

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Richard Valentino

v.

Verizon Pennsylvania LLC

Public Meeting April 4, 2024

3041051-ALJ

Docket No. C-2023-3041051

STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Initial Decision (ID) issued on January 17, 2024, in the above-captioned proceeding. The ID sustains the Formal Complaint that Verizon Pennsylvania LLC (Verizon PA) failed to provide reasonable and adequate service to the Complainant as required by the Public Utility Code (Code). According to Conclusion of Law No. 5 in the ID, the Complainant met his burden of proof that Verizon PA did not provide reasonable and adequate customer service in the provision of reliable telephone and Digital Subscriber Line (DSL) internet services to the service address.

I agree with the outcome in the ID to sustain the Formal Complaint. As a point of clarification, however, the Commission does not have Code Section 1501 reliability/quality of service jurisdiction over the customer's DSL internet service. Rather, our jurisdiction over the service derives from Chapter 30 of the Code, which explicitly provides the Commission with jurisdiction over the availability of broadband internet access service at Chapter 30 speeds.¹ Thus, the Commission's jurisdiction over DSL service is limited in scope to determining whether the service is available² consistent with the applicable Chapter 30 statutory standards.



Date: April 4, 2024

**JOHN F. COLEMAN, JR.
COMMISSIONER**

¹ *Courtney Matkovich v. Verizon North LLC*, C-2020-3022369 (Opinion and Order entered August 25, 2022). While internet service is generally subject to federal review of interstate tariffs under the purview of the Federal Communications Commission, the General Assembly in Chapter 30 has invested the Commission with jurisdiction over regulated Incumbent Local Exchange Carriers (ILECs) such as Verizon PA to assure broadband currently is deployed to 100% of their retail customers at speeds no less than 1.544/0.128 Mbps, upon ten business days of a customer's request.

² Whether DSL service is "available" under Chapter 30 may be answered by determining whether the ILEC's provision of service is the cause of the intermittent service and whether the service is so intermittent as to potentially be considered unavailable. In this case, the findings in the ID allow for the conclusion that the DSL service at issue was not "available" under Chapter 30. The findings in the ID include that the Complainant has experienced consistent but periodic loss of internet service when the telephone service goes down and the Complainant's uncontroverted testimony about the existence of his telephone and internet service issues was not rebutted sufficiently by Verizon PA.