

# DAILY NEWS

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## Samuel L. Jackson, neighbors want AT&T to refund \$750,000 for electric bill charges

Residents at the Leonori building say they've been paying bill for phone giant subsidiary since 1992, when company installed cell tower atop roof

BY BARBARA ROSS / NEW YORK DAILY NEWS

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SOUL BROTHER/FILMMAGIC

Samuel L. Jackson and his neighbors are demanding AT&T to refund \$750,000 worth of electric bill charges over 20 years.

Residents of an upper East Side building that is home to actor Samuel L. Jackson and former Morgan Stanley CEO John Mack want an AT&T subsidiary to pay their electric bill — for \$750,000.

The company that put a cell tower on the roof of the building, the Leonori, in 1992 was supposed to install its own electric supply line and meter, but it never did, according to papers filed in Manhattan State Supreme Court.

As a result, the homeowners in the 13-story building at Madison Ave. and E. 63rd St. have been paying AT&T's electric bill for the past 20 years. They are demanding a refund of at least \$750,000.

Tobias Sumner, the president of the condominium board, said the problem was discovered last summer when the condo's board commissioned an energy audit in order to start making the 113-year-old structure eco-friendly.



RON ANTONELLI/NEW YORK DAILY NEWS

Cell towers atop the Leonori at 26 E. 63rd St. in Manhattan at the corner of Madison Ave.

The building's lawyer, Mark Freyberg, said auditors discovered that the cell phone tower was attached to a submeter on an electrical line that supplies power to the common areas of the building. The condo owners pay that bill.

Freyberg said the submeter was supposed to be a temporary measure until the cell tower company got its own line and meter, but it was never installed and the building's former managing agent "never picked up on it."

The lawyer said that based on the submeter readings, the owners estimate that 70% of the electricity used on the building's line is absorbed by the cell phone tower, and for the past six years, they have paid about \$40,000 a year for AT&T's usage.

Sumner said AT&T admitted there was a problem and offered to pay \$100,000 to settle the back bill. That offer incensed the board members and convinced them that the "mistake" was deliberate.

"It is unconscionable for a firm to ignore what they should have been doing for 20 years and that's paying their bills," he said.

AT&T did not return email messages. Patrick Ford, the lawyer for AT&T's cell phone tower subsidiary, New Cingular Wireless PCS, LLC, did not return a phone call or email message.

In court papers, the Leonori is charging New Cingular with fraud and unjust enrichment as well as breach of contract. Freyberg said that opens the door for AT&T to have to pay for it owes for the full 20-year period.

The Leonori says in court papers that it believes New Cingular Wireless "has wrongfully benefited" by stealing electricity from other property owners who lease rooftop space for their cellphone towers.

"We've heard they do it in various places across the city. We were annoyed by that. We are decent, kind, bright people. We don't cast aspersions. But they've treated us cavalierly," Sumner said.

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The Leonori is home to Samuel L. Jackson and former Morgan Stanley CEO John Mack.

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