



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

October 21, 2016

Rosemary Chiavetta  
Pa. Public Utility Commission  
2<sup>nd</sup> Floor, 400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105

Re: Pennsylvania Public Utility Commission Bureau of Investigation and  
Enforcement v. NMG Telecom LLC; Docket No. C-2016-

Dear Secretary Chiavetta:

Enclosed for filing is the Complaint on behalf of the Bureau of Investigation and  
Enforcement in the above-referenced case. Copies have been served on the parties of  
record in accordance with the Certificate of Service.

If you have any questions on this matter, please call me at 717-214-9594.

Sincerely,

Heidi L. Wushinske  
Senior Prosecutor  
PA Attorney ID No. 93792

Enclosures

cc: As per Certificate of Service

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SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement, :  
Complainant :  
: :  
v. : Docket No. C-2016- \_\_\_\_\_  
: :  
NMG Telecom LLC, :  
Respondent :

**NOTICE**

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

Alternatively, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please serve a copy on:

Heidi L. Wushinske, Senior Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

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B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order granting the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty proposed in the Complaint by certified check or money order made payable to the "Commonwealth of Pennsylvania" and forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that the Company committed the alleged violations and agrees to cease and desist from committing further violations. Upon receipt of payment, the Complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order granting the requested relief.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the requested relief and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. *See* 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement, :  
Complainant :  
:  
v. :  
:  
NMG Telecom LLC, :  
Respondent :

Docket No. C-2016- \_\_\_\_\_

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**FORMAL COMPLAINT**

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NOW COMES the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint against NMG Telecom LLC (NMG or Respondent), alleging violations of the Public Utility Code. In support of its Formal Complaint, I&E respectfully represents the following:

**I. Parties and Jurisdiction:**

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA, 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). The prosecuting attorneys are as follows:

Heidi L. Wushinske  
Senior Prosecutor  
[hwushinske@pa.gov](mailto:hwushinske@pa.gov)  
717.214.9594

Michael L. Swindler  
Deputy Chief Prosecutor  
[mswindler@pa.gov](mailto:mswindler@pa.gov)

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

3. Respondent is NMG, a telecommunications carrier, with an address on file with the Commission of 1725 Windward Concourse, Suite 150, Alpharetta, GA 30005, attn. Monte Banash.

4. NMG is a "public utility" as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(vi), as it is certified to provide utility service as a telecommunications carrier to the public for compensation.

5. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

6. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violation(s) of any law or regulation that the Commission has jurisdiction to administer.

7. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301 further allows for the imposition of a separate fine for each day's continuance of such violation(s).

8. Respondent, in providing telecommunications service for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires any persons or corporations subject to the provisions of that part to comply with Commission orders.

9. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## **II. Background:**

10. Pursuant to 52 Pa. Code § 63.37(c), local exchange telecommunications carriers are required to file an annual access line report by March 1 of each year, in the format and detail specified on the Commission's website.

11. On June 12, 2014, the Commission sent NMG a Final Notice (Attachment A) reminding it of its obligation to file its 2013 annual access line report and providing it with access to the appropriate forms.

12. In the Final Notice, the Commission informed NMG that it had ten business days from the receipt date of the Final Notice to file its 2013 access line report; making the access line report due on or about July 1, 2014.

13. The Final Notice also informed NMG that if it did not file its access line report within ten business days, the matter would be referred to I&E for enforcement action as deemed necessary, including penalties and revocation of NMG's certificate of public convenience.

14. To date, NMG has not filed its 2013 access line report.

15. On April 8, 2015, the Commission sent all local exchange telecommunications carriers, including Respondent, a Final Notice (Attachment B) informing them of their responsibility to file 2014 annual access line reports.

16. In the Final Notice, the Commission informed the local telecommunications carriers, including Respondent, that they had ten business days from the receipt date of the Final Notice to file their 2014 access line reports; making the access line report due on or about April 21, 2015.

17. The Final Notice also informed all local telecommunications carriers, including Respondent, that if they did not file their access line reports within ten business days, the matters would be referred to I&E for enforcement action as deemed necessary, including penalties and revocation of the carriers' certificates of public convenience.

18. To date, NMG has not filed its 2014 access line report.

**III. Violations:**

**Count One**

19. All allegations in paragraphs 1-18 are incorporated as if fully set forth herein.
20. Respondent failed to comply with its regulatory obligations in that it failed to timely and accurately submit its 2013 annual access line report to the Commission's Secretary's Bureau, in the format and detail specified on the Commission's website.

This is a violation of 52 Pa. Code § 63.37(c).

**Count Two**

21. All allegations in paragraphs 1-18 are incorporated as if fully set forth herein.
22. Respondent failed to comply with its regulatory obligations in that it failed to timely and accurately submit its 2014 annual access line report to the Commission's Secretary's Bureau, in the format and detail specified on the Commission's website.

This is a violation of 52 Pa. Code § 63.37(c).

**IV. Relief Requested:**

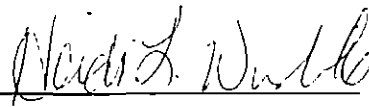
The Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that after consideration of the record, the Office of

Administrative Law Judge and the Commission find NMG Telecom LLC in violation of each count as set forth herein, and grant the following relief:

- a. NMG Telecom LLC be ordered to pay a civil penalty in the amount of \$1,000.00 pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made by certified check payable to “Commonwealth of Pennsylvania” and presented to the undersigned prosecutors within twenty (20) days of the date of the Commission’s order sustaining this complaint;
- b. The Commission revoke NMG Telecom LLC’s certificate of public convenience; and
- c. Grant such other relief as the Commission deems just and reasonable.

**WHEREFORE**, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission find NMG Telecom LLC in violation of each count as set forth herein and grant the relief specified above.

Respectfully submitted,



Heidi L. Wushinske  
Senior Prosecutor  
PA Attorney ID No. 93792  
717.214.9594  
[hwushinske@pa.gov](mailto:hwushinske@pa.gov)

Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

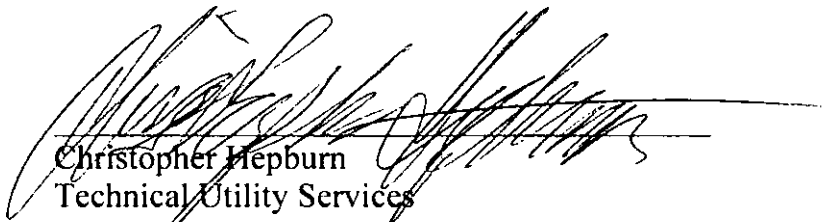
Date: October 21, 2016

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**VERIFICATION**

I, Christopher Hepburn, Fixed Utility Financial Analyst of the Pennsylvania Public Utility Commission's Bureau of Technical Utility Services (TUS), hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect TUS will be able to prove the same at any 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.

Date: October 21, 2016



Christopher Hepburn  
Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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IN REPLY PLEASE  
REFER TO OUR FILE

June 12, 2014

Docket No. M-2014-2399131

NMG Telecom LLC  
Monte Banash  
1725 Windward Concourse  
Suite 150  
Alpharetta GA 30005

**Final Notice**

Dear Sir/Madam:

On February 24, 2014, The Commission sent a letter to all utilities reminding them of their reporting requirements for each year. This letter served as your reminder to file annual reports.

As directed by Commission Order at Docket No. M-00900239 and Act 183 of 2004, P.L. 1398 (66 Pa. C.S. §3015), all Incumbent and Competitive Local Exchange Carriers (LECs) are required to file the Telecommunications Relay Service (TRS) Annual Access Line Summary Report each year. This report is required to be filed by March 1. Commission records indicate that your company has not yet complied by filing the required 2013 Annual Access Line Report. **Failure to comply with the Commission's regulations is subject to penalties specified in the Public Utility Law (66 Pa. C.S) and 52 Pa Code §63.37.** The penalties for noncompliance include fines and other actions against the utility.

**You must provide the 2013 Access Line Report form to the Commission within 10 business days of receipt of this letter.**

**Failure to comply with this requirement will result in the matter being referred to BI&E to initiate proceedings whereby the Company could be subject to penalties including the Company's CPC being revoked.**

The Commission requires carriers to download the current Annual Access Line Summary Report Form from the Commission's web site. Carriers must use this form to be accepted. The form can be found at this web address: <http://www.puc.state.pa.us/general/onlineforms.aspx>. Scroll down to the "Telecommunications Forms" to find a link to the 2013 form.

Indicate on the form the number of access lines in each category for which the TRS Surcharge is applied as well as the number of customers. After completing the form, please e-mail to Christopher Hepburn at [chepburn@pa.gov](mailto:chepburn@pa.gov) and send a hard copy to the Secretary's Bureau at PO Box 3265, Harrisburg, PA 17105-3265.

If you have any questions regarding these forms or the filing requirements, you may call Christopher Hepburn at (717) 214-9115 or e-mail at the above address.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Chiavetta". The signature is fluid and elegant, with the first letter of each name being capitalized and prominent.

Rosemary Chiavetta  
Secretary



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
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April 8, 2015

Docket No. M-2015-2460702

**Final Notice**

Dear Sir/Madam:

On February 3, 2015, The Commission sent a letter to all utilities reminding them of their reporting requirements for each year. This letter served as your reminder to file annual reports.

As directed by Commission Order at Docket No. M-00900239 and Act 183 of 2004, P.L. 1398 (66 Pa. C.S. §3015), all Incumbent and Competitive Local Exchange Carriers (LECs) are required to file the Telecommunications Relay Service (TRS) Annual Access Line Summary Report each year. This report is required to be filed by March 1. Commission records indicate that your company has not yet complied by filing the required 2014 Annual Access Line Report. **Failure to comply with the Commission's regulations is subject to penalties specified in the Public Utility Law (66 Pa. C.S) and 52 Pa Code §63.37.** The penalties for noncompliance include fines and other actions against the utility.

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Indicate on the form the number of access lines in each category for which the TRS Surcharge is applied as well as the number of customers. After completing the form, please e-mail to [RA-PC-TRS-ACC-LINES@pa.gov](mailto:RA-PC-TRS-ACC-LINES@pa.gov) and send a hard copy to the Secretary's Bureau at PO Box 3265, Harrisburg, PA 17105-3265.

If you have any questions regarding these forms or the filing requirements, you may call Christopher Hepburn at (717) 214-9115 or e-mail at the above address.

Sincerely,

Rosemary Chiavetta  
Secretary

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

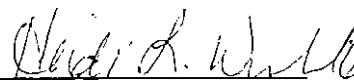
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2016- _____
	:	
NMG Telecom LLC,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by First Class Mail:**

Monte Banash  
NMG Telecom LLC  
1725 Windward Concourse  
Suite 150  
Alpharetta, GA 30005

  
Heidi L. Wushinske  
Senior Prosecutor  
PA Attorney ID No. 93972

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 214-9594

Dated: October 21, 2016

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