

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CAROL MANNIS,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3060920
	:	
	:	
VERIZON PENNSYLVANIA LLC,	:	
	:	
Respondent	:	

NOTICE TO PLEAD

TO: Carol Mannis
550 Royal Ave
Havertown, PA 19083

Pursuant to 52 Pa. Code §§5.101 et seq. you are hereby notified that Verizon Pennsylvania LLC (“Verizon PA”) has filed Preliminary Objections 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: March 27, 2026

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

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**PRELIMINARY OBJECTIONS
OF VERIZON PENNSYLVANIA LLC
TO THE COMPLAINT OF CAROL MANNIS**

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

BACKGROUND

1. Complainant filed a Formal Complaint that was e-served upon Verizon PA on March 6, 2026, alleging that she is receiving unwanted “spam” calls that appear to be from local numbers. Ms. Mannis subscribes to a Verizon Triple Play service bundle consisting of Fios Internet service, Fios TV service, and Fios Digital Voice.
2. Fios Digital Voice is a voice over Internet protocol (VoIP) service.

PRELIMINARY OBJECTIONS

3. The Commission’s Rules of Administrative Practice and Procedure permit the filing of preliminary objections for lack of jurisdiction. 52 Pa. Code §5.101(a)(1).

Commission procedure regarding the disposition of preliminary objections 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 preliminary objection that challenges the sufficiency of the complaint is in the nature of a demurrer.⁴ For testing the legal sufficiency of the challenged pleading, a preliminary objection in the nature of a demurrer admits as true all well-pleaded, material, relevant facts, and every inference deducible from those facts. The pleader's conclusions or averments of law are not considered to be admitted as true by a demurrer.⁵

6. The Commission must act within, and cannot exceed its jurisdiction.⁶

7. The Complaint relates to a Voice over Internet Protocol voice service known as Fios Digital Voice.

8. This Commission lacks jurisdiction to address the issues relating to Complainant's service based on the Voice Over Internet Protocol Freedom Act. Under that statute, the Commission's authority over VoIP service as defined in 73 P.S. § 2251.3

¹ See *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994). In the alternative, Verizon PA requests the Commission to treat this filing as a motion for judgment on the pleadings pursuant to 52 Pa. Code §5.102 based on lack of Commission jurisdiction.

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 *Jamieson v. Pa. Bd. of Probation and Parole*, 83 Pa. Commonwealth Ct. 546, 547, 478 A.2d, 152 (1984).

⁵ *County of Allegheny v. Commonwealth of Pennsylvania*, 507 Pa. 360, 372, 490 A.2d 402 (1985).

⁶ *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).

is limited. Under 52 Pa. Code § 5.1.1(a)(1), a party may file a preliminary objection to dismiss a pleading for “lack of commission jurisdiction.”

9. The Voice Over Internet Protocol Freedom Act [73 P.S. § 2251.1 (2008) et seq.], provides at §2251.4: “...no department, agency, commission or political subdivision of the Commonwealth may enact or enforce, 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.”

10. The VoIP Freedom Act preserves Commission jurisdiction only over the following limited issues: (i) the provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) rates, terms or conditions of protected services provided under tariffs which are subject to approval by the Pennsylvania Public Utility Commission. 73 P.S. § 2251.6. Ms. Mannis’s complaint of receiving spam calls does not relate to any of these limited exceptions.

11. This Commission confirmed in *Brown v. Armstrong Digital Services*, Docket No. C-2008-2079810 (Final Order entered May 12, 2009) that “VoIP [is a] telephone service that this Commission does not regulate.”

12. In *Wildman v. Verizon Pennsylvania LLC*, Docket No. C-2013- 2342700 (Recommended Decision of ALJ Barnes dated February 25, 2013; Final Order entered April 9, 2013) the Commission confirmed that Fios Digital Voice is a VoIP service that the

Commission does not have authority to regulate and dismissed the complaint on preliminary objections. *See also Silvestri v. Comcast Phone of Pennsylvania, LLC*, Docket No C-2011-2241959 (Order entered October 7, 2011).

13. The Commission does not have the authority or jurisdiction over the issues raised relating to the VoIP services to which the Complainant subscribes.

14. In addition, the only issue raised in the Complaint is that Ms. Mannis is receiving unwanted “spam” calls and for relief she asks the Commission to make Verizon PA stop the calls. The Commission does not have the authority to provide the relief she requests. As a common carrier, Verizon must route telephone traffic without discrimination and acts merely as a neutral conduit for calls placed by third parties. *See* 66 Pa. C.S. §1502. While Verizon provides tools to its customers to help screen unwanted calls, Verizon does not “initiate” these communications and it cannot be held liable for third-party spam calls under the Telephone Consumer Protection Act. 47 U.S.C. § 227; *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 7 FCC Rcd. 8752, ¶ 54 (1992). In addition, Pennsylvania’s Telemarketer Registration Act provides authority to the Attorney General to investigate and prosecute violations of the Act, including placing spam calls or spoofing caller ID information, but it does not confer authority upon this Commission relating to these issues. 73 P.S. § 2249

15. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.⁷ As the Commission lacks subject matter jurisdiction over the Complainant’s services, the Complainant should be dismissed.

⁷ 66 Pa. C.S. § 703(b)

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 Docket No. C-2026-3060920 be dismissed or denied in its entirety.



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