Franchise and Concession Review Committee Public Meeting
November 8, 2017

PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

2 Lafayette Street,
14th Floor Auditorium
New York, New York

Wednesday, November 8, 2017
2:55 p.m.
APPEARANCES:

Mayor:
Peter Hatch

Clerk:
Stephanie Ruiz

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Jennifer Conovitz

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Staten Island:
Lashay Young.

Senior Counsel of DoITT:
Tanessa Cabe
MR. HATCH: Good afternoon. Thank you all for being here. The Franchise and Concession Review Committee public meeting will now come to order. Will the Clerk please call the role?

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

MR. FURNAS: Here.

THE CLERK: Comptroller.

MS. CONOVITZ: Here.

THE CLERK: Corporation Counsel.

MS. CANTOR: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: President, Borough of the Bronx.

(No response.)

THE CLERK: President, Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan.
(No response.)

THE CLERK: President, Borough of Queens.

(No response.)

THE CLERK: President, Borough of Staten Island.

MS. YOUNG: Here.

MR. HATCH: Will the Clerk please call the first calendar item?

THE CLERK: New York City Department Information Technology and Telecommunications, Calendar Item Number 1: In the matter of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of an information services franchise agreement between the City of New York and Metro Fiber Co., LLC or Metro, doing business as Axiom Fiber Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems, Inc. A proposed resolution was submitted relative thereto and the
resolution is calendared for adoption.

MR. HATCH: Tanessa Cabe, Senior Counsel of DoITT, will read into the record certain changes that have been made to certain documents since its distribution to the FCRC.

MS. CABE: On the responsibility and determination, a box was checked that had not been checked previously and this is just making sure that it's checked at the top of the third page.

And then, additionally, under "Finding number 2" on the last page, an additional sentence was applied. That sentence is read here, "The disclosure regarding the entity, the apparent entity and the three principals." I wanted to draw your attention to that.

MR. HATCH: Thank you. Is there a member who wishes to make a statement or ask a question on this matter?

MS. CABE: I want to note that in relation to the information on the documents that we submitted to the FCRC,
the certification from the franchisee indicating that on the issue regarding a contract that it was a finding of No-Fault by either party and it was mutually terminated by both parties. So I have that certification.

MR. HATCH: Thank you. Would the Comptroller like to make a statement?

MS. CONOVITZ: Yes. Thank you. We would like to thank you for updating the information provided to the FCRC with respect to due diligence conducted concerning franchisee ExteNet Systems New York, Inc. and it's apparent that we also believe the resolution for us today has been appropriately amended to make the FCRC assignment before us today subject to the franchisee apparent ExteNet Systems, Inc. filing of all required documents with the New York City Department of Finance satisfied to review such documents by BUF and the payments of any taxes to find to the city. We expect that this issue will be
resolved for contract and for registration. Thank you.

MR. HATCH: Thank you.

MS. CABEL: I will make sure that all of the issues are resolved before the registration happens.

MR. HATCH: Any additional statements or questions?

(No response.)

MR. HATCH: If not, will a member please make a motion to move the indictment.

MS. CANTOR: So moved.

MR. HATCH: Will another member please second that motion.

MR. FURNAS: Second.

MR. HATCH: Will the Clerk please take the vote.

THE CLERK: Mayor?

MR. HATCH: Yes.

THE CLERK: Office of the Mayor?

MR. FURNAS: Yes.

THE CLERK: Comptroller?

MS. CONOVITZ: Yes.
THE CLERK: Corporation Counsel?

MS. CANTOR: Yes.

THE CLERK: Office of Management and Budget?

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the Borough Presidents, Borough President of Brooklyn?

MS. CANTLO-COCKFIELD: Yes.

THE CLERK: Calendar Item #1 is adopted.

MR. HATCH: Thank you. Will the Clerk please call the second calendar item?

THE CLERK: New York City Department Information Technology and Telecommunications, Calendar Item Number 2. In the matter of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of a telecommunications services franchise agreement between the City of New York and Metro Fiber Co., LLC, doing business as Axiom Fiber
Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems, Inc. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: And once again, Tanessa Cabe, Senior Counsel of DoITT will read into the record changes that have been made to certain documents since its distribution to the FCRC.

MS. CABE: On the third page, the box was checked at the top of the page that had not been checked previously, and, also, on the last page, in finding number two, an additional sentence was added regarding a disclosure and self-disclosed by the entity and index, regarding the -- submitting it, the apparent and the three principals or also the three principals of the apparent company.

And, also, in regard with this matter, we received a certification with
the company that one of the issues identified a self-disclosed index was a contract that was mutually terminated and it was -- there's a finding of No-Fault by either party.

MR. HATCH: Thank you. Is there a member who wishes to make a statement or ask a question on this matter?

Oh, the Comptroller.

MS. CONOVITZ: We just want to reiterate that our comments that we made and to the prior item are equally -- hold equally true with respect of this item. So we repeat and reaffirm those comments.

Thank you.

MR. HATCH: Thank you. Any other members? If not, will a member please make a motion to move this item.

MS. CANTOR: Moved.

MR. HATCH: Will another member please make a motion.

MS. QUINTIAN: Moved.

MR. HATCH: Will the Clerk please
take the vote.

THE CLERK: Mayor?

MR. HATCH: Yes.

THE CLERK: Office of the Mayor?

MR. FURNAS: Yes.

THE CLERK: Comptroller?

MS. CONOVITZ: Yes.

THE CLERK: Corporation Counsel?

MS. CANTOR: Yes.

THE CLERK: Office of Management and Budget?

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the Borough Presidents, President, Borough of Brooklyn?

MS. CANTLO-COCKFIELD: Yes.

THE CLERK: Calendar Item Number 2, Resolution is adopted.

We ask that the Reporter make the entire Public Meeting Agenda, which was made publicly available and distributed at this Meeting, part of the final record of this proceeding. That completes the Calendar.
MR. HATCH: Thank you. Meeting adjourned.

(Thereupon, the meeting was concluded at 3:02 P.M.)
CERTIFICATE
STATE OF NEW YORK)
:ss
COUNTY OF NASSAU )

I, JAMES A. TETTA, a Notary Public within and for the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such an examination is a true record of the testimony given by such a witness.

I further certify that I am not related to any of these parties to this action by blood or marriage, and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November, 2017.

James Tetta
finding 5:14 6:4 9:16 10:5 (4)
first 4:10
floor 1:10
forth 13:11
franchise 1:4 3:3 4:15,18,23 8:20,23 9:4 (8)
franchisee 6:2,14,19
furnas 2:6 3:10 7:17,23 11:6 (5)
further 13:14
given 13:13
good 3:2
hand 13:19
happens 7:7
has 6:17
hereby 13:8
hereinbefore 13:11
hereunto 13:18
hold 10:14
identified 10:3
inc 4:24 6:15,20 9:5 (4)
including 4:22
9:3
index 9:19 10:3
indicating 6:3
indictment 7:13
information 4:12,17 5:24 6:12 8:17 (5)
intent 4:14 8:19
interested 13:17
into 5:4 9:10
island 2:13 4:7
issue 6:3,25
issues 7:6 10:2
item 4:10,13 8:11,15,18 10:13,15,20 11:18 (9)
it's 4:22,22 5:6 9:3,3,11 (6)
james 13:7
jennifer 2:11
just 5:11 10:11
lafayette 1:2
lashay 2:14
last 5:14 9:16
like 6:9,11
llc 4:19 8:25
made 5:6 9:11 10:12 11:22 (4)
make 5:21 6:9,17 7:5,12 10:8,20,23
11:20 (9)
marking 5:11
management 2:9 3:15 8:4 11:11 (4)
manhattan 3:25
marriage 13:16
mayor 2:3,6 3:7,9 7:20,22 11:3,5 (8)
meeting 1:3 3:5 11:21,23 12:2,4 (6)
member 5:21 7:11,15 10:8,19,22 (6)
members 10:19
metro 4:19,20,21 8:24 9:2 (5)
motion 7:12,16 10:20,23 (4)
move 7:12 10:20
moved 7:14 10:21,24
ms 3:12,14,17,23 4:8 5:8,23 6:10 7:5,14,25 8:3,6,10 9:13 10:11,21,24 11:8,10,13,17 (22)
mutually 6:6
my 13:18
nassau 13:5
networks 4:21 9:2
new 1:11,11 4:11,19 6:15,21 8:16,24 13:3,8 (10)
no 3:20 4:2,5 7:10 (4)
nofault 6:5 10:6
notary 13:7
note 5:23
november 1:13 13:19
now 3:5
number 4:13 5:14 8:18 9:17 11:18 (5)
office 2:6,9 3:9,15 7:22 8:4 11:5,11 (8)
oh 10:10
once 9:8
one 10:2
order 3:5
other 10:18
outcome 13:17
page 5:12,14 9:13,14,16 (5)
part 11:23
parties 6:6 13:15
party 6:5 10:6
payments 6:24
payer 4:23
peter 2:3
please 3:6 4:9 7:12,16,18 8:14 10:19,23,25 (9)
pm 1:2 12:5
president 2:12,13 3:18,21,24 4:3,6 8:8 11:15 (9)
presidents 8:8 11:15
previously 5:10 9:15
principals 5:18 9:21,22
prior 10:13
proceeding 11:24
proceedings 3:1
proposed 4:16,24 8:21 9:5 (4)
proposes 4:21 9:2
provided 6:12
public 1:3 3:4 11:21 13:7 (4)
publicly 11:22
queens 4:4
question 5:22 10:9
questions 7:9
quintian 2:9 3:17 8:6 10:24 11:13 (5)
read 5:4,16 9:9
<table>
<thead>
<tr>
<th>Word</th>
<th>Line(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>reaffirm</td>
<td>10:15</td>
</tr>
<tr>
<td>received</td>
<td>9:25</td>
</tr>
<tr>
<td>record</td>
<td>5:5     9:10 11:24 13:12 (4)</td>
</tr>
<tr>
<td>regard</td>
<td>9:24</td>
</tr>
<tr>
<td>regarding</td>
<td>5:17    6:3 9:18,20 (4)</td>
</tr>
<tr>
<td>registration</td>
<td>7:3,7</td>
</tr>
<tr>
<td>reiterate</td>
<td>10:12</td>
</tr>
<tr>
<td>related</td>
<td>13:14</td>
</tr>
<tr>
<td>relation</td>
<td>5:24</td>
</tr>
<tr>
<td>relative</td>
<td>4:25    9:6</td>
</tr>
<tr>
<td>repeat</td>
<td>10:15</td>
</tr>
<tr>
<td>reporter</td>
<td>11:20</td>
</tr>
<tr>
<td>required</td>
<td>6:21</td>
</tr>
<tr>
<td>resolution</td>
<td>4:24    5:2 6:16 9:5,7 11:19 (6)</td>
</tr>
<tr>
<td>resolved</td>
<td>7:2,6</td>
</tr>
<tr>
<td>respect</td>
<td>6:13    10:14</td>
</tr>
<tr>
<td>response</td>
<td>3:20    4:2,5 7:10 (4)</td>
</tr>
<tr>
<td>responsibility</td>
<td>5:8</td>
</tr>
<tr>
<td>review</td>
<td>1:4 3:4 4:15 6:23 8:20 (5)</td>
</tr>
<tr>
<td>role</td>
<td>3:6</td>
</tr>
<tr>
<td>ruiz</td>
<td>2:5</td>
</tr>
<tr>
<td>satisfied</td>
<td>6:22</td>
</tr>
<tr>
<td>second</td>
<td>7:16,17 8:14</td>
</tr>
<tr>
<td>seek</td>
<td>4:14    8:19</td>
</tr>
<tr>
<td>selfdisclosed</td>
<td>9:19 10:3</td>
</tr>
<tr>
<td>senior</td>
<td>2:15    5:3 9:9</td>
</tr>
<tr>
<td>sentence</td>
<td>5:15,16 9:17</td>
</tr>
<tr>
<td>services</td>
<td>4:17    8:23</td>
</tr>
<tr>
<td>set</td>
<td>13:11,18</td>
</tr>
<tr>
<td>sharon</td>
<td>2:8</td>
</tr>
<tr>
<td>signature</td>
<td>13:23</td>
</tr>
<tr>
<td>since</td>
<td>5:6 9:11</td>
</tr>
<tr>
<td>ss</td>
<td>13:4</td>
</tr>
<tr>
<td>state</td>
<td>13:3,8</td>
</tr>
<tr>
<td>statement</td>
<td>5:21    6:9 10:8</td>
</tr>
<tr>
<td>statements</td>
<td>7:9</td>
</tr>
<tr>
<td>staten</td>
<td>2:13    4:7</td>
</tr>
<tr>
<td>stephanie</td>
<td>2:5</td>
</tr>
<tr>
<td>street</td>
<td>1:2</td>
</tr>
<tr>
<td>subject</td>
<td>6:19</td>
</tr>
<tr>
<td>submitted</td>
<td>4:25    5:25 9:6</td>
</tr>
<tr>
<td>submitting</td>
<td>9:20</td>
</tr>
<tr>
<td>such</td>
<td>6:23    13:12,13</td>
</tr>
<tr>
<td>sure</td>
<td>5:11    7:5</td>
</tr>
<tr>
<td>sworn</td>
<td>13:11</td>
</tr>
<tr>
<td>systems</td>
<td>4:23    6:14,20 9:4 (4)</td>
</tr>
<tr>
<td>take</td>
<td>7:19    11:2</td>
</tr>
<tr>
<td>tanessa</td>
<td>2:15    5:3 9:8</td>
</tr>
<tr>
<td>taxes</td>
<td>6:24</td>
</tr>
<tr>
<td>technology</td>
<td>4:12    8:17</td>
</tr>
<tr>
<td>telecommunications</td>
<td>4:13 8:18,22</td>
</tr>
<tr>
<td>terminated</td>
<td>6:6     10:4</td>
</tr>
<tr>
<td>testimony</td>
<td>13:13</td>
</tr>
<tr>
<td>tetta</td>
<td>13:7</td>
</tr>
<tr>
<td>thank</td>
<td>3:2 5:20 6:8,10,11 7:3,4 8:13 10:7,17,18 12:2 (12)</td>
</tr>
<tr>
<td>there's</td>
<td>10:5</td>
</tr>
<tr>
<td>thereto</td>
<td>4:25    9:6</td>
</tr>
<tr>
<td>thereupon</td>
<td>12:4</td>
</tr>
<tr>
<td>these</td>
<td>13:15</td>
</tr>
<tr>
<td>third</td>
<td>5:12    9:13</td>
</tr>
<tr>
<td>those</td>
<td>10:15</td>
</tr>
<tr>
<td>three</td>
<td>5:18    9:21,22</td>
</tr>
<tr>
<td>today</td>
<td>6:16,18</td>
</tr>
<tr>
<td>tonya</td>
<td>2:12</td>
</tr>
<tr>
<td>true</td>
<td>10:14   13:12</td>
</tr>
<tr>
<td>two</td>
<td>9:17</td>
</tr>
<tr>
<td>under</td>
<td>5:13</td>
</tr>
<tr>
<td>updating</td>
<td>6:11</td>
</tr>
<tr>
<td>us</td>
<td>6:16,18</td>
</tr>
<tr>
<td>vote</td>
<td>7:19    11:2</td>
</tr>
<tr>
<td>want</td>
<td>5:23    10:11</td>
</tr>
<tr>
<td>wanted</td>
<td>5:19</td>
</tr>
<tr>
<td>way</td>
<td>13:16</td>
</tr>
<tr>
<td>wednesday</td>
<td>1:13</td>
</tr>
<tr>
<td>whereby</td>
<td>4:21    9:2</td>
</tr>
<tr>
<td>whereof</td>
<td>13:18</td>
</tr>
<tr>
<td>which</td>
<td>11:21</td>
</tr>
<tr>
<td>who</td>
<td>5:21    10:8</td>
</tr>
<tr>
<td>whose</td>
<td>13:10</td>
</tr>
<tr>
<td>will</td>
<td>3:5,5 4:9 5:4 6:25 7:5,11,15,18 8:13 9:9 10:19,22,25 (14)</td>
</tr>
<tr>
<td>wishes</td>
<td>5:21    10:8</td>
</tr>
<tr>
<td>within</td>
<td>13:7</td>
</tr>
<tr>
<td>witness</td>
<td>13:10,13,18</td>
</tr>
<tr>
<td>would</td>
<td>6:8,11</td>
</tr>
<tr>
<td>x</td>
<td>1:2,5</td>
</tr>
<tr>
<td>yes</td>
<td>6:10    7:21,23,25 8:3,6,10 11:4,6,8,10,13,17 (13)</td>
</tr>
<tr>
<td>york</td>
<td>1:11,11 4:11,19 6:15,21 8:16,24 13:3,8 (10)</td>
</tr>
<tr>
<td>young</td>
<td>2:14    4:8</td>
</tr>
<tr>
<td>yvonne</td>
<td>2:9</td>
</tr>
</tbody>
</table>
NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

No. 1: IN THE MATTER of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of an information services franchise agreement between the City of New York and Metro Fiber Co., LLC (“Metro”), doing business as Axiom Fiber Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems (New York), Inc.

A proposed resolution was submitted relative thereto.
RESOLUTION FOR ADOPTION.

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 of a proposed assignment of a telecommunications services franchise agreement between the City of New York and Metro Fiber Co., LLC (“Metro”), doing business as Axiom Fiber Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems (New York), Inc.

A proposed resolution was submitted relative thereto.
RESOLUTION FOR ADOPTION.