

JANET T. MILLS
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST. STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

September 8, 2014

Michele Lumbert, Clerk
Maine Superior Court
95 State Street
Augusta, ME 04330

RE: *State of Maine and ConnectMe Authority v. Biddeford Internet Corporation
d/b/a Great Works Internet;*
Kennebec County Superior Court Dkt. No. CV-14-

Dear Ms. Lumbert:

Enclosed for filing in the above-referenced matter please find a
Complaint for Collection of Unpaid Fees, along with a Summary Sheet.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "TAK", written over a horizontal line.

THOMAS A. KNOWLTON
Assistant Attorney General

TAK/ajo
Enclosure

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-14-

STATE OF MAINE and)
CONNECTME AUTHORITY,)
)
Plaintiffs)
)
v.)
)
BIDDEFORD INTERNET)
CORPORATION, d/b/a GREAT)
WORKS INTERNET)
)
Defendant.)

COMPLAINT FOR COLLECTION
OF UNPAID FEES

INTRODUCTION

Plaintiffs State of Maine and the ConnectME Authority, by and through the Office of the Attorney General, bring this action to collect unpaid fees in excess of \$260,000 that defendant Biddeford Internet Corporation, d/b/a Great Works Internet, owes the State pursuant to 35-A M.R.S. § 9216.

PARTIES

1. Plaintiff State of Maine is a sovereign state.
2. Plaintiff ConnectME Authority is a body corporate and politic and a public instrumentality of the State. 35-A M.R.S. § 9203. It was established in 2005 to stimulate investment in advanced communications technology infrastructure in unserved or underserved areas in Maine.
3. Defendant Biddeford Internet Corporation, d/b/a Great Works Internet ("GWI"), is presently or was formerly a corporation organized under the laws of Maine with a place of business in Biddeford, Maine.

JURISDICTION AND VENUE

4. This court has jurisdiction of this action pursuant to 4 M.R.S. § 105 and jurisdiction over the person of GWI pursuant to 14 M.R.S. § 704-A.

5. Venue is properly laid in this county pursuant to 14 M.R.S. § 507.

STATUTORY BACKGROUND

6. Pursuant to 35-A M.R.S. § 9216(2), any entity that purchases, leases, or otherwise obtains federally supported dark fiber from a dark fiber provider is subject to certain broadband sustainability fees (“BBSF”).

7. Pursuant to 35-A M.R.S. § 9216(3), a dark fiber provider is obligated to collect the BBSF imposed by 35-A M.R.S. § 9216(2) from its customers on a monthly basis and remit the fees to the ConnectME Authority.

8. The BBSF are used in part to support the activities of the ConnectME Authority and in part to deploy broadband infrastructure in unserved areas in Maine, as set forth in 35-A M.R.S. §§ 9216(4), (5) & (6).

STATEMENT OF FACTS

9. Maine Fiber Company, LLC, formerly known as Maine Fiber Company, Inc. (collectively, “MFC”), is a dark fiber provider as defined by 35-A M.R.S. § 102(4-A).

10. Since on or about May 10, 2010, MFC has been providing federally supported dark fiber as defined by 35-A M.R.S. § 102(4-B) to Maine customers.

11. From on or about May 10, 2010, to the present, GWI has purchased, leased, or otherwise obtained federally supported dark fiber from MFC.

12. In or about June 2012, GWI stopped paying the BBSF to MFC, which, in turn, stopped remitting GWI's BBSF to the ConnectME Authority.

13. In August 2012, counsel for GWI wrote a letter to the ConnectME Authority and to Attorney General William J. Schneider, stating that GWI intended to protest the BBSF for various reasons.

14. By letter dated April 22, 2014, the ConnectME Authority reminded GWI of its legal obligation to pay the BBSF imposed by 35-A M.R.S. § 9216.

15. By letter dated May 8, 2014, GWI informed the ConnectME Authority that it was not going to pay the BBSF.

16. GWI owes approximately \$260,322 in BBSF (calculated through August 18, 2014), with additional amounts accruing on a monthly basis.

COUNT I

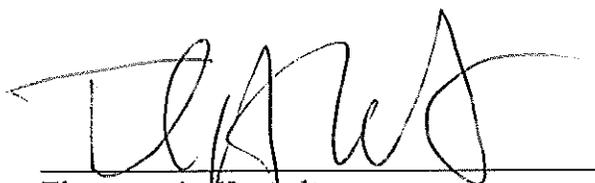
17. The plaintiffs reallege and incorporate by reference the allegations contained in all the preceding paragraphs as though fully set forth herein.

18. GWI has violated its obligation to pay the BBSF imposed by 35-A M.R.S. § 9216.

RELIEF REQUESTED

Accordingly, plaintiffs State of Maine and the ConnectME Authority ask the Court to enter judgment against GWI in the amount of \$260,322, plus interest and costs, and to grant such other and further relief as the Court deems just and proper.

DATED at Augusta, Maine, this 8th day of September 2014.

A handwritten signature in black ink, appearing to read 'T. Knowlton', written over a horizontal line.

Thomas A. Knowlton
Maine Bar No. 7907
Assistant Attorney General
6 State House Station
Augusta, Maine 04333-0006
(207) 626-8832
Attorney for plaintiffs State of Maine and
ConnectME Authority

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

| | | |
|--|---|---|
| I. County of Filing or District Court Jurisdiction: Kennebec County | | |
| II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) <i>Pro se</i> plaintiffs: If unsure, leave blank. 35-A M.R.S. § 9216 | | |
| III. NATURE OF FILING <input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint <input type="checkbox"/> Cross-Claim or Counterclaim <input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure) | | |
| IV. <input type="checkbox"/> TITLE TO REAL ESTATE IS INVOLVED | | |
| V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) <i>Pro se</i> plaintiffs: If unsure, leave blank. | | |
| <u>GENERAL CIVIL (CV)</u> | | |
| Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort | Contract <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures | <input type="checkbox"/> Other Forfeitures/Property Liabls <input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input checked="" type="checkbox"/> Other Civil |
| <u>CHILD PROTECTIVE CUSTODY (PC)</u> | | |
| <input type="checkbox"/> Non-DHS Protective Custody | | |
| <u>SPECIAL ACTIONS (SA)</u> | | |
| <input type="checkbox"/> Money Judgment <input type="checkbox"/> Money Judgment Request Disclosure | | |
| <u>REAL ESTATE (RE)</u> | | |
| Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries | Foreclosure <input type="checkbox"/> Foreclosure for Non-pmt (ADR exempt) <input type="checkbox"/> Foreclosure - Other Trespass <input type="checkbox"/> Trespass | Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate |
| <u>APPEALS (AP) (To be filed in Superior Court) (ADR exempt)</u> | | |
| <input type="checkbox"/> Governmental Body (80B) <input type="checkbox"/> Administrative Agency (80C) <input type="checkbox"/> Other Appeals | | |
| VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR): | | |
| <input type="checkbox"/> I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because: | | |
| <input type="checkbox"/> It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction). | | |
| <input type="checkbox"/> The plaintiff or defendant is incarcerated in a local, state or federal facility. | | |
| <input type="checkbox"/> The parties have participated in a statutory prelitigation screening process with _____ (name of neutral) on _____ (date). | | |
| <input type="checkbox"/> The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date). | | |
| <input type="checkbox"/> This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR. | | |

VII. (a) PLAINTIFFS (Name & Address including county)
or Third-Party, Counterclaim or Cross-Claim Plaintiffs
 The plaintiff is a prisoner in a local, state or federal facility.

State of Maine and
ConnectME Authority
78 State House Station
Augusta, ME 04333-0078
Kennebec County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Thomas A. Knowlton, Assistant Attorney General
Me. Bar No. 7907
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
(207) 626-8832

VIII. (a) DEFENDANTS (Name & Address including county)
and/or Third-Party, Counterclaim or Cross-Claim Defendants
 The defendant is a prisoner in a local, state or federal facility.

Biddeford Internet Corporation d/b/a Great Works
Internet
8 Pomerleau Street
Biddeford, Maine 04005
York County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all
(If known) defendants, specify who the listed attorney(s) represent.

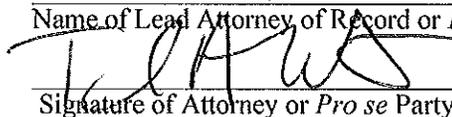
IX. RELATED CASE(S) IF ANY _____

Assigned Judge/Justice _____ Docket Number _____

Date: September 8, 2014

Thomas A. Knowlton, Assistant Attorney General

Name of Lead Attorney of Record or *Pro se* Party



Signature of Attorney or *Pro se* Party

c: