



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

January 11, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
Lattice, Inc. t/a Lattice Incorporated of New Jersey  
Docket No. C-2020-3022355  
**I&E Motion for Default Judgment**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676  
Bureau of Investigation and Enforcement  
(717) 772-8582  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

CMA/ac  
Enclosures

cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-3022355
	:	
Lattice, Inc. t/a	:	
Lattice Incorporated of New Jersey,	:	
Respondent	:	

**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  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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



---

Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 772-8582  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

Dated: January 11, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-3022355
	:	
Lattice, Inc. t/a	:	
Lattice Incorporated of New Jersey,	:	
Respondent	:	

**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 Lattice, Inc. t/a Lattice Incorporated of New Jersey (“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 9, 2020 by filing a Complaint.
2. On October 9, 2020, the Complaint was served by electronic mail to Respondent at [pburgess@latticeinc.com](mailto:pburgess@latticeinc.com), which is the last known email address that Respondent provided to the Commission.
3. Service of the Complaint was performed by electronic mail due to COVID-19 restrictions impacting Commission mailing operations. *See Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Emergency Order ratified on March 26, 2020).

4. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

5. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

6. The twenty (20) days to file an Answer to the Complaint expired on October 29, 2020.

7. Respondent did not file an Answer to the Complaint.

8. 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).

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

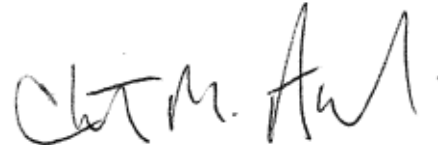
10. Respondent did not pay the outstanding assessment balance of \$157 for the July 1, 2018 to June 30, 2019 Fiscal Year ("2018-2019 Fiscal Year") or the total civil penalty of \$50<sup>1</sup> that was sought in the Complaint for Respondent's failure to timely pay the assessment.

---

<sup>1</sup> This civil penalty is based on a review of Respondent's history of compliance with the Public Utility Code and Commission regulations and orders for three years prior to the date that I&E filed its Complaint in this matter, the need to deter future violations, and prior Commission decisions in similar situations pursuant to 52 Pa. Code §§ 69.1201(c)(6), (8), and (9). Due to Respondent's acceptable compliance history, I&E requested that Respondent pay a total civil penalty of 15% of the outstanding assessment balance or a minimum of \$50, whichever is greater.

11. I&E respectfully requests that the Commission enter a Default Order against Respondent that:
- a. Directs Respondent to pay a total of \$207, which consists of its outstanding assessment of \$157 for the 2018-2019 Fiscal Year and the requested civil penalty of \$50, 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-2016-2558401 if Respondent fails to pay the total set forth in subparagraph (a), above, within thirty (30) days of the entry date of the Commission's Order; and
  - c. Directs the Bureau of Administration, Assessment Section, to refer the matter to the Pennsylvania Office of Attorney General for collection of the total set forth in subparagraph (a), above, if Respondent fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 772-8582  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

Date: January 11, 2021

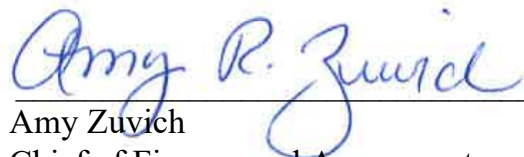
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-3022355
	:	
Lattice, Inc. t/a	:	
Lattice Incorporated of New Jersey,	:	
Respondent	:	

**VERIFICATION**

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, 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 of Investigation and Enforcement 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: January 11, 2021

  
\_\_\_\_\_  
Amy Zuvich  
Chief of Finance and Assessments  
Bureau of Administration  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

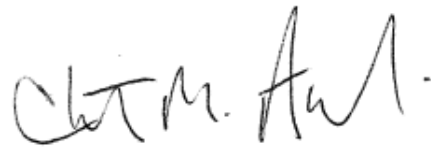
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-3022355
	:	
Lattice, Inc. t/a	:	
Lattice Incorporated of New Jersey,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

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

**Served via Electronic Mail:**

Lattice, Inc. t/a Lattice Incorporated of New Jersey  
Attn: Paul Burgess  
7150 N. Park Drive  
Suite 500  
Pennsauken, NJ 08109  
Email: [pburgess@latticeinc.com](mailto:pburgess@latticeinc.com)



---

Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 772-8582  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

Dated: January 11, 2021