

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Goeke	:	
	:	
v.	:	C-2025-3055046
	:	
Comcast Business Communications, LLC	:	

INITIAL DECISION

Before
John M. Coogan
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses Complainant’s Formal Complaint because the Commission lacks jurisdiction over Complainant’s claims regarding internet, landline telephone, and cellular telephone service.

HISTORY OF THE PROCEEDING

On May 5, 2025, Robert Goeke (Mr. Goeke or Complainant) filed a Formal Complaint (Complaint) against Comcast Business Communications, LLC (Comcast or Respondent). The Complaint was served on Comcast on May 16, 2025. In his Complaint, Mr. Goeke alleges there are incorrect charges on his bill. Specifically, Mr. Goeke avers that he has Comcast business internet and landline phone, and the price increased to \$218 a month with no contract commitment. Mr. Goeke additionally alleges that Comcast will not let him transfer his phone number to his new cell phone. Mr. Goeke states that he has spent at least 20 hours on the phone with Comcast and at least 25

different people since April 14, 2025. Additionally, he spent 3.5 hours at the Xfinity store on April 22, 2025. As relief, Mr. Goeke requests a tech from the United States who knows what they are doing to fix it. Additionally, Mr. Goeke requests that his last invoices from both Comcast and Xfinity be refunded.

On June 5, 2025, Comcast filed a Motion for Extension of Time to Respond to the Complaint.

On June 9, 2025, the Secretary's Bureau issued a letter, granting Comcast an extension of time until July 7, 2025, to file any responsive pleadings.

On July 7, 2025, Comcast filed an Answer. In its Answer, Comcast denies that Mr. Goeke was incorrectly charged. Comcast also denies that it will not let Mr. Goeke transfer his phone number to his new cell phone. Specifically, Comcast asserts that, on May 28, 2025, Comcast ported Mr. Goeke's telephone number from his Comcast Business account to his Xfinity Mobile account, as he requested. Comcast states that Mr. Goeke confirmed the number was working on his phone. Comcast avers that, on June 9, 2025, Mr. Goeke voluntarily disconnected his Comcast Business account, and Comcast backdated the effective date of disconnection to Mr. Goeke's original port date, i.e., April 22, 2025. Comcast states that, as a result of the disconnection, Comcast refunded Mr. Goeke \$125.24. Comcast submits that it has satisfied the issues about which Mr. Goeke complains.

On July 14, 2025, the Commission issued an Initial Telephonic Hearing Notice setting a formal call-in telephonic hearing for this matter for August 27, 2025 at 10:00 a.m. and assigned me as the presiding officer. In anticipation of that hearing, I issued a Prehearing Order on July 14, 2025 setting forth various rules that would govern that proceeding.

On August 13, 2025, Comcast filed a letter requesting a telephone conference in advance of the August 27, 2025 hearing. In its letter, Comcast expressed concerns that Mr. Goeke had raised concerns to Comcast that were not specifically identified in his Complaint, and requested the telephone conference to ensure Comcast has the appropriate documentation and witnesses available for the initial hearing. On August 18, 2025, I responded to the parties by e-mail, stating that we could discuss Comcast's concerns outlined in its letter before starting any testimony at the evidentiary hearing.

On August 27, 2025, the evidentiary hearing convened as scheduled. The Complainant appeared *pro se* and testified on his own behalf. Seven exhibits were admitted into the record on his behalf. Melissa Blanco, Esquire, appeared on behalf of Comcast. In order to address Comcast's concerns from its August 13, 2025 letter, and to the extent Mr. Goeke raised issues beyond his Formal Complaint in testimony, I offered to schedule a second evidentiary hearing to allow Comcast time to respond. Both parties were agreeable, and on August 28, 2025, the Commission issued a Further Telephonic Hearing Notice setting a further call-in telephonic hearing for this matter for October 22, 2025 at 10:00 a.m. In anticipation of that hearing, I issued a Prehearing Order on August 28, 2025 setting forth various rules that would govern that proceeding.

On October 21, 2025, Comcast filed a Motion to Dismiss the Formal Complaint (Motion to Dismiss). In its Motion to Dismiss, Comcast avers that the Commission lacks jurisdiction over the subject matter of Mr. Goeke's Formal Complaint because it concerns Voice-over-Internet Protocol service.

On October 22, 2025, the evidentiary hearing convened as scheduled. The Complainant appeared *pro se*. Melissa Blanco, Esquire, appeared on behalf of Comcast and presented the testimony of two witnesses: Colin Padgett, Senior Director in Customer Experience, Strategy, and Operations; and Kenneth Sutherland, Senior Director in

Customer Support and Technical Support. One exhibit was admitted into the record on behalf of Comcast.

On November 3, 2025, the undersigned received a response from Mr. Goeke opposing Comcast's Motion to Dismiss.¹

On December 3, 2025, I issued a notification to the parties of official notice (Official Notice or Notice of Facts). Parties were provided until December 17, 2025 to file objections to the Official Notice or a request that alternative facts be noticed. Parties were also provided until January 7, 2026, to file a response to any objections or requests for alternative facts.

On December 12, 2025, Comcast filed an Emergency Motion for Extension of Time to Respond to Official Notice (Emergency Motion).

On December 15, 2025, Mr. Goeke sent an e-mail to the undersigned and counsel for Comcast, objecting to an extension of time.

On December 15, 2025, I issued an Order denying Comcast's Emergency Motion.

On December 17, 2025, Comcast filed a Reply in Further Support of its Motion to Dismiss Formal Complaint for Lack of Jurisdiction and Objection to Notification of Official Notice (Notice of Facts Objection).

¹ Mr. Goeke's response indicates his response was sent to the Commission's Secretary's Bureau and to Comcast's counsel. However, upon review of Commission's records on November 18, 2025, Mr. Goeke's response had yet to be docketed. Therefore, I directed the Secretary's Bureau to docket the response. The response can be found in a confidential folder per Complainant's request.

No response to the Notice of Facts Objection was received by January 7, 2026.

The record closed on January 15, 2026 when I issued an Order Closing the Record.

For the reasons discussed below, Mr. Goeke's Formal Complaint will be dismissed for lack of subject matter jurisdiction.

FINDINGS OF FACT

1. The Complainant in this case is Robert Goeke.
2. The Respondent in this case is Comcast Business Communications, LLC.
3. Mr. Goeke's Formal Complaint in this proceeding concerns internet, landline telephone, and wireless telephone service. Formal Complaint, ¶ 4.
4. Mr. Goeke's landline telephone service consisted of Voice over Internet Protocol (VoIP) service. Tr. 126, 145-146.
5. On September 11, 2025, the Pennsylvania Public Utility Commission issued an Order at Docket No. A-2024-3049237, approving the Application of Comcast Business Communications, LLC for Approval of the Discontinuance and Abandonment of Telecommunications Services to the Public in the Commonwealth of Pennsylvania (*September 11, 2025 Order*). December 3, 2025 Notice of Facts.

6. Comcast Business Communications, LLC did not offer competitive local exchange service, interexchange service, wholesale services to commercial customers or local interconnection services in Pennsylvania. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

7. Comcast Business Communications, LLC never had any retail VoIP customers in Pennsylvania. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

8. The Comcast entity in Pennsylvania that provides VoIP service is Comcast IP Phone, LLC. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

9. As a voluntary contributor to Pennsylvania regulatory funds and to facilitate related reporting, Comcast reported VoIP revenues and lines through its two Competitive Local Exchange Carriers: Comcast Business Communications, LLC and Comcast Phone of Pennsylvania, LLC. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

10. Comcast Business Communications, LLC did provide wholesale telecommunications inputs to Comcast IP Phone, LLC to enable Public Switched Telephone Network (PSTN) interconnection, but ceased doing so on or about April 21, 2021. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

11. While Comcast IP Phone, LLC continues to provide VoIP service in the state, it obtains PSTN connectivity through alternate third-party arrangements and no longer relies on Comcast entities to obtain such connectivity. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

12. To the extent that Comcast IP Phone, LLC continues to report retail, intrastate VoIP revenues and line counts, and contributes to regulatory funds, it will do so through Comcast's remaining Competitive Local Exchange Carrier, Comcast Phone of Pennsylvania, LLC. December 3, 2025 Notice of Facts (citing *September 11, 2025 Order*).

13. Comcast Phone of Pennsylvania, LLC is a Commission-regulated entity. December 3, 2025 Notice of Facts.

14. Comcast Phone of Pennsylvania, LLC has not provided and does not provide VoIP service. December 3, 2025 Notice of Facts.

15. Mr. Goeke received VoIP service from Comcast IP Phone, LLC. Comcast December 17, 2025 Objection to Notice of Facts.

16. Comcast IP Phone, LLC has not been and is not regulated by the Commission. December 3, 2025 Notice of Facts; Comcast December 17, 2025 Objection to Notice of Facts.

17. Comcast Business Communications, LLC neither contracted with nor provided any service to Mr. Goeke or his business. Comcast December 17, 2025 Objection to Notice of Facts.

DISCUSSION

As is discussed further below, Comcast asserts that the relief Mr. Goeke seeks is beyond the jurisdiction of the Commission and, therefore, his Complaint should be dismissed. For the reasons explained below, I agree that Mr. Goeke's Complaint

concerns service beyond the jurisdiction of the Commission, and therefore his Complaint should be dismissed.

Motion to Dismiss

Section 5.103 of the Commission’s regulations provides that “[a] request may be made by motion for relief desired, except as may be otherwise expressly provided in this chapter and Chapters 1 and 3 (relating to rules of administrative practice and procedure; and special provisions),” that “[a] motion must set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority upon which it relies,” and that “[a] motion may be made in writing at any time.” 52 Pa. Code § 5.103(a)-(b).

It is well settled that the Commission may not exceed its jurisdiction and must act within it. *City of Pittsburgh v. Pa. Pub. Util. Comm’n*, 43 A.2d 348 (Pa. Super. 1945). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992). As a creation of the legislature, the Commission possesses only the authority that the state legislature has specifically granted to it in the Public Utility Code. 66 Pa.C.S. §§ 101–3316. Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977). Whether an agency or court has subject matter jurisdiction over an action is a fundamental issue of law that may be raised at any time, including by the presiding officer or reviewing court *sua sponte*, meaning on their own. See *Martin v. Zoning Hearing Bd of West Vincent Twp.*, 230 A.3d 540 (Pa. Cmwlth. 2020) (*Martin*).

Comcast's Motion to Dismiss asserts that the Commission lacks jurisdiction over IP-enabled services and cell phone services, which Comcast states are the services that Mr. Goeke complains of in his Complaint. As an initial matter, Commission regulations require that "[w]ritten motions must contain a notice which states that a responsive pleading shall be filed within 20 days of the date of service of the motion." 52 Pa. Code § 5.103(b). Comcast's Motion to Dismiss did not include such a notice to plead. A presiding officer is authorized to disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a). In general, failing to provide notice to plead to a party clearly affects the substantive rights of a party, especially a *pro se* Complainant who is unlikely to be familiar with the Commission's regulations. Mr. Goeke did confirm at the October 22, 2025 hearing that he received the Motion to Dismiss. Tr. 103. Additionally, I informed Mr. Goeke to file any response by November 10, 2025 and provided him an opportunity to respond during the hearing to the jurisdictional issues raised. Tr. 174. Mr. Goeke also filed a response to Comcast's Motion to Dismiss on November 3, 2025. However, in Mr. Goeke's response he states that "he received no valid cover letter specific to my case and their request to dismiss, therefore I cannot rightfully and fully address their Motion. I am asking the court to reject their request." Attached to Mr. Goeke's response was a cover letter from Comcast for a different proceeding. Although Mr. Goeke's response was unclear, I am concerned with what exactly Mr. Goeke received from Comcast as its Motion to Dismiss. Additionally, as is discussed in further detail below, I am concerned that Comcast Business Communications, LLC was not the provider of the complained-of services to Mr. Goeke, and therefore is not the proper entity to raise a Motion to Dismiss for lack of Commission subject matter jurisdiction.

Because of the above concerns, I will deny Comcast's Motion to Dismiss. However, for the reasons described below, I will *sua sponte* dismiss Mr. Goeke's Formal Complaint because the Commission lacks subject matter jurisdiction over the allegations in his Complaint.

Internet & Cellular Telephone Service

Although Mr. Goeke's Formal Complaint referenced internet service, as is explained below, Mr. Goeke's testimony primarily focused on his landline and wireless, i.e., cellular, telephone service. As he explained during the August 27, 2025 evidentiary hearing, he filed his Formal Complaint with the Commission due to his allegations that he received poor service from Comcast when he sought to transfer his phone number from his business landline telephone to his cellular telephone. Tr. 22, 25. However, Mr. Goeke's testimony notably included reference to outages to both his internet and landline telephone service. Tr. 19, 66-67, 80.

Regarding Mr. Goeke's internet service, the Commission does not regulate internet protocol-enabled services. The Voice-Over-Internet Protocol (VoIP) Freedom Act of 2008 generally prohibits the Commission, as well as any department, agency, commission or political subdivision of the Commonwealth, from regulating the rates, terms and conditions of VoIP service or internet protocol-enabled services. 73 P.S. § 2251.4. Therefore, Mr. Goeke's claims regarding internet service should be dismissed.

Regarding Mr. Goeke's cellular telephone service, the Public Utility Code (Code) states:

The commission, or any person, corporation, or municipal corporation having an interest in the subject matter, or any public utility concerned, may complain in writing, setting forth any act or thing done or omitted to be done by any *public utility* in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission. . . .

66 Pa.C.S. § 701 (emphasis added).

In defining “Public Utility”, the Code specifies that the term does not include “[a]ny person or corporation, not otherwise a public utility, who or which furnishes mobile domestic cellular radio telecommunications service.” 66 Pa.C.S. § 102 (definition of “Public Utility” (2)(iv)). Accordingly, the Commission does not have jurisdiction over cellular telephone service, and Mr. Goeke’s claims regarding such service should be dismissed.

Landline Telephone VoIP Service

The Commission’s jurisdiction over Mr. Goeke’s landline telephone service from Comcast is a less straightforward matter. The landline telephone service that is the subject of Mr. Goeke’s Complaint is VoIP service. Tr. 126, 145-146. As is stated above, the VoIP Freedom Act of 2008 generally prohibits the Commission, as well as any department, agency, commission or political subdivision of the Commonwealth, from regulating the rates, terms and conditions of VoIP service. 73 P.S. § 2251.4. However, the Act further provides that the Commission, as well as any department, agency, commission or political subdivision of the Commonwealth retains the authority to regulate 1) the provision and administration of 911 service; 2) telecommunications relay service; 3) universal service fund fees; 4) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company and; 5) rates, terms or conditions of protected services provided under tariffs subject to approval by the Commission. 73 P.S. § 2251.6. Comcast’s Motion to Dismiss does not reference these exceptions to the general rule that the Commission is prohibited to regulate VoIP service. When asked at the October 22, 2025 hearing, Comcast stated that none of these exceptions applied in this case. Tr. 180-181.

As an initial matter, “Comcast Business Communications, LLC” does not actually provide Mr. Goeke his VoIP landline telephone service. The named respondent

in this proceeding, Comcast, i.e., Comcast Business Communications, LLC, was authorized to provide Commission-regulated telecommunications services in Pennsylvania, until September 11, 2025, when the Commission approved the Application of Comcast Business Communications, LLC for Approval of the Discontinuance and Abandonment of Telecommunications Services to the Public in the Commonwealth of Pennsylvania at Docket No. A-2024-3049237 (Order entered Sept. 11, 2025) (*September 11, 2025 Order*). However, Comcast Business Communications, LLC never had any retail VoIP customers in Pennsylvania, and the Comcast entity in Pennsylvania that provides VoIP service is Comcast IP Phone, LLC. *September 11, 2025 Order*. Comcast IP Phone, LLC has not been and is not regulated by the Commission. December 3, 2025 Notice of Facts; Comcast December 17, 2025 Objection to Notice of Facts (Notice of Facts Objection). In its Notice of Facts Objection, Comcast confirmed that Mr. Goeke’s complained-of VoIP service was provided by Comcast IP Phone, LLC.

Mr. Goeke did not object to the Notice of Facts, or Comcast’s Notice of Facts Objection. Counsel’s Notice of Facts Objection first reiterated and further detailed Comcast’s argument presented in its Motion to Dismiss that Mr. Goeke’s Complaint should be dismissed for lack of Commission jurisdiction.² In the second part of the Notice of Facts Objection, Comcast did not directly dispute any of the facts to be noticed, but instead clarified who actually provided Mr. Goeke his landline VoIP service, i.e., Comcast IP Phone, LLC.³ Comcast further asserted that the Commission frequently assigns complaints to incorrect Comcast entities and sends notices to incorrect addresses. However, counsel for Comcast states that it prioritizes “resolving customer complaints efficiently over litigating technicalities about corporate structure.”

² To the extent counsel sought its objection to the Notice of Facts to serve as a supplement or amendment to its originally-filed Motion to Dismiss, it was filed neither as a new motion or an amended motion consistent with Commission regulations.

³ Mr. Goeke did not file any response to Comcast’s Notice of Facts Objection. Therefore, the facts asserted by Comcast that Comcast IP Phone, LLC provided VoIP service to Mr. Goeke, and Comcast Business Communications, LLC never provided service to Mr. Goeke, have been incorporated herein.

When asked during the October 22, 2025 evidentiary hearing to help untangle these issues, counsel for Comcast was unprepared to explain these distinctions between the various Comcast Corporation entities and who actually provided VoIP service to Mr. Goeke. Tr. 109. Regarding the issue of which Comcast Corporation entity provided service to Mr. Goeke, counsel for Comcast stated “that’s just not an issue we would have even thought to look into super deeply because there’s obviously so many different corporate formalities and umbrella entities. And to do that tracing is, as Your Honor, I’m sure, can imagine, is not simple.” Tr. 119-120. Counsel for Comcast also appeared unaware of the *September 11, 2025 Order* allowing Comcast to discontinue service in Pennsylvania and the associated application. Tr. 106. Similarly, Comcast witness Padgett testified that he worked for “Comcast generally,” and could not answer whether he worked for Comcast Business Communications, LLC, or any particular entity under the Comcast Corporation. Tr. 144-145.

Since Comcast was unprepared to discuss these issues, the prospect of scheduling a third evidentiary hearing was raised. Tr. 111-114. Mr. Goeke strongly disagreed to scheduling a further hearing to untangle these issues. Tr. 114.

At the previous evidentiary hearing on August 27, 2025, Mr. Goeke testified that his Complaint concerned his Comcast Business account and his Xfinity cell phone account. Tr. 53. However, Mr. Goeke also testified that “I am confused myself about what company is Xfinity and what company is Comcast and the relationship between them. I get different answers depending on what’s convenient for them.” Tr. 77. In response, counsel for Comcast stated “[s]o let’s talk about Comcast because that’s who I’m representing here, and I don’t want to make any representations about anything related to Comcast and Xfinity because I don’t actually think it’s important for our purposes.” *Id.*

I agree with Mr. Goeke that it is confusing as to what actual corporate entities related to the Comcast Corporation are implicated by his Complaint. I also disagree with counsel for Comcast that it is unimportant to make these distinctions. As a threshold matter, it was unclear whether the service provided to Mr. Goeke was from a public utility regulated under the Code. As discussed herein, Comcast, i.e., Comcast Business Communications, LLC was a Commission-certificated public utility through September 11, 2025, but the actual provider of VoIP service to Mr. Goeke, Comcast IP Phone, LLC, has not been and is not regulated by the Commission.

Additionally, whether the proper party is included in a proceeding raises critical due process concerns. Administrative agencies, such as the Commission, are required to provide parties notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). Relatedly, a court may be deprived of subject matter jurisdiction for failure to join an indispensable party. *See Strasburg Scooters, LLC v. Strasburg Rail Road, Inc.*, 210 A.3d 1064 (Pa. Super. 2019). Mr. Goeke did not raise this issue of whether Comcast, i.e., Comcast Business Communications, LLC was the proper respondent, but he is a *pro se* Complainant, and he is understandably confused about which Comcast Corporation entity provided his service.

However, for the reasons discussed below, and noting Mr. Goeke's clear opposition to holding further hearings, I find that the record is sufficiently clear to show that Mr. Goeke's complained-of VoIP service is not within the subject matter jurisdiction of the Commission, regardless of whether Comcast, i.e., Comcast Business Communications, LLC, was the correct respondent regarding Mr. Goeke's VoIP service.

Although not detailed in his original Complaint, Mr. Goeke's testimony did raise issues regarding outages with his VoIP service. Specifically, Mr. Goeke testified that he had no phone service on May 19, and 20, 2025. Consistent with the provisions of 73 P.S. § 2251.6, the Commission has found that Commission jurisdiction is implicated

regarding 911 service provided by VoIP. *Adams v. Zito Media Voice, LLC*, Docket No. C-2022-3032837 (Opinion and Order entered Dec. 14, 2023) (*Adams*) (citing 73 P.S. § 2251.6(1)(i)); *Floyd v. Verizon Pennsylvania, LLC*, Docket No. C- 2012-2333157 (Opinion and Order entered Apr. 30, 2013) (*Floyd*). I find that the record is sufficiently clear that Mr. Goeke’s Complaint about outages is not related to emergency services. Mr. Goeke did not raise any specific concerns regarding his access to emergency services. To the contrary, Mr. Goeke focused on the loss of business that resulted from the outages. Tr. 66-68. By comparison, the complainants in *Floyd* and *Zito* specifically raised concerns with access to emergency services. Additionally, the Commission’s decisions in *Floyd* and *Zito* were in the context of reviewing Initial Decisions that found, based on preliminary objections alone, that the Commission did not have jurisdiction over VoIP service. In this proceeding, two evidentiary hearings have been held, and Complainant did not clearly raise issues regarding emergency services. Therefore, I believe the record is sufficiently clear to find that the Commission does not have jurisdiction over the subject matter related to VoIP services raised in Mr. Goeke’s Complaint, and the Complaint should be dismissed.

Conclusion

As a final matter, although I find that this Complaint should be dismissed, I urge Comcast to raise similar jurisdictional issues as clearly and as early as possible through its initial pleadings. Here, Comcast’s arguments regarding jurisdictional issues were not raised until the first evidentiary hearing on August 27, 2025, and not formally raised as a motion until one day prior to the second evidentiary hearing. Comcast did not provide clarity regarding Mr. Goeke’s actual VoIP service provider until it filed its Notice of Facts Objections. Counsel for Comcast appeared to recognize that raising these issues preliminarily may “streamline” matters, but “Comcast chooses to do this because it wants to work with the customer and get to a resolution that leaves the customer happy.”

Tr. 179-180. Comcast reiterated this position again in its Notice of Facts Objection that it prioritizes resolving customer complaints efficiently over “litigating technicalities.”

I commend Comcast’s efforts to address customer concerns and to settle matters. The Commission encourages settlements. 52 Pa. Code § 5.231. However, settlement efforts should be made while also promptly raising issues that may need to be addressed if the case is litigated. As in this case, not all proceedings may be settled, and if these issues are not addressed preliminarily, they may come to a head later, as they have here. Issues surrounding subject matter jurisdiction are especially critical to raise as early as possible, as subject matter jurisdiction goes to heart of the Commission’s ability to adjudicate disputes, and, if not raised by the parties, must be raised *sua sponte*. See *Martin*.

Additionally, Comcast is in the best position to research these issues at the outset of a proceeding and appropriately raise them. Although counsel for Comcast asserted such tracing is not simple, other proceedings before the Commission involving Comcast Corporation-related entities have demonstrated it is possible to raise such issues preliminarily. For example, in *Marc David Swartz v. Comcast Phone of Pennsylvania, LLC*, counsel for Comcast Phone of Pennsylvania, LLC filed an answer and new matter, as well as preliminary objections, asserting that complainant was not a customer of Comcast Phone of Pennsylvania, LLC, but instead received VoIP service through Comcast IP Phone, LLC, and received cable television and internet services through Comcast of Southeast Pennsylvania, LLC. *Swartz v. Comcast Phone of Pa., LLC*, Docket No. C-2015-2465416 (Final Order entered May 20, 2015).

Similarly, in *Brian Gray v. Comcast Phone of Pennsylvania, LLC*, Docket No. C-2012-2292826 (Final Order entered Nov. 6, 2012), counsel for Comcast Phone of Pennsylvania, LLC filed preliminary objections, asserting that complainant was not a customer of Comcast Phone of Pennsylvania, LLC, but instead received VoIP service

through Comcast IP Phone, LLC, and received cable television and internet services through Comcast of Southeast Pennsylvania, LLC. As in these two cases, Comcast presumably has access to customer records and should be able to raise similar issues in detail preliminarily.

Additionally, although in its Notice of Facts Objection Comcast states that the Commission commonly serves the wrong Comcast entity, it would again be more efficient to raise this issue as early as possible. For instance, Mr. Goeke named “Comcast Business” as the respondent in his Complaint. Complaint, ¶ 2. In its Answer, Comcast did not clearly dispute this averment. Instead, Comcast responded: “Admitted in part; denied in part. Comcast admits only that its [sic] operates as Comcast Business Communications, LLC.” If Comcast had clearly raised the issue of being the incorrect respondent preliminarily in its Answer, I may have directed that the Complaint be served on the proper respondent, or raised the issue in another manner with the parties before holding evidentiary hearings.

I also note that, although Comcast was served the Complaint on May 16, 2025, the Commission provided Comcast an extension of time until July 7, 2025 to file any responsive pleadings to the Complaint. This should have provided additional time to research and plead such issues. This proceeding may have proceeded in a much more orderly and efficient manner if Comcast had raised its jurisdictional concerns as early and as completely and clearly as possible.

CONCLUSIONS OF LAW

1. The Commission may not exceed its jurisdiction and must act within it. *City of Pittsburgh v. Pa. Pub. Util. Comm’n*, 43 A.2d 348 (Pa. Super. 1945).

2. Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

3. Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992).

4. As a creation of the legislature, the Commission possesses only the authority that the state legislature has specifically granted to it in the Public Utility Code. 66 Pa.C.S. §§ 101-3316.

5. The Commission's jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

6. Whether an agency or court has subject matter jurisdiction over an action is a fundamental issue of law that may be raised at any time, including by the presiding officer or reviewing court *sua sponte*, meaning on their own. *Martin v. Zoning Hearing Bd of West Vincent Twp.*, 230 A.3d 540 (Pa. Cmwlth. 2020).

7. The VoIP Freedom Act of 2008 generally prohibits the Commission from regulating the rates, terms and conditions of VoIP service or internet protocol-enabled services. 73 P.S. § 2251.4.

8. The Commission does not have jurisdiction over cellular telephone service. 66 Pa.C.S. §§ 102 (definition of "Public Utility" (2)(iv)); 701.

9. The claims in the Formal Complaint are beyond the Commission's jurisdiction. 66 Pa.C.S. §§ 101-3316

ORDER

THEREFORE,

IT IS ORDERED:

1. That Motion to Dismiss filed by Comcast Business Communications, LLC at Docket No. C-2025-3055046 is denied.
2. That the Formal Complaint filed by Robert Goeke at Robert Goeke versus Comcast Business Communications, LLC at Docket No. C-2025-3055046 is dismissed.
3. That the Secretary's Bureau shall mark Docket No. C-2025-3055046 as closed.

Date: April 6, 2026

/s/
John M. Coogan
Administrative Law Judge