by Richard Fipphen, Assistant General Counsel for Verizon, is dated February 6, 2015. That was 17 days after Rialto's initial letter advising Mr. Fipphen that Rialto had not received a response from Verizon, and 3 days after Verizon wrote to Rialto thanking us for working with them on the project.

Simply stated, there is no basis upon which Verizon can credibly claim that MHG has failed to respond or cooperate. As set forth above, Rialto has made multiple attempts to have meaningful communications with Verizon – by overnight mail, email and telephone. Separately, Verizon has acknowledged MHG and Rialto's cooperation. Clearly, Verizon's internal communications are deficient.

Mr. Fipphen's refusal to acknowledge Verizon's fault is remarkable. On February 9, 2015, we advised Mr Fipphen of his error and requested that he withdraw the Petition. Mr Fipphen did not respond to our request. (See Exhibit E). One can only conclude that the Petition is an abuse of the system, and is being used to intimidate New Yorkers with the threat of litigation.

We respectfully request that the Petition be denied as to the Buildings. Please let me know if you need any other information. Thank you.

Very Truly Yours,
Rialto Management Corp.

A handwritten signature in blue ink, appearing to read "Scott Lerman".

By: Scott Lerman, President

Cc:
Verizon
140 West Street – 6th Floor
New York, NY 10007
Attn: Richard Fipphen, Esq.

140 West Street
6th Floor
New York, NY 10007
Tel (212) 519-4718
Fax (212) 962-1687
richard.fipphen@verizon.com

Richard C. Fipphen
Assistant General Counsel



February 6, 2015

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

*Re: Case 15-V-_____ – Petition of Verizon New York Inc. for Orders of Entry
for 30 Multiple-Dwelling Unit Buildings in the City of New York*

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Orders of Entry for 30 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 30 properties. Verizon requests that orders of entry be issued by the Commission directing the owner of each building to permit Verizon to install cable television facilities, as provided in Section 898.4(b)(9) of the Commission's Rules.

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

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

Respectfully submitted,

A handwritten signature in black ink that reads "Richard C. Fipphen".

Richard C. Fipphen

Exhibit A

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Petition of Verizon New York Inc. for Orders of Entry for 30 Multiple-Dwelling Unit Buildings in the City of New York

Case 15-V-_____

PETITION FOR ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber-optic facilities to provide cable television service at 30 multiple-dwelling unit ("MDU") buildings in the City of New York. In support of this Petition, Verizon states as follows:

Specific Location of the Properties

1. Verizon seeks to install fiber-optic facilities to provide cable television service at the 30 MDUs listed in Exhibit 1. Each MDU is a residential building; the number of living units in each MDU is set forth in Column D of Exhibit 1. The owner or managing agent of each MDU listed in Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access to install fiber-optic facilities to provide cable television service, or (2) affirmatively denied Verizon's request for access. Column I of Exhibit 1 sets forth the type of response received for each building.

Owners and Agents

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

Description of the Work to be Performed

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

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

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

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

Name of the Individual Responsible for Installation

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

Indemnification

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

Installation Work Will Be Conducted without Prejudice to the Owner's Right to Receive Just Compensation

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

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

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

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

Opportunity for the Owner to Answer the Petition

9. The owner of each building listed on Exhibit 1 has twenty (20) days from receipt of this Petition to file an answer. The answer must be responsive to this Petition and may set forth any additional matters not contained herein.

WHEREFORE, Verizon respectfully requests that the Commission grant Verizon the relief requested herein and issue an Order pursuant to 16 NYCRR § 898.4 permitting Verizon to install cable television facilities at each building, together with such other relief as the Commission may deem just and proper.

Respectfully submitted,



RICHARD C. FIPPHEN
140 West Street, 6th Floor
New York, New York 10007
(212) 519-4718

Counsel for Verizon New York Inc.

Dated: February 6, 2015

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Petition of Verizon New York Inc. for Orders of
Entry for 30 Multiple-Dwelling Unit Buildings in the
City of New York

Case 15-V-_____

AFFIRMATION OF KEEFE B. CLEMONS

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

1. I am an officer of the petitioner Verizon New York Inc.
2. I am not a party to this action.
3. I have read the foregoing Petition and I know its contents. To the best of my

knowledge, based on information provided to me by employees of the Petitioner and its affiliates, the foregoing Petition is true.

Keefe B. Clemons

KEEFE B. CLEMONS

Dated: New York, New York
February 6, 2015

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

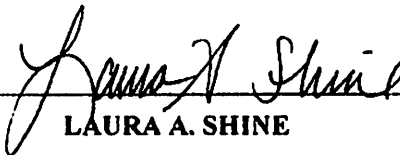
Petition of Verizon New York Inc. for Orders of
Entry for 30 Multiple-Dwelling Unit Buildings in the
City of New York

Case 15-V-_____

DECLARATION OF LAURA A. SHINE

A copy of the Petition of Verizon New York Inc. for Orders of Entry for 30 Multiple-Dwelling Unit Buildings in the City of New York was sent on February 6, 2015 by First-Class U.S. Mail to the persons on the attached Service List.

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


LAURA A. SHINE

Dated: New York, New York
February 6, 2015

SERVICE LIST

Corner 1st and 15th, LLC
c/o Sg2 Management LLC
Attn: Aaron Feldman
25 West 45th Street, Suite 505
New York, NY 10036

Highline Properties, LLC
Attn: Afshin Dilmanian
35 North Tyson Avenue, Room 102
Floral Park, NY 11001

108-110 Duane LLC
c/o Taube Management Realty LLC
Attn: Frank Fish
655 Third Avenue, 29th Floor
New York, NY 10017

Perla's Pueblo Condominium
c/o Barton Management LLC
Attn: Georgia Lombardo-Barton
10 East 39th Street, Suite 906
New York, NY 10016

Kimberly Condominium
c/o ABC Management Corporation
Attn: Seth Weinstein
152 West 57th Street, 12th Floor
New York, NY 10019

Greenpoint Associates
c/o Related Management Company, LP
Attn: Betty Perry
1450 Gateway Boulevard
Far Rockaway, NY 11691

2403 Hoffman Street, LLC
c/o H.S.C. Management Corp.
Attn: Josh Koppell
850 Bronx River Road
Yonkers, NY 10708

2155 Morris, LLC
Attn: Jay Newhouse
16 Squadron Boulevard, Room 106
New City, NY 10956

Avuben Realty LLC
Attn: Jay Rawicki
2557 Marion Avenue, Room 1B
Bronx, NY 10458

Nelson-Anderson Affordable Housing L.P.
c/o Sandra Erickson Real Estate Inc.
Attn: Sandra Erickson
1394 Clay Avenue, Apt. 1C
Bronx, NY 10456

709-715 Fairmont Place Owner, LLC
c/o Langsam Properties Services
Attn: Edith Cardona
1601 Bronxdale Avenue
Bronx, NY 10462

834 Fifth Avenue Corporation
c/o Brown Harris Stevens Residential Management, LLC
Attn: Eamon Early
770 Lexington Avenue, 4th Floor
New York, NY 10065

The MHG Family Limited Partnership
c/o Rialto Management Corp.
Attn: Scott Lerman
872 Madison Avenue, Apt. 2A
New York, NY 10021

Park-81st Corp.
c/o Tudor Realty Services Co.
Attn: Sam Hess
250 Park Avenue South, 4th Floor
New York, NY 10003

Momco Enterprises LLC
c/o Pan Am Equities Inc.
Attn: John Cacaj
18 East 50th Street, 10th Floor
New York, NY 10022

Suru Realty LLC
c/o Cornerstone Management Systems, Inc.
Attn: Allen Abbani
271 Madison Avenue, Suite 800
New York, NY 10016

Suru Realty LLC
c/o Cornerstone Management Systems, Inc.
Attn: Allen Abbani
271 Madison Avenue, Suite 800
New York, NY 10016

222 Riverside Drive Condominium
c/o Douglas Elliman Property Management
Attn: Martin Brooks
675 Third Avenue
New York, NY 10017

Bridge No. 50 Condominium
Attn: Salvatore Fanara
50 Bridge Street, Suite 501
Brooklyn, NY 11201

53-63 Partners, LP
c/o The Scharfman Organization
Attn: Mark Scharfman
111 North Central Park Avenue, Suite 400
Hartsdale, NY 10530

Convent 1 LLC
c/o Chestnut Holdings of New York, Inc.
Attn: Ben Rieder
5676 Riverdale Avenue, Suite 307
Bronx, NY 10471

Chinatown Preservation HDFC, Inc.
c/o Stanton Norfolk Inc.
Attn: Sue Yan
141 Norfolk Street
New York, NY 10002

Les Pieds Nickle's Inc.
c/o 49 Greene LLC
Attn: Lindsay Raggio
641 Lexington Avenue, 32nd Floor
New York, NY 10022

Unity Court HDFC
c/o JLP Metro Management Inc.
Attn: Louis Popovic
3397 East Tremont Avenue
Bronx, NY 10461

351 West 125 Limited Partnership
c/o New Castle Realty Services
Attn: Andrew Bauman
270 Madison Avenue
New York, NY 10016

City of New York
c/o Friedman Management Corp.
Attn: Kenneth Friedman
225 West 34th Street, Suite 2010
New York, NY 10122

3612 Broadway Partners LLC
c/o REM Residential
Attn: Victoria Guzman
36 West 37th Street, 8th Floor
New York, NY 10018

Symaco Inc.
c/o Envi Interiors & Property Management Corp.
Attn: Vivienne Sy
254 Canal Street, Suite 2002
New York, NY 10013

1185 Lebanon St. LLC
c/o Park Avenue South Management
Attn: Maurice McKenzie
507 West 186th Street, Suite A4
New York, NY 10033

Ventana Condominium
c/o First Service Residential
Attn: Michael Mintz
622 3rd Avenue, 14th Floor
New York, NY 10017

EXHIBIT 1

A	B	C	D	E	F	G	H	I	J
Property No.	MDU Property Address	Municipality	No. of Living Units	MDU Owner (Landlord)	MDU Managing Agent Co.	Contact Name	Mailing Notes	Refusal Code*	Build Code*
8088236-1	2234 1 AV	Manhattan	19	Corner 1st and 15th, LLC	Sg2 Management LLC	Aaron Feldman	Notices sent on 08/07/2014 & 12/26/2014	P	H
8088717-1	457 W 17 ST	Manhattan	14	Highline Properties, LLC		Afshin Dilmanian	Notices sent on 12/02/2014 & 12/26/2014	A	A
8088888-1	108 DUANE ST	Manhattan	14	108-110 Duane LLC	Taube Management Realty LLC	Frank Fish	Notices sent on 09/02/2014 & 12/17/2014	P	E
8089736-1	754 E 6 ST	Manhattan	26	Perla's Pueblo Condominium	Barton Management LLC	Georgia Lombardo-Barton	Notices sent on 07/10/2014 & 12/10/2014	P	A
8090029-1	534 HUDSON ST	Manhattan	24	Kimberly Condominium	ABC Management Corporation	Seth Weinstein	Notices sent on 11/26/2014 & 12/17/2014	P	A
8097171-1	12-13 NEILSON ST	Queens	37	Greenpoint Associates	Related Management Company, LP	Betty Perry	Notices sent on 09/18/2014 & 10/28/2014	P	A
8097948-1	2403 HOFFMAN ST	Bronx	34	2403 Hoffman Street, LLC	H.S.C. Management Corp.	Josh Koppell	Notices sent on 10/30/2014 & 12/26/2014	P	F
8098189-1	2151 MORRIS AV	Bronx	23	2155 Morris, LLC		Jay Newhouse	Notices sent on 11/14/2014 & 12/17/2014	P	B
8098541-1	2557 MARION AV	Bronx	54	Avuben Realty LLC		Jay Rawicki	Notices sent on 11/05/2014 & 12/17/2014	P	B
8099507-1	1173 NELSON AV	Bronx	66	Nelson-Anderson Affordable Housing L.P.	Sandra Erickson Real Estate Inc.	Sandra Erickson	Notices sent on 12/10/2014 & 12/26/2014	P	B
8100192-1	709 FAIRMOUNT PL	Bronx	61	709-715 Fairmont Place Owner, LLC	Langsam Properties Services	Edith Cardona	Notices sent on 10/09/2014 & 12/26/2014	P	H
8228142-1	1 E 64 ST	Manhattan	45	834 Fifth Avenue Corporation	Brown Harris Stevens Residential Management, LLC	Eamon Early	Notices sent on 11/05/2014 & 12/17/2014	P	F
8229027-1	1473 2 AV	Manhattan	45	The MHG Family Limited Partnership	Rialto Management Corp.	Scott Lerman	Notices sent on 12/09/2014 & 12/26/2014	P	A
8229575-1	940 PARK AV	Manhattan	30	Park-81st Corp.	Tudor Realty Services Co.	Sam Hess	Notices sent on 09/09/2014 & 12/17/2014	P	G
8229761-1	119 E 83 ST	Manhattan	22	Momco Enterprises LLC	Pan Am Equities Inc.	John Cacaj	Notices sent on 12/05/2014 & 12/26/2014	P	A
8255523-1	1240 LEXINGTON AV	Manhattan	28	Suru Realty LLC	Cornerstone Management Systems, Inc.	Allen Abbani	Notices sent on 12/05/2014 & 12/26/2014	A	H
8262784-1	128 E 84 ST	Manhattan	21	Suru Realty LLC	Cornerstone Management Systems, Inc.	Allen Abbani	Notices sent on 11/17/2014 & 12/26/2014	P	B
8268264-1	222 RIVERSIDE DR	Manhattan	109	222 Riverside Drive Condominium	Douglas Elliman Property Management	Martin Brooks	Notices sent on 06/13/2014 & 10/29/2010	P	F
9308402-1	50 BRIDGE ST	Brooklyn	123	Bridge No. 50 Condominium		Salvatore Fanara	Notices sent on 06/23/2014 & 12/26/2014	P	A
9365888-1	63 HAMILTON TERR	Manhattan	54	53-63 Partners, LP	The Scharfman Organization	Mark Scharfman	Notices sent on 12/10/2014 & 12/26/2014	P	B
9366095-1	310 CONVENT AV	Manhattan	37	Convent 1 LLC	Chestnut Holdings of New York, Inc.	Ben Rieder	Notices sent on 12/11/2014 & 12/26/2014	P	H
9404958-1	112 ELDRIDGE ST	Manhattan	18	Chinatown Preservation HDFC, Inc.	Stanton Norfolk Inc.	Sue Yan	Notices sent on 11/17/2014 & 12/17/2014	A	A
9405047-1	47 GREENE ST	Manhattan	9	Les Pleds Nickle's Inc.	49 Greene LLC	Lindsay Raggio	Notices sent on 08/14/2014 & 12/10/2014	P	F
9406201-1	127 W 111 ST	Manhattan	39	Unity Court HDFC	JLP Metro Management Inc.	Louis Popovic	Notices sent on 11/19/2014 & 12/17/2014	A	H
9406699-1	301 ST NICHOLAS AV	Manhattan	43	351 West 125 Limited Partnership	New Castle Realty Services	Andrew Bauman	Notices sent on 12/10/2014 & 12/26/2014	P	A
9407077-1	695 ST NICHOLAS AV	Manhattan	46	City of New York	Friedman Management Corp.	Kenneth Friedman	Notices sent on 11/14/2014 & 12/17/2014	P	B
9407239-1	568 W 149 ST	Manhattan	24	3612 Broadway Partners LLC	REM Residential	Victoria Guzman	Notices sent on 11/07/2014 & 12/17/2014	P	B
9426749-1	133 E BROADWAY	Manhattan	9	Symaco Inc.	Envi Interiors & Property Management Corp.	Vivienne Sy	Notices sent on 08/13/2014 & 12/10/2014	P	H
9572408-1	1185 LEBANON ST	Bronx	80	1185 Lebanon St. LLC	Park Avenue South Management	Maurice McKenzie	Notices sent on 11/05/2012 & 04/09/2013	A	A
14309295-1	150 E 85 ST	Manhattan	107	Ventana Condominium	First Service Residential	Michael Mintz	Notices sent on 11/25/2014 & 12/17/2014	P	C

LEGEND

REFUSAL CODE

- A **Active Refusal**
- P **Passive Refusal**

BUILD TYPES

A Adhesive Fiber Cables

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Horizontal fiber connections to each living unit ("drops") will be established with self-adhesive fiber cables. Small (4"x1.5"x.25") fiber termination boxes will be installed outside each living unit; the fiber drop will be extended into the living unit from this box at the time of installation. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

B Existing Hallway Moldings

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Horizontal fiber drops to each living unit will be provided via bundled drops utilizing the existing hallway molding infrastructure. Excess fiber cables ("slack") will be coiled in the molding in front of each living unit for penetration into the unit at the time of service order. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the

proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

C Microducts and Access Panels

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Horizontal fiber drops to each living unit will be provided via 12.7mm micro duct that are run through existing soffits or in the ceiling, to the front of each unit. Approximately 8"x8" access panels will be installed to enable penetration into the living unit at the time of service order. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

D Microducts in Dropped Ceilings

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Horizontal fiber drops to each living unit will be provided via 12.7mm micro duct that run through dropped ceilings; the fiber drops will be coiled close to each apartment. At the time of service order, penetration will be made into the living unit and a fiber drop will be pulled through the micro duct. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

E Existing Conduit to Living Unit

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser

path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Horizontal fiber drops to each living unit will be provided via existing building conduit, from the fiber distribution terminals directly into the living unit. At the time of service order, a fiber drop will be pulled through the conduit, possibly within a micro duct, where space allows. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

F New Hallway Molding

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Horizontal fiber drops will be placed in newly installed hallway molding running from the fiber distribution terminal to the end of the hallway on each floor. Extra slack will be left coiled in the molding in front of each unit for penetration into the unit at the time of service order. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

G Fiber Drops Installed Directly into Unit from Riser

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will be placed in 3-4" metallic conduit, which will be run through newly created holes drilled in the stairwell. 8" pull boxes will be established on the stairwell landing on each floor to house the pulled-through fiber cables. Where warranted, 20"x16"x8" lock boxes will be installed on the floor to house fiber distribution terminals. Fiber drops will be run directly into the living unit from the distribution terminal in the riser closet or stairwell. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

H Exterior Bundled Drops

4.8mm Indoor/Outdoor drop wires will be run vertically on the exterior of the building, passing closely by the window line for each set of stacked apartments in the building. The drop wires are attached to a metal cable that is fastened at the 1st floor level and at the rooftop level. Each wire is coiled outside the living unit it has been earmarked to serve. At the time of service order, the Verizon technician releases the coiled slack, drills a hole in the window sill and brings the drop wire into the unit. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

I Multi-Customer Fiber Terminal

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more fiber cables approximately .5" or less in diameter will run via 3-4" metallic conduit through either newly created core drills or existing vertical path in the communications/utility/media closets on designated floors. Verizon will mount Multi-Customer Fiber Terminals with average dimensions of 23"x19"x4" (wall mounted) or 84"x26"x15" (floor mounted). This terminal serves up to eight subscribers, with two (2) voice lines and one (1) data line each, and a common video jack. The units will be installed in the building's common utility area, using the existing copper wiring, CAT 5 and/or coax infrastructure to deliver service going to each living unit on serving floors. Building power needed to support MC-ONT design and battery backup is the responsibility of Verizon. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

J In-Line Risers

Verizon will install fiber optic feeder cable approximately .5" in diameter between a Verizon manhole in the street and the basement of the building, using existing entrance conduit. A fiber terminal (approximately 17"x20"x16") will be installed in the basement. Fiber distribution cables approximately .5" in diameter will be connected to the fiber terminal and will be run horizontally through the basement, using strand wire or 3-4" metallic conduit to a vertical riser path. Vertical risers consisting of one or more 12.7 mm micro ducts will be run through newly created holes drilled in closets within each living unit. A single 12.7 mm micro duct will terminate within each living unit resulting in a dedicated pathway between the living unit and the basement. At the time of service order, a fiber drop will be pulled through the micro duct. All Verizon work will be conducted in conformity with the property work requirements and with consideration for the safety of the residents and the proper functioning of the building. Impact to building aesthetics will be minimized by the use of materials smaller than those that typically serve the building at present.

EXHIBIT 2

Available at:

http://www22.verizon.com/about/community/nypsc_petitions.htm



Shipment Receipt

Address Information

Ship to:

Ms. Alyson M. Siegel
Verizon
140 West Street
Suite 1115
New York, NY
10007
US
(212) 395-1000

Ship from:

Scott Lerman
Rialto Management Corp.
872 Madison Ave APT 2A
New York, NY
10021
US
2127449644

Shipment Information:

Tracking no.: 772638540370
Ship date: 01/20/2015
Estimated shipping charges: 10.02

Package Information

Pricing option: FedEx Standard Rate
Service type: FedEx Express Saver
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rialto-201
Your reference: Verizon - 137 E 47
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

Exhibit B

From: (212) 744-9644
Scott Lerman
Rialto Management Corp.
872 Madison Ave APT 2A
New York, NY 10021

Origin ID: FLUA

FedEx
Express



J151015011403uv

Ship Date: 20JAN15
ActWgt: 0.5 LB
CAD: 1058503277/INET3610

Delivery Address Bar Code



SHIP TO: (212) 395-1000
Ms. Alyson M. Siegel
Verizon
140 West Street
Suite 1115
New York, NY 10007

BILL SENDER

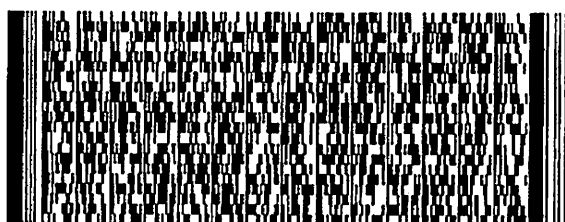
Ref # Verizon - 137 E 47
Invoice #
PO #
Dept #

FRI - 23 JAN AA
EXPRESS SAVER

TRK# 7726 3854 0370
0201

10007
NY-US
EWR

K2 PCTA



537J18F15/EE4B

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

RIALTO MANAGEMENT CORP.
872 Madison Avenue – Suite 2A
New York, NY 10021
Tel – 212-744-9644
Fax – 1-744-9644
Email – Rialto Management @gmail.com

January 16, 2015

VIA FEDEX
VERIZON
140 West Street – Room 1105
New York, NH 10007

Attn: Ms Alyson M. Siegel

Re: FIOS Facilities

Dear Ms Siegel:

We are the managing agent for the buildings listed on Schedule A attached hereto. Such buildings have received Notice of Intention to Install Cable Television Facilities and Service (the “Notice”) from you. In addition we have received a Notice for 137 East 47th Street. We no longer manage 137 East 47th Street and have not managed it for several years. With respect to most of the buildings listed on Schedule A the Notice is the only document from you and such Notice(s) did not indicate an entry date as required by Section 898.4 of the Public Service Law which is printed on the reverse side of the Notices.


With respect to some of the buildings we did receive a letter referring to “... the difficulty Verizon has encountered in attempting to install and/or attach its FIOS facilities” The letter also states ...you have conditioned Verizon access on unreasonable terms and conditions or that you have denied Verizon access to the Property.” We categorically deny such allegations as we never imposed such conditions or denied access.

Since receipt of the first notice in 2011 we have received very few communications from Verizon other than the Notice and some follow up letters. We did receive several telephone calls and told your representative that we would give access on adequate notice, and receipt of an insurance certificate naming owner and managing agent as additional insureds.

We have every intention of cooperating with you. I do not think our requests are unreasonable. Please have your representative call me to facilitate your access the buildings.

Very truly yours,

Rialto Management Corp


By: Scott Lerman, Pres.

ADDRESS:

236 East 82nd Street

442 East 78th Street

246 West 73rd Street

262 West 91st Street

1135 First Avenue

319 East 78th Street

338 East 70th Street

402 East 73rd Street

419 East 72nd Street

1089 Second Avenue

112 West 78th Street

1473 Second Avenue

872 Madison Avenue

345 East 78th Street

14 East 63rd Street

315 East 78th Street

347 East 78th Street

412 East 78th Street



scott lerman <rialtomanagement@gmail.com>

Re: Email from Rialto Management Corp

1 message

scott lerman <rialtomanagement@gmail.com>

Fri, Jan 30, 2015 at 6:12 PM

To: "Morano, Michael" <michael.morano@verizon.com>

Thanks, we received a few more letters advising of no access. I want to confirm again we will work with Verizon and would appreciate someone from engineering returning our calls. Thanks

On Thu, Jan 29, 2015 at 11:03 AM, Morano, Michael <michael.morano@verizon.com> wrote:

Ok, thanks. I'll get these properties to our engineering group and someone will be reaching out to you to discuss.

If you have any questions along the way, please let me know.

Thanks,

Mike

Michael Morano

Assistant General Counsel – Northeast Operations

(NY, CT, RI & MA)

One Verizon Way, VC54S222

Basking Ridge, NJ 07920

908-559-3332 (voice)

908-696-2068 (fax)

michael.morano@verizon.com

From: scott lerman [mailto:rialtomanagement@gmail.com]

Sent: Thursday, January 29, 2015 11:00 AM

To: Morano, Michael

Subject: Re: Email from Rialto Management Corp

Yes, all in Manhattan - scott

Exhibit C

On Thu, Jan 29, 2015 at 10:33 AM, Morano, Michael <michael.morano@verizon.com> wrote:

Thanks Scott. Are all of these properties in Manhattan?

Michael Morano

Assistant General Counsel – Northeast Operations

(NY, CT, RI & MA)

One Verizon Way, VC54S222

Basking Ridge, NJ 07920

908-559-3332 (voice)

908-696-2068 (fax)

michael.morano@verizon.com

From: scott lerman [mailto:rialtomanagement@gmail.com]

Sent: Thursday, January 29, 2015 10:06 AM

To: Morano, Michael

Subject: Email from Rialto Management Corp

Hello. Thank you for taking the time to speak with me today. Attached is the letter we sent to Alyson listing the properties.

In addition to the properties on the letter, please also add 6 Green Street aka 329 Canal Street to the list.

Please confirm receipt of this email and let me know the next steps. Thanks- - scott

Rialto Management Corp.

872 Madison Avenue #2A

New York, NY 10021

www.rialtomanagement.com

(212) 744-9644

Fax (212) 744-3678

Nothing set forth in this email and/or any attachments hereto is intended to, nor shall it be construed or deemed to be, an offer or acceptance, or binding obligation with respect to, any proposed agreement to lease any space. An agreement for the lease of any space shall not be effective, valid and enforceable unless and until all applicable documents therefor (referred to collectively as the "Lease") have been executed by all applicable parties thereto. In the event a brokerage commission is payable for a leased space, such commission shall not be deemed earned, due or payable unless and until the Lease for such space has been executed by all applicable parties thereto.

Rialto Management Corp.
872 Madison Avenue #2A
New York, NY 10021

www.rialtomanagement.com
(212) 744-9644
Fax (212) 744-3678

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872 Madison Avenue #2A
New York, NY 10021

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(212) 744-9644
Fax (212) 744-3678

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NYC FiOS Real Estate Department
140 West Street, 11th Floor
New York, NY 10007
888-364-3467
NYCFIOS@verizon.com

Kultera, Inc.
68 South Service Rd.
Melville, NY 11747
Authorized FiOS Contractor for Verizon

February 3, 2015

Property ID: 8229027
Mhg Family Limited Pa
Rialto Management Corp
872 Madison Ave 2A
New York, NY 10021

ATTN: Scott Lerman

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at 1473 2nd Avenue

Dear Scott Lerman:

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.

Verizon and its engineering/design representatives, Kultera, Inc. 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 design specifications and other documentation, and provide us with your approval and signature on the Certificate of Acceptance of Proposed Work and the Construction Coordination sheet 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 from the New York Public Service Commission ("Commission"), "Notice of Intention to Install/Upgrade Cable Television Facilities and Service," which has been completed by Verizon and includes a copy of the relevant New York law related to this process. Please note that the enclosed notice is required by the rules of the commission; the notice does not mean that the commission has granted an order of entry with respect to your property.

If you would like to discuss our proposed design plan or if you have any other questions, please contact Mike Gonsalves of Kultera, Inc. at 917-576-9568 or MikeG@Kultera.com. Otherwise, please return the signed Certificate of Acceptance of Proposed Work to Kultera, Inc.. If you wish, you may fax the signed certificate to 212-731-0331.

Thank you for your cooperation and assistance.

Sincerely,

NYC FiOS Real Estate Department

Exhibit D

**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 services upon your property at **1473 2nd Avenue**. Verizon would like to perform this installation on or after **3/3/2015**. 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 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.

Verizon New York Inc's installation/upgrade conforms to 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.

This installation/upgrade of cable television service will likely enhance the value of your property; 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 the Verizon New York Inc.'s representative; or write or call the Secretary to the New York State Public Service Commission at secretary@dps.ny.gov or 3 Empire State Plaza, Albany, New York 12223-1350 or (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: 2/3/2015

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 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.

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 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.

(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 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 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: 2/3/2015

Verizon Property ID: 8229027

Property Address: 1473 2nd Avenue Block: 1431 Lot: 26
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. 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 attached proposed installation and design plan on behalf of such property.

Name: _____ (sign)

Name: _____ (print)

Title: _____

Date: _____

Attachments:

- 1. Notice of Intention to Install Cable Television Facilities and Service
- 2. Schematic dated: 11/28/2014
- 3. Construction Coordination Document

Certificate of Acceptance of Proposed Work

Date: 02/03/2015 Verizon Property ID: 8229027 Vz Block #: 2403
 Property Address: 1473 2nd Avenue Block: 1431 Lot: 26
 in the City/Town of New York, 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)
		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)
Diameter	+/- 2"	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: +/- 16"	Depth: +/- 6" Height: +/- 18"
Location: (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)

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 checked="" 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:	Name: _____ (sign)
<input checked="" type="checkbox"/> Notice of Intention to Install Cable Television Facilities and Service	Name: _____ (print)
<input checked="" type="checkbox"/> 2. Schematic dated: <u>11/28/14</u>	Title: _____
	Date: _____

**Verizon FiOS Construction Coordination Sheet
for 1473 2nd Avenue ("Building")**

ALL FIELDS IN RED MUST BE COMPLETED

Access Procedures during FiOS Network Construction

Work Hours:	Start: Monday thru Friday	Stop:
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:		

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:



Access Procedures after FiOS Network is installed

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.

Clean Up Procedures

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.

Contact Information

Verizon Design Manager:	Name: Andrew C Clarke	Phone: 212-643-5371	Email: andrew.c.clarke@verizon.com
Building On-Site Contact:	Name:	Phone:	Email:

Environmental

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.

Garbage/Trash Disposal

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.

Grounding

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.

Initials

Licensing

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.

Molding Selection

Molding Style:	Molding Color:	Initials
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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: _____ _____ _____	With a copy to: _____ _____ _____
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: 45/ BUILDING

Total 3M Molding Footage: 0'

Total No. of Cores: 6

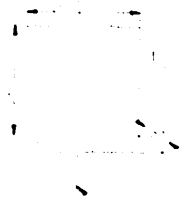
Total No. of Penetrations: 0

Total EMT Footage: 80'

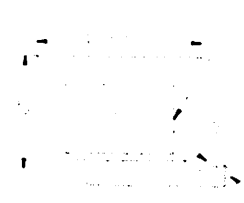
Total Inner Duct Footage: 0'

Total Metal Molding Footage: 0'

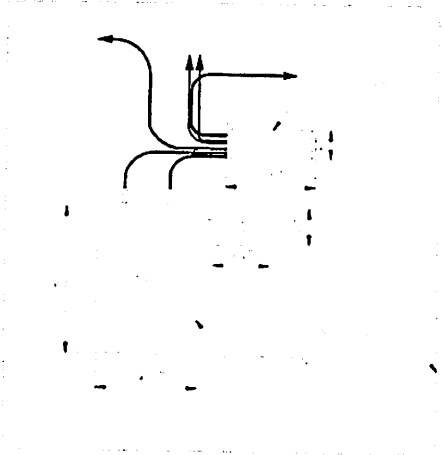
Total Fiber Drop Footage: 0'



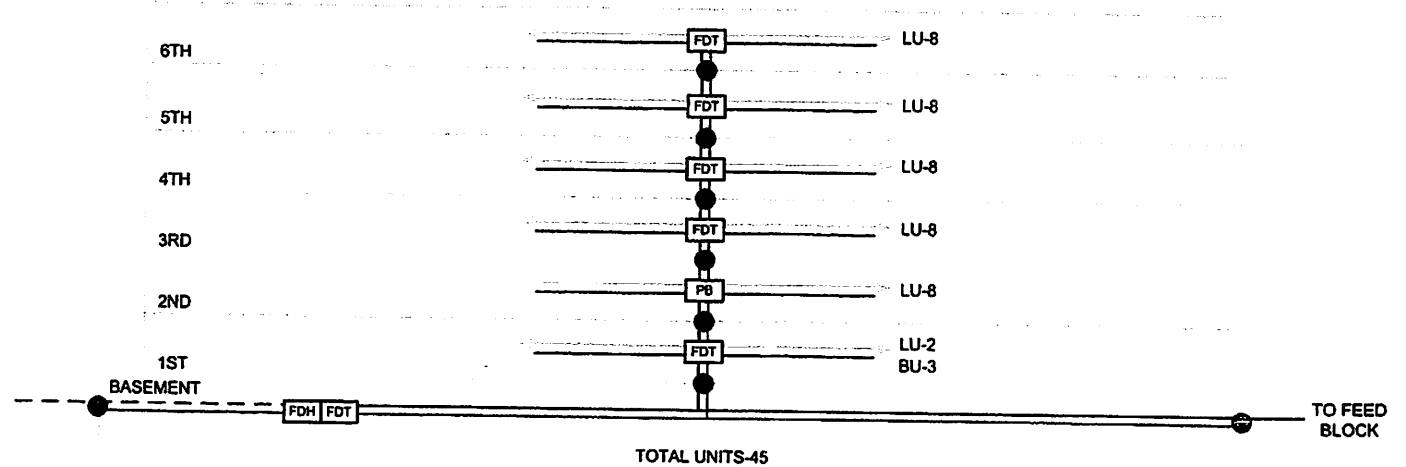
PULL BOX DETAIL
SCALE: NTS



LOCK BOX DETAIL
SCALE: NTS



HUB ELEVATION



NOTE:
1. INSTALL NEW EMT CONDUIT FOR RISER IN HALLWAYS

●	BUILDING PENETRATION
●	CORE PENETRATION
⊙	PROPOSED RISER
●	INTERIOR WALL PENETRATION
FDH	FIBER DISTRIBUTION HUB
FDT	FIBER DISTRIBUTION TERMINAL
IFDT	RAPID FIBER DISTRIBUTION TERMINAL
CB	COLLECTOR BOX

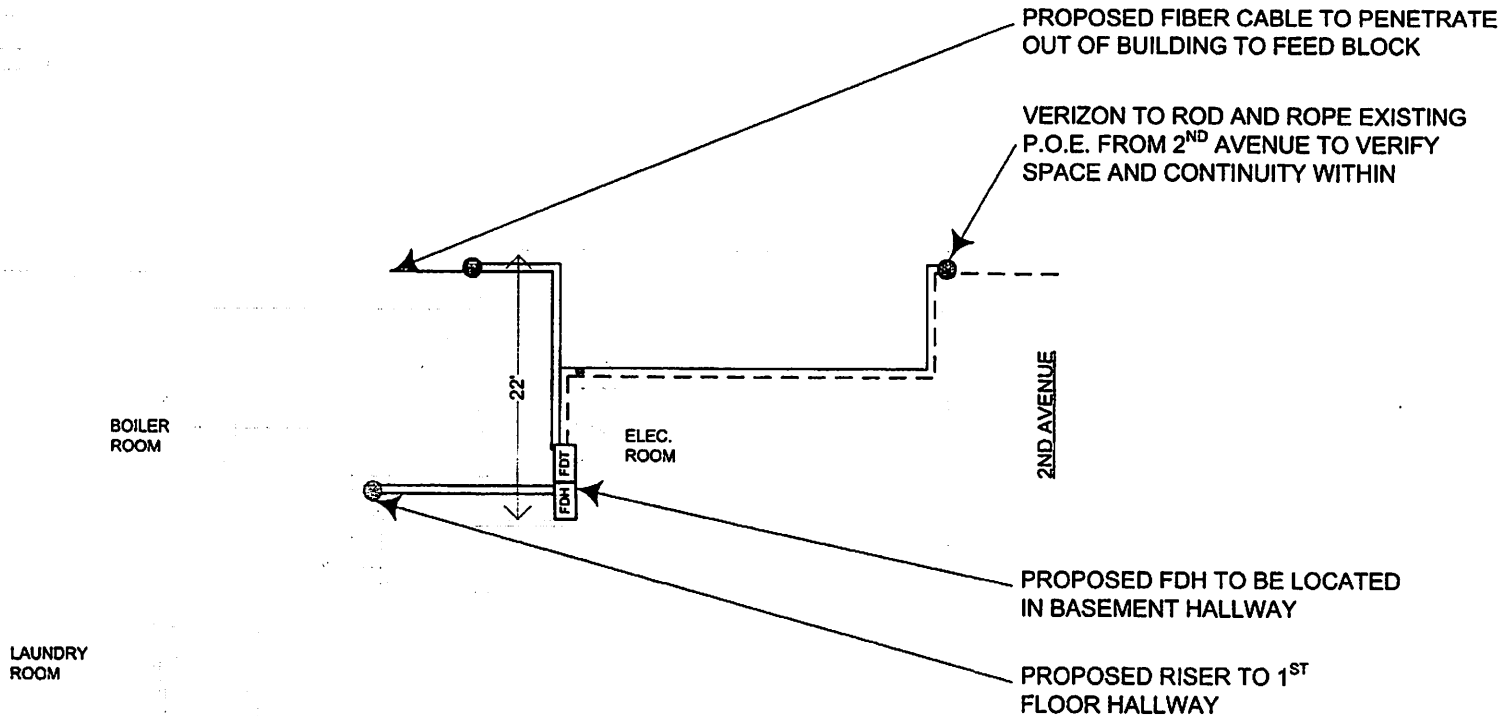
●	ENTRANCE CABLE
●	RISER CABLE
●	EMT CONDUIT
●	FIBER DROP CABLE
●	INTERIOR MOLDING
●	MICRO-DUCT
●	INNERDUCT
PB	PULL BOX

DESIGNED BY:
BluePath
Telecommunications Engineering
111-115 FRANK E. RODGERS BLVD SOUTH
HARRISON, NEW JERSEY 07029
PHONE 973.350.0069 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:
1473 2ND AVENUE
NEW YORK, NY 10075
DRAWING TITLE:
ELEVATION SCHEMATIC
PROJECT NO. 14-101B-234 DATE: 11/24/2014
DRAWING NO. ELEV
SCALE: AS NOTED DRAWN BY: AMP SHEET 1 OF 6

Total No. of LUs on this Floor: 0
 Total Molding Footage: 0'
 Total No. of Cores: 1 RISER
 Total No. of Penetrations: 2
 Total EMT Footage: 100'
 Total Inner Duct Footage: 0'
 Total Micro-Duct Footage: 0'
 Total Fiber Drop Footage: 0'



NOTE:

1. BASEMENT FDT TO FEED 1ST FLOOR FRONT BU'S VIA 12.7MM MICRODUCT
2. UNABLE TO LOCATE P.O.E. AT TIME OF SURVEY. VERIZON RECORDS SHOW P.O.E. ENTERING BASEMENT FROM NORTHEAST CORNER

**BASEMENT
 PARTIAL PLAN**
 SCALE: NTS

LEGEND:

- BUILDING PENETRATION
- CORE PENETRATION
- ⊙ PROPOSED RISER
- INTERIOR WALL PENETRATION
- FDH FIBER DISTRIBUTION HUB
- FDT FIBER DISTRIBUTION TERMINAL
- IFDT RAPID FIBER DISTRIBUTION TERMINAL
- CB COLLECTOR BOX

- ENTRANCE CABLE
- RISER CABLE
- EMT CONDUIT
- FIBER DROP CABLE
- INTERIOR MOLDING
- MICRO-DUCT
- INNERDUCT
- PB PULL BOX

DESIGNED BY:

BluePath
 Telecommunications Engineering

111-115 FRANK E. RODGERS BLVD SOUTH
 HARRISON, NEW JERSEY 07029
 PHONE 973.350.0069 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:

1473 2ND AVENUE
 NEW YORK, NY 10075

DRAWING TITLE:

FLOOR PLAN

PROJECT NO.

14-101B-234

DATE:

11/24/2014

DRAWING NO.

FP-A

SCALE:

AS NOTED

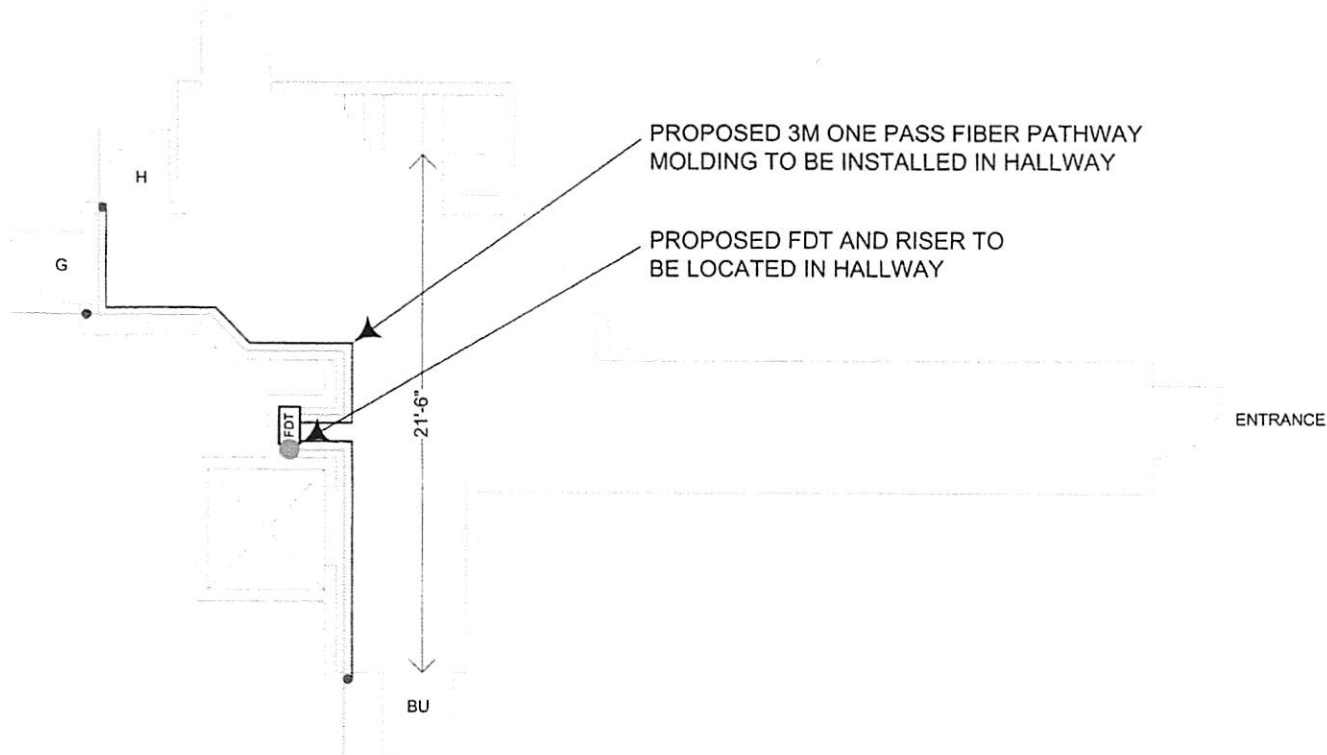
DRAWN BY:

AMP

SHEET 2 OF 6

Total No. of LUs on this Floor: 5
 Total Molding Footage: 50'
 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'

MOLDING			
RECOMMENDATION	MOLDING TYPE	SIZE	COLOR
INSTALL NEW MOLDING	3M MOLDING	6 COUNT	IVORY



1ST FLOOR
 PARTIAL PLAN
 SCALE: NTS

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
	PULL BOX

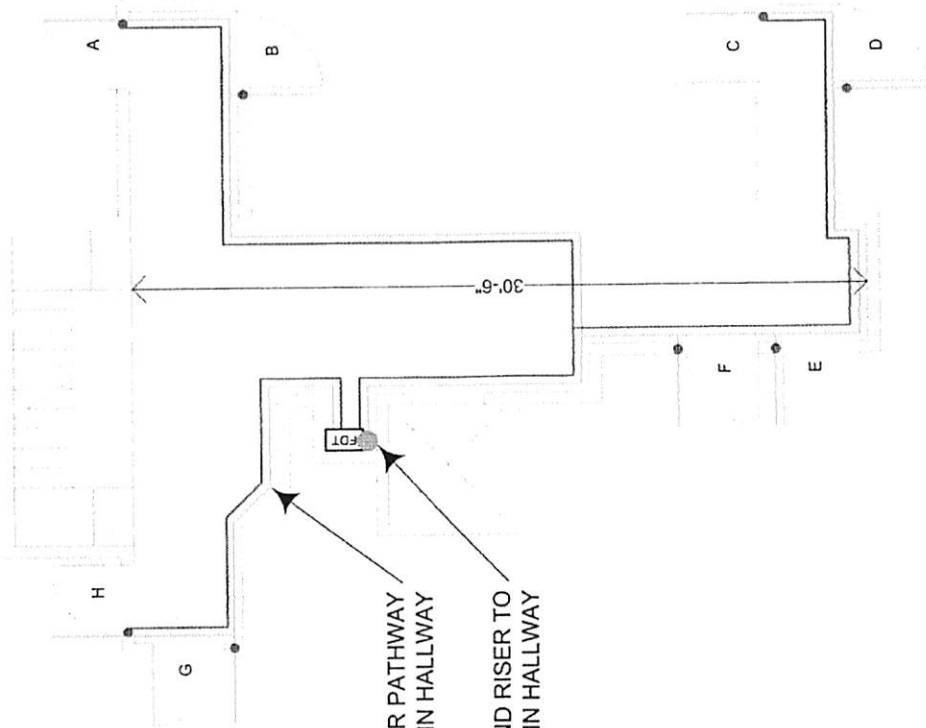
DESIGNED BY:
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 PHONE 973.350.0069 FAX 973.350.0067

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

PROJECT:	1473 2ND AVENUE NEW YORK, NY 10075		
DRAWING TITLE:	FLOOR PLAN		
PROJECT NO.	14-101B-234	DATE:	11/24/2014
SCALE:	AS NOTED	DRAWN BY:	AMP
DRAWING NO.	FP-B		SHEET 3 OF 6

Total No. of LUs on this Floor: 8 X 5 FLRS
 Total Molding Footage: 140' X 5 FLRS
 Total No. of Cores: 1 RISER X 5 FLRS
 Total No. of Penetrations: 8 X 5 FLRS
 Total EMT Footage: 0'
 Total Inner Duct Footage: 0'
 Total Micro-Duct Footage: 0'
 Total Fiber Drop Footage: 0'

MOLDING			
RECOMMENDATION	MOLDING TYPE	SIZE	COLOR
INSTALL NEW MOLDING	3M MOLDING	6 COUNT	IVORY



PROPOSED 3M ONE PASS FIBER PATHWAY MOLDING TO BE INSTALLED IN HALLWAY

PROPOSED FDT AND RISER TO BE LOCATED IN HALLWAY

2ND - 6TH FLOOR
 TYPICAL PARTIAL PLAN
 SCALE: NTS

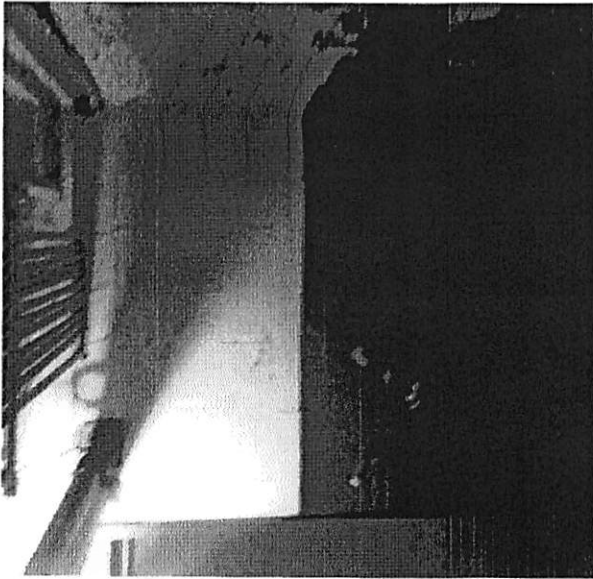
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 NEW YORK, NY 10075
 DRAWING TITLE: FLOOR PLAN
 PROJECT NO. 14-101B-234
 DATE: 11/24/2014
 SCALE: AS NOTED BY: DRAWN: AMP
 SHEET 4 OF 5
 DRAWING NO. FP-C

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

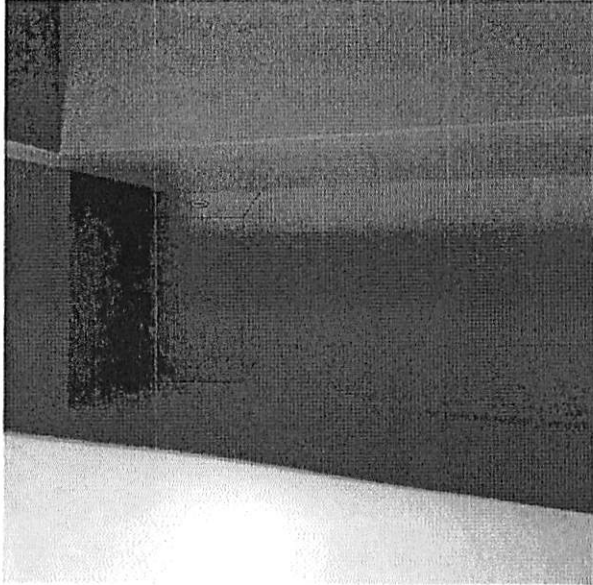
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 111-115 FRANK E. RODGERS BLVD SOUTH
 HARRISON, NEW JERSEY 07029
 PHONE 973.350.0069 FAX 973.350.0067

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
○	PULL BOX

PHOTO LOG



FDH LOCATION



FDT & RISER LOCATION



HALLWAY CONDITIONS

- LEGEND:**
- BUILDING PENETRATION
 - CORE PENETRATION
 - PROPOSED RISER
 - INTERIOR WALL PENETRATION
 - FIBER DISTRIBUTION HUB
 - FIBER DISTRIBUTION TERMINAL
 - RAPID FIBER DISTRIBUTION TERMINAL
 - CB COLLECTOR BOX

- ENTRANCE CABLE**
- RISER CABLE
 - EMT CONDUIT
 - FIBER DROP CABLE
 - INTERIOR MOLDING
 - MICRO-DUCT
 - INNERDUCT
 - PULL BOX

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 PHONE 718.742.1284 FAX 718.742.1293

PROJECT: 1473 2ND AVENUE
 NEW YORK, NY 10075
 DRAWING TITLE: PHOTO LOG
 PROJECT NO. 14-101B-234 DATE: 11/24/2014
 SCALE: DRAWN BY: AS NOTED BY: AMP
 DRAWING NO. PL
 SHEET 5 OF 6

GENERAL NOTES

- VERIZON TO ROD AND ROPE EXISTING P.O.E. FROM 2ND AVENUE TO VERIFY SPACE AND CONTINUITY WITHIN
- PROPOSED FDH TO BE LOCATED IN BASEMENT HALLWAY
- PROPOSED FDTs AND RISER TO BE LOCATED IN HALLWAYS
- PROPOSED 3M ONE PASS FIBER PATHWAY MOLDING TO BE INSTALLED IN HALLWAYS
- EXISTING CATV LOCATED IN INTERIOR OF BUILDING
- 3 PRONGED GROUNDED OUTLETS ARE PRESENT IN BUILDING AS PER ANTHONY 917-288-2734 ON NOV. 12TH AT 10:00 AM
- CORE PENETRATION REQUIRED FOR RISER CONSTRUCTION. FIRESTOP AND SEAL PER CODE
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO PERFORMING WORK AND CORE DRILLING
- ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING MANAGEMENT

<p>LEGEND:</p> <ul style="list-style-type: none"> ● BUILDING PENETRATION ● CORE PENETRATION ● PROPOSED RISER ● INTERIOR WALL PENETRATION ● FIBER DISTRIBUTION HUB ● FIBER DISTRIBUTION TERMINAL ● RAPID FIBER DISTRIBUTION TERMINAL ● CB COLLECTOR BOX 	<p>ENTRANCE CABLE</p> <ul style="list-style-type: none"> ● RISER CABLE ● EMT CONDUIT ● FIBER DROP CABLE ● INTERIOR MOLDING ● MICRO-DUCT ● INTERDUCT ● PULL BOX 	<p>DESIGNED BY:</p> <p>BluePath Telecommunications Engineering</p> <p>111-115 FRANK E. RODGERS BLVD SOUTH HARRISON, NEW JERSEY 07029 PHONE 973.350.0069 FAX 973.350.0067</p>	<p>BROAD GAUGE PROVIDED BY:</p> <p>CGI Corbel Communications</p> <p>875 EAST 145TH STREET BRONX, NEW YORK 10455 PHONE 718.742.1284 FAX 718.742.1293</p>	<p>PROJECT:</p> <p>DRAWING TITLE: 1473 2ND AVENUE NEW YORK, NY 10075</p> <p>PROJECT NO. 14-101B-234</p> <p>SCALE: AS NOTED BY: AMP</p>	<p>DRAWING NO. 11/24/2014</p> <p>GENERAL NOTES</p> <p>DRAWN BY: AMP</p> <p>AS NOTED BY: AMP</p> <p>DRAWING NO. GN</p> <p>SHEET 6 OF 6</p>
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scott lerman <rialtomanagement@gmail.com>

1473 second avenue

1 message

scott lerman <rialtomanagement@gmail.com>

Mon, Feb 9, 2015 at 3:31 PM

To: richard.fipphen@verizon.com

Hello. Rialto Management Corp received your Petition today. I was quite surprised to receive the Petition as Verizon has not responded to my phone calls to provide access. I had even sent a certified letter to Verizon to your legal department to get Verizon to respond to me after I tried to contact them to schedule an appt. Subsequent to the letter Verizon scheduled an appointment for this Thursday. I cannot understand why you would allege we did not respond, especially after your legal department received a certified letter advising we would allow access. Please immediately withdraw the Petition as it pertains to 1473 second avenue and send confirmation. Thank you . - Scott Lerman

--

Rialto Management Corp.
872 Madison Avenue #2A
New York, NY 10021

www.rialtomanagement.com
(212) 744-9644
Fax (212) 744-3678

Nothing set forth in this email and/or any attachments hereto is intended to, nor shall it be construed or deemed to be, an offer or acceptance, or binding obligation with respect to, any proposed agreement to lease any space. An agreement for the lease of any space shall not be effective, valid and enforceable unless and until all applicable documents therefor (referred to collectively as the "Lease") have been executed by all applicable parties thereto. In the event a brokerage commission is payable for a leased space, such commission shall not be deemed earned, due or payable unless and until the Lease for such space has been executed by all applicable parties thereto.

Exhibit E