



**900 Race Street
6th Floor
Philadelphia, PA 19107**

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

May 13, 2026

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: Ridgemont Motel v. Verizon Pennsylvania LLC; Docket No. C-2026-3062000
PRELIMINARY OBJECTIONS OF VERIZON PENNSYLVANIA LLC**

Dear Secretary Homsher:

Enclosed please find Verizon Pennsylvania LLC's Answer in connection with the above-referenced case, which was electronically 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.

Yours sincerely,

Suzan D. Paiva
Counsel for Verizon Pennsylvania LLC

SDP/sau
Enclosures

Via First Class Mail

cc: Office of Administrative Law Judge
Cynthia Lehman, Mediator
Ridgemont Motel

CERTIFICATE OF SERVICE

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

Dated at Philadelphia, Pennsylvania, this 13th day of May, 2026.

VIA FIRST CLASS MAIL

Ridgemont Motel
637 Us Highway 15th South
Williamsport, PA 17702



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RIDGEMONT MOTEL,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3062000
	:	
VERIZON PENNSYLVANIA LLC,	:	
	:	
Respondent	:	

NOTICE TO PLEAD

TO: Ridgemont Motel
637 Us Hwy 15th South
Williamsport, PA 17702

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: May 13, 2026

Suzan DeBusk Paiva, I.D. No. 53853
Verizon
900 Race Street, 6th Floor
Philadelphia, PA 19107
*Counsel for Respondent
Verizon Pennsylvania LLC*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RIDGEMONT MOTEL	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3062000
	:	
VERIZON PENNSYLVANIA LLC,	:	
	:	
Respondent	:	

**PRELIMINARY OBJECTIONS AND MOTION TO STRIKE
OF VERIZON PENNSYLVANIA LLC
TO THE COMPLAINT OF RIDGEMONT MOTEL**

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 Ridgemont Motel (“Complainant”). In support thereof, Verizon PA avers and represents as follows:

BACKGROUND

1. Ridgemont Motel filed a Formal Complaint that was served electronically upon Verizon PA on April 23, 2026, seeking an order for monetary damages. The Complainant’s representative, Linda Fessler, alleges that dial tone at the Ridgemont Motel was out from October 24th 2025 through February 12th, 2026, which caused a loss of revenue to the business. (Formal Complaint ¶ 4). For requested relief she seeks “\$11,707.00” (Formal Complaint ¶ 5).
2. Ridgemont Motel subscribes to telephone service with Verizon; however, she does not allege any current issues 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 loss of revenue as a result of having no dial tone. Our records do not support the Complainant's claims, and indicate the Ridgmont Motel reported no dial tone only twice during the timeframes specified by the customer. Once on October 24, 2025, and again on February 10, 2026. Both of these issues were both resolved within three days.

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

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).

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.

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: May 13, 2026

Suzan DeBusk Paiva, I.D. No. 53853

Verizon

900 Race Street, 6th Floor

Philadelphia, PA 19107

Counsel for Respondent

Verizon Pennsylvania LLC

⁹ 66 Pa. C.S. § 703(b)