



900 Race Street
6th Floor
Philadelphia, PA 19107

Suzan DeBusk Paiva
Associate General Counsel
Suzan.d.paiva@verizon.com

November 17, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room (2 North)
P.O. Box 3265
Harrisburg, PA 17105 3265

Re: Lisa Gambaro v. Verizon Pennsylvania LLC;
Docket No. C-2025-3058131
PRELIMINARY OBJECTIONS OF VERIZON PENNSYLVANIA LLC

Dear Secretary Homsher:

Enclosed please find Verizon Pennsylvania LLC's Preliminary Objections to the Complaint of Lisa Gambaro in connection with the above-referenced case, which is being filed today.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,

Suzan D. Paiva
Counsel for Verizon Pennsylvania LLC

SDP/sau
Enclosures

Via FedEx
cc: Office of Administrative Law Judge
Cynthia Lehman, Mediator
Lisa Gambaro

CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of the Preliminary Objections of Verizon Pennsylvania LLC, upon the participants listed below.

Dated at Philadelphia, Pennsylvania, this 17th day of November, 2025.

VIA FEDEX

Lisa Gambaro
370 Paoli Avenue
Philadelphia, PA 19128-4342



Suzan D. Paiva
Verizon Pennsylvania LLC
900 Race Street, 6th Floor
Philadelphia, PA 19107

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LISA GAMBARO,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3058131
	:	
VERIZON PENNSYLVANIA LLC,	:	
	:	
Respondent	:	

NOTICE TO PLEAD

TO: Lisa Gambaro
370 Paoli Avenue
Philadelphia, PA 19128-4342

Pursuant to 52 Pa. Code §§5.101 et seq. you are hereby notified that Verizon Pennsylvania LLC (“Verizon PA”) has filed Preliminary Objections and a Motion to Strike to which you may answer within ten (10) days unless otherwise provided in Chapter 5 of Title 52 of the Pennsylvania Code. Your failure to answer will allow the presiding officer to rule on the Preliminary Objections without a response from you, thereby requiring no other proof. All Pleadings such as a reply to these Preliminary Objections must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Verizon PA.



Date: November 17, 2025

Suzan DeBusk Paiva, I.D. No. 53853
Verizon
900 Race Street, 6th Floor
Philadelphia, PA 19107
Phone: (267) 768-6184
*Counsel for Respondent
Verizon Pennsylvania LLC*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LISA GAMBARO,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3058131
	:	
VERIZON PENNSYLVANIA LLC,	:	
	:	
Respondent	:	

**PRELIMINARY OBJECTIONS AND MOTION TO STRIKE
OF VERIZON PENNSYLVANIA LLC
TO THE COMPLAINT OF LISA GAMBARO**

Verizon Pennsylvania LLC (“Verizon PA”) hereby submits the following Preliminary Objections and Motion to Strike pursuant to 52 Pa. Code § 5.101(a)(1) and (2), to the Complaint filed by Lisa Gambaro (“Complainant” or “Ms. Gambaro”). In support thereof, Verizon PA avers and represents as follows:

BACKGROUND

1. Ms. Gambaro filed a Formal Complaint that was served electronically upon Verizon PA on October 27, 2025, seeking an order for monetary damages. Ms. Gambaro alleges that a “Shoprite truck tore down 2 power lines, Verizon and PECO lines. I was without electricity 4 days, lost refrigerated food (two refrigerators), 2 laptops surged and had to pay electrician to come and install the electrical box that was torn away on my chimney.” (Formal Complaint ¶ 4). For requested relief she seeks “reimbursement please.” (Formal Complaint ¶ 5).

2. Ms. Gambaro is not a customer of Verizon service and does not allege any issue with Verizon telephone service.

PRELIMINARY OBJECTIONS AND MOTION TO STRIKE

3. The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections and a motion to strike impertinent matter including a request for monetary damages that is outside the Commission's authority. 52 Pa. Code §5.101(a)(2). Commission procedure regarding the disposition of preliminary objections and a motion to strike is similar to that utilized in Pennsylvania civil practice.¹

4. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt.² The Commission has adopted this standard.³

5. A motion to strike "impertinent matter" is the appropriate means to challenge an erroneous prayer for damages.⁴

6. The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the motion, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts.⁵ The motion may be granted only if the moving party prevails as a matter of law.⁶ Any doubt must be resolved in favor of the non-moving party.⁷

¹ See *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

² *Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super. 1991).

³ *Montague v. Philadelphia Electric Company*, 66 Pa. PUC 24 (1988).

⁴ See *Leiby's Mobile Home Community LLC v. Verizon Pennsylvania*, Docket #C-2011-2225151, Order Denying Preliminary Objections, March 28, 2011, by Elizabeth Barnes, ALJ.

⁵ *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (1985); *Commw. of Pa. v. The Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Commw. 1988).

⁶ *Roc v. Flaherty*, 527 A.2d 211 (Pa. Commw. 1985).

⁷ *Dept. of Auditor General, et al. v. State Employees' Retirement System, et al.*, 836 A.2d 1053, 1064 (Pa. Commw. 2003) (citing *Boyd v. Ward*, 802 A.2d 705 (Pa. Commw. 2002)).

7. The Commission must act within, and cannot exceed its jurisdiction.⁸

8. Complainant seeks an order against Verizon PA for monetary reimbursement regarding alleged damages caused by a truck hitting utility lines near her property, including losses from a power outage and replacing electric equipment on her chimney.

9. The Complaint should be dismissed because the Commission does not have the authority to order utilities to pay monetary damages. Under 52 Pa. Code § 5.101(a)(1), a party may file a preliminary objection to dismiss a pleading for “lack of commission jurisdiction” and under 52 Pa. Code § 5.101(a)(2) for the inclusion of impertinent matter.

10. The Commission does not have the authority or jurisdiction to order utilities to pay monetary damages, which is the only relief sought by the Complainant here. *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (Pa. 1977); *Suburban East Tires, Inc. v. Pa. PUC*, 582 A.2d 727 (Pa. Cmwlth. 1990). *See also, DeFrancesco v. Western Pennsylvania Water Company*, 453 A.2d 595 (Pa. 1982) and *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980).

11. In *Feingold*, the Pennsylvania Supreme Court explained:

. . . the statutory array of PUC remedial and enforcement powers does not include the power to award damages to a private litigant for breach of contract by a public utility. Nor can we find an express grant of power from which the power to award such damages can be fairly implied. Thus, it can be concluded that the Legislature did not intend for the PUC to have such a power.

Feingold, 383 A.2d at 794.

⁸ *Feingold v. Bell of Pennsylvania*, 383 A.2d 791 (Pa. 1977); *Loma, Inc. v. Pennsylvania Public Utility Commission*, 682 A.2d 424 (Pa. Cmwlth. 1996).

12. Accordingly, the Complaint should be dismissed because the Commission lacks jurisdiction over the relief sought.

13. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.⁹ As the Commission lacks authority to grant Complainant's demand for damages, which is the only relief sought, a hearing would be a fruitless exercise and a waste of resources.

WHEREFORE, for the reasons set forth above, and in accordance with the Public Utility Code and the Commission's regulations, Verizon PA respectfully requests that the Formal Complaint be dismissed or denied in its entirety.

Respectfully submitted,



Date: November 17, 2025

Suzan DeBusk Paiva, I.D. No. 53853

Verizon

900 Race Street, 6th Floor

Philadelphia, PA 19107

Phone: (267) 768-6184

Counsel for Respondent

Verizon Pennsylvania LLC

⁹ 66 Pa. C.S. § 703(b)