140 West Street 6<sup>th</sup> Floor New York, NY 10007 (212) 519-4717



Joseph A. Post Deputy General Counsel – NY

August 30, 2017

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

Re: Matter 17-\_\_\_\_ – Petition of Verizon New York Inc. for Orders of Entry for 44 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Orders of Entry for 44 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 44 properties. Verizon requests that orders of entry be issued by the Commission directing the owner of each building to permit Verizon to install cable television facilities, as provided in Section 898.4(b)(9) of the Commission's Rules.

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://www.verizon.com/nypscpetitions">http://www.verizon.com/nypscpetitions</a>.

Respondents: If you believe that your building was included in this Petition in error or you are now willing to allow installation of Verizon's cable television facilities, the quickest and most efficient way of letting us know is to send an email to <a href="mailto:228correspondence@verizon.com">228correspondence@verizon.com</a>. We will review and follow up on your email promptly. Please include in the email message your name, company, telephone number, email address and the address of the building (as it appears on Exhibit 1 of the Petition).

Respectfully submitted,

Joseph a. Post

Joseph A. Post

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 44 Multiple-Dwelling Unit Buildings in the City of New York

Matter	17

#### PETITION FOR ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber-optic facilities to provide cable television service at 44 multiple-dwelling unit ("MDU") buildings in the City of New York. In support of this Petition, Verizon states as follows:

# **Specific Location of the Properties**

1. Verizon seeks to install fiber-optic facilities to provide cable television service at the 44 MDUs listed in Exhibit 1. Each MDU is a residential building; the address of each MDU is set forth in Columns B and C of Exhibit 1.

### **Owners and Agents**

2. The names of the current owners and managing agents of each MDU are listed in Columns D, E, and F of Exhibit 1.

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

3. 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 telephony and broadband services in the building. Pre-installation surveys of each property have been completed. Column H of Exhibit 1 sets forth the type of installation that Verizon intends to use for each building.

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

4. After several unsuccessful attempts by Verizon to secure permission to start the proposed fiber-optic installation, each owner and/or managing agent received a letter from Verizon along with a Notice of Intent to Install Cable Television Facilities. Mailing dates of the notices for each building are set forth in Column G of Exhibit 1. Supporting documentation is provided in Exhibit 2.

### Name of the Individual Responsible for Installation

5. Alyson Seigal, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed installations.

### **Indemnification**

6. 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, and that it has insurance covering such installation, proof of which can be produced upon request.

# <u>Installation Work Will Be Conducted without Prejudice to the Owner's Right to Receive Just Compensation</u>

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

### **Summary of Verizon's Efforts to Gain Entry to the Buildings**

8. Verizon's formal efforts to gain entry to the identified properties are set forth in Column G of Exhibit 1. In addition to those efforts, Verizon has attempted to contact the owners and managing agents by telephone and/or e-mail to secure access to the properties, without success. Verizon has been unable to obtain access to install its facilities for reasons that may

include, but are not necessarily limited to, refusals to permit access, delays by building owners or

managing agents in communicating with Verizon or in reaching a decision, and requests to defer

work by Verizon pending building renovations or other activity. Verizon will continue

attempting to work cooperatively with building owners and managing agents to obtain access,

and will periodically advise the Commission of the progress of such efforts.

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

9. 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,

JOSEPH A. POST

140 West Street, 6<sup>th</sup> Floor

Joseph a. Post

New York, NY 10007

(212) 519-4717

Counsel for Verizon New York Inc.

Dated: August 30, 2017

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# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 44 Multiple-Dwelling Unit Buildings in the City of New York

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### 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. To the best of my knowledge, based on information provided by employees of the Petitioner and its affiliates, the foregoing Petition is true.

KEEFE B. CLEMONS

Dated: New York, New York August 30, 2017

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 44 Multiple-Dwelling Unit Buildings in the City of New York

Matter 17-\_\_\_\_

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

I have taken steps to ensure that a copy of the Petition of Verizon New York Inc. for Orders of Entry for 44 Multiple-Dwelling Unit Buildings in the City of New York was sent on August 30, 2017 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 August 30, 2017

### SERVICE LIST

901 Bklyn Realty, LLC c/o Brooklyn Equities 11 LLC Attn: John Southerland 300 Camdan Plaza West, 12th Floor

Brooklyn, NY 11201

Clear Realty Corp.
c/o B.P.C. Management Corp.
Attn: Rick Manero
80 Livingston Street, #1

Brooklyn, NY 11201

Micbry Associates LLC c/o Finkelstein Timberger East Real Estate LLC Attn: Audrey Gladden 111 Brook Street, 2nd Floor Scarsdale, NY 10583 MSMC Residential Realty LLC c/o Rose Associates, Inc.
Attn: Jay Schofield
200 Madison Avenue, 5th Floor
New York, NY 10016

Almark Holding Co., LLC c/o Abington Holding, LLC Attn: Michelle Zilberberg 950 3rd Avenue, 27th Floor New York, NY 10022

2701 Ocean Avenue Tenants Corp. c/o Manor Management LLC Attn: Steve Gross 5114 Fort Hamilton Parkway, Ground Floor Brooklyn, NY 11219

NME II HDFC, Inc. c/o Northern Manhattan Equities II LLC Attn: Tonya Jenkins 2844 8th Avenue, Ground Floor New York, NY 10039

165 Bennett Avenue, Inc.Attn: Bernard Muschel16 Cloverdale LaneMonsey, NY 10952

Joy Realty Co., LLC Attn: Charles Fisch P.O. Box 157 Eastchester, NY 10709 100 Bennett Owners Corp. c/o EK Realty, LLC Attn: Jacob Einstein 939 Eighth Avenue, #301 New York, NY 10019 J and A Heritage Realty Corp.

Attn: John Danecker

2954 East 196th Street, #A6

Bronx, NY 10461

1459 Taylor Ave. LLC

c/o JLP Metro Management Inc.

Attn: Anton Popovic

3397 East Tremont Avenue

Bronx, NY 10461

Dee-Gree Management Corp.

Attn: Richard Laubsch

3535 Rochambeau Avenue, Office

Bronx, NY 10467

Columbus Townhouse Associates

c/o Grenadier Realty Corp.

Attn: Jorge Vazquez

1230 Pennsylvania Avenue

Brooklyn, NY 11239

Rose Lepera 1 South Path

Saint James, NY 11780

23-11/13 31st Ave LLC

c/o Astor Property Management, LLC

Attn: Thomas Zoitas

21-16 31st Avenue, Office

Astoria, NY 11106

Amorani Astoria LLC

c/o America Realty LLC

Attn: Nicholas Coritsidis

38-08 Bell Boulevard, 2nd Floor

Bayside, NY 11361

Yanni Realty Corp.

c/o Page Real Estate LLC

Attn: Donna Delaney

35-20 30th Avenue, Office

Astoria, NY 11103

Drouzas Real Estate Development Corp.

Attn: Pari Drouzas

36-26 Greenpoint Avenue

Long Island City, NY 11101

27-10 Astoria Blvd. LLC c/o Marathon Realty Corp.

Attn: Jerry Vlachos

•

57-19 32nd Avenue

Woodside, NY 11377

Elizabeth locco-Finnerty c/o Liz Realty Group Inc. 40-06 Ditmars Boulevard Astoria, NY 11105 Peconic Realty Advisors LLC c/o America Realty, LLC Attn: Steve Stavrinidis 38-08 Bell Boulevard Bayside, NY 11361

Besco 38th Street LLC c/o Bell Realty Management, Inc. Attn: John Vetere 525 Northern Boulevard, #300 Great Neck, NY 11021

Robert Testa 6 Duke Drive New Hyde Park, NY 11040

2204 Collier Associates LP c/o E & M Associates LLC Attn: Yitzchak Horowitz 22-11 Loretta Road, Office Far Rockaway, NY 11691 Woodhull Park 191 LLC c/o Zara Realty Holding Corp. Attn: Tony Subraj 166-07 Hillside Avenue

Jamaica, NY 11432

Tiber Enterprises Corp.
Attn: Nicola Pinnetti
27 Manchester Drive
Mount Kisco, NY 10549

Windsor Terrace at Jamaica Estates Owners, Inc. c/o A. Michael Tyler Realty Corp.
Attn: Irwin Cohen
122 East 42nd Street, #1700
New York, NY 10168

Henley Manor LLC Attn: Leonard Scarola 136-16 32nd Avenue Flushing, NY 11354 Titanos Associates, LLC
Attn: Walter Selva
83-26 Lefferts Boulevard, #3E
Kew Gardens, NY 11415

41-15 44th Street Owners Corp. c/o Norcor Management Corp.

Attn: Harry Otterman 40-14 72nd Street, Suite B Woodside, NY 11377 Dorado LLC

c/o JRC Management LLC

Attn: Roman Podpirka

93-54 Queens Boulevard, #1K

Rego Park, NY 11374

S & K Realty Jackson Heights Inc.

c/o Vintage Real Estate Services, Ltd.

Attn: Jeffrey Friedman 11-11 44th Drive, 2nd Floor Long Island City, NY 11101 37-27 Properties Ltd.

c/o SLJ Property Management, LLC

Attn: Carmen Rivera 144-63 35th Avenue, #1G

Flushing, NY 11354

Layton Owners Inc.

c/o 4 Seasons International Management, Inc.

Attn: Jessica Chang

22-30 119th Street, 2nd Floor

College Point, NY 11356

Nafpaktos Realty LLC

c/o America Realty, LLC

Attn: Steve Stavrinidis

38-08 Bell Boulevard, 2nd Floor

Bayside, NY 11361

Albert Garden Realty LLC

c/o ProMax Management

Attn: Danny Abraham 106-16 Jamaica Avenue Richmond Hill, NY 11418 84-02 Beverly Apartments Corp.

c/o All Area Realty Services Inc.

Attn: Kostas Georgiadis 99 Tulip Avenue, #302 Floral Park, NY 11001

87-17 102 St. Richmond LLC

Attn: Dmitriy Vernyy 87-17 102nd Street, #B1 Richmond Hill, NY 11418 East 90 NF LLC

c/o Sterling Equities Property Management LLC

Attn: Franco Stavrinou 111 Great Neck Road, #408 Great Neck, NY 11021 The Clinton-Henry HDFC c/o Lesphma HDFC Attn: Richard Ramirez 228 East 3rd Street, Lobby 1 New York, NY 10009

Jerome Gardens LLC Attn: Esat Gashi 85 West 188th Street, #AA Bronx, NY 10468

Q-T Properties Inc. c/o R.Q. Realty Mgt. Ltd. Attn: Raul Quiroz 995 Amsterdam Avenue New York, NY 10025

Prestige Associates LLC Attn: Jonathan Malinas 733 Livonia Avenue Brooklyn, NY 11207