

Franchise and Concession Review Committee Public Hearing  
September 8, 2015

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

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22 Reade Street  
2nd Floor  
New York, New York 10007  
Barrish Conference Room

Tuesday, September 8, 2015  
2:48 p.m.

APPEARANCES:

- Mayor: Peter Hatch
- Office of the Mayor: Brittny Saunders
- Corporation Counsel: Sharon Cantor
- Office of Management and Budget: Michael Geramita
- Comptroller: Susie Sohn
- Bronx Borough President: Raymond Sanchez
- Brooklyn Borough President: Andrew Gounardes
- Manhattan Borough President: James Caras
- Queens Borough President: Elisa Velazquez
- Staten Island Borough President: James Shipp

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APPEARANCES CONTINUED:

Clerk: Stephanie Ruiz

Stanley Shore  
Department of Information Technology &  
Telecommunications

Maya Wiley

Tanessa Cabe

Colin O'Donnell  
CTO of CityBridge

Scott Goldsmith  
CityBridge Principal

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MR. HATCH: Good afternoon. The public hearing will now come to order. Will the Clerk please call the roll?

MS. RUIZ: Mayor?

MR. HATCH: Here.

MS. RUIZ: Office of the Mayor?

MS. SAUNDERS: Here.

MS. RUIZ: Comptroller?

MS. SOHN: Here.

MS. RUIZ: Corporation Counsel?

MS. CANTOR: Here.

MS. RUIZ: Office of Management and Budget?

MR. GERAMITA: Here.

MS. RUIZ: President, Borough of the Bronx?

MR. SANCHEZ: Here.

MS. RUIZ: President, Borough of Brooklyn?

MR. GOUNARDES: Present.

MS. RUIZ: President, Borough of Manhattan?

MR. CARAS: Here.

MS. RUIZ: President, Borough of Queens?

MS. VELAZQUEZ: Here.

MS. RUIZ: President, Borough of Staten

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Island?

MR. SHIPP: Here.

MS. RUIZ: OMB has sent a representative who is hearing formally pending a formal designation, but we will proceed as if we had a quorum.

MR. HATCH: Welcome to the public hearing of the Franchise and Concession Review Committee. The hearing being conducted today has been publicly advertised in accordance with the New York City Charter and Concession Rules of the City of New York.

We want to be sure that anyone desiring to be heard has an opportunity to do so. All persons wishing to speak must fill out a slip, which may be obtained from the Clerk. Each speaker will be allotted approximately three minutes. When you testify, please state your name and affiliation, if any. You may also submit written testimony to the Clerk which will be made part of the record. Any written submissions must be given to the Clerk before the closing of the public hearing.

Will the Clerk please call the first calendar item?

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MS. RUIZ: New York City Department of Parks and Recreation, Calendar Item Number One. In the matter of the intent to award as a concession the installation, operation, and management of an outdoor holiday gift market at Union Square Park, Manhattan. For a potential five year term to Urban Space Holdings, Inc.

MR. HATCH: Does anyone wish to testify?

(No response.)

If no one wishes to speak, will the Clerk please call the next calendar item?

MS. RUIZ: New York City Department of Information Technology and Telecommunications, Calendar Item Number Two. In the matter of the intent to seek Franchise and Concession Review Committee approval relating to:

1) Proposed changes in the beneficial ownership of a public communications structure franchise currently held by CityBridge, LLC. Whereby Intersection Holdings, LLC will become the parent company of CityBridge member of parent companies Titan Outdoors Holdings Inc., and Control Group Ventures, LLC.

By that transaction, Intersection will

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obtain voting control of those parent companies,  
and indirect control of CityBridge members Titan  
Outdoor LLC and of CG Partners LLC; and

2) A proposed amendment to the franchise  
agreement that will modify various sections  
including the maintenance and monitoring system,  
state of the art, data rights, and general  
description of services sections. The amendment  
will include a requirement for services to  
certain city designated facilities.

MR. HATCH: Stanley Shore, the Assistant  
Commissioner of the Department of Information  
Technology and Telecommunications will read into  
the record changes that have been made to the  
proposed franchise amendment since its  
distribution to the FCRC.

MR. SHORE: Okay. Most of the changes that  
were made during this period of time were  
clarifications and typos. But there was one  
section that had a substantive change and I'll  
read that Section 1.6.1.

"Subject to any required administrative  
regulatory or other approval, the franchisee  
shall provide Wi-Fi services at each of the five

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1 facilities, gigabit centers. The gigabit centers  
2 will be designated by D-O-I-T-T with input from  
3 the franchisee at the commissioner's discretion  
4 for the purpose of furthering the goal that all  
5 New Yorkers have full access to the benefits of  
6 high speed Internet connections; including the  
7 opportunity to incubate business, connect with  
8 communities, enhance educational experiences, and  
9 develop innovative uses for Link NYC. Additional  
10 gigabit centers beyond the initial five  
11 facilities may be selected by mutual agreement  
12 between the franchisee and the commissioner.  
13

14 Gigabit centers may be any facility that  
15 offers technology training or other vital  
16 community service to the public; such as a  
17 library, computer resource center, computer lab,  
18 media arts center, or community media center.  
19 Except as otherwise agreed by the franchisee,  
20 each gigabit center will, 1) Be located on a  
21 street that is a fiber route to at least one  
22 structure other than the gigabit center, and  
23 2) Have existing conduit entering the premises  
24 from a manhole near that structure on that same  
25 private route.

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The franchisee may refuse the designation of the gigabit center in a location, where the franchisee can demonstrate evidence reasonably acceptable to the commissioner that there is no existing conduit from a manhole near the structure on the fiber route or other means available to bring fiber to the premises to provide Wi-Fi services to the gigabit center. And why installing new conduit between the premises and the manhole near the structure on the fiber route or using other means such as micro-trenching which would not be commercially feasible.

All leasing and other arrangements with respect to the gigabit center shall be made by D-O-I-T-T or the gigabit centers host. And the franchisee shall have no obligation to arrange for the availability or provision of the facility at any gigabit centers, or to pay rent, or other charges in respect thereof. It being understood that the sole obligation of the franchisee in respect to the gigabit centers, it is the provision of Wi-Fi services in accordance with this Section 4.6.1."

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There are no other substantive changes.

MR. HATCH: Thank you. We'll take testimony from the public, but first I'd like to ask the members of the committee if they have any statements?

MS. VELAZQUEZ: We have questions.

MR. GOUNARDES: We can pose our statements in the form of questions.

MS. VELAZQUEZ: We don't have statements, we just have questions.

MR. HATCH: We recognize Queens first.

MS. VELAZQUEZ: Okay. Hi, Stanley. Thank you very much. So I -- I -- and I have some questions in probably different areas and I think that my colleagues will jump in. But I want to start talking a little bit -- let's talk a little bit about the amendment that you gave us today.

So it says in 4.6.1 that there's going to be five gigabyte facilities, correct?

MR. SHORE: Yes.

MS. VELAZQUEZ: Okay. So I think we understood that to mean that it would be one in each borough.

MR. SHORE: Yes.

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2 MS. VELAZQUEZ: So can that be made more  
3 explicit in the -- in the agreement? Just, you  
4 know, again and I mean, you know, we wouldn't  
5 want there to be an issue where maybe you  
6 couldn't get one in one borough and maybe two end  
7 up in one borough, because it might be hard to  
8 lay the fiber or find a -- a location that's  
9 acceptable. So is -- would that be hard to do,  
10 to make that representation?

11 MR. O'DONNELL: We have no problem making  
12 that representation.

13 MS. VELAZQUEZ: Excellent, okay. So  
14 that's the -- okay.

15 MS. WILEY: Can we have one quick  
16 clarification --

17 MS. VELAZQUEZ: Sure.

18 MS. WILEY: -- of why we don't have that  
19 problem?

20 MS. VELAZQUEZ: Okay.

21 MS. WILEY: Is because one of the benefits of  
22 this franchise to the City, is the access to  
23 gigabit speed fiber in every borough. So it's  
24 thanks to the franchise that every borough will  
25 be able to have a gigabit fiber to a public

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facility.

MS. VELAZQUEZ: Okay, great. Thank you so much. Also too, I know that we discussed the borough presidents being able to work with the City and the franchisee on the siting of the gigabytes centers. So will that be able to be memorialized in some way, in writing?

MR. O'DONNELL: Sure.

MS. VELAZQUEZ: Okay.

MS. WILEY: We can create a MOU.

MS. VELAZQUEZ: Perfect. Okay, so that's good, excellent. So on the issue --

MR. SANCHEZ: Why -- why would it have to be a MOU and not in the agreement?

MS. WILEY: Well generally as we did in December, we had an MOU on the siting process with the borough presidents until we essentially do the same process with an MOU but we're -- in trying to be on public -- be on DoITT's website is the current segment only because that specific link to the center since it's not covered by this specific site.

MR. SANCHEZ: Okay.

MS. VELAZQUEZ: So -- and then I'm going to

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ask another question and then I'll -- I'll move it -- I'll move it over to you guys. So on fiber, can we get an idea from DoITT, or from the franchisee, as to where they -- the franchisee -- currently has completely -- it owns the fiber or access to fiber now?

What I -- I realize that there's a fiber footprint in the City -- in the five boroughs -- and that in the five boroughs you have different owners, operators -- I may not be using the technical term correctly, of the fiber. But I think one of the things we want to understand is what that looks like now, in terms of what is actually controlled by the franchisee currently? Is that something you can answer?

MR. O'DONNELL: I'd be happy to answer that.

MS. VELAZQUEZ: Thank you.

MR. O'DONNELL: So --

AUDIENCE MEMBER: Identify yourself.

MR. O'DONNELL: This is Colin O'Donnell --

MS. VELAZQUEZ: Hi, Colin.

MR. O'DONNELL: -- from Control Group and CityBridge. So this is a really big and bold endeavor that the City has taken on. There

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actually is no provider in the City who can fulfill the needs of the franchise agreement. There is no footprint of fiber in the City that can support this deployment at gigabit speeds. So therefore, we need to deploy a lot of new fiber. And there's a lot of challenges around that.

And so to do that as effectively as possible we're negotiating with a number of parties right now and we will be deploying a lot of new fiber. And so we are currently in negotiations with a few different fiber providers and we should have that wrapped up fairly quickly to start deployment.

MS. VELAZQUEZ: Is there a difference between the fiber you have to lay for the gigabits speed as opposed to the fiber that -- for kiosks that won't be gigabit speed? Gigabyte speed? I don't know if I said it right.

MR. O'DONNELL: Gigabit, that's right. That's true -- that is correct. And the ones that are not gigabit, may not be fibers. The fiber is capable of 1,000 meg of gigabit speeds. We're looking at deploying other units that are

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2 bigger than 100 megabits, so still really fast.

3 We are also looking at providers for those units,

4 however we're focused on the first four years

5 being predominately all gigabit speeds. So we're

6 looking at deploying the gigabit units first.

7 Does that clear it up?

8 MS. VELAZQUEZ: Yeah. So again -- so --

9 let's -- so for example, if we're outside the

10 building here and there's a cluster of payphones.

11 And let's just say that the gigabit kiosks, are

12 the advertising kiosks?

13 MS. WILEY: No.

14 MS. VELAZQUEZ: Are those -- not necessarily?

15 MR. O'DONNELL: Not necessarily.

16 MR. GOLDSMITH: Speed and advertising have

17 nothing to do with one another.

18 MS. VELAZQUEZ: All right. Gigabit being the

19 highest speed, okay. So let's just say there was

20 a cluster of payphones out here, and this wasn't

21 identified as a place for the gigabit kiosks,

22 would that require laying fiber or would that

23 only require CityBridge either leasing or making

24 some arrangement to leverage the existing fiber?

25 And if you couldn't do that, would you then have

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to lay some kind of fiber to have a kiosk that's not gigabit speed?

MR. O'DONNELL: So there's a lot of -- so the -- the fiber and the gigabit speed are going to be pulling a lot of new fiber. The non-gigabits we're -- we're going to be leveraging any means we have at our disposal, to get the best connectivity there as possible. So sometimes it may be wireless and sometimes it may be --

MS. VELAZQUEZ: I see.

MR. O'DONNELL: -- coaxial cable like a cable modem. Sometimes it may be fiber but sub-gigabit speed like Verizon Fios, you understand. So there's a number of different ways we can get to the non-gig units, and we definitely are -- are thinking about how we can get connectivity all across the City.

But right now we're focused on the real bulk of the deployment which is fiber is going to all five boroughs. We're running a ton of fiber in Queens, Staten Island, Brooklyn, in the Bronx, Manhattan. And so since that's the majority of the locations, and it's -- it's going to have a

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real significant impact, that's what we're focused on right now.

Certainly when we can't get to a location with fiber, we want to -- we want to light up as many locations as we can. So we will then turn to any alternate method of getting connected into alternate locations.

MS. VELAZQUEZ: So the -- so -- so Queens is supposed to get, I think, 77 in the first year, so those 77 will be -- they'll all be gigabit or most of them will be gigabit?

MR. O'DONNELL: Our plans for those they will be --

MS. VELAZQUEZ: For all of them?

MR. O'DONNELL: Correct.

MS. VELAZQUEZ: So for the -- for the four years for each borough, whatever was supposed to be rolled out in each borough, those will all be gigabit speed?

MR. O'DONNELL: There is -- we need to maintain some flexibility. So that -- if your point is, you know, if we're rolling out a 100 and five of those we have a real challenge getting gigabits to, we want to maintain some

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flexibility so that we can potentially still light up those areas that everybody wants lit. It may not be the ultimate, you know, gigabit solution but we need to maintain some flexibility.

But absolutely the vast majority -- I think we're estimating something like 95 percent of all units out in the first four years will be gigabit.

MR. SANCHEZ: Everyone, so -- all right. So -- that's an important clarification because -- all right when we went through all this, again, last year and we -- we explicitly decoupled advertising versus -- versus higher speed or what have you, it wasn't explicitly -- it wasn't, you know, we were happy in the sense that we were doing more in the outer -- in the non-Manhattan boroughs earlier in the contact.

Having that said, as we revisit this and put more thought into, you know, we're -- again, you know, there are other cities that have ambitious roll-outs and they end up failing and falling apart and it doesn't work out. So I guess where we're concerned is -- especially

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because our offices placed such an important role on whether it's the Hewlett process or even as we develop it in variances -- that we have some sort of documented, or representation, or some sort of moralization that as you're laying the fiber. And that we have input and this clarity as to when you're laying it, where is it going, and input in that. And that really hasn't been done yet --

MR. O'DONNELL: Correct.

MR. SANCHEZ: In the sense of -- in making that clear and also getting very specific the first four years. And you said, You had this goal of 90 to 95 percent of them being the gigabit speed kiosks. Which again we are going to have that memorialized at some point. It's aspirational, again, but I guess, you know --

MR. O'DONNELL: We just see this as a collaborative process. We're working with DoITT, the Mayor's office, taking input from the BP's. I think to your point of making sure this is successful, you know, we absolutely hear you and your desires and where -- where you want these. And we need to maintain a little bit of

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flexibility so that we can make sure that we are sustainable and that this project does --

MR. SANCHEZ: Obviously -- yeah -- we want the franchise successful and cost effectiveness is a huge part of it. I'm sure that in an ideal world you'd love to have other gigabyte kiosks wired to your fiber, but we know that's not going to be the end result, right? It's going to be a mix of --

MR. GOLDSMITH: Can I -- I'm sorry. Can I just kind of cut in for a second?

MR. SANCHEZ: Go right ahead.

MR. GOLDSMITH: I'm Scott Goldsmith. I'm the Chief Commercial Officer of Titan and the Chief Operating Officer of CityBridge. So to be clear, we have fiber rights through our franchise.

MR. SANCHEZ: Right.

MR. GOLDSMITH: We are obtaining fiber through fiber providers that have an existing franchise agreement with DoITT already.

MR. SANCHEZ: Okay.

MR. GOLDSMITH: So it is likely that we will utilize -- we'll have an agreement with them, with a fiber provider who already has an

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agreement. And we will utilize that fiber to bring connectivity to our sites. So we're not going to own any -- I don't think CityBridge is gonna -- we're not a fiber provider. We're a franchisee with the City of New York required to bring fiber and to bring connectivity to these units. So I just want to be clear.

There are a number of fiber providers that we've been talking to over the course of the last eight months. And we're very close with a number of them, and it may be a combination of different fiber providers that bring the service to each of the kiosks. So we're not going to own the fiber itself. The fiber provider --

MS. WILEY: You can't own fiber unless you have a fiber franchise. There's a --

MR. SANCHEZ: A universe of fiber franchisees is a small universe.

MS. WILEY: Correct. There's a limited universe -- I wouldn't say it's small, we're a big city.

MR. SANCHEZ: Right.

MS. WILEY: But it's a limited pool. It's a limited --

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MR. GOUNARDES: So how big is the universe, then?

AUDIENCE MEMBER: Let's say 20, 20 percent.

MR. SANCHEZ: 20 --

AUDIENCE MEMBER: Franchises.

MR. SANCHEZ: 20 franchisees, franchises?

AUDIENCE MEMBER: Right.

MR. GOUNARDES: So can I ask a clarifying question?

MR. SANCHEZ: Go for it.

MR. GOUNARDES: So there's something that exists on the fiber footprint. If there are areas that are not within that existing point, count, whatever, footprint that means that it will not have the fiber?

MR. O'DONNELL: No -- no. Just that -- we're working to select really a primary fiber provider that we're going to work with because, you know, we need to choose a main partner when you do a large project like this. And we'll be pulling a lot of new fiber, we may leverage some existing fiber out there, but we will be pulling a lot of new fiber.

MR. GOUNARDES: But who's pulling the new

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fiber? If you're not laying the fiber, if you're not the fiber company?

MS. WILEY: The franchisee.

MR. O'DONNELL: The franchisee.

MR. GOLDSMITH: The franchisee, the fiber franchisee.

MS. WILEY: Essentially what's going to happen is -- and this is going to be overly simplistic. But, it's -- the fiber franchisee is only some fiber. It is not the footprint for the installation, so we have to separate those two things. If you got a fiber map right now of all the fiber franchises, those 22 other franchises, it would not be a Link NYC Fiber Map.

What will -- what will become a fiber map is after the contracting -- subcontracting process is actually with folks that have a fiber franchise with the City. And then there will be the end negotiated process within and around the fiber that will get laid; because none of that existing fiber will be that footprint for the new installation. So that's the important clarifying point I think. It's pretty much all going to be laid as new fiber and that's why the franchise

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agreement itself, lays out the DoITT approval process on the fiber agreements and where the fiber will be laid.

MR. SANCHEZ: All right. So -- so even though we have a MOU that speaks to our input and where the kiosks are going to go, it doesn't speak to us having input on where the fiber is going to go.

MS. WILEY: But there -- you can't separate them.

MR. GOLDSMITH: So you can't separate that.

MS. WILEY: Because you have to have fiber.

MR. SANCHEZ: Agreed.

MS. WILEY: Right.

MR. SANCHEZ: Right. So we're not going to -- if you -- if you make the fiber process and the fiber map is built out without our consultation, then when we're going to say -- when it's time to put the kiosks in, we're not going to have much flexibility. So really our input is not going to matter because we're going to be beholden to the fiber footprint that you're going to negotiate without any of our input.

MS. WILEY: I don't think that's right.

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MR. O'DONNELL: Well, we don't -- we look at the -- we look at the location that gives us the access to look at, which is with the consultation with the BP's. We then take those to our fiber providers and we -- we try and get those locations and we build out a route. So instead of starting with the fiber layout and then seeing what we can lay out, we look at the end results; which ones that the City wants lit up. And then we figure out how we can get to the most civilians. And there may be a few outliers that -- that are difficult to get to, and we can look at alternate means to get there. But we're starting with your goals in mind, and then we're backing into negotiating with the fiber providers.

MR. SANCHEZ: So to be honest we've received the maps, and huge amounts of paperwork, but ultimately, I guess it's -- it's important that we direct to you that not only where we want the kiosks, but which ones we want to be gigabit speeds. And then you're going to come back to us saying when you can actually think that's commercially feasible. That's going to be the

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process?

MS. WILEY: No, it's slightly different. I mean it's, you know, it's not totally inconsistent with the process, but the process is set out in the MOU --

MR. SANCHEZ: Right.

MS. WILEY: -- DoITT -- and it's a slightly different process if it's an existing payphone --

MR. SANCHEZ: Right.

MS. WILEY: -- site, versus whether it's a new site, right. But in -- in each instance there's a 60 day notice period.

MR. SANCHEZ: Right.

MS. WILEY: Essentially DoITT will provide that notice. DoITT will then get feedback -- the borough presidents hopefully, will have looked at everything with the bids, and the community boards also kind of do the same like the borough presidents. And we would then DoITT --

MR. SHORE: I mean, so basically the way the -- the franchisee is planning on replacing existing sites during the -- the -- except for some additional sites in Staten Island they're not going to be new in the first four years,

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right. So that basically in the, I think in the fourth year there will be some new sites in Manhattan also.

But basically the process has been, we've given you the maps showing where all the existing sites are, we've asked you to please look at them to see if there's any problems with existing sites. If they're not existing site problems, we're listening to the franchisee where they -- where they've proposed to go and, you know, for the initial roll out, they haven't given us that plan yet. When they give us that plan, we will look at it, we will share it with you guys so that we can see whether -- if there's any priorities that you have that haven't been addressed by the plan. We can try to move the plan in a different direction if that's possible, giving the -- keeping in mind the constraints to the franchisee. It's a very complex, you know, process where they're -- we're all learning. Because this is not something that's been done. And so that's -- so that's where we are.

So right now, we have the franchisee with their requirement that 510 be done by next July

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21st. They are committing to that schedule -- they've committed to that schedule, they're not renegeing on that schedule. In moving forward, maybe we would have liked to have a plan sooner, but this is part of the process where they're dealing with -- with multiple companies that have fiber franchises. We don't have anything to share with you today, but that -- we hope to have something very soon to share with you guys so that you can see.

We've heard already from Queens, they have a priority for Jamaica. The company is committing to -- to try to make this a part of their initial roll out. But, you know, and we know from Manhattan they want in Northern Manhattan in the first year, and that's also part of what they're working on.

So if there's any specific places in the other boroughs that you really would like to see in the first year, please let us know.

MR. SANCHEZ: Okay. No, I mean it's, you know, we'll take everybody in good faith. But you know, memories get real short and then if we're talking about -- and there's nothing in the

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agreement that speaks to documents that we're going to have real input on where the fiber goes.

MR. GOLDSMITH: Well, you are -- you do have in fact because --

MR. SANCHEZ: Because you talk about we're going to have input on where the sites go.

MR. GOLDSMITH: Yes, but they're intrinsic in the --

MS. WILEY: The fibers are in the sites.

MR. SANCHEZ: Right.

MS. WILEY: So if you're -- if you're able to have input into where the sites are, that in effect gives the input into where the fiber goes. You're not going to have -- you're not going to pick sites based on where -- it's not going to be a highway to nowhere where the fiber is laid to nowhere and then it's like, okay, now here's where we have to put the sites. It's the other way around.

MR. GOLDSMITH: Okay. So there would be no reason to lay fiber unless we're bringing them to a site that's been approved by you, because that would be a humongous waste of money and a big risk for us.

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MR. O'DONNELL: It's a really complicated planning process where we take those sites that are laid out, and we take the priorities that are given to us, and then we play connect the dots in terms of trying to figure out the best way possible to lay out the best number of sites. So it is, again, very much working from the City's direction back to our fiber plans.

MS. WILEY: And again, the -- the MOU states -- sets out the exact provision from how this happens in connection with DoITT, including the 60 day notice period. So this will all be transparent.

MR. SANCHEZ: We have a lot of time to read it.

MS. WILEY: I know.

MR. SANCHEZ: You know --

MS. WILEY: And it's a good one.

MR. SANCHEZ: Yeah. You know, like I said, it's -- you know, again, I've been studying this issue in a lot of different cities and, you know, it's all in the details, right. You know, and it may seem like a nominal thing to talk about to differentiate where the siting is and the where

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we're putting the fiber, but that's -- when you don't spell these things out that you have ambiguity and that increases creaks down the road. And that's why I -- we're trying to be as explicit as we possibly can during this discourse. I'm good right now.

MR. CARAS: A couple of things just to clarify this for myself. So the -- the fiber that you're going to try to get through agreements with fiber franchisees, is that all fiber that can accommodate the one gigabit speeds?

MR. O'DONNELL: Correct.

MR. CARAS: Okay. So then you get that, you lease it from somebody or from multiple people, and then you guys lay the connections between where those end and the sites are?

MR. O'DONNELL: What we do is we -- we -- we negotiate an agreement with a fiber franchisee to provide service to the end units. And they get there in any number of ways, but always guaranteeing that they're going to get there with one gig.

MR. CARAS: Okay. So the franchisee -- the

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fiber franchisee has to have --

MR. O'DONNELL: The fiber franchisee has to have the ability down the line so that we can say, we're going to use some existent and then we're going to pull some new. And so that allows us to get the most number of sites possible and we'll have some flexibility.

So it's just a combination of some pre-existing that is in the route from the franchisee, although the majority of the fiber laid there is not for you to pull from. So we're pulling a lot of new fibers to get out of the -- in the streets, so definitely a mix.

MR. GOLDSMITH: And just to be clear the -- the benefit of using existing locations, which we've talked a lot about is reusing the existing infrastructure of the payphones is that, there is conduit that goes from the manholes to the phone kiosks. And that conduit is very valuable, and if it works and we can pull fiber from that manhole to the kiosk, it -- it doesn't require that we break the street. And breaking the street is expensive and also creates delays, and construction, and traffic issues. So the key is

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to use the existing units to bring new fiber to the new units and replace the old payphones; which is one of the reasons that we want -- most likely the first 4000 units are going to be existing sites.

MR. CARAS: So I guess, is there a way that we can be, you know, updated on how, you know, what the fiber map looks like and -- I mean --

MR. O'DONNELL: I guess it falls into, you know --

MR. CARAS: My concern is, you know, and -- I'm sure everyone sort of shares this -- you know, we negotiated to get more kiosks in Northern Manhattan. I would guess that most of these providers have more fiber in Midtown and Downtown Manhattan than they do in Northern Manhattan.

So, you know, the concern is that we don't, you know -- I think they used to -- they use to allow developers to build affordable housing after the market rate housing was built. And now they have to build it before -- well I'm not saying that they're going to do, you know, Northern Manhattan before they do Midtown but we

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don't want Northern Manhattan to wait until after all of Midtown is done.

MR. O'DONNELL: We're already looking at it as opposed to, you know, the frequency of the updates because it's a continual process.

MS. WILEY: But I think the short answer is, you know, as an administration shares the interest in equity. You know, obviously DoITT -- and is working real close with City Hall is absolutely committed to assuring that it's not the affordable housing problem. We're very clear that Northern Manhattan needs some gigabit speed, that's actually been part of the conversation we've been having with CityBridge about how they're planning deployment.

I think the short answer is it's not really the fiber -- as I hear the concern, the fiber maps are not what you need. What you need is the planned installation of a gigabit speed versus something slower than gigabit speed, because that's the fiber map. Because that's where the fiber will go, that's gig. So that is actually part of the MOU process. And so essential that's the right map to look at.

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Because again the fiber is going to follow the gigabit speed, it's not the other way around.

So I think that's what you're asking for and -- and -- and what there will be transparency into is that, that deployment plan and that's the process that -- that also -- that Stanley laid out in terms of the transparency.

MS. VELAZQUEZ: So just so -- so, okay. So let's just -- none of us hopes this happens. But let's just for one second entertain the doomsday scenario, okay. And the doomsday scenario is Verizon and some of these other franchisees who have access to the fiber, don't play well in the sandbox, give you a hard time, don't want to lease it, are not -- are not -- are not as excited and not as giving as we thought that they would be.

So if you need them to roll out the one gig kiosks, even though there's clusters of phones with existing fiber, with the existing fiber, is there a back-up plan?

So let's just say that -- and I'm going to talk about my 77. Let's just talk about my 77. So my 77, your good with 57, we get 57 and then

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there's -- there's another 20 where you just -- there's no way, you're not going to access for the swap outs. Are you then able to still leverage the existing infrastructure and maybe put in the not gigabyte ones?

And I'm not trying to say that I would sell my borough short, but I also -- because what -- what we're hearing is that the -- the gig speed is going out first. You want to roll all those out first, I understand that. That's your product, it's a selling point, I get it, and it benefits everybody. But doomsday scenario, you don't have access, or as much access as you think as you might get through your negotiation process, what would be the plan B?

MR. O'DONNELL: So again, we're focused on the first year which is -- is fine, but there's a lot more than 77 going into it. I mean, so those will all --

MS. VELAZQUEZ: No, no. I know, but I'm talking first year.

MR. O'DONNELL: -- those will all be gigabit. And I think the doomsday scenario, I understand where you're coming from. We are not going to

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have a problem with the franchisees. There may be challenges getting to individual units, you know, let's just say one may be under water or something like that, we can't get to it. We could work with the City on a new location or we could light it up as some other means. So we definitely are going to roll them out. We are super collaborative, we're working with DoITT every day on this, and we're -- we're going to roll it out.

So I would never -- I would never concede the fact we're not going to roll out 77 in Queens, but if there was a doomsday scenario and we roll out 55 and we had to get the others out, we could use any means to get there that's possible. And certainly would come back and get the City's direction on how they want to handle that situation. And so there is a very collaborative process.

MR. GOLDSMITH: There's --

MS. WILEY: And one of the things -- Oh, I'm sorry.

MR. GOLDSMITH: There's no shortage of fiber providers that want to help us. We've been --

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2 there are lots of good ones. We've talked to a  
3 lot of them and we think we've found a couple of  
4 the best ones.

5 Another thing is we're highly incentivized  
6 to get those 77 in, because if we don't get those  
7 77 in, we are -- we have a problem with City.  
8 There are penalties if we don't get them in. So,  
9 1) we need to get them in so -- because we need  
10 to sell advertising to make sure that we get our  
11 minimum guarantees, 2) there are penalties if we  
12 don't do that, and 3) we feel very confident that  
13 the relationships we have so far with the  
14 providers, that we have that we're going to be  
15 able to get there, not just for the 77 but for  
16 all of them.

17 MS. WILEY: I just want to add too, that one  
18 of the amendments before the FCRC is a tech  
19 refresh amendment. And part of the thing that's  
20 so important that was already in the original  
21 franchise but it's just a little clearer  
22 language. What's so important about that is if  
23 you have an installation that is less than  
24 gigabit speed --

25 MS. VELAZQUEZ: That's what we're looking at.

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MS. WILEY: -- it doesn't mean it stays less than one gigabit speed.

MS. VELAZQUEZ: Okay.

MS. WILEY: Because the obligation, if the amendment's approved, it strengthens the ability to say when the technology becomes increasingly available to get that installation up to that higher speed, that's the obligation of the franchisee to do that.

MS. VELAZQUEZ: All right.

MR. CARAS: One more question about the first four years and the additional kiosks that we're talking about. I went back and looked at the charts in the original agreement, but had a really hard time because I wasn't sure where the numbers were being pulled from. And I think the charts divide them into advertising and non-advertising as opposed to gigabit and non-gigabit, so it was really difficult to parse out.

The additional gigabit kiosks that we all asked for, for both the other boroughs and for Northern Manhattan, are those due any time during the first four years? Or is there sort of a

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2 sub-schedule when those are due?

3 MS. WILEY: I mean the short answer is, yes.  
4 And we can -- I mean, I have the same problem you  
5 do.

6 MR. CARAS: I couldn't get it.

7 MS. WILEY: No, no. Because of the way it's  
8 laid out the SRV, is very --

9 MR. CARAS: Yeah.

10 MS. WILEY: It's just laid out not in a way  
11 we discussed it. But the short answer is, yes,  
12 we can get that to you. Because what we agreed  
13 is that by the end of year four -- year four is  
14 not a calendar year but the year --

15 MR. SHORE: The whole year.

16 MS. WILEY: Yeah. -- that we -- there would  
17 be 4,555 links that reflects the increase, the --  
18 the pulling forward in time, the number of  
19 installations that have to be up at the end of  
20 the four years. And then there's a layout about  
21 how many have to be one gigabit.

22 MR. CARAS: Okay.

23 MS. WILEY: So Brooklyn is -- was -- it was  
24 "583 all gigabit in the first four years. So  
25 every installation committed to Brooklyn is

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2 gigabit speed. In the Bronx, it's 490 links all  
3 gigabit speed. In Manhattan, it's 2,235 gigabit  
4 speed and up to 400 non-gigabit speed." And  
5 again the siting of where the gigabit goes we've  
6 committed to Northern Manhattan goes in that gig.  
7 So that's the siting process.

8 MR. CARAS: And then, I guess, what I was  
9 going to ask is can we get in advance of, sort  
10 of, decisions being finalized, where for example,  
11 the first year sites will be? And then where the  
12 second year? So that we can make sure in the  
13 case of Manhattan, that the 400 -- or that the 40  
14 gigabit sites for Northern Manhattan aren't  
15 waiting until the third or the fourth year. That  
16 they're at least coming on sort of from that, you  
17 know?

18 MR. O'DONNELL: So we're waiting on a plan  
19 from CityBridge. Once we get that plan, we've  
20 looked it over to make sure that nothing jumps  
21 out at us. And then we'll share it with the  
22 borough presidents, so that you can see where the  
23 plan is going to go.

24 MR. CARAS: We have questions in other  
25 categories, right?

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MS. VELAZQUEZ: Did we -- I know -- okay.  
Can we -- do we know who in the change of control  
actually did VendEx?

MS. CABE: So CityBridge LLC, and its core  
member parent entities which are Komar, Titan,  
Fulcon, and Control Group.

MS. VELAZQUEZ: Okay. So there was the  
new -- I don't have my -- I thought I had it -- I  
think I lost it.

MR. CARAS: Oh, here, here.

MS. VELAZQUEZ: I thought -- there it is. So  
we're getting from Intersection Holdings?

MS. CABE: No, because all the changes are  
happening at the great venture level. So it's  
not real high up.

MS. VELAZQUEZ: And I understand what she  
means, actually. Okay, I understand that. All  
right, so -- all right. I think I'm good.

MR. CARAS: Okay. And I guess my only other  
question was with the gigabit centers. And, you  
know, the borough president -- the Manhattan  
Borough President likes the idea of working with  
a library in Manhattan to -- to perhaps  
accomplish this in a place where people would,

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you know, normally go.

But has concerns that, you know, perhaps a lot of the use may be something, you know, we talk about students, or people working on apps who may have jobs, or may be in school and they would use this more evenings and weekends. And our concern is that they may not, you know, that when most folks want to use it, we want to make sure that it's open. And so we were, you know, we'd like to get some kind of commitment that -- that, that would be worked on with us. You know, if we needed additional funding for an extra hour or something that, that's something we could work on together.

MS. WILEY: So that's not my pay grade. I would say, what we will actually commit to doing is going through that -- that's the criteria, which is in the amendment, on how sites should be selected which will be a collaborative and transparent process -- should include how people will make use of it. In terms of any additional resources that are outside of this process, that will be a conversation that will have to have with the right members of the administration.

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MR. CARAS: Okay, but just so people know that is important as well. Thank you.

MS. VELAZQUEZ: I think that's it for questions. Anyone else have anything else to say?

MR. GOUNARDES: You asked all my questions.

MS. VELAZQUEZ: Okay. So I think we're good. We don't have any more questions.

MR. GOUNARDES: Now can we make statements? I'm just kidding.

MR. HATCH: Will the Clerk please call -- Are there any more names of folks who signed up to make a statement? If that's true and no one else wishes to speak, either to ask a question or make a statement, that concludes today's hearing.

We ask that the reporter make the entire public hearing agenda, which was made publicly available and was distributed at the hearing, part of the final record of the proceeding. The hearing is now closed.

(Time noted 3:30 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF KINGS     )

I, BONITA RICHARDS, a Notary Public within and for the State of New York, do hereby certify:

THAT the within transcript is a true and accurate record of the foregoing proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th of September 2015.



BONITA RICHARDS

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**Franchise and Concession Review Committee Public Hearing  
September 8, 2015**

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**PUBLIC HEARING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**TUESDAY, SEPTEMBER 8, 2015 @ 2:30 P.M.**

**22 READE STREET, NEW YORK, NY**

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Joint Public Hearing  
Tuesday, September 8, 2015 @ 2:30 P.M.*

**NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**No. 1:** IN THE MATTER of the intent to award as a concession the installation, operation and management of an outdoor holiday gift market at Union Square Park, Manhattan, for a potential five (5) year term, to Urban Space Holdings, Inc. ("USH"). Compensation to the City will be as follows: for each operating year, USH shall pay to the City a license fee consisting of the greater of the guaranteed annual fee (Year 1: \$1,400,000; Year 2: \$1,470,000; Year 3: \$1,543,500; Year 4: \$1,620,675; Year 5: \$1,701,709), or fifty percent (50%) of gross receipts derived from the operation of the holiday market.

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY  
AND TELECOMMUNICATIONS**

**No. 2:** IN THE MATTER of the intent to seek Franchise and Concession Review Committee approval relating to: 1) proposed changes in the beneficial ownership of a public communications structure franchise currently held by CityBridge, LLC ("CityBridge"), whereby Intersection Holdings, LLC ("Intersection"), will become the parent company of CityBridge member parent companies Titan Outdoor Holdings, Inc., and Control Group Ventures, LLC. By that transaction, Intersection will obtain voting control of those parent companies, and indirect control of CityBridge members Titan Outdoor LLC and CG Partners LLC; and 2) a proposed amendment to the franchise agreement that will modify various sections including the maintenance and monitoring system, state of the art, data rights, and general description of services sections. The amendment will include a requirement for services to certain City designated facilities.