140 West Street 27<sup>th</sup> Floor New York, NY 10007 Tel (212) 321-8115 Fax (212) 962-1687 richard.fipphen@verizon.com

Richard C. Fipphen Assistant General Counsel



March 4, 2014

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

Re: Matter 14-\_\_\_\_ – Petition of Verizon New York Inc. for Limited Orders of Entry for 27 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Limited Orders of Entry for 27 Multiple-Dwelling Unit Buildings in the City of New York.

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 <a href="http://www22.verizon.com/about/community/nypsc\_petitions.htm">http://www22.verizon.com/about/community/nypsc\_petitions.htm</a>.

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

Respectfully submitted,

Ruber C. Tolan

Richard C. Fipphen

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 27 Multiple-Dwelling Unit Buildings in the City of New York

<b>Matter 14</b>	
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#### PETITION FOR LIMITED ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Limited Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to conduct a pre-installation survey at 27 multiple-dwelling unit buildings ("MDUs") in the City of New York. In support of this Petition, Verizon states as follows:

# **Specific Location of the Properties**

1. Verizon seeks to conduct a pre-installation survey, in preparation for future installation of cable television facilities, at the 27 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 on Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access for purposes of performing a pre-installation survey, 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 enter each MDU to conduct a preinstallation survey, in preparation for future installation of Verizon's cable television facilities at the MDU, to allow Verizon to provide cable television service to residents in the MDU.

# <u>Proof of Service of Notice of Intention to Install Cable Television Facilities</u> and Service

4. Each MDU owner and/or managing agent received two letters from Verizon. Each letter was accompanied by a Notice of Intention to Install Cable Television Facilities and Service, as required by 16 NYCRR Part 898. Mailing dates of the notices for each building are set forth in Column H of Exhibit 1. Supporting documentation, including proof of delivery (if available), is provided in Exhibit 2.

### Name of the Individual Responsible for Installation

5. Thomas E. Miller, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed pre-installation surveys.

#### Indemnification

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

# <u>Pre-Installation Survey Work will be Conducted Without Prejudice to the Owner's Right to Receive Just Compensation</u>

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

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

**Pre-Installation Surveys** 

8. Verizon's formal efforts are set forth in Column H of Exhibit 1.

**Opportunity for the Owner to Answer the Petition** 

9. The owner of each MDU listed in 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 matter 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

conduct a pre-installation survey at each MDU, together with such other relief as the

Commission may deem just and proper.

Respectfully submitted,

RICHARD C. FIPPHEN

Pulsa C. Top

140 West Street, 27<sup>th</sup> floor

New York, New York 10007

(212) 321-8115

Counsel for Verizon New York Inc.

Dated: New York, New York March 4, 2014

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# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 27 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-\_\_\_\_

#### 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.

Rufe B. Clemons

**KEEFE B. CLEMONS** 

Dated: New York, New York March 4, 2014

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Limited Orders of Entry for 27 Multiple-Dwelling Unit Buildings in the City of New York

Matter 14-\_\_\_\_

### **DECLARATION OF LAURA A. SHINE**

A copy of the Petition of Verizon New York Inc. for Limited Orders of Entry for 27 Multiple-Dwelling Unit Buildings in the City of New York was sent on March 4, 2014 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 March 4, 2014

#### SERVICE LIST

Sempre Avanti Realty Corp. Attn: Christopher Verni 1 Station Plaza, Suite 2A Mamaroneck, NY 10543 304 West 92<sup>nd</sup> Street Realty LLC Attn: George Davis 304 West 92<sup>nd</sup> Street New York, NY 10025

67-25 Dartmouth Street Corp.Attn: Frank Didio74 Lafayette Avenue, Suite 201Westbury, NY 11590

TBM Housing Development Fund Co. c/o Beth Abraham Housing Attn: Michael Bialek 2540 Barker Avenue Bronx, NY 10467

229 East 29 Owners Corp. c/o RVP Management Corp. Attn: Ricardo Von Puttkammer 130 Madison Avenue, 2<sup>nd</sup> Floor New York, NY 10016

Undercliff Realty Corp. Attn: Labe Twerski 1651 Coney Island Avenue Brooklyn, NY 11230

Fred & Sons Realty Corp. Attn: Fred Leist 3857 Kings Highway Brooklyn, NY 11234 Maple Leasing Partnership c/o Kings & Queens Residential LLC Attn: John Cacaj 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

5712 Realty LLC Attn: Elmor Cooke 438 Kingston Avenue Brooklyn, NY 11225 Oak Leasing L.P. c/o Kings & Queens Residential LLC Attn: John Cacaj 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Park Chateau Owners Inc. c/o Argo Real Estate LLC Attn: Annette Loscalzo 50 West 17<sup>th</sup> Street, 6<sup>th</sup> Floor New York, NY 10011

Notre Dame Leasing LLC c/o Kings & Queens Residential LLC Attn: Marc Pollack 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

The Bromley Company LLC c/o Punia & Marx Inc.
Attn: Joseph Punia
P.O. Box 6817, 520 East Route 22
Bridgewater, NJ 08807

Surat Realty Attn: Delwar Hussain 400 Herkimer Street Brooklyn, NY 11213

Elm Leasing Limited Liability Company c/o Kings & Queens Residential LLC Attn: John Cacaj 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

221 Linden Property LLC Attn: Guido Schnall 95-04 Delancey Street New York, NY 10002

Cadillac Leasing Limited Partnership c/o Kings & Queens Residential LLC Attn: Gary Flamenbaum 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Lafrance Leasing Limited Partnership c/o Kings & Queens Residential LLC Attn: Aaron Goldfried 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

Mandalay Leasing Limited c/o Kings & Queens Residential LLC Attn: Juan Feliciano 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Copenhagen Leasing Limited c/o Kings & Queens Residential LLC Attn: Aaron Goldfried 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Ceylon Leasing Limited Partnership c/o Kings & Queens Residential LLC Attn: Juan Feliciano 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Singapore Leasing, L.P. c/o Kings & Queens Residential LLC Attn: Juan Feliciano 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

Columbia Leasing Limited Partnership c/o Kings & Queens Residential LLC Attn: Vicente Febre 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Brazilia Leasing LP c/o Kings & Queens Residential LLC Attn: Gary Flamenbaum 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

Mexico Leasing LLC c/o Kings & Queens Residential LLC Attn: Peter Paulsen 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374 Brisbane Leasing Limited Partnership c/o Kings & Queens Residential LLC Attn: Peter Ferrera 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374

Sydney Leasing Limited Partnership c/o Kings & Queens Residential LLC Attn: Peter Ferrera 97-77 Queens Boulevard, Suite 1210 Rego Park, NY 11374