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

NYC FIOS Real Estate Department
140 West Street - Room 1105
New York, New York 10007
& Via Email: nycfios@verizon.com

Verizon
140 West Street - 6th Floor
New York, New York 10007
Attn: Richard C. Fipphen, Esq.
Assistant General Counsel
& Via Email: richard.fipphen@verizon.com

**RE: PROPERTY ID: 8072658
S.W. MANAGEMENT
64-85 BOOTH STREET
QUEENS, NEW YORK
CASE NO.: 14-V
PETITIONER: VERIZON NEW YORK INC.
FOR ORDERS OF ENTRY FOR 62 MULTIPLE
DWELLING UNIT BUILDINGS IN THE CITY
OF NEW YORK and ORDER ISSUED MAY 22,
2015
CASE NO.: 15-V-0170**

Dear Hon. Kathleen H. Burgess/ Richard C. Fipphen/Real Estate Department:

This office represents S.W. Management LLC, managing agent for 64-85 Booth Street, Queens, New York.

We are in receipt of a certain order issued and effective May 22, 2015, copy attached (Exhibit "A"). We furthermore acknowledge receipt by our client of the initial petition dated on or about July 24, 2014.

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.

This office has interposed answers in a number of petitions brought by Verizon for a number of different properties owned or managed by S.W. Management LLC and/or its affiliates. Notably in this case, no answer was submitted since the property owners were in constant communication with Verizon and had set up access and were in the process of reaching an amicable accommodation regarding Verizon/FIOS requirements of access juxtaposed with the owners' requirements regarding insurance, lack of disruption to the premises, etc.

I enclose herein, for instance, correspondence dated July 8, 2014 (Exhibit "B") from the Verizon NYC FIOS Real Estate Department indicating that the parties were working amicably together regarding installation of the necessary facilities. Accordingly, the allegations of the petition in support of this attached order were, at a minimum inaccurate as they included representations that the owner affirmatively refused access or failed to respond.

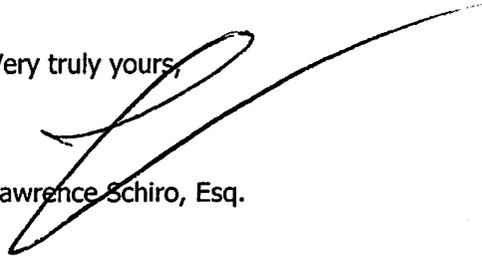
See also in furtherance of the above, correspondence between Mr. Isaac Benishai and Taran Maynard and Michelle Martone at Telecom Planning, one of the Verizon contractors, from December 3, 2014 (Exhibit "C"). In that correspondence he asked Ms. Martone to make revisions to the CODA based upon the site visit she performed with the building manager. Ms. Martone did not respond to their revision request. In a later correspondence, on June 2, 2015, Ms. Maynard, an assistant of Ms. Martone's, confirmed that Ms. Martone received the email in December 2014. Ms. Maynard said that Verizon was advised of the change request but nothing was done about it by Verizon. She also was "not exactly sure why you received a letter from the PSC (public service commission)."

Furthermore, Mr. Richard Fipphen, counsel for Verizon New York Inc., was copied on the December 2014 correspondence.

Hence, we believe the order issued and effective May 22, 2015 is entirely inappropriate, does not factually recite the conditions regarding the parties' interactions regarding 64-85 Booth Street, Queens, New York, and we therefore request the order be vacated in its entirety regarding said property, and if that cannot be done, then we request an administrative review and/or appeal of the order so that we can address our concerns.

We look forward to an expeditious response.

Very truly yours,


Lawrence Schiro, Esq.

LS:jn

Enc.

cc: Isaac Benishai
S.W. Management
502 East 79th Street - #B-1
New York, New York 10075

Eugene Reisman
Via Email

BLACKSTONE STATIONERS, INC.
555 Greenwich Street
Hempstead, N.Y. 11550
(516) 485-9000 or (800) 632-2273

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 14, 2015

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair
Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman

CASE 15-V-0170 - Petition of Verizon New York Inc. for Orders of
Entry for 62 Multiple-Dwelling Unit Buildings
in the City of New York.

ORDERS OF ENTRY

(Issued and Effective May 22, 2015)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On July 24, 2014, Verizon New York Inc. (Verizon) filed a Verified Petition for Orders of Entry (petition) seeking access to 62 Multiple-Dwelling Unit Buildings in the City of New York (premises). Subsequent to the Company's filing, it was successful in obtaining access to 16 of those properties and withdrew its complaint. In addition, the Company advises that it is currently working with 15 other properties that are cooperating with Verizon and, thus, there is no need, at this time, to decide the petitions against those premises. The Commission or Verizon also received responses from four other properties opposing the company's installations.¹ For the

¹ The Department of Public Service Staff (Staff) intends to work with Verizon and those property representatives in the future. If Staff is unsuccessful in facilitating mutually agreed upon access by Verizon, Staff will recommend further action for Commission consideration.

remaining 27 properties, we have not received any responses. The management of those premises have, according to Verizon, denied access to the company and failed to return correspondences and notices requesting access from both the company and Staff.

Access by Verizon is required for the purpose of installing cable television facilities to provide cable service to tenants residing in its franchise area and to upgrade its equipment. A landlord is prohibited from interfering with the installation of cable television facilities upon a property or premises (Public Service Law (PSL) §228(1)(a)). Upon failure of a landlord to grant access, the Commission may issue an Order of Entry, provided the cable television company complies with applicable statutory and regulatory requirements (PSL §228(1)(a) and 16 NYCRR Part 898). In its petition, Verizon submits information establishing that it complied with the statutory and regulatory requirements and conditions necessary for granting an Order of Entry. Accordingly, we grant Verizon's request for Orders of Entry to install its cable television facilities on the premises listed in the attachment to this order, as requested in its petition.

PETITION

Verizon seeks to enter the premises for the purpose of installing 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.

In its petition, the company provides details of its attempts to gain access to the premises including: numerous letters and notices in 2013 attempting to discuss with management the company's right and obligation to provide cable services and description of the required access; and, service on the premises' management of Notices of Intention to Install Cable Television Facilities (Notice of Intent) and its Verified Petition for Order of Entry.

The petition also states that Verizon will assume the entire cost of installation of its facilities; has obtained insurance to indemnify the building's management for any damage caused in connection with the installation, operation and removal of equipment; and, will install the facilities in a manner that protects the safety, functioning and appearance of the premises and convenience and well-being of its tenants. To

date, the company states that the owner has not responded to its requests and repeated attempts to gain entry to the premises. The premises management did not file a response to the petition, despite a request by Department of Public Service Staff for an explanation of the failure to provide access to Verizon for installation of its cable television facilities.

DISCUSSION

No landlord shall interfere with the installation of cable television facilities upon a property or premises, provided the installation conforms to reasonable conditions necessary to protect the safety, functioning and appearance of the premises and convenience and well being of the tenants; and, the cable television company assumes the entire cost and agrees to indemnify the owner for any damage caused by the installation, operation or removal of the equipment and facilities (PSL §228(1)(a)). The Commission's rules establish requirements for access to premises for installation of cable television facilities. These requirements include service of a Notice of Intent at least 15 days prior to commencement of the installation (16 NYCRR §898.3); if installation of the facilities is not effected pursuant to the Notice, submission to the Commission and service on the landlord of a verified petition containing specific information; and, opportunity for the landlord to answer the petition within 20 days of its receipt.

In its petition, Verizon proposes a reasonable plan for its cable installation, and states that its installation plan will protect the safety, functioning and appearance of the premises and the tenant's convenience and well-being. In addition, it will bear the costs of the installation, operation or removal of its facilities and indemnify the landlord for any

damage caused by the installation, operation or removal. It provided the information required in our rules for granting an Order of Entry, including proof of service of its Notice of Intent on the landlord, a description of the proposed installation, proof of insurance, and a summary of efforts to effectuate entry. Accordingly, Verizon complied with the requirements established for granting Orders of Entry (PSL §228(1)(a) and 16 NYCRR §898.4).

Our rules provide that, upon failure of a landlord to answer a petition or appear in an Order of Entry proceeding, the Commission may grant the petitioning cable television company an Order of Entry (16 NYCRR §898.4). A statutory obligation is imposed on a landlord to provide a right of entry for installation of cable television facilities, upon reasonable conditions; and, the owner of the premises did not respond to requests for access or an explanation of the failure to provide access.

Granting access to the premises in this instance is necessary to ensure that Verizon is able to provide its customers enhanced cable service including, but not limited to, digital television and high speed cable modem services in compliance with its obligations under the franchise agreement with the City of New York. Verizon is obligated, pursuant to its franchise agreement with the City of New York to provide cable service upon request and to upgrade its system to offer these enhanced services. Therefore, granting access to the premises serves a valid public interest.

The Commission determines that Verizon complied with the requirements of PSL §228(1)(a) and 16 NYCRR Part 898 and grant Verizon Orders of Entry for the properties attached to this order. These Orders of Entry are granted without prejudice

to the legal rights of the owner, including just compensation² under PSL §228 and 16 NYCRR Part 898. Finally, the Commission has heard from a number of property owners regarding Verizon's tactics that it utilizes to try to gain access to the premises the Company seeks to enter to install equipment. We note here, that despite its purported failed attempts to gain access to those premises listed below as well as any others, the Commission fully expects the company to exercise appropriate action in its attempts to enter those premises and adhere to the Commission rules and regulations for access.

CONCLUSION

Verizon complied with the requirements of PSL §228(1)(a) and 16 NYCRR §898.4. Orders of Entry to the premises attached hereto for installation and upgrade of cable television facilities and related equipment, as requested in the petition, is granted.

The Commission orders:

1. The petition of Verizon New York Inc. for Orders of Entry to enter the premises attached hereto for the purpose of installing and upgrading its cable television facilities is granted, subject to the legal rights of the owner under Public Service Law §228 and 16 NYCRR Part 898.

² A landlord is entitled to just compensation (Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y.2d 124 (1981)); the Commission is authorized to determine the reasonable compensation for installation of cable television facilities (Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982), on remand, 58 N.Y.2d 142 (1984)); and, the New York State Commission on Cable Television determined that a landlord is entitled to a one-time payment of one dollar, in the absence of a special showing of greater damages attributable to the installation.

BLACKSTONE STATIONERS, INC.
555 Greenwich Street
Hempstead, N.Y. 11550
(516) 485-9000 or (800) 632-2273



Telecom Planning
200 Corporate Plaza, Suite 201
Islandia, NY 11749



NYC FiOS Real Estate Department
140 West Street, Room 1105
New York, NY 10007
Phone: (888)364-3467
NYCFiOS@verizon.com

6/8/2015

Property ID: 8072658
S.W. Mgmt.
64-85 Booth St.
Queens, NY

Attn: Adam Onopiak #718 762-1901 Adam@SWQueensmezzanine.com / Isaac Benishai #917-539-5619 IB@SWQueensmezzanine.com

RE: Notice of Intention to Install Cable Television Facilities and Service at: 64-85 Booth Street

Dear Sirs:

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

Verizon and its engineering/design representative, Telecom Planning, 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 of its FiOS facilities. Please review the enclosed design plan and other documentation, and provide us with your approval and signature on the Certificate of Acceptance of Proposed Work as soon as possible, so that we may move forward with the construction process.

Verizon is focused on the FiOS installation to your property as we work to meet commitments to our customers to provide television services over our FiOS network. For additional information on our proposed work start date and on Verizon's process for installing cable television facilities on private property, please see the enclosed form, "Notice of Intention to Install Cable Television Facilities and Service," which includes a copy of the relevant New York law related to this process. Please note that the enclosed notice is required by the rules of the New York Public Service Commission ("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 Ken O'Connor at 631-923-2490. Otherwise, please return the signed Certificate of Acceptance to Mr. Ken O'Connor at 200 Corporate Plaza, Suite 201, Islandia, New York 11749. If you wish you can fax the signed Certificate to 631-923-2489. Thank you for your cooperation and assistance.

Sincerely,
NYC FiOS Real Estate Department

**FiOS Construction Coordination Sheet
for 64-85 BOOTH ST. ("Building")**

Access Procedures during FiOS Network Construction

Work Hours:	Start: Monday thru Friday	Stop:
Daily check-in procedures:	N/A	
Entrance(s) to be used, if not main entrance to Building:	N/A	
Restricted areas of Building:	N/A	
Procedures for obtaining and using keys for locked areas of Building:	SEE SUPER	
Subcontractor(s) approved to do work in the Building on behalf of Verizon:	N/A	

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 Project Manager:	Name:	Phone:	Email:
Building On-Site Contact:	Name: ADAM	Phone: 718-762-1901	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 
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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: 3M ONE PASS FIBER MOLDING	Molding Color: N/A	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:	N/A

Certificate of Acceptance of Proposed Work

Date: 6/8/15

Verizon Property ID: 8072658

Property Address: 64-85 BOOTH STREET Block: 3085 Lot: 0055

in the City/Town of QUEENS, 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: ADAM ONOPIAU SR. MGR. (print)

Title: SR. MANAGER.

Date: 6/10/2015.

Attachments:

- Notice of Intention to Install Cable Television Facilities and Service
- 2. Schematic dated: 10/16/13
- 3. Construction Coordination Document

**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 service upon your property at 64-85 Booth St. Verizon New York Inc. would like to perform this installation/upgrade on or after 7/8/2015. 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 with 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 NYC Verizon FiOS Real Estate Department at #888-364-3467 or NYCFIOS@verizon.com.

The installation/upgrade of cable television service will likely enhance the value of your property, and 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 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, NY 12223-1350, Tel. No. (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: 6/8/2015

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 necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;

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

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

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

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

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

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

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

§898.1 Prohibition

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

§898.2 Just Compensation

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

§898.3 Notice of installation

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

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

- (i) the name and address of the cable television company;
- (ii) the name and address of the landlord;
- (iii) the approximate date of the installation; and
- (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.

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

§898.4 Right of Entry

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

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

- (1) proof of service of a notice of intent to install cable television service upon the landlord;
- (2) the specific location of the real property;
- (3) the resident address of the landlord, if known;
- (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
- (5) the name of the individual or officer responsible for the actual installation;
- (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
- (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part;
- (8) a summary of efforts by the cable television company to effect entry of the property for installation; and
- (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable television company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation

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

§898.6 Contents of application for just compensation

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

- (a) the location and amount of space occupied by the installation;
- (b) the previous use of such space;
- (c) the value of the applicant's property before the installation of cable television facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
- (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application

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

§898.8 Responses

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

§898.9 Hearing and determination

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

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

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

BLACKSTONE STATIONERS, INC.
555 Greenwich Street
Hempstead, N.Y. 11550
(516) 485-9000 or (800) 632-2273

Isaac Benishai

From: Taran Maynard <TMaynard@telecomplanning.net>
Sent: Tuesday, June 02, 2015 1:32 PM
To: Isaac Benishai
Subject: RE: 64-85 Booth Street-FIOS-PSC Complaint

Thank you for forwarding this. From what I was able to check out Michelle did receive this e-mail regarding how you wanted the survey written. She let Verizon know about the changes because we were not the company who did the survey therefore we cannot change it. So I am not exactly sure why you received a letter from the PSC. I will have her look into if the changes were ever made by Verizon and she will get back to you tomorrow.

From: Isaac Benishai [mailto:ib@swmanagement.com]
Sent: Tuesday, June 02, 2015 12:37 PM
To: Taran Maynard
Subject: FW: 64-85 Booth Street-FIOS-PSC Complaint

Isaac Benishai
502 East 79th Street, B-1
New York, New York 10075
646-864-2973, ext. 272

From: Isaac Benishai
Sent: Wednesday, December 03, 2014 1:55 PM
To: Michelle Martone
Cc: Fipphen, Richard C; Seigal, Alyson M; Adam Onopiak; Stuart Berger
Subject: RE: 64-85 Booth Street-FIOS-PSC Complaint

Michelle:

On page 1 of the survey, it states: "place FDT's in trash closets on each floor as shown and run tails down to collector in 1st floor trash closet."

On page 3 of the survey, it shows the stairwell as an "alternate location" for the FDT location.

Can you please specify on page 1 of the survey that FIOS will use, as it stated on page 3 of the survey, the "alternate location" for the FDT, and internal FIOS cable run?

Thank you,

Isaac Benishai
502 East 79th Street, B-1
New York, New York 10075
646-864-2973, ext. 272

From: Michelle Martone [mailto:Mmartone@telecomplanning.net]
Sent: Wednesday, December 03, 2014 1:42 PM
To: Isaac Benishai

Cc: Fipphen, Richard C; Seigal, Alyson M; Adam Onopiak; Stuart Berger
Subject: RE: 64-85 Booth Street-FIOS-PSC Complaint

After reading the description on the High Level Survey (page 1) it indicates that the Trash closets are tight and that the stairwells would be a better choice and can certainly be used. There is no need to send anyone out there.

From: Isaac Benishai [<mailto:ib@swmanagement.com>]
Sent: Wednesday, December 03, 2014 1:08 PM
To: Michelle Martone
Cc: Fipphen, Richard C; Seigal, Alyson M; Adam Onopiak; Stuart Berger
Subject: 64-85 Booth Street-FIOS-PSC Complaint
Importance: High

Michelle:

Our design preference here is to run the FIOS cables within the staircase, as opposed to the trash closets. If you would like, a manager can walk-thru the property with a FIOS rep.

Please advise.

Thank you,

Isaac Benishai
502 East 79th Street, B-1
New York, New York 10075
646-864-2973, ext. 272

Isaac Benishai

From: Michelle Martone <Mmartone@telecomplanning.net>
Sent: Wednesday, June 10, 2015 11:10 AM
To: Isaac Benishai
Subject: RE: 64-85 Booth Street - CODA

Yes – I will send this right over.

From: Isaac Benishai [mailto:ib@swmanagement.com]
Sent: Wednesday, June 10, 2015 10:32 AM
To: Michelle Martone
Subject: 64-85 Booth Street - CODA

Michelle:

Attached please find the signed CODA for 64-85 Booth Street. Will you notify the PSC that a CODA has been signed?

Thank you,

Isaac Benishai
502 East 79th Street, B-1
New York, New York 10075
646-864-2973, ext. 272