

Ann Machado - RE: Date for ZBA meeting for Verizon equipment shelter

From: "Galardo, Barbara (Portland, ME)" <bgalardo@fairpoint.com>
To: AMACHADO@portlandmaine.gov
Date: 12/28/2015 8:12 AM
Subject: RE: Date for ZBA meeting for Verizon equipment shelter

Unless someone can provide another definition of "Utility" per the City or State, Verizon is not a Utility Provider. Therefore, they cannot build a "substation". Please see the definition of a Public Utility and a Telephone Utility per the Maine Statutes that govern telecommunications below. Verizon sold its "public utility" to FairPoint, Inc. in March 2008. (Lots of Folks still refer to FairPoint as Verizon). In addition to the rules cited below, the Maine Public Utility Commission website does not show Verizon as a Maine Telephone Utility.

Title 35-A: PUBLIC UTILITIES Part 1 Chapter 1

§102. Definitions

13. Public utility. "Public utility" includes every gas utility, natural gas pipeline utility, transmission and distribution utility, telephone utility, water utility and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area. "Public utility" includes a smart grid coordinator as defined in section 3143, subsection 1, paragraph B.

19. Telephone utility. "Telephone utility" includes every person, its lessees, trustees, receivers or trustees appointed by any court, that provides telephone service for compensation inside this State. "Telephone utility" also includes a dark fiber provider. "Telephone utility" does not include any person or entity that is excluded from the definition of "public utility" as defined in subsection 13, subject to the provisions of subsection 13, paragraphs A to C.

Barbara Galardo

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Monday, December 21, 2015 8:36 AM
To: pjhaskell@aol.com; dpeaco@daymarkea.com; Galardo, Barbara (Portland, ME); amelaihassler@gmail.com; byarrison@gmail.com; michael.rogers66@gmail.com; Stroudwater Village Association Board of Trustees; bartholomewbill@yahoo.com
Subject: Date for ZBA meeting for Verizon equipment shelter

I just wanted to let you know that Verizon is planning to come back before the Zoning Board of Appeals on Thursday, January 21, 2016.

Ann Machado

Ann Machado
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