



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

IN REPLY PLEASE
REFER TO OUR FILE

December 12, 2016

Rosemary Chiavetta
Pa. Public Utility Commission
2nd 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-2016-2572627

Dear Secretary Chiavetta:

Enclosed for filing is the Motion for Default Judgment 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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2016 DEC 12 AM 11:42
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

NMG Telecom LLC,
Respondent

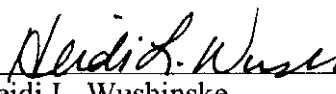
Docket No. C-2016-2572627

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission's regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on the undersigned prosecutor.


Heidi L. Wushinske
Senior Prosecutor
PA Attorney I.D. No. 93792

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

Dated: December 12, 2016

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Docket No. C-2016-257262

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MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, and files this Motion for Default Judgment against NMG Telecom LLC (NMG or Respondent) pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on October 21, 2016, by filing a Complaint.
2. On October 21, 2016, the Complaint was served by certified mail to Respondent at 1725 Windward Concourse, Suite 150, Alpharetta, GA 30005.
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.
4. On October 28, 2016, Respondent received the Complaint. A true and correct copy of proof of delivery of the Complaint is attached as Exhibit 1.
5. The twenty (20) days to file an Answer to the Complaint expired on November 14, 2016.
6. Respondent did not file an Answer to the Complaint.

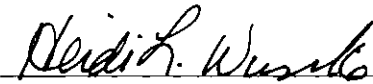
7. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

8. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

9. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Directs Respondent to pay the requested civil penalty of \$1,000 within thirty (30) days of the entry date of the Commission's Order;
- b. Directs the Bureau of Technical Utility Services to cancel Respondent's Certificate of Public Convenience at A-2012-2339773; and
- c. Directs the Bureau of Administrative Services to refer the matter to the Pennsylvania Office of Attorney General for collection of the outstanding civil penalty set forth in subparagraph (a), above if that total is not paid within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,


Heidi L. Wushinske
Senior Prosecutor
PA Attorney I.D. No. 93792

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

Date: December 12, 2016

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

NMG Telecom LLC,
Respondent

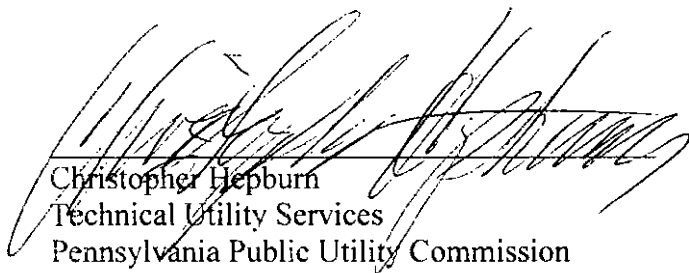
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Docket No. C-2016-2572627

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 the Bureau 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: December 9, 2016



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

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EXHIBIT 1

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®

Still Have Questions?
Browse our FAQs >



Get Easy Tracking Updates >
Sign up for My USPS.

Tracking Number: 9171969009350118430833

Updated Delivery Day: Friday, October 28, 2016

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

| DATE & TIME | STATUS OF ITEM | LOCATION |
|----------------------------|---------------------------------|----------------------|
| October 28, 2016 , 2:24 pm | Delivered, Left with Individual | ALPHARETTA, GA 30005 |

Available Actions

Return Receipt Electronic

Text Updates

Email Updates

Your item was delivered to an individual at the address at 2:24 pm on October 28, 2016 in ALPHARETTA, GA 30005.

| | | |
|-----------------------------|--|-----------------------|
| October 28, 2016 , 12:46 pm | Out for Delivery | ALPHARETTA, GA 30005 |
| October 28, 2016 , 12:24 pm | Sorting Complete | ALPHARETTA, GA 30005 |
| October 28, 2016 , 9:51 am | Arrived at Unit | ALPHARETTA, GA 30005 |
| October 26, 2016 , 1:12 pm | Departed USPS Destination Facility | NORTH METRO, GA 30026 |
| October 26, 2016 , 7:18 am | Arrived at USPS Destination Facility | NORTH METRO, GA 30026 |
| October 26, 2016 , 5:38 am | In Transit to Destination | |
| October 25, 2016 , 4:53 am | Departed USPS Facility | HARRISBURG, PA 17107 |
| October 24, 2016 , 11:38 pm | Arrived at USPS Origin Facility | HARRISBURG, PA 17107 |
| October 24, 2016 , 10:23 pm | Accepted at USPS Origin Facility | HARRISBURG, PA 17120 |
| October 24, 2016 | Pre-Shipment Info Sent to USPS, USPS Awaiting Item | |

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Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS >



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

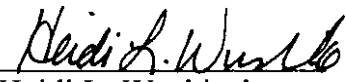
| | | |
|--|---|---------------------------|
| Pennsylvania Public Utility Commission, | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2016-2572627 |
| | : | |
| NMG Telecom LLC, | : | |
| Respondent | : | |

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: December 12, 2016

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