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Joseph A. Post
Assistant General Counsel

November 21, 2007

BY HAND

Honorable Jaclyn A. Brilling
Secretary
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: Case 07-V-____

Dear Secretary Brilling:

Enclosed please find an original and three (3) copies of the Petition of Verizon New York Inc. ("Verizon") for confirmation, pursuant to § 221 of the Public Service Law, of a cable franchise awarded to Verizon by the Village of Huntington Bay, New York.

The cable service that Verizon proposes to offer in Huntington Bay is a key component of the suite of advanced services (known as "Verizon FiOS[SM]") that will be provided through the use of innovative Fiber-to-the-Premises ("FTTP") technology. Verizon FiOS will provide the residents of Huntington Bay with a robust array of high-quality video services, as well as a new competitive alternative to the video services currently offered by incumbent cable and satellite providers.

Verizon's proposed offering of FiOS video service in Huntington Bay complies in all respects with the requirements of New York and federal law, and will provide valuable benefits to consumers in the franchise area. Moreover, Verizon is already technically and operationally capable of offering cable service in significant portions of the franchise area. (*See* Petition ¶ 9.) Accordingly, Verizon respectfully requests that the Commission promptly review the Petition and approve it at its December 12, 2007 session.

Respectfully submitted,

Joseph A. Post

cc: Village of Huntington Bay
Ms. Lynn Pincomb
Village Administrator
Village of Huntington Bay
244 Vineyard Road
Huntington Bay, New York 11743

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Verizon New York Inc. Pursuant to Section 221 of the Public Service Law for Confirmation of a Cable Television Franchise Awarded by the Village of Huntington Bay, New York (Suffolk County)	**Case 07-V-____**

PETITION FOR CONFIRMATION

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Counsel for Verizon New York Inc.

November 21, 2007

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PETITION FOR CONFIRMATION

Verizon New York Inc. ("Verizon") respectfully requests that the Commission confirm, pursuant to § 221 of the Public Service Law, a non-exclusive cable franchise (the "Franchise") that has been awarded to Verizon by the Village of Huntington Bay, a municipality located in Suffolk County (the "Franchisor").

The Franchise, and Verizon's proposed offering of cable service in Huntington Bay pursuant to the Franchise, comply with all applicable requirements of federal and state law. Moreover, prompt approval of the Franchise would be in the public interest and would provide important benefits to the people of this State.

First, cable service is a key component of the suite of services (known as "Verizon FiOS$^{SM"}$) that Verizon intends to offer over its Fiber-to-the-Premises ("FTTP") platform. FTTP is an innovative new technology that uses fiber-optic cable and optical electronics to link homes and businesses directly to Verizon's network. Aside from making advanced services — including a robust array of video services — available to Verizon's customers, FTTP exemplifies the substantial investments that Verizon has been making in new network technologies. By approving and confirming the Franchise, the Commission will thus be demonstrating its own commitment to policies that encourage innovation and network investment.

Second, the offering of FiOS video services by Verizon will provide a competitive alternative to conventional cable and satellite services, thus promoting the emergence in the video market of the same sort of healthy competition that already exists in the telecommunications voice market — with the price and service discipline that is associated with such competition.

Accordingly, Verizon respectfully requests that the Commission review this Petition and confirm the Franchise on an expedited basis.

I. INFORMATION SUBMITTED IN SUPPORT OF THE PETITION

In support of this Petition, Verizon states as follows:[1]

1. The applicant for confirmation and approval of the Franchise is Verizon. Verizon's contact for purposes of this application is Thomas McCarroll, Vice President — Regulatory Affairs, 158 State Street, Albany, New York 12207, (518) 396-1001. The municipality that will be served pursuant to the Franchise is the Franchisor. Verizon anticipates that it will begin offering service to the public for hire pursuant to the Franchise as soon as is practicable after the Commission confirms the Franchise. (16 NYCRR § 897.2(a))

2. True copies of the Franchise and the resolution authorizing the Franchise are provided as Attachments A and B, respectively, to this Petition. A public hearing on Verizon's application for a franchise was held by the Franchisor on November 19, 2007, at Village Hall, 244 Vineyard Road, Huntington Bay, New York, starting at approximately 7:30 P.M. A true copy of the affidavit of publication of the notice of public hearing is provided as Attachment C to this petition. (16 NYCRR § 897.2(b))

[1] Each of the numbered paragraphs in this section of the Petition identifies the statute or regulation that requires Verizon to provide the information set forth in the paragraph.

3. True copies of the documents submitted by Verizon to the Franchisor as part of, or in support of, its application for the Franchise are included in Attachment D to this petition. (16 NYCRR § 897.2(c))

4. The facilities in New York State that will be used to provide cable television service pursuant to the Franchise are owned by Verizon. (16 NYCRR § 897.2(d))

5. The technical specifications and design of the cable system are described in Attachment E to this Petition.

The Commission's rules do not require, and Verizon's initial service plan for the Franchise does not include, origination cablecasting. Verizon meets all of the Commission's regulations regarding the provision of PEG access channels. With respect to access cablecasting, *see* section 5.1.3 of the Franchise included as Attachment A to this Petition. (16 NYCRR § 897.2(e))

6. Verizon's proposed operation of the cable system at issue in this Petition would not be in violation of, or in any way inconsistent with, any applicable federal or State law or regulation. (16 NYCRR § 897.2(f))

7. A copy of this Petition is being served upon the Administrator for the Franchisor,[2] and proof of such service is provided as Attachment F to this Petition. (Publ. Serv. L. § 221(1); 16 NYCRR § 897.2(g))

8. A notice of this Petition will be published on November 26, 2007 in Newsday. Newsday is a newspaper of general circulation in the Village of Huntington Bay. Verizon has submitted the notice to that newspaper, has arranged for payment of the necessary charges, and

[2] The Village Administrator is the Huntington Bay official whose responsibilities are closest to those of a village clerk.

has been assured that the notice will be published on the specified date. Proof of these facts is provided as Attachment G to this Petition. Verizon will file a supplemental affidavit confirming the actual publication of the notice following publication. (16 NYCRR § 897.2(g))

9. Verizon already has the technical and operational ability to offer cable service in significant portions of the franchise area. In order to maximize the benefits that cable competition will bring to the area, we respectfully request that the Commission rule on this Petition at its December 12, 2007 session.

II. ISSUES RELATING TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

A Department of Environmental Conservation "Full Environmental Assessment Form" ("EAF") for Verizon's offering of cable service in Huntington Bay pursuant to the Franchise, together with certain supplemental materials, is provided as Attachment H to this Petition. Verizon has completed Part 1 of the form, which calls for information to be provided by the "Project Sponsor"; Parts 2 and 3 are to be filled out by the Commission.

It is Verizon's position that submission of an EAF is not required for the activities at issue in this Petition, and that even if such a submission were required, a short-form EAF would suffice.[3] Attachment H is submitted without prejudice to that position, at Staff's request, and in recognition of the fact that the Commission has concluded in previous orders that the offering of cable service by Verizon is an "unlisted" action — rather than a Type II action or a non-action — under the State Environmental Quality Review Act ("SEQRA"). Even if the Commission concludes that submission of an EAF is required, it should determine on the basis of

[3] For an explanation of the basis of this position, *see* Section II of Verizon's October 6, 2005 petition for confirmation of a franchise granted by the Village of Massapequa Park, New York (Case 05-V-1263).

Attachment H that the actions at issue here will not have a significant effect on the environment — *i.e.*, the Commission should issue a "negative declaration" under SEQRA — as it has done in prior Verizon confirmation proceedings.

III. CONCLUSION

The Franchise, and Verizon's proposed offering of FiOS video services in Huntington Bay pursuant to the Franchise, comply in all respects with applicable laws. Moreover, the proposed offering of a new alternative to the video services provided by incumbent cable and satellite providers, utilizing Verizon's FTTP platform, is in the public interest. Accordingly, the Commission should promptly review this Petition and based on such review should confirm and approve the Franchise. Further, if the Commission concludes that review under SEQRA is required in connection with its confirmation and approval of the Franchise, it should determine that Verizon's proposed offering of cable service pursuant to the Franchise will not have a significant adverse environmental impact, and it should accordingly include a negative declaration under SEQRA in its confirmation order.

Respectfully submitted,

Joseph A. Post

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Counsel for Verizon New York Inc.

November 21, 2007

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Verizon New York Inc. Pursuant to Section 221 of the Public Service Law for Confirmation of a Cable Television Franchise Awarded by the Village of Huntington Bay, New York (Suffolk County)

Case 07-V-____

VERIFICATION

STATE OF NEW JERSEY)
) ss.:
COUNTY OF SOMERSET)

VERONICA C. GLENNON, being duly sworn, deposes and says:

I am an officer — specifically, an Assistant Secretary — of Verizon New York Inc., the Petitioner in this proceeding. 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, the foregoing Petition is true.

Veronica C. Glennon

VERONICA C. GLENNON

Sworn to before me
this 20th day of November, 2007

JoAnne Ardissone

Notary Public

JoAnne Ardissone
Notary Public, State of New Jersey
My Commission Expires
July 13, 2011

LIST OF ATTACHMENTS TO THE PETITION

A. True copy of the Franchise

B. True copy of the resolution authorizing the Franchise

C. True copy of the affidavit of publication of notice of public hearing

D. True copies of documents submitted by Verizon to the Franchisor

E. Technical specifications and design of the cable system

F. Proof of service of the Petition upon the Franchisor

G. Proof of publication of notice of the Petition

H. Environmental Assessment Form, with supplemental materials