



THE CITY OF NEW YORK
DEPARTMENT OF INFORMATION TECHNOLOGY & TELECOMMUNICATIONS
Paul J. Cosgrave, Commissioner

Mitchell Ahlbaum, Esq.
Deputy Commissioner/General Counsel

September 7, 2007

Jaclyn A. Brillling
Secretary
New York State Public
Service Commission
3 Empire State Plaza
Albany, New York 12223-1350

Re: Case07-M-0741 Proceeding On Motion Of The Commission Concerning
Wireless Facility Attachments To Utility Distribution Poles
Comments of the City of New York

Dear Ms. Brillling:

In general, the comments of the City of New York ("the City") in the above-captioned proceeding are limited. The City notes that the Commission correctly in its initial notice in this proceeding has not suggested that its scope of authority includes placement of limits on the rights of, or imposition of obligations on, property owners or managers (including in the case of City street or other City-owned property, the City) who are not themselves utilities but who hold title to or management responsibility for underlying property on which utility distribution poles may be located, or to limit the effect of the legal or contractual terms and conditions under which utilities operating distribution poles may obtain the right to do so from such non-utility property owners or managers. The City urges that in any action the Commission may ultimately choose to take in this matter not to go beyond the expressed bounds of its notice, or its legal authority, by purporting to restrict either the rights of underlying, non-utility property owners and managers or the application of requirements or agreements of such non-utility property owners and managers.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell Ahlbaum".

Mitchell Ahlbaum, Esq.