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Much has been said about in the matter of Rasheed Clark vs. Verizon about Verizon's right of way to install utility lines in the alleyway next to my home at 1240 West Hilton Street. Verizon maintains that through its predecessor, Bell Atlantic, that it has the right of way to install power lines and poles in the alley way to right of, when you are facing south, and the south side alley of my property. Yet, the matter at hand is the maintenance and interference with my enjoyment of my home and my rights as a homeowner.

In the past several years, I have frequently contacted Verizon about the level of maintenance on their wires and how the height has interfered with the enjoyment and maintenance of my home creating what can be considered as a negative easement. In May of 2021, Union Roofing was employed to complete the renovation of the roof of my property. I was told that they had to access the roof through my neighbor's property at 1238 due to the wiring interfering with their ladders and the use of their equipment.

When addressing this matter, Verizon frequently relied on the use of Google Maps to determine the issues with the wiring. These outdated photos provided a false idea of the issue. Verizon has sent a crew out to my home to inspect the situation several times and maintains several times that they have raised the wiring and fixed the issue at hand. However, if there wasn't an issue, would they have had to send anyone out?

In only one of these instances has Verizon sent out someone to allow me to point out what the issue was. In a previous incident, they sent someone out to my residence. I believe it was three white women or men. These individuals never identified themselves and when questioned, the spokesperson for the group stated she thought I was one of her workers, two Black men, with herself being a white female.

I called Verizon about the exchange and how she mistaken the homeowner of the property for two Black employees and how she quickly left.

At another point, Verizon employed the Angry Beaver Tree Company to come cut away the foliage that was growing through the wiring. They cut one branch that was extending through the wiring and left. Leaving the gate open with no notice of their leaving. Again, I contacted Randy Tibbs in at Verizon. Again, nothing was done.

As I mentioned, there was only one time that Verizon sent three employees out to see not only the issues with the low hanging wires but the overgrowth and actually speak to me directly about the issue. One remarked that he had 10 years of experience and two stated that they both had fifteen years of experience. All agreed that the wiring was an issue. They attempted to raise the low hanging wires, and remove the tangle of wires connected to my home upon entry to the alleyway, however, their repairs didn't remain. This brings me back to the issues of maintenance in regards to the wiring.

Complainant's Exhibit 2 C-2019-3014882 9/7/22 JK
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Then, I began receiving several calls from a “Myra” from Verizon who pretended to be sympathetic to my cause. She claimed she understood. However, her calls were followed up by a notice that Verizon stated that they were closing the case with the Public Utility Commission stating that they have done all that they can do to raise the wiring and made the necessary repairs. This would be false given that as of August 31, 2022, the wires and one of the pieces is laying on the ground.

What Verizon failed to point out is that because of their lack of care and maintenance of their wiring, their allowing the overgrowth, the tree limbs and other materials, has hindered my ability to access the already narrow as expressed in their exhibits, four-foot alley way. I have a document disability and I am protected under the Americans with Disability Act.

As seen from the pictures, my attempts to access the alley way or my backyard from the alleyway can and would result in my injury or anyone else. I cannot even hire anyone to clean my alley way because even my uncle has express fear of coming in contact with the Verizon wiring. This wiring as situated still impede one’s ability to use the alley way.

Verizon maintains that I do not own the alley way but as a homeowner, having owned my property since 1994 by the deed provided by Verizon, I have established a right to its use given that I am the only homeowner directly connected to it. I have a right of way and it directly affects my ability to use and enjoy my home as a tax paying homeowner.

Also, what Verizon fails to disclose is the recommended heights of said power lines in their argument. They have stated that the poles are 10 feet, but at what level is the wiring? Do they pose a risk for anyone coming in contact with them physically despite the low voltage? Verizon’s neglect has resulted in much of this wiring often falling to the ground or forming a U-shaped wiring dip in the rear of my home.

What Verizon presented in their exhibits were merely their attempts to make it falsely seem as if they maintain their wiring. What they failed to disclose is how their negligence resulted in several instances where my services were cut off, all three video, internet and telephone for a week, because of their neglect, where a squirrel or group of squirrels nesting in the foliage, according to Verizon, chewed through the wiring.

Also, Verizon maintains that I stated that I maintained that I am not getting paid for this use of the alley way. That is correct. I rightly stated that fact because I did not want it to seem like I am benefiting in any way from their running the wiring which wraps around my yard area with a leaning poll towards my yard. I pay Verizon every month for service.

If I were to erect a tent or covered area or a gate around my established property, it would come into contact with this wiring and said poles, which in the pictures that I provided is covered by foliage and tree limbs. I have contacted the Philadelphia Department of License and Inspection about the tree limbs that extend from the property across the alley way and I was told that I have get a special permit because of the wiring that erected by Verizon around my property to just cut down those limbs.

Verizon also maintains that they cannot cut down the dead branches that pose a threat to their property and their wiring, which if a strong wind or storm affected the area, there would be a total loss of service. Verizon maintains it is because they don't own the property involved, but doesn't the right of way and their duty to maintain their wiring give them the right to clear anything that might affect their wiring?

Correct me if I am wrong, but the duty to care for an easement belongs to the owner of the dominant estate (i.e. Verizon.) Thus, any costs of repair or maintenance related to the easement fall to the user of the easement, not to the owner of the servient estate (i.e. Rasheed Clark.) Again, much commentary has been made about Verizon's right to use the alley way and who owns it, but what about my right as a homeowner and Verizon's duty to maintaining the property.

Maybe Verizon in their arguments should have spent more time, instead of expressing their right to easement, but instead, establishing and explaining:

- Their limitations in terms of their rights to the easement.
- Providing a schedule of maintenance for the wiring poles for the easement in the future and for work already completed.
- Provided detailed documentation as to the heights cited by laws or regulations for the city and the state for their ability to erect poles or wiring on said easements.
- Showing that their poles and wiring do not obstruct the easements.
- Showing exactly how their poles do not impede on my rights as a taxpaying homeowner to fully utilize and enjoy my property.
- Show proof that the easement has not expired or become outdated due to the change in company or has Verizon simply assumed that this easement was "grandfathered" in.
- Provide specific proof that Verizon has been granted the ability to erect wiring and poles near and around specific properties and show other instances where it has done so and a record of their maintenance and upkeep.
- In placing these poles and wiring, did Verizon notify the city of Philadelphia and the state of Pennsylvania that it would be obstructing the alleyway?

Utility companies did not and could not have contemplated the creation of the internet when originally placing easements on Pennsylvania properties in the early 20th century, which makes me question exactly how the alley way to my property was chosen when I have not witnessed this in any other property in the city of Philadelphia.

This makes it near impossible for them to use their existing easements and poles to attach fiber lines for broadband. Verizon never notified me that it was going to run the wiring alongside the alleyway, which makes me question does their easement rights extend to the alleyway when they installed these lines or are they limited to the existing lines and therefore what we commonly know as telephone poles.

Then there is the issue, again, of my rights as a homeowner, which the positioning and poor maintenance of the wiring interferes with. I am forced to bring the weekly garbage through my home because I do not have access from my backyard down the alley way because Verizon's wiring position my cause injury or aggravate my existing disability. I am unable to make certain repairs and improvements to my home due to the positioning of these wires and poles. Verizon has not made any efforts to work with me, they merely maintain their stance that they have the right of way to use the alley way and that I do not own it. However, again, I have established my right to use to through my homeownership, given that I am the only home connected to this alleyway at present.

It would seem that a failure to maintain this easement and allowing things such as an overgrowth of trees and shrubbery to make the wiring suitable for a squirrel's habit shows a misuse of the said easement and essentially that it has been abandoned.

Under House Bill 2438, Expanding Broadband Access with Existing Infrastructure, the easements should impair my rights as a homeowner. The poles and location of the wiring interferes with the establish use of the alleyway and that is for the common use of the homeowners. Verizon's wiring wraps around my yard. Verizon's argument rest on their right to use the property and attached are the photos of what I see because I live here. Pay attention to the box that was once in the air attached to the wiring is now laying on the ground next to my home due to Verizon's negligence. I have to live here. They don't.

Basically, in Verizon's argument that have taken an active possession of the land that the poles and wiring sit on voiding the common use of the property of me as a homeowner and ignoring that their use of this property prevents me from fully enjoying and benefiting from use of the property. Where the only thing I want is the ability to use my property and the common use area connected to it free of Verizon's wiring and the debris caused by their use of the alley way and for Verizon to maintain that area by scaling back the foliage and limbs of the tree connected to the wiring that prevents me from enjoying my property.