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**Joseph A. Post**  
Deputy General Counsel – NY



December 21, 2010

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

***Re: Case 10-V-\_\_\_\_\_***

Dear Secretary Brillling:

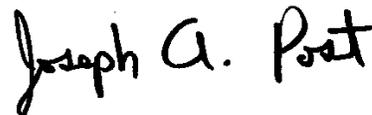
Enclosed please find the Petition of Verizon New York Inc. (“Verizon”) for confirmation, pursuant to § 221 of the Public Service Law, of a cable franchise awarded to Verizon by the Village of Colonie, New York.

The cable service that Verizon proposes to offer in Colonie is a key component of the suite of advanced services (known as “Verizon FiOS<sup>SM</sup>”) that will be provided through the use of innovative Fiber-to-the-Premises (“FTTP”) technology. Verizon FiOS will provide the residents of Colonie 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.

Honorable Jaclyn A. Brillling  
December 21, 2010

Verizon's proposed offering of FiOS video service in Colonie complies in all respects with the requirements of New York and federal law, and will provide valuable benefits to consumers in the franchise area. Accordingly, Verizon respectfully requests that the Commission review and approve this Petition on an expedited basis.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph A. Post". The signature is written in a cursive, slightly slanted style.

Joseph A. Post

cc: Village of Colonie  
Ms. Pat Hurley  
Village Clerk  
Village of Colonie  
2 Thunder Road  
Albany, New York 12205

**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  
Colonie, New York (Albany County)**

**Case 10-V-\_\_\_\_\_**

**PETITION FOR CONFIRMATION**

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, NY 10007-2109  
(212) 321-8126**

**Counsel for Verizon New York Inc.**

**December 21, 2010**

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**STATE OF NEW YORK  
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**Case 10-V-\_\_\_\_\_**

**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 Colonie, a municipality located in Albany County (the “Franchisor”).

The Franchise, and Verizon’s proposed offering of cable service in Colonie 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<sup>SM</sup>”) 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:<sup>1</sup>

1. The applicant for confirmation and approval of the Franchise is Verizon.

Verizon's contact for purposes of this application is Richard Bozsik, Director — Regulatory Affairs, 158 State Street, Albany, New York 12207, (518) 396-1020. 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 8, 2010 at Village Hall, 2 Thunder Road, Albany, New York, starting at approximately 6:30 P.M. A vote on the franchise was taken on December 13, 2010. 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))

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<sup>1</sup> 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.

Verizon currently offers origination cablecasting in its franchised areas on Long Island and in parts of Brooklyn. 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 Clerk for the Franchisor, 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 December 27, 2010 in The Times Union. The Times Union is a newspaper of general circulation in the Village of Colonie. Verizon has submitted the notice to that newspaper, has arranged for payment of the necessary charges, and 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))

## **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 Colonie, 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.<sup>2</sup> 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 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**

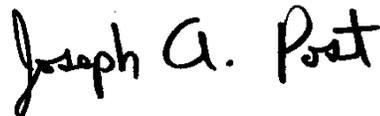
The Franchise, and Verizon’s proposed offering of FiOS video services in Colonie pursuant to the Franchise, comply in all respects with applicable laws. Moreover, the proposed offering of a new alternative to the video services provided by incumbent cable and satellite

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<sup>2</sup> 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).

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,**

A handwritten signature in black ink that reads "Joseph A. Post". The signature is written in a cursive, slightly slanted style.

**JOSEPH A. POST  
140 West Street — 27<sup>th</sup> Floor  
New York, New York 10007-2109  
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**Counsel for Verizon New York Inc.**

**December 21, 2010**

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Case 10-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  
December 21, 2010**

## **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