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**Richard C. Fipphen**  
Assistant General Counsel



January 2, 2013

Honorable Jeffrey Cohen  
Acting Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

***Re: Case 13-V-\_\_\_\_ – Petition of Verizon New York Inc. for Order of Entry for 6 Buildings in the City of New York***

Dear Acting Secretary Cohen:

Verizon New York Inc. (“Verizon”) is filing the enclosed Petition for an Order of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber optic facilities to provide cable television service at 6 buildings in New York City. For the reasons set forth below, Verizon respectfully requests that the Commission act expeditiously on this petition.

As the Commission is well aware, Hurricane Sandy caused significant damage to Verizon’s central office and outside plant facilities in lower Manhattan. As part of Verizon’s efforts to restore service in lower Manhattan after Sandy, Verizon is replacing copper facilities that were destroyed or damaged beyond repair with fiber optic facilities. These fiber facilities will enable Verizon to provide voice, broadband and cable television services to the occupants of the affected buildings. Unfortunately, many building owners in lower Manhattan have refused to allow Verizon to install fiber facilities in their buildings, thereby preventing Verizon from

restoring telephone service to the tenants of those buildings. In many cases, the building owners' refusals have prevented Verizon from installing fiber optic facilities to some or all of the other buildings on the same city block. There are existing Verizon telecommunications customers in the affected buildings that are currently out of service due to Hurricane Sandy and the refusal of these building owners to permit Verizon to replace its damaged copper facilities with fiber optic facilities has prevented Verizon from restoring their telephone service. In some of these cases, building owners have demanded excessive compensation from Verizon to permit the installation of fiber optic facilities.

Today's petition covers six "stand-alone" properties where Verizon has been denied access to the building. Expeditious action by the Commission on this petition is critical to Verizon's ability to restore service to the affected customers.

If you or Commission Staff have any questions about this filing, please call me or Richard Bozsik at (518) 396-1020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Fipphen", written in a cursive style.

Richard C. Fipphen

cc: Brian Ossias, Esq. – Department of Public Service

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Petition of Verizon New York Inc. for Order of  
Entry for 6 Buildings in the City of New York**

**Case 13-V-\_\_\_\_\_**

**PETITION FOR ORDER OF ENTRY**

Verizon New York Inc. (“Verizon”) respectfully submits this Petition for an Order of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber optic facilities to provide cable television service at 6 buildings in the City of New York. In support of this Petition, Verizon states as follows:

**Request for Expedited Treatment**

1. Verizon seeks immediate Commission intervention in support of Verizon’s efforts to install fiber optic facilities to provide cable television services at 6 buildings in lower Manhattan. The owner or managing agent of each building has failed or refused to allow Verizon to install these facilities in their building. The refusal of the building owners to allow Verizon to install fiber optic facilities in these buildings has not only denied the occupants the ability to secure cable television services from Verizon, it has also frustrated Verizon’s ability to restore telecommunications services to the buildings in the aftermath of Hurricane Sandy, which caused irreparable damage to the existing Verizon facilities serving these buildings. There are existing Verizon telecommunications customers in each of the buildings who are currently out of service due to Hurricane Sandy and the refusal of these building owners to permit Verizon to replace its damaged copper facilities with fiber optic facilities has prevented Verizon from restoring their service. Verizon respectfully requests that the Commission act expeditiously on this petition to enable Verizon to restore service to the 6 buildings as quickly as possible.

### **Specific Location of the Properties**

2. The buildings at issue are listed in Exhibit 1 to this petition.

### **Owners and Agents**

3. The names of the owners and managing agents of each building are listed in columns D, E and F of Exhibit 1.

### **Description of the Work to be Performed**

4. 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 and broadband services in the building.

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

5. After several unsuccessful attempts by Verizon to secure permission to start the proposed FiOS installation, each owner and/or managing agent received a letter from Verizon along with a Notice of Intent to Install Cable Television Facilities. The evidence of mailing of the letter, with accompanying notice, for each building is set forth in column G of Exhibit 1 and in Exhibit 2.

### **Name of the Individual Responsible for Installation**

6. Thomas E. Miller, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed installations.

### **Indemnification**

7. 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**

8. 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**

9. Verizon's efforts are set forth in column G of Exhibit 1.

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

10. 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, 27<sup>th</sup> floor  
New York, New York 10007  
(212) 321-8115

Counsel for Verizon New York Inc.

Dated: January 2, 2013

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Petition of Verizon New York Inc. for Order of  
Entry for 6 Buildings in the City of New York**

**Case 13-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.



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**KEEFE B. CLEMONS**

Dated: New York, New York  
January 2, 2013

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**Petition of Verizon New York Inc. for Order of  
Entry for 6 Buildings in the City of New York**

**Case 13-V-\_\_\_\_\_**

**DECLARATION OF DAVID W. HAYES**

A complete copy of the Petition of Verizon New York Inc. for Order of Entry for 6 Buildings in the City of New York was sent on January 2, 2012 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.



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**DAVID W. HAYES**

Dated: Albany, New York  
January 2, 2013

## SERVICE LIST

Frank Vasta  
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