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October 21, 2025

**VIA ELECTRONIC FILING**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105

**RE: Robert Goeke v. Comcast Business Communications, LLC**  
**Docket No. C-2025- 3055046**  
**COMCAST'S MOTION TO DISMISS FORMAL**  
**COMPLAINT FOR LACK OF JURISDICTION**

Dear Secretary Homsher:

This firm represents Comcast Business Communications, LLC ("Comcast") in the above-captioned matter.

We are enclosing Comcast's Motion to Dismiss Formal Complaint for Lack of Jurisdiction. Copies of this Motion are being served upon all parties of record via electronic mail.

Respectfully,

MATHIEU J. SHAPIRO

*Enclosure*

cc: Robert Goeke (via e-mail and First Class Mail)  
Melissa Blanco, Esquire (via e-mail)



*Melissa M. Blanco*  
215-665-3097  
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October 21, 2025

**Via Email (jcoogan@pa.gov) and E-Filing**

Administrative Law Judge John M. Coogan  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

**Re: Robert Goeke v. Comcast Business Communications, LLC**  
**Docket No. C-2025-3055046**

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Dear Judge Coogan:

As Your Honor may recall, this firm represents Comcast Business Communications, LLC in the above-captioned matter.

Following the August 27, 2025 hearing, Comcast made a good-faith effort to resolve this dispute amicably. Comcast extended a settlement offer to Mr. Goeke and requested his availability for a conference call involving counsel and a company representative. Mr. Goeke declined to provide availability and instead responded with counter-demands—including five years of free service—that far exceed any relief this Court could plausibly award.

In light of these developments, Comcast now proceeds with its previously stated intention to move for dismissal. At the August 27 hearing, the Court asked whether the business line at issue—allegedly subject to service interruptions and customer service issues—was VoIP and therefore outside the Commission’s jurisdiction. (Tr. p. 90.) Comcast responded that it would need to review the transcript before confirming. (Tr. p. 90.)

Comcast has now completed its review and confirms that the services Mr. Goeke complains of are VoIP services. Accordingly, Comcast respectfully submits the enclosed Motion to Dismiss the Formal Complaint for Lack of Jurisdiction.

Administrative Law Judge John M. Coogan

October 21, 2025

Page 2

Should the Court have any questions regarding this filing, we are available at the Court's convenience.

Respectfully,

A handwritten signature in black ink, appearing to read 'MBL', followed by a horizontal line extending to the right.

MELISSA M. BLANCO

*Enclosures*

Cc: Robert Goeke (via e-mail and First Class Mail)  
Mathieu Shapiro (via e-mail only)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ROBERT GOEKE,</b>	:	
	:	
<b>Complainant,</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-2025-3055046</b>
	:	
<b>COMCAST BUSINESS</b>	:	
<b>COMMUNICATIONS, LLC,</b>	:	
	:	
<b>Respondent.</b>	:	
	:	

**COMCAST’S MOTION TO DISMISS FORMAL  
COMPLAINT FOR LACK OF JURISDICTION**

**I. INTRODUCTION**

In this case, Mr. Goeke complains about his Comcast business account, which delivers services through the internet, and his cell phone. But Congress’s Telecommunications Act and the Pennsylvania VoIP Freedom Act divest the Commission of subject matter jurisdiction over internet and cell phone services. Indeed, the Commission’s standard complaint form—with which Mr. Goeke initiated this proceeding—makes these jurisdictional exclusions clear, stating, “Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.”

Based on Mr. Goeke’s Formal Complaint, the exhibits he submitted, and his August 27, 2025 testimony, it is now clear the Complaint concerns only services over which the Commission lacks jurisdiction. Accordingly, the Complaint should be dismissed.

**II. FACTUAL BACKGROUND**

Mr. Goeke’s initial Formal Complaint references problems relating to “Comcast business internet,” “Xfinity home internet,” and “a wireless cell phone plan.” *See* Ex. A (Formal Complaint).

The letter and exhibits Mr. Goeke submitted in advance of the August 27, 2025, hearing complain of: (1) “service interruptions for [his] business phone and internet,” (2) trying to “get [his] business number transferred to [his] new Xfinity cell phone,” (3) “paying for two internet plans,” (4) inability to “get [his] cell working,” and (5) “network and [cell] phone failure for days.” As described in the Business Service Order Agreement, all of the services Mr. Goeke purchased from Comcast are internet and cell phone services.

And Mr. Goeke’s testimony at the August 27 hearing confirmed that his complaints relate to his “Comcast Business account and . . . Xfinity cell phone account.” (Tr. p. 53). Mr. Goeke explicitly testified that the business interruptions of which he is complaining all related to his cell phone and internet not working. (Tr. pp. 19, 25, 80-81).

### **III. STATUTORY BACKGROUND**

In 1937, the General Assembly created the Pennsylvania Public Utility Commission (the “Commission”) as an independent administrative commission tasked with establishing and maintaining rates and ensuring that Pennsylvania’s consumers had access to safe, adequate utility services. In doing so, the General Assembly endowed the Commission with the authority to regulate public utilities within the confines of the Public Utility Code (the “Code”). *See Duquesne Light Company v. Upper St. Clair Township*, 105 A.2d 287, 292–93 (Pa. 1954).

The Code grants the Commission limited authority to regulate telecommunications carriers. *See* 66 Pa.C.S. § 3019(b). Specifically, as to telecommunications carriers, the Commission is permitted only to (1) audit the accounting and reporting systems of telecommunications; (2) review and revise quality of service standards contained in 52 Pa. Code (relating to public utilities) that address the safety, adequacy, reliability and privacy of telecommunications services and the ordering, installation, suspension, termination and restoration

of any telecommunications service; (3) establish additional requirements consistent with the Code as the Commission deems necessary to protect customers; and (4) condition the sale, merger, acquisition, or other transaction upon a telecommunications' carriers compliance with Section 1102(a)(3) of the Code. *See id.* (b)(1)–(4).

In 1996, the United States Congress passed the Telecommunications Act of 1996 (the “Telecommunications Act”) to fundamentally restructure telecommunications in the United States. The Act promotes local and long-distance competition, promotes universal service, and encourages innovation in the telecommunications industry. *See Verizon Maryland Inc. v. Public Service Commission of Maryland*, 535 U.S. 635, 638 (2002) (describing how the Act was “designed to foster competition.”). The Telecommunications Act accomplishes these goals by, *inter alia*, imposing obligations on carriers to permit access to their networks according to regulations set by the FCC. *See* 47 U.S.C. § 251. Congress plainly intended for the FCC and federal courts—not state agencies—to oversee telecommunications nationwide. *See* 47 U.S.C. § 253(d); *AT&T Corp. v. Iowa Utilities Board*, 525 U.S. 366, 378 n. 6 (1999); *Southwestern Bell Telephone Co. v. Connecticut Communications Corp.*, 225 F.3d 942, 948 (8<sup>th</sup> Cir. 2000).

In 2008, the Pennsylvania General Assembly enacted the Voice-over-Internet Protocol Freedom Act (the “VoIP Freedom Act”) based on its determination that “[g]rowth and enhancement of services using Internet protocol technology provide Pennsylvania consumers more choice in voice, data and video service than at any other time.” 73 P.S. §§ 2251.1–2251.2. The VoIP Freedom Act was designed to govern “Voice-over-Internet protocol service” (otherwise known as VoIP service) and “Internet protocol-enabled service” (otherwise known as IP-enabled service). *See* 73 P.S. § 2251.3.

The VoIP Freedom Act defines VoIP service as “[a] service that: (1) enables real-time, two-way voice communications that originate or terminate from the user’s location in Internet protocol or any successor protocol; (2) uses a broadband connection from the user’s location; and (3) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.” *Id.*

The VoIP Freedom Act defines IP-enabled service as “a service, capability, functionality or application provided using Internet protocol or any successor protocol that enables an end user to send or receive a communication in Internet protocol format or any successor format, regardless of whether the communication is voice, data or video.” *Id.*

Subject to exceptions not applicable here, the VoIP Freedom Act prohibits any “department, agency, commission or political subdivision of the Commonwealth [from] enact[ing] or enforc[ing], either directly or indirectly, any law, rule regulation, standard, order or other provision having the force or effect of law that regulates, or has the effect of regulating, the rates, terms and conditions of VoIP service or IP-enabled service.” 73 P.S. §§ 2251.2, 2251.4; *see also Wilmer v. Comcast Phone of Pennsylvania, LLC*, Docket No. C-2024-3050204 (Opinion and Order entered Apr. 10, 2025) (concluding the Commission did not have jurisdiction over a complaint involving cable and VoIP services provided by Comcast).

Recognizing its lack of jurisdiction in complaints involving the provision of cell phone and IP-enabled services, the Commission’s standard formal complaint form states, “Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.” Ex. A ¶ 3.

#### **IV. ARGUMENT**

Mr. Goeke’s Complaint must be dismissed for straightforward reasons.

Because the Commission is a “creature of statute, it has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication.” *Feingold v. Bell of Pa.*, 383 A.2d 791, 794 (Pa. 1977).

Here, and by virtue of the VoIP Freedom Act and the Telecommunications Act, the Commission was expressly deprived of jurisdiction over IP-enabled services and cell phone services—the precise services about which Mr. Goeke complains in his Formal Complaint. Mr. Goeke has not advanced any allegations to implicate the Commission’s authority to review Comcast’s provision of services under Section 3019 of the Code. *Cf. Wilmer*, Docket No. C-2024-3050204 at 13.

As Mr. Goeke’s Complaint and testimony are limited to those services over which the Commission has no subject matter jurisdiction, Comcast respectfully requests that the Commission dismiss Mr. Goeke’s Complaint.

**V. CONCLUSION**

Mr. Goeke’s Formal Complaint, submitted exhibits, and express testimony confirm that his Formal Complaint is exclusively related to internet and cell phone services over which the Commission has no jurisdiction. Thus, Mr. Goeke’s Formal Complaint should be dismissed.

Respectfully submitted,

/s/ Melissa M. Blanco  
Mathieu J. Shapiro (Pa. I.D. 76266)  
Melissa M. Blanco (Pa. I.D. 327659)  
OBERMAYER REBMANN

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Harrisburg, PA 17101  
Tel: (717) 234-9730  
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mathieu.shapiro@obermayer.com  
melissa.blanco@obermayer.com

Dated: October 21, 2025

*Counsel for Comcast Business Communications LLC*

**CERTIFICATE OF SERVICE**

I, Melissa M. Blanco, hereby certify that I have served a true and correct copy of the foregoing upon the following party via e-mail and First Class Mail:

Robert Goeke  
881 Milton Grove Road  
Mount Joy, PA 17552  
geck86@msn.com

Date: October 21, 2025

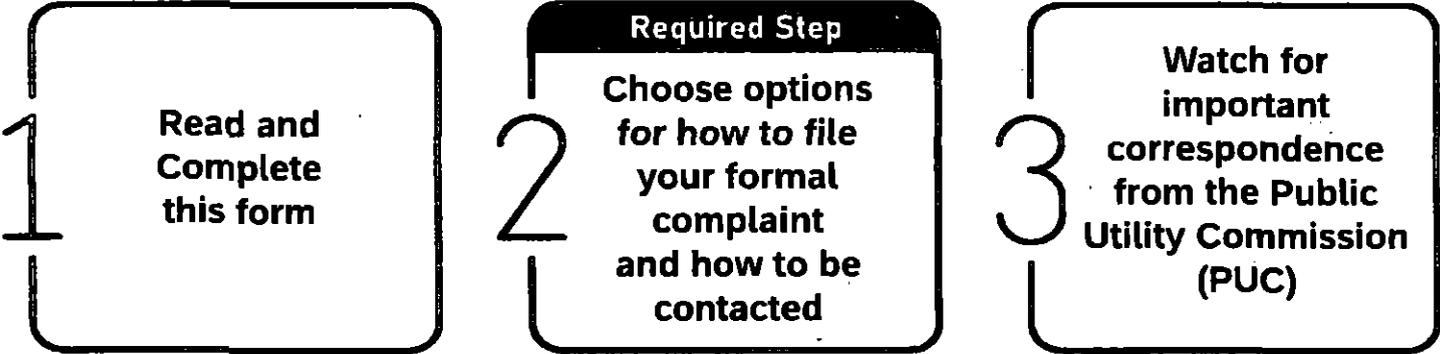
/s/ Melissa M. Blanco  
Melissa M. Blanco  
*Counsel for Comcast Business  
Communications LLC*

# **Exhibit A**

# PAPUC PENNSYLVANIA PUBLIC UTILITY COMMISSION

## FORMAL COMPLAINT - FILLABLE FORM

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.



Please complete this fillable form.

### 1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Name Robert Goeke

Street/P.O. Box 881 MILTON GROVE RD Apt# \_\_\_\_\_

City Mount Joy State Pa Zip 17552

County Lancaster

Telephone Number(s) Where We Can Contact You During the Day:

Home: 717-653-9668 Mobile: 717-203-8176

Email Address geck86@msn.com

Utility Account Number (from your bill) \_\_\_\_\_

**If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.**

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_ Apt# \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**2. NAME OF UTILITY OR COMPANY (RESPONDENT)**

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Comcast Business

**3. TYPE OF UTILITY SERVICE**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- Electric
- Gas
- Water
- Wastewater/Sewer
- Storm Water
- Steam Heat
- Motor Carrier (taxi, moving company, limo)
- Telephone/Telecommunications (local, long distance)

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

**4. REASON FOR COMPLAINT**

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain). If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

I have Comcast business internet and landline phone.  
 The price increased to \$218 a month. No with contract commitment.  
 Number 717-653-9668. I have purchased Xfinity home internet and got a wireless cell phone plan from them.  
 Comcast business will not let me transfer my phone number to my new cell phone. I have spent , at least 20 hours on the phone with them at least 25 different people since 4/14/25. I even went to the Xfinity store 4/22/25. Today after 3.5 hours with Henry, I am being screwed *WITH NO RESOLUTION*

## 5. REQUESTED RELIEF

**How do you want your complaint to be resolved?**

Explain what you want the PUC to order the utility or company to do. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

Get a tech from the U.S. who knows what they are doing and fix it. Also refund my last invoices from both Comcast and Xfinity.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

## 6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

**Has a court granted a PFA order or any other order for your personal safety or welfare?**

Yes      If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

No

**Note:** You **MUST** answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

## 7. PRIOR UTILITY CONTACT

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

Yes

No

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

Yes

No

**Note:** You **MUST** contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water or wastewater utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

## 8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

### OPTION 1

#### Electronically by eFile

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

### OPTION 2

#### Mail

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

## 9. THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is **REQUIRED** to select **ONE** of the following options for receiving all hearing notices, orders and related documents from the PUC:

### OPTION 1

**eFILING:** This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

\*No Efile Acct.

### OPTION 2

**FIRST CLASS MAIL:** You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here \_\_\_\_\_ if you are selecting **FIRST CLASS MAIL** service.

### OPTION 3

**EMAIL:** You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here RG if you are selecting **EMAIL** service.

\*5/16 EMAIL preferred communication method. No eFile Acct confirmed w/ compl - kmc.

**Please Note:** It is important to select **ONE** of the three options above.

**IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.**

## 10. LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are NOT required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_  
Street/P.O. Box \_\_\_\_\_ Apt# \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Area Code/Phone Number \_\_\_\_\_  
Email Address \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

## 11. VERIFICATION AND SIGNATURE

You must sign and date your complaint. If you eFile your complaint, you must print or type your name in the box provided below. Date the form. The PUC's eFiling system will accept an electronic signature. The eFiling system will not accept a complaint form without a signature and date.

**Verification:**

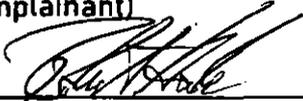
I 5/2/25, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Robert Goeke

5/2/25

(Signature of Complainant)

(Date)

Robert Goeke 

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

## APPEALING A BCS DECISION?

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. **ONLY** formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. All other formal complaints **MUST** be eFiled or mailed.

## QUESTIONS?

If you have any questions about filling out this form, please contact the Secretary's Bureau at **717-772-7777**.

## REMINDERS

- Save and keep a copy of your Formal Complaint for your records.
- You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.
- To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.
- Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.  
(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)
- Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.

**ADDITIONAL SPACE (IF NEEDED)**

YOU MAY CALL, EMAIL, THANKS  
- OUT OF TOWN TIL END OF MAY

# COMCAST BUSINESS

## Goeke Trees Service

Account number  
**8993 11 317 0063633**

For service at:  
881 MILTON GROVE RD  
MOUNT JOY PA 17552-9303

### Your monthly account summary

Previous balance	160.39
Credit Card Payment Mar 21, 2025	-160.39 cr
<b>New charges</b>	
Comcast Business services	184.94
Other charges and credits	26.96
Taxes and fees	6.12

RCVD PUC SEC BLR  
MAY 5 2025 AM 11:33

Thanks for choosing Comcast Business

Amount due

**\$218.02**

Payment due Apr 21, 2025

Need help?  
Visit [business.comcast.com/help](http://business.comcast.com/help) or  
call 1-800-391-3000

➔ **Manage your services online**  
Your Comcast Business account online is the one-stop destination to pay your bill and manage your services. Visit [business.comcast.com/myaccount](http://business.comcast.com/myaccount).

Ready to pay?  
Visit [business.comcast.com/myaccount](http://business.comcast.com/myaccount)

**Service updates**  
See the "additional information" section for upcoming service updates.

CLAIM

C.A.N.I. CODE

1756

# COMCAST BUSINESS

676 ISLAND POND RD, MANCHESTER, NH 03109  
8633 1400 NO RP 28 03292025 NNNNNNNN 01 000463 0002

GOEKE TREES SERVICE  
ATTN ROBERT GOEKE  
881 MILTON GROVE RD  
MOUNT JOY, PA 17552-9303

Account number **8993 11 317 0063633**

Automatic payment due **Apr 21, 2025**

**Please pay \$218.02**

**Autopay Credit/Debit Will Be Made On 04/21/25**



COMCAST  
PO BOX 70219  
PHILADELPHIA PA 19176-0219

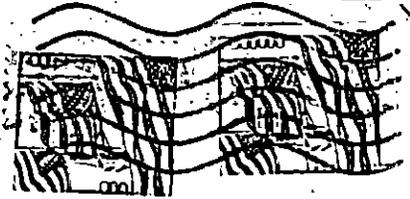


899311317006363300218024

Mr. Robert L. Goeke  
881 Milton Grove Rd  
Mount Joy, PA 17552-9303

HARRISBURG PA 171

3 MAY 2025 PM 1 L



SECRETARY  
P.A. P.V.C.  
400 NORTH STREET  
HARRISBURG PA 17120

17120-021199

