

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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**If you were a customer of NORTH AMERICAN POWER & GAS, LLC from February 20, 2012 to June 5, 2017, a pending Class Action may affect you.**

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**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

This Notice is to inform you of a proposed settlement of class action lawsuits pending against NORTH AMERICAN POWER & GAS, LLC (“NAPG” or “Defendant”). As described below, this settlement is on behalf of all persons who at any time from February 20, 2012 to June 5, 2017 were customers of NAPG and paid NAPG variable rates for electricity and/or natural gas in Connecticut, Illinois, Maryland, Maine, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Georgia or Texas.

NAPG’s records indicate that you may be a member of the Class. This Notice affects your legal rights and is given to you pursuant to Rule 23 of the Federal Rules of Civil Procedure. Please read this document carefully. **IF YOU ARE A MEMBER OF THIS CLASS OF PERSONS, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.**

<b>Your Rights and Options in this Settlement</b>		
<b>SUBMIT A CLAIM FORM</b>	This is the only way to get a Settlement Payment under the Settlement. Submit an online Claim Form at <a href="http://www.ElectricityAndGasSettlement.com">www.ElectricityAndGasSettlement.com</a> by using your Class Member ID on the front of the postcard mailed to you. You can also download a Claim Form to submit by mail at <a href="http://www.ElectricityAndGasSettlement.com">www.ElectricityAndGasSettlement.com</a> or receive one by calling 1-844-271-4787.	Deadline: <b>June 26, 2018</b>
<b>EXCLUDE YOURSELF</b>	If you exclude yourself from the Settlement, you will not receive a Settlement Payment under the Settlement. Excluding yourself is the only option that allows you to ever bring or maintain your own lawsuit against NAPG regarding the allegations in the Action ever again.	Deadline: <b>June 26, 2018</b>
<b>OBJECT</b>	You may write to the Court about why you object to (i.e., don’t like) the Settlement and think it shouldn’t be approved. Filing an objection does not exclude you from the Settlement.	Deadline: <b>June 26, 2018</b>
<b>DO NOTHING</b>	You will not receive a Settlement Payment under the Settlement. You will also give up your right to object to the Settlement and you will be not be able to be part of any other lawsuit about the legal claims in this case.	N/A

- These rights and options—and **the deadlines to exercise them**—are explained in more detail below.
- The Court in charge of this Action has preliminarily approved the Settlement and must decide whether to give final approval to the Settlement. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. *Please be patient.*

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## **1. Why did I get this Notice?**

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You received this Notice because a Settlement has been reached between the parties. According to NAPG's available records you are a member of the Settlement Class and may be eligible for the relief detailed below.

This Notice explains the nature of the Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement (which defines certain capitalized terms used in this Notice), see Section 20 below.

## **2. What are the lawsuits about?**

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This Settlement resolves several similar class actions against NAPG, entitled *Edwards v. North American Power & Gas LLC* (D. Conn); *Fritz v. North American Power & Gas LLC* (D. Conn); *Arcaro v. North American Power & Gas LLC* (D. Conn); *Tully v. North American Power & Gas LLC* (D. Conn); and *Zahn v. North American Power & Gas LLC* (N.D. Ill.). Plaintiffs Paul Edwards, Gerry Wendrovsky, Sandra Desrosiers, Linda Soffron, John Arcaro, Michael Tully, David Fritz, and Peggy Zahn (the "Representative Plaintiffs") filed lawsuits against NAPG on behalf of themselves and all others similarly situated. The lawsuits allege that NAPG made misleading representations, contrary to its obligations under applicable laws. Plaintiffs also allege that NAPG's rates were not, as it claimed in its consumer contracts, based on market related factors or prevailing market rates.

NAPG denies each and every one of the allegations of unlawful conduct and contends that its rates were adequately disclosed and reasonably related to the relevant markets for electric and gas service.

**The issuance of this Notice is not an expression of the Court's opinion on the merits or the lack of merits of the Representative Plaintiffs' claims in the lawsuits.**

For information about how to learn about what has happened in the lawsuits to date, please see Section 20 below.

## **3. Why is this a class action?**

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In a class action lawsuit, one or more people called "Representative Plaintiff(s)" (in this case, Paul Edwards, Gerry Wendrovsky, Sandra Desrosiers, Linda Soffron, John Arcaro, Michael Tully, David Fritz and Peggy Zahn) sue on behalf of other people who have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Class Members. The company sued in this case, NAPG, is called the Defendant.

#### **4. Why is there a Settlement?**

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The Representative Plaintiffs have made claims against NAPG. NAPG denies that it has done anything wrong or illegal and admits no liability. The Court has **not** decided that the Representative Plaintiffs or NAPG should win the lawsuits. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the Class Members will receive relief now rather than years from now, if at all.

#### **5. How do I know if I am part of the Settlement?**

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The Court has decided that everyone who fits this description is a Class Member for purposes of the proposed Settlement: all persons who at any time from February 20, 2012 to June 5, 2017, were customers of NAPG and paid NAPG variable rates for electricity and/or natural gas in Connecticut, Illinois, Maryland, Maine, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Georgia or Texas. Excluded from the Class are NAPG; any of its parents, subsidiaries, or affiliates; any entity controlled by any of them; any officer, director, employee, legal representative, predecessor, successor, or assignee of NAPG; any customers enrolled in a NAPG affinity program; any person who has previously released claims that will be released by this Settlement; and federal, state, and local governments (including all agencies and subdivisions thereof, but excluding employees thereof) and the judges to whom the Actions are assigned and any members of their immediate families.

#### **6. I'm still not sure if I am included.**

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If you are still not sure whether you are included, you can contact the Settlement Administrator for free help about whether you are a Class Member. The email address of the Settlement Administrator is [contact@electricityandgassettlement.com](mailto:contact@electricityandgassettlement.com), the U.S. postal (mailing) address is Edwards v. North American Power & Gas, LLC Settlement; c/o Settlement Administrator, P.O. Box 59329, Philadelphia, PA 19102-9329, and the toll-free telephone number is 1-844-271-4787.

#### **7. What relief does the Settlement provide to the Class Members?**

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Each class member may elect to receive a Settlement Payment in the form of a check. The *average* cash benefit is \$2.87 for each month a class member was an NAPG customer during the Class Period. Your *actual* benefit will vary depending upon your usage of NAPG service during the Class Period. The specific amount of a customer's check will be calculated this way: the customer will receive a cash benefit of \$.00351 per kilowatt hour for electric supply service received and/or \$.0195 per therm for natural gas supply service received from NAPG while on a variable rate plan during the Class Period. For example, a customer who used 5,000 kWh of electric supply service will receive a check in the amount of \$17.55. However, the minimum total payment per valid claim will be \$2.00. If the total value of all valid claims submitted exceeds \$16,053,000, then each customer's cash payment will be reduced proportionately.

**In exchange for the relief outlined above, Class Members who do not opt out of the Settlement (as described below) will relinquish their right to bring claims on their own behalf, including claims for monetary relief, and Class Members will not be able to sue NAPG on the same or any related claims. The proposed settlement does not mean that any law was violated or that NAPG did anything wrong. Plaintiffs and Class Counsel think the proposed Settlement is fair, and in the best interests of all Class Members.**

## **8. How can I get a Settlement Payment?**

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To qualify for a Settlement Payment, you must send in a Claim Form by the deadline. A Claim Form is available by clicking [HERE](#) or on the Internet at the website [www.ElectricityAndGasSettlement.com](http://www.ElectricityAndGasSettlement.com). The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, and postmark it by June 26, 2018 or submit it online not later than 11:59 p.m. (Eastern) on [www.ElectricityAndGasSettlement.com](http://www.ElectricityAndGasSettlement.com).

## **9. When will I get a Settlement Payment?**

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As described in Sections 17 and 18 below, the Court will hold a hearing on August 1, 2018 at 10:00 a.m., to decide whether to approve the Settlement. If the Court approves the Settlement, after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. You can check on the progress of the case on the website dedicated to the Settlement at [www.ElectricityAndGasSettlement.com](http://www.ElectricityAndGasSettlement.com). *Please be patient.*

# **THE LAWYERS IN THIS CASE AND THE REPRESENTATIVE PLAINTIFFS**

## **10. Do I have a lawyer in this case?**

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The Court has ordered that the law firms of Izard, Kindall & Raabe, LLP, Finkelstein, Blankinship, Frei-Pearson & Garber LLP, Mazie Slater Katz & Freeman, LLC, and McCune Wright Arevalo, LLP ("Class Counsel") will represent the interests of all Class Members. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

## **11. How will the lawyers be paid?**

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NAPG has agreed to pay Class Counsel's attorneys' fees and costs up to \$3,669,000, subject to approval by the Court. You will not be required to pay any attorneys' fees or costs for Class Counsel's attorneys' fees and costs.

**12. Will the Representative Plaintiffs receive any compensation for their efforts in bringing this Action?**

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The Representative Plaintiffs will each request a service award (also known as an “plaintiff enhancement award”) of up to \$5,000 for his/her services as class representative and his/her efforts in bringing the lawsuits. The Court will make the final decision as to the amount to be paid to the Representative Plaintiffs.

## **DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS**

**13. What am I giving up to obtain relief under the Settlement?**

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If the Court approves the proposed Settlement, unless you exclude yourself from the Settlement, you will be releasing your claims against NAPG. This generally means that you will not be able to file a lawsuit, continue prosecuting a lawsuit, or be part of any other lawsuit against NAPG regarding the allegations in the lawsuits. The Settlement Agreement, available on the Internet at the website [www.ElectricityAndGasSettlement.com](http://www.ElectricityAndGasSettlement.com) contains the full terms of the release.

**14. How do I exclude myself from the Settlement?**

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Any potential Class Member who desires to be excluded from the Settlement Class must give written notice of the election to Opt-Out postmarked on or before June 26, 2018, with copies mailed to the Settlement Administrator, Class Counsel, and counsel for NAPG. Opt-Out requests must: (i) be signed by the Class Member who is requesting exclusion; (ii) include the full name, address, and phone number(s) of the Class Member requesting exclusion; and (iii) include the following statement: “I/We request to Opt-Out from the settlement in the NAPG Action.” No Opt-Out request will be valid unless all of the information described above is included. If you timely request exclusion from the Class, you will be excluded from the Class, you will not be bound by the judgment entered, and you will not be precluded from prosecuting any timely, individual claim against NAPG based on the conduct complained of in the lawsuits.

**15. How do I tell the Court that I do not like the Settlement?**

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At the date, time, and location stated in Section 18 below, the Court will hold a Fairness Hearing to determine if the Settlement is fair, reasonable, and adequate, and to also consider Class Counsel’s request for an award of attorneys’ fees and costs, and Enhancement Awards to the Representative Plaintiffs.

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed Settlement, you must submit a written objection to the Court, Class Counsel, and NAPG’s

Counsel listed below, postmarked no later than June 26, 2018.

<b>COURT</b>	<b>CLASS COUNSEL</b>	<b>NAPG'S COUNSEL</b>
Clerk of the Court Brien McMahon Federal Building United States Courthouse 915 Lafayette Boulevard - Suite 417 Bridgeport, Connecticut 06604	Seth R. Klein Izard Kindall & Raabe, LLP 29 South Main St., St. 305 West Hartford, CT 06107  Todd Garber Finkelstein, Blankinship, Frei-Pearson & Garber LLP 445 Hamilton Avenue, Suite 605, White Plains, NY 10601 (914) 298-3281	Peter George Siachos Gordon & Rees, LLP 18 Columbia Turnpike, Suite 220, Florham Park, NJ 07932

Any Objection must (a) attach documents establishing, or provide information sufficient to allow the Parties to confirm that the objector is a Class Member; (b) include a statement of such Class Member's specific Objection; (c) state the grounds for the Objection; (d) identify any documents such objector desires the Court to consider; (e) provide all information requested on the Claim Form. In addition, any Settlement Class Member objecting to the Settlement shall provide a list of all other Objections submitted by the objector, or the objector's counsel, to any class action settlements submitted in any Court in the United States in the previous five years. If the Settlement Class Member or his/her or its counsel has not objected to any other class action settlement in the United States in the previous five years, he/she or it shall affirmatively so state in the Objection. You may, but need not, submit your objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney's fees and costs.

**IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS AND WILL NOT BE ENTITLED TO SPEAK AT THE FAIRNESS HEARING.**

If you submit a written objection, you may appear at the Fairness Hearing, either in person or through personal counsel hired at your expense, to object to the Settlement Agreement. You are not required, however, to appear. If you, or your attorney, intend to make an appearance at the Fairness Hearing, you must include on your timely and valid written objection a statement substantially similar to "Notice of Intention to Appear."

**16. What is the difference between excluding myself and objecting to the Settlement?**

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Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

## **FAIRNESS HEARING**

**17. What is the Fairness Hearing?**

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The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Fairness Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for Enhancement Awards to the Representative Plaintiffs.

**18. When and where is the Fairness Hearing?**

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The Court will hold a Fairness Hearing (also known as a "Final Approval Hearing") at 10:00 a.m. on August 1, 2018 in the Brien McMahon Federal Building, United States Courthouse, 915 Lafayette Boulevard, Bridgeport, Connecticut 06604. The hearing may be postponed to a different date or time or location without notice. Please check the website, [www.ElectricityAndGasSettlement.com](http://www.ElectricityAndGasSettlement.com) for any updates about the Settlement generally or the Fairness Hearing specifically. If the date or time of the Fairness Hearing changes, an update to the Settlement website will be the only way you will be informed of the change.

**19. May I speak at the hearing?**

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At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

You may attend, but you do not have to. As described above in Section 15, you may speak at the Fairness Hearing only if (a) you have timely served and filed an objection, and (b) you have timely and validly provided a Notice of Intent to Appear.

If you have requested exclusion from the Settlement, however, you may not speak at the Fairness Hearing.

## ADDITIONAL INFORMATION

### 20. How do I get more information?

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To see a copy of the operative complaints filed in the lawsuits, the Settlement Agreement, the Court's Preliminary Approval Order, and Class Counsel's applications for final approval of the Settlement and attorneys' fees and costs (once filed), please visit the Settlement website located at: [www.ElectricityAndGasSettlement.com](http://www.ElectricityAndGasSettlement.com). Alternatively, you may contact the Settlement Administrator at the email address: [contact@electricityandgassettlement.com](mailto:contact@electricityandgassettlement.com), the U.S. postal address (mailing): Edwards v. North American Power & Gas, LLC Settlement; c/o Settlement Administrator, P.O. Box 59329, Philadelphia, PA 19102-9329, or the toll-free telephone number: 1-844-271-4787. You may also contact Class Counsel as set forth in section 15 above.

The description of these lawsuits is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete court file with regard to the Settlement and the underlying *Edwards, Fritz, Arcaro* and *Tully* actions, you should visit [www.pacer.gov](http://www.pacer.gov) or the Clerk's office at the Brien McMahon Federal Building, United States Courthouse, 915 Lafayette Boulevard, Bridgeport, Connecticut 06604. The Clerk will tell you how to obtain the file for inspection and copying at your own expense. Documents from the *Zahn* action are available from the Clerk of the Northern District of Illinois.

### 21. What if my address or other information has changed or changes after I submit a Claim Form?

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Contact the Settlement Administrator at:

*Edwards v. North Am. Power & Gas, LLC Settlement*  
c/o Settlement Administrator  
P.O. Box 59329  
Philadelphia, PA 19102-9329

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.**

Dated: April 27, 2018

By Order of the Court  
CLERK OF THE COURT  
United States District Court  
District of Connecticut