

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE CIVIC ASSOCIATION OF THE DEAF OF :
NEW YORK CITY, INC. (also known as :
the New York City Civic Association :
of the Deaf) and STEVEN G. YOUNGER II, :
on behalf of themselves and all :
others similarly situated, :

Plaintiffs, :

V. :

RUDOLPH GIULIANI, as Mayor of the :
City of New York, HOWARD SAFIR, as :

Commissioner of the Fire Department :
of the City of New York, CARLOS :
CUEVAS, as City Clerk and Clerk of :
The New York City Council, PETER :
VALLONE, as Speaker and Majority :
Leader of the New York City Council, :
THOMAS OGNIBENE, as minority Leader :
of the New York City Council, and :
the CITY OF NEW YORK, :

Defendants. :
-----X

95 Civ. 8591 (RWS)

**CORRECTED
DECLARATION OF
ROBERT B. STULBERG
IN SUPPORT OF
PLAINTIFFS'
OPPOSITION TO
DEFENDANTS' MOTION
TO VACATE OR
MODIFY INJUNCTION**

EXHIBIT 21 A

NEW YORK, July 28, 2006

Where Have All The Pay Phones Gone?

Plaintiff's Exhibit
Sher JUV
2/11/11 (A)

Number Continues To Shrink; Many Of Those That Still Exist In Bad Shape

By Clarissa Striker



A pedestrian talking on her cell phone walks past a stand of broken pay phones in New York on July 24, 2006. With rising cell phone use and vandalism and neglect taking their toll, pay phones are disappearing in New York and around the country. (AP)

(AP) A stroll along Ninth Avenue in Manhattan reveals an ugly picture of the state of the pay phone these days.

The phones are sticky, beat up and scarred; some don't work at all. A child's change purse is stuffed on one phone ledge, along with a large wad of wrapping plastic. On a nearby ledge, an empty bottle of tequila sits in front of a hole that once held a phone. Empty cans of malt liquor sheathed in brown paper bags are a frequent sight.

With rising cell phone use and vandalism and neglect taking their toll, pay phones are disappearing around the nation. Consumer activists and advocates for the

poor have protested the drop in numbers — saying that public phones are necessary in emergencies and represent a lifeline for those who can't afford a cell phone or even a landline.

"If you have a cell phone, you hardly look for the pay phones," said 25-year-old Sayed Mizan, listening to his iPod on a subway platform. "Besides, most of the time if you see the pay phones, they're either out of order or they're too filthy to touch."

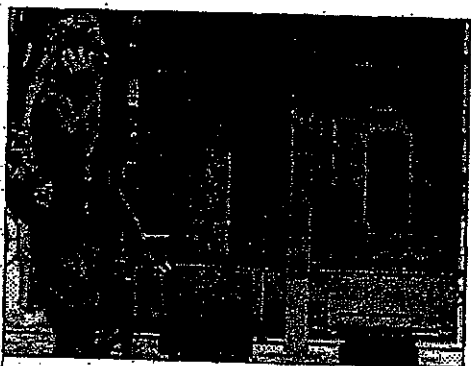
Public phone operators insist that the bad reputation of pay phones is undeserved — though they do concede that they have removed many stands in recent years due to falling use.

Nationwide, the number of pay phones has dropped by half, to approximately 1 million, over the last nine years, according to an estimate by the American Public Communications Council, a trade association for independent pay phone operators.

Where Have All The Pay Phones Gone?

Number Continues To Shrink; Many Of Those That Still Exist In Bad Shape

By Clarissa Striker



A pedestrian talking on her cell phone walks past a stand of broken pay phones in New York on July 24, 2006. With rising cell phone use and vandalism and neglect taking their toll, pay phones are disappearing in New York and around the country. (AP)

(AP)

"If a pay phone isn't covering its costs, we take it out," said Jim Smith, a spokesman for Verizon, which operates more pay phones in New York than any other company. "Toward the late '90s, the wireless phenomenon really got some momentum. That really put the squeeze on the pay phones."

The drop in pay-phone numbers angers advocates, who are quick to point out that cell phones — and sometimes any phones at all — are prohibitively expensive for many people.

A full 7.1 percent of the nation's households had no phone of any kind in November 2005, up from 4.7 percent three years earlier, according to the Federal Communications Commission.

For those people, and for the estimated 43 percent of U.S. residents with no cell phones (as of June 2004), pay phones are especially crucial, advocates say.

"Pay phones are a big deal for them," Sage Foster said of the homeless men and women he works with as a housing counselor. "For most of them, it's their only means of communication."

Pay phones also served an important purpose during two recent catastrophes in New York City — the Sept. 11 terrorist attacks and the 2003 blackout that darkened much of the Northeast. Cell phones failed during the crises, but many pay phones kept working because of their direct wiring and the phone company's backup power stores.

Ragan Belton remembers queuing up at a pay phone with 30 others to call her daughter on Sept. 11. "God forbid there's an emergency and you have to go several corners to find one that's working," she said.

But public telephones were not always regarded as such a blessing.

In the late 1970s and early '80s, the phones became increasingly unpopular with community boards and local officials afraid of drug dealers. Eventually, Verizon changed all its phones to refuse incoming calls and removed phone booths, which had become grim repositories for trash and human waste.

"There was a time when all kinds of criminal elements would set up a sidewalk office using a pay phone," recalled Smith, the Verizon spokesman.

But the phone stands that replaced them are still magnets for trash and vandalism, and some still smell distinctly of urine.

"Some operators have just abandoned locations," said Willard R. Nichols, president of the independent operators' trade group. "If you've got vandalism and damage, it's very hard to keep the phone in service, because the repair costs are too high."

Despite the rising costs, it is unlikely that pay phones will be phased out entirely, according to industry representatives who say demand remains high in working-class neighborhoods and in locations like truck stops and airports.

Marilyn Ginsberg, a retired city employee who at 63 relies almost exclusively on her cell phone, says she hopes they are right.

"They're important to have around, if for no other reason than if there's an emergency, someone can dial 911," she said.

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EXHIBIT 22

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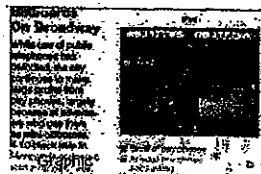
New Hampshire

As Billboards, Public Phones Always Work

By JO CRAVEN MCGINITY
Published: August 17, 2007

They stand on corners from Brighton Beach to the Bronx, all but mocking New Yorkers: Pay phones that may or may not work, which you can't even check for a dial tone without worrying about germs.

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Phone companies say the pay phones are still necessary, noting that during 9/11 and the 2003 blackout, people lined up to use them. But it is the phone kiosks' desirability to advertisers, who love them because they are inexpensive and plentiful, that appears to be driving pressure on the city for permission to install new phones in choice locations.

Since 2003, every new phone the city has authorized has been put at the curb, the only spot where city regulations permit advertising. It has approved moving 465 pay phones from alongside buildings to the curb.

The phones are a source of frustration to some neighborhood and community groups, who say the city is giving precious sidewalk space over to what New York needs least: more messages from Madison Avenue. They are urging the city to put limits on pay phones and their advertising.

"The phone booths are unkempt. They are dirty. The advertising is overwhelming," said

But they remain rooted in the pavement of New York, blocking pedestrian traffic, looking a bit like museum pieces in an age of cellphones, BlackBerrys and Bluetooth headsets.

There is a reason for their survival: Public telephones are one of the stranger cash cows in city finance. Not because of the coins that are fed into them, but rather because of the millions upon millions that companies are willing to pay to put ads on them.

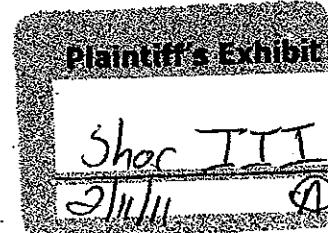
The phone kiosks generate \$62 million in advertising revenue annually — and last year the city got \$13.7 million of the take, triple what it pulled in from calls.

Over all, the number of pay phones in New York is falling, as it is throughout the country. But in a phenomenon unique to New York, the phones are more valuable than ever, thanks to the intense competition among advertisers for attention in a city of eight million.

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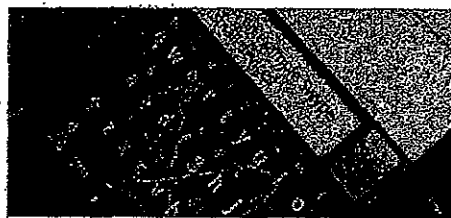
MARISA TOMEI
CATHERINE KEEFER

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Vanessa Gruen, director of special projects for the Municipal Art Society, which has objected to the phones. "The sidewalks of New York are our biggest public space, and somebody should be watching over them, and they should not be for sale for the city to make money out of them."

The Department of Information Technology and Telecommunications, which regulates the phones, declined to discuss their pay phone policies. Press aides to Mayor Michael R. Bloomberg did not respond to an e-mail message.

New York transformed the pay phone business in 1999 when it signed franchise agreements with all pay phone companies operating in the city and required them to use media representatives specializing in outdoor marketing to sell their ad space. Previously, only New York Telephone was licensed to provide pay phones in the city, though other companies did so anyway. Now, 39 pay phone companies have agreements.

Within two years, the city's pay phone ad revenue had outstripped its earnings from calls. The city collects 26 percent of the ad money, while it gets 10 percent of the revenue from local calls and 50 percent from long-distance calls.

The gap between the income sources has continued to widen.

"One of the top buys in New York right now, and it has been for the last couple of years, is phone kiosks," said Keith Stewart, vice president of Generation Outdoor, which places outdoor advertising. "We're able to spend a fraction of what we would for other outdoor formats. With kiosks, I can blanket the city."

Although the number of phones in the city is shrinking — there are now about 22,700 —, 80 percent of the decline has been from phones alongside buildings, rather than at the curb, according to the Department of Information Technology and Telecommunications. Those are the phones that do not permit advertising.

"It's so clearly for advertising," said David G. Liston, chairman of Manhattan Community Board Eight.

Mr. Liston would rather have trees than pay phones sprouting from city curbs. "Sometimes, you'll see two and three pay phones together as if it's an airport," he said. "It's almost as if they are putting out more phones for bigger ad spaces."

Some restrictions have been put in place. Advertising on curbside kiosks on purely residential streets is not allowed. And no ads are permitted on any new pay phones approved since December 2004 in Manhattan neighborhoods south of Harlem.

Pay phone companies say they sympathize with neighborhood residents. But they warn that New York would be worse off with fewer public phones, and ads help the companies survive.

"It's keeping the public pay phones alive," said Les Shafran, executive director of the Independent Payphone Association of New York.

While the agreements vary, generally, the phone companies receive up to a third of the revenue, while media representatives who market the space take in roughly 50 percent.

"Pay phone providers in other parts of the county are seeing ad revenue, but not like New York," said Tracey Timpanaro, editor and publisher of Perspectives on Public Communication magazine, a publication of the American Public Communications Council. "It's the foot traffic. No other place is going to have that level of foot traffic."

Mr. Stewart agrees: "It's definitely a New York niche phenomenon. Once you get to New York, you're battling with everything. You have taxi tops, transit shelters and urban panels. You have bus sides, bus interiors, subway interiors and subway platform posters. And then you have traditional bulletins — the billboards — and, in some cases, walls."

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Even in such a saturated market, Richard Schaps, the chairman and chief executive of Van Wagner, the media representative that controls advertising on 3,000 of the city's phone kiosks, says there is room for growth.

Van Wagner has spent at least \$129,000 since 2000 to lobby the city for pay phone advertising and the installation of phones on city streets. And it has asked the Traffic Audit Bureau, which monitors the reach of billboards and other outdoor media, to devise a method to measure pay phone kiosks as well -- a first for the bureau.

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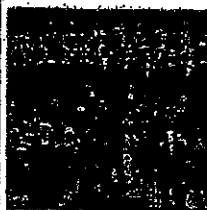


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Sorry, Superman, You'll Have to Change Someplace Else

By **VINCENT M. MALLOZZI**

Published: February 19, 2006

For pay phones in New York and pretty much everywhere, time is expiring.

Once planted like lifelines on city sidewalks and in small businesses, pay phones are rapidly disappearing from an ever-expanding wireless landscape.

The proliferation in recent years of cellular phones, not to mention BlackBerrys and Sidekicks, is doing nothing to get the pay phone off the endangered species list.

Like the phonograph and the typewriter, the pay phone could one day become an anachronism, the kind of prop seen in period films.

At the Romano's Macaroni Grill in Holmdel, N.J., for example, a customer who needed to use the pay phone was told it had been removed several months earlier. That same customer was sent next door, to a Chili's Bar and Grill, but it had also removed its pay phone.

"The purpose of pay phones was to serve people in motion," said Jim Smith, a spokesman for Verizon.

"Wireless phones now serve that same purpose, which is why we're seeing a decline in pay phones throughout the United States."

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While the demise of the pay phone has long been predicted as an inevitable consequence of evolving technology, the latest batch of available numbers reveals just how quickly they are vanishing.

The number of pay phones in the United States fell to about 1.3 million in 2004 from more than 2 million in 2000, according to the latest figures from the American Public Communications Council, a trade association based in Alexandria, Va. In New York State, the group said, there were nearly 165,000 pay phones in 2002. Two years later that number had dropped to about 137,000.

Once upon a three-minute call, pay phones were a profitable venture for phone companies, and the "location agents," like restaurant and grocery store owners, with whom they formed partnerships.

According to Verizon, the heyday for pay phones was in the mid-1990's. But then, the major increases in the nation's use of wireless technology took a financial toll on the pay phone industry.

"Maintaining pay phones, with all the technological updating, cleaning and repairing costs involved, is very expensive," Mr. Smith said. He said that, on average, a Verizon pay phone should handle at least 150 calls per month in order to cover its individual operating costs. Based on that 150-call minimum, a pay phone requiring 50 cents for a local call would need to earn \$75 a month to financially justify its existence. "The bottom line," Mr. Smith added, "is that pay phones are struggling to generate revenue, and are no longer profitable, so out they go."

Pay phones are being disconnected in small business settings like restaurants, variety stores and coin laundries, and many are being taken out of street service by phone companies.

At the Palm, a restaurant on West 50th Street in Manhattan, Bryan Cox, the manager, said that the pay phone had been pulled, at Verizon's request, four months ago.

Mr. Cox, who has worked at four other Palm locations during his 10 years with the restaurant chain, in Boston, Philadelphia, Washington and East Hampton, N.Y., said that with each passing year customers have relied less on pay phones.

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"Verizon called and asked us to take this phone out because no one was using it any longer," said Mr. Cox, standing where the pay phone used to hang; that spot on the wall has now been plastered over and covered by a placard showcasing a restaurant review. "Since we pulled it, only one customer has asked about it, and we let him use the house phone."

As Mr. Cox spoke, one patron who overheard his comments insisted that despite advances in technology, pay phones still have a much-needed place in society — especially in restaurants.

Marian Cabasso, a 31-year-old advertising executive at nearby Ogilvy & Mather, said she longed for those pre-cellphone days when she could go to a restaurant and enjoy a quiet meal.

"In years past, when people in restaurants needed to use the phone, they excused themselves, went to the back of the room and spoke until their quarter expired," Mrs. Cabasso said. "Now I'm surrounded by people at other tables who are gabbing away on their cellphones.

"It's bad enough on trains," Mrs. Cabasso said. "But talking like that in a restaurant, that's rude and inconsiderate."

On a recent morning, Catherine Manniello, 70, a retired bookkeeper who lives in Riverdale, the Bronx, walked toward the back of a large phone bank on 34th Street and Eighth Avenue, one of the city's busiest corners.

Mrs. Manniello, who has never owned a cellphone, was rushing to place a call to a friend to say that she was running late for a breakfast they had planned in Midtown.

Mrs. Manniello stopped dead in her tracks, and looked as if she had seen a ghost.

In a way, she had. Standing before her were the skeletal remains of what once were a pair of healthy, working pay phones. Each of the two phones had been yanked — their status uncertain — leaving behind just the hollow boxes that once housed them, and the gray, steely walls of a shelter that once shielded them from the elements.

"This is disgraceful, and it's the not the first time I've seen it," Mrs. Manniello said. "Why do they keep taking the phones away? How are people supposed to communicate

with one another?"

Mrs. Manniello was told about the disappearing pay phone trend across America.

"But what about older people who have never used cellphones, or poor people who can't afford them, or people who just don't want one?" she wondered aloud.

As she looked around for another phone, Mrs. Manniello said that she might contact her congressman about her concerns over the increasing lack of pay phone access.

"I'd better write him," she said. "From the look of things, I'll never be able to call him."

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EXHIBIT 24



DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Carole Post, Commissioner

Key Public Service Areas

- ✓ Ensure sustained delivery of City IT services through optimizing assets and infrastructure consolidation, including data centers, telecommunications, NYC.gov, and wireless services.
- ✓ Review and develop City agency and government requests for IT applications and service initiatives.
- ✓ Provide assistance to consumers of franchised cable television services, and ensure the availability and cleanliness of public pay telephones on City streets.
- ✓ Manage the use of IT contracts and license agreements, and ensure that vendors provide value-added services that are managed to accountability standards.
- ✓ Provide high quality technical expertise for all IT services.

Critical Objectives

- Provide state-of-the-art service delivery and performance monitoring of assets and resources for agency information systems, including mainframe, Unix, Wintel, and NYCWIN.
- Consolidate and rationalize agency IT infrastructure and services.
- Improve the resolution rate of Citywide Service Desk tickets and incidents, and manage system infrastructure changes in an effective manner.
- Improve City agency telecommunication service.
- Increase the public's access to City government through NYC.gov, the City's official website, and the development of mobile telephone and social media tools.
- Facilitate open, accessible public data.
- Prioritize and coordinate IT application projects.
- Improve oversight and use of enterprise IT contracts and license agreements.
- Resolve cable complaints reported to DoITT in a timely manner.
- Maximize availability, operability and cleanliness of public pay telephones on City streets.
- Effectively manage IT vendor and professional services.
- Increase training and professional certification of DoITT's IT staff.

Scope of Agency Operations

The Department of Information Technology and Telecommunications (DoITT) is the City's Information Technology (IT) utility, ensuring the sustained, efficient delivery of IT services, infrastructure and telecommunications. DoITT establishes the City's IT strategic direction, security policies and standards; procures citywide IT services, and evaluates emerging technologies; provides project management, application development and quality assurance services; maintains NYC.gov, new media development and operations, and Geographic Information Systems; operates the City's data center, the dedicated wireless network (NYCWIN), the wired network (CityNet), the Citywide Service Desk, and telecommunications systems; administers telecommunications franchise contracts providing fiber, cable television, pay telephones, and mobile telecom equipment installed on City property and streets; leads CITIServ, a citywide IT infrastructure consolidation program; supports the Emergency Communications Transformation Program, the Mayor's Office of Media and Entertainment, and the Health and Human Services Connect and Accelerator programs; and fosters public-private partnerships to improve IT service delivery.

Performance Report

- ✓ Ensure sustained delivery of City IT services through optimizing assets and infrastructure consolidation, including data centers, telecommunications, NYC.gov, and wireless services.
- In Fiscal 2010 DoITT's Information Technology Services Unit continued to provide to City agencies sustained, high-level delivery of key IT systems with 99.99 percent uptime.
- NYC.gov averaged nearly 2 million visitors per month and received 296 million page views during Fiscal 2010.
- During the reporting period the average time for DoITT to resolve agency telecommunication issues remained stable.
- DoITT maintained mission critical public safety wireless data networks (NYCWIN, Citywide Radio Network, and 800 MHz radios) at an uptime of 99.99 percent.



Performance Statistics	Actual					Target	
	FY06	FY07	FY08	FY09	FY10	FY10	Updated FY11
* Uptime of key systems (mainframe, Unix, Wintel) (%)	NA	99.90%	99.90%	99.99%	99.99%	*	99.99%
Capacity utilization of key systems (mainframe, Unix, Wintel) (%)	NA	NA	NA	NA	NA	*	*
Performance shortfalls (Service Level Agreement infractions) of key systems	NA	NA	NA	NA	NA	*	*
* Uptime of NYC.gov (%)	NA	99.95%	99.95%	99.95%	99.99%	*	99.99%
* NYC.gov unique visitors (average monthly) (000)	NA	NA	NA	1,859.8	1,923.1	*	*
NYC.gov page views (000)	NA	NA	NA	NA	296,939.8	*	*
Data sets available for download on NYC.gov	NA	NA	NA	NA	194	*	*
Service desk contacts - Telephone	NA	NA	49,225	38,283	26,115	*	*
Service desk contacts - Web	NA	NA	NA	NA	252	*	*
Service desk contacts - E-mail	NA	NA	NA	NA	11,757	*	*
Service desk contacts - DoITT list	NA	NA	NA	NA	3,731	*	*
* Average time to resolve service desk calls (days)	NA	1.6	1.2	1.0	1.0	*	*
Service desk calls resolved in less than 24 hours (%)	NA	61%	70%	76%	77%	*	80%
Service desk incidents (average monthly)	NA	NA	NA	11,675	12,101	*	*
Incident priority level - Urgent	NA	NA	NA	NA	58	*	*
Incident priority level - High	NA	NA	NA	NA	25,433	*	*
Incident priority level - Medium	NA	NA	NA	NA	57,025	*	*
Incident priority level - Low	NA	NA	NA	NA	61,692	*	*
* Average time to resolve all incidents (days)	NA	NA	NA	2.27	2.20	*	*
Average time to resolve incidents - Urgent (days)	NA	NA	NA	NA	3.96	*	*
Average time to resolve incidents - High (days)	NA	NA	NA	NA	0.92	*	*
Average time to resolve incidents - Medium (days)	NA	NA	NA	NA	1.33	*	*
Average time to resolve incidents - Low (days)	NA	NA	NA	NA	3.54	*	*
Planned IT infrastructure changes (average monthly)	NA	NA	NA	1,125	1,182	*	*
Unplanned IT infrastructure changes (%)	NA	NA	NA	12.6%	10.3%	*	*
Uptime of NYCWLN (%)	NA	NA	NA	NA	99.99%	*	99.99%
Uptime of 800 MHz network (%)	NA	NA	NA	NA	99.99%	*	99.99%
Uptime of Citywide Radio Network (%)	NA	NA	NA	NA	99.99%	*	99.99%

* Critical Indicator - 311 related "NA" means Not Available in this report

✓ Review and develop City agency and government requests for IT applications and service initiatives.

- DoITT's Service Catalog, implemented in August 2010, enables all City agencies to view and electronically submit their IT requests related to hardware, software, staffing, and services. The Service Catalog provides the information necessary for agencies to clearly understand the available services, the value they provide, the associated performance metrics, and relevant DoITT and agency responsibilities. The Catalog also provides agencies with access to services available from DoITT's project management office (PMO), assisting agencies in initiating projects and programs and guiding them through to completion.

Performance Statistics	Actual					Target	
	FY06	FY07	FY08	FY09	FY10	FY10	Updated FY11
Service Catalog requests submitted by City agencies	NA	NA	NA	NA	NA	*	*
Service Catalog requests for IT infrastructure	NA	NA	NA	NA	NA	*	*
Service Catalog requests for IT programs and applications	NA	NA	NA	NA	NA	*	*

* Critical Indicator - 311 related "NA" means Not Available in this report



- ✓ Provide assistance to consumers of franchised cable television services, and ensure the availability and cleanliness of public pay telephones on City streets.
- In Fiscal 2010 the average time to close all cable complaints decreased 18 percent. This was largely due to a 22 percent reduction in the time to resolve billing complaints.
- The number of violations issued for pay phones decreased 28 percent as a result of a 6 percentage point increase in phones deemed operable.

Performance Statistics	Actual					Target	
	FY06	FY07	FY08	FY09	FY10	FY10	Updated FY11
☒ Average time to close cable complaints (days) - All complaints	17.3	15.3	20.3	15.8	13.0	*	*
☒ - Service complaints	15.7	12.8	14.7	12.2	12.5	14	13
☒ - Billing complaints	20.9	19.1	20.5	24.8	19.4	30	20
★ ☒ All cable complaints resolved within 30 days (%)	90.0%	96.0%	95.3%	98.7%	98.7%	*	*
Pay phone inspections conducted	NA	12,460	10,069	8,643	8,521	*	*
Pay phone Notices of Violation issued	NA	1,860	1,896	2,000	1,436	*	*
Pay phone violations upheld in court (%)	NA	NA	NA	NA	71%	*	*
Pay phone violation fines paid (\$ 000)	NA	NA	NA	NA	\$1,412.8	*	*
★ ☒ Inspected phones deemed operable (%)	91%	83%	83%	75%	81%	95%	95%
☒ Inspected phones passing scorecard appearance standards (%)	92%	93%	88%	94%	95%	95%	95%

* Critical Indicator ☒ 311 related "NA" means Not Available in this report

- ✓ Manage the use of IT contracts and license agreements, and ensure that vendors provide value-added services that are managed to accountability standards.
- DoITT recently established an IT Vendor Management Program that during Fiscal 2011 will examine procedures related to vendor accountability, introduce new best practices for vendor selection and compensation, and increase transparency in vendor engagements. Further, DoITT will develop and oversee a performance evaluation tracking and reporting protocol to ensure that IT vendor resources throughout the City are delivering services on time.

Performance Statistics	Actual					Target	
	FY06	FY07	FY08	FY09	FY10	FY10	Updated FY11
Ending IT contracts (all engagements)	NA	NA	NA	NA	232	*	*
Open IT procurements	NA	NA	NA	NA	43	*	*
Average time to process an enterprise contract (days)	NA	NA	NA	NA	341	*	*
IT vendors (project-based)	NA	NA	NA	NA	15	*	*
IT vendor personnel per project	NA	NA	NA	NA	30.5	*	*

* Critical Indicator ☒ 311 related "NA" means Not Available in this report



✓ Provide high quality technical expertise for all IT services.

- In August 2010 DoITT conducted a voluntary staff survey concerning IT certifications. Preliminary results returned show that out of the 484 technically skilled positions in the agency, 90 employees indicated that they possess one or more IT professional certifications. Additional information gathered in this survey will assist the agency in future training and professional workforce development efforts.

Performance Statistics	Actual					Target	
	FY06	FY07	FY08	FY09	FY10	FY10 Updated	FY11
IT certifications for DoITT employees	NA	NA	NA	NA	90		

* Critical Indicator - 311 related: "NA" - means Not Available in this report

Agency Customer Service

The Department of Information Technology and Telecommunications provides service to its customers through its website and correspondence.

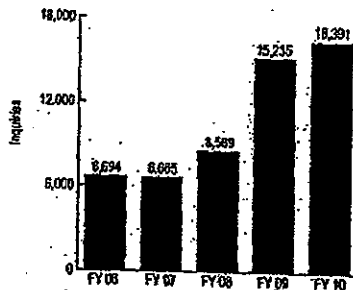
Customer Service	Agency FY10	Citywide Total FY10
Average response time for email correspondences (days)	6.9	9.5
Average response time for letters/mail correspondence (days)	7.0	12.4
Number of agency customers surveyed for overall customer satisfaction	0	992,701
Number of completed customer requests for interpretation	NA	1,786,715

Inquiries and Service Requests Received by 311 Customer Service Center



The 311 Customer Service Center received 16,391 DoITT-related inquiries in Fiscal 2010.

Inquiries Received by 311



Top 5 DoITT-related Inquiries:	Total	% of DoITT
ACCESS NYC	8,197	50.0%
Cable Television Complaint - Service	1,861	11.4%
Pay Phone Complaint - Street	1,804	11.0%
Cable Television Complaint - General	1,772	10.8%
NYC Radio and Television - Information and Complaint	1,547	9.2%

Top Five 311 Service Requests for DoITT

Service Requests	# of SRs	Expected Days to Action	Average Days to Action	% of SRs Meeting Time to Action
Cable Complaint - Service	1,235	14	11	93%
Public Payphone Complaint - Damaged Telephone	568	30	30	75%
Public Payphone Complaint - Lost Coin	525	44	27	87%
Cable Complaint - Billing	328	20	19	96%
Cable Complaint - Miscellaneous	243	28	16	95%



Agency Resources

Agency Resources	A c t u a l					Preliminary Updated		
	FY06	FY07	FY08	FY09	FY10	FY10 ¹	FY11 ²	FY11 ²
Expenditures (\$ millions)	\$237.2	\$255.5	\$308.3	\$370.0	\$316.8	\$380.9	\$357.3	\$359.5
Revenues (\$ millions)	\$117.5	\$127.4	\$137.4	\$145.8	\$146.2	\$147.2	\$147.8	\$147.8
Personnel	989	1,100	1,196	1,273	1,177	1,367	1,265	1,271
Overtime paid (\$000)	\$1,744	\$1,947	\$1,421	\$682	\$493			

¹ January 2010 Financial Plan

² Authorized Budget Level

³ Expenditures include all funds

"NA" means Not Available in this report

Noteworthy Changes, Additions or Deletions

- Carole Post began serving as Commissioner of DoITT on January 19, 2010. During Fiscal 2010, DoITT conducted a comprehensive review of performance measures for each service area; as a result, the Department added 36 new measures to this edition of the Mayor's Management Report. Additional refinements to the measures and available data are expected in the Preliminary Fiscal 2011 Mayor's Management Report.

Indicator

Report Month - August 2010

Agency	Program Area	PIA ID	Indicator Name	Management Area	Last Full Fiscal Year	Report Month FY10	Report Month Last FY10	Target	FY10 (or Target) Variance	Report Month	Report Month Last Year	Month Variance	Desired Direction	Most Recent Month	Most Recent Year
DOITT	Enterprise Services Management (Selftest)	9189	Average time to resolve incidents - High (days)	Operational Performance - External	0.92	0.99				0.54			Down	0.53	2010/09
	Enterprise Services Management (Selftest)	9190	Average time to resolve incidents - Medium (days)	Operational Performance - External	1.33	1.36				1.29			Down	1.13	2010/09
	Enterprise Services Management (Selftest)	9191	Average time to resolve incidents - Low (days)	Operational Performance - External	3.54	1.71				1.53			Down	1.40	2010/09
NYC.gov		276	Uptime of NYC.gov (%)	Operational Performance - External	99.99%	100.00%	100.00%			100.00%	100.00%	0.0%	Up	99.73%	2010/09
NYC.gov		5713	NYC.gov unique visitors (average monthly) (000)	Operational Performance - External	1,622,149.3	2,149.8	1,831.0			2,204.4	1,837.8	24.9%	Up	2,333.6	2010/09
NYC.gov		277	NYC.gov online forms available	Operational Performance - Internal	560	560	520			560	520	77%	Up	550	2010/09
NYC.gov		9180	Data SMS available for download on NYC.gov	Operational Performance - Internal		194				354			Up	194	2010/09
NYC.gov		9149	NYC.gov unique visits (000)	Demand	23,077.8	2,149.8				2,296.1			Up	2,250.1	2010/09
NYC.gov		9150	NYC.gov page views (000)	Demand	206,839.8	42,042.6				48,807.6			Up	47,951.4	2010/09
Pay Telephone Oversight		209	Inspected phones deemed operable (%)	Operational Performance - External	81%	81%	80%		-5.0%	81%	86%	-5.0%	Up	81%	2010/09
Pay Telephone Oversight		200	Inspected phones passing scorecard appearance standards (%)	Operational Performance - External	95%	95%	90%		-3.0%	94%	87%	-3.0%	Up	84%	2010/09
Pay Telephone Oversight		4366	Pay phone notices of violation issued	Operational Performance - Internal	1,436	179	293		-7.3%	83	82	13.4%	Neutral	83	2010/09
Pay Telephone Oversight		4367	Pay phone inspections conducted	Operational Performance - Internal	8,521	1,379	1,359		1.5%	749	674	9.8%	Neutral	740	2010/09
Pay Telephone Oversight		9192	Pay phone violations upheld in court (%)	Operational Performance - External	72%	74%				66%			Up	66%	2010/09
Pay Telephone Oversight		9193	Pay phone violation fines paid (\$ 000)	Operational Performance - Internal		320.60				379.00			Neutral	\$79.00	2010/09
Pole top space		294	Pole top installations (wireless transmissions) - private sector	Operational Performance - Internal	72	26	0			6	0		Up	5	2010/09
Technical expertise		9173	IT certifications for DOITT employees	Operational Performance - Internal	50	N/A	N/A			N/A	N/A		Up	50	2010/09
Telecommunications		286	Average time to resolve agencies' telecommunication issues (days)	Operational Performance - External	2.7	2.0	2.0			2.0	2.9	-21.5%	Down	2.4	2010/09
Wireless Services		9156	Uptime of NYCWPN (%)	Operational Performance - External	99.99%	N/A	N/A			N/A	N/A		Up	N/A	2010/09
Wireless Services		9157	Uptime of 800 MHz network (%)	Operational Performance - External	99.99%	N/A	N/A			N/A	N/A		Up	N/A	2010/09
Wireless Services		9158	Uptime of Citywide Radio Network (%)	Operational Performance - External	99.99%	N/A	N/A			N/A	N/A		Up	N/A	2010/09
Wireless Services		9159	800 MHz network transmissions (000)	Demand	3,333.3	N/A	N/A			N/A	N/A		Neutral	N/A	2010/09
Wireless Services		9160	Citywide Radio Network transmissions (000)	Demand	2,607.4	N/A	N/A			N/A	N/A		Neutral	N/A	2010/09
Wireless Services		9161	NYCWPN performance shortfall (Service Level Agreement Infractions)	Operational Performance - Internal	5	N/A	N/A			N/A	N/A		Down	N/A	2010/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CIVIC ASSOCIATION OF THE DEAF OF :
NEW YORK CITY, INC. (also known as :
the New York City Civic Association :
of the Deaf) and STEVEN G. YOUNGER II, :
on behalf of themselves and all :
others similarly situated, :

Plaintiffs,

95 Civ. 8591 (RWS)

V.

RUDOLPH GIULIANI, as Mayor of the :
City of New York, HOWARD SAFIR, as :

Commissioner of the Fire Department :
of the City of New York, CARLOS :
CUEVAS, as City Clerk and Clerk of :
The New York City Council, PETER :
VALLONE, as Speaker and Majority :
Leader of the New York City Council, :
THOMAS OGNIBENE, as minority Leader :
of the New York City Council, and :
the CITY OF NEW YORK, :

Defendants.

**CORRECTED
DECLARATION OF
ROBERT B. STULBERG
IN SUPPORT OF
PLAINTIFFS'
OPPOSITION TO
DEFENDANTS' MOTION
TO VACATE OR
MODIFY INJUNCTION**

-----X

EXHIBIT 25

D/HH
FSE

From: Anthony Mancuso
To: Thomas Galvin, John Errico
Date: 6/17/2010 12:52 PM
Subject: Re: FIRE SAFETY PRESENTATION FOR HARD OF HEARING-

Chief

I know Roland should be able to come up with the schools and organizations for the hearing impaired. But we have been very successful with our FSH and the hard of hearing by using the house or visual props in the experience. Visual is most helpful because we have been told by the teachers that you cannot sign every thing we say. I personally showed pictures of how to be fire safe and the clients signed that they now understand about what's dangerous. We would welcome a chance to bring FSE to these special needs schools.

Lt. Anthony Mancuso
Director of Fire Safety Education
Fire Dept. City of New York
718-281-3874

Mancusa@fdny.nyc.gov
Original Message

From: Thomas Galvin
To: John Errico <erricoj@fdny.nyc.gov>
To: Anthony Mancuso <mancusa@fdny.nyc.gov>

□ Au



Sent: 6/16/2010 2:22:00 PM
Subject: FIRE SAFETY PRESENTATION FOR HARD OF HEARING-

TONY/JOHN

DO YOU KNOW HOW MANY EVENTS WE DID FOR PEOPLE WHO ARE DEAF-DO YOU KNOW THE LOCATIONS..WILL HAVE TO ADD THE TAPPING SIGNALS FOR THE ALARM BOXES AS PART OF CURRICULUM AND I AM GETTING A LIST OF ALL SCHOOLS FOR THE DEAF AND WE MAY HAVE TO DO AN OUTREACH TO THESE LOCATIONS AND ANY OTHER ORGANIZATION THAT SERVICES THIS PARTICULAR GROUP