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National Grid Gas Cos., Customers Reach \$38.5M TCPA Deal

By **Craig Clough**

Law360 (November 1, 2021, 6:32 PM EDT) -- A group of customers of National Grid USA Service Company and other gas companies moved Friday for preliminary approval of a \$38.5 million deal resolving proposed class allegations the companies violated the Telephone Consumer Protection Act.

The proposed class, which has a pending certification motion on the table, told a New York federal court the deal would result in an average payout of \$50 to \$150 for each member while also requiring the companies to implement new training programs and procedures to prevent any future TCPA violations.

"The settlement represents an excellent result, including substantial monetary relief and injunctive relief designed to bring National Grid into compliance with the TCPA," the proposed class said in the motion for preliminary approval of the settlement. "This relief is particularly impressive in light of the substantial risks faced by the settlement class here and the considerable time and effort that would still be required to successfully litigate this case through trial and an inevitable appeal (if plaintiffs won certification of one or more proposed classes)."

Plaintiff Jarrett Jenkins initiated the original complaint in 2015, with several more plaintiffs added in subsequent amended complaints.

The proposed deal would certify a settlement class of all U.S. residents who received unsolicited calls on their cellphones from March 9, 2011, until Oct. 29, using a prerecorded message or artificial voice concerning a number of topics, including the payment or status of current or past National Grid bills, or an "important matter" concerning current or past National Grid bills and other related issues.

National Grid includes co-defendants the Brooklyn Union Gas Company, the Niagara Mohawk Power Corp. and KeySpan Gas East Corp., as well as the Boston Gas Co., the Massachusetts Electric Co., the Nantucket Electric Co., the Narragansett Electric Co. and the Colonial Gas Co., which is now part of Boston Gas, according to the proposed settlement.

According to the motion, the defendant companies will also "implement significant and extensive policies and procedures designed to ensure that it complies with the TCPA and to make it easier for National Grid's new, current, and former customers to prevent National Grid from robocalling them."

The changes in policy provide National Grid's customers with multiple ways to prevent collection robocalls to their cellphones, according to the proposed settlement.

The proposed deal would also allow counsel for the proposed class to seek up to 33% of the settlement fund for attorney fees.

Counsel for the parties did not immediately respond to requests for comment.

The proposed class is represented by Jonathan D. Selbin, Douglas I. Cuthbertson, John T. Nicolaou, Avery S. Halfon and Daniel M. Hutchinson of Lieff Cabraser Heimann & Bernstein LLP, and Joseph S. Tusa of Tusa PC.

The defendants are represented by Richard H. Brown of Day Pitney LLP.

The case is Jarrett Jenkins et al. v. National Grid USA Service Company et al., case number 2:15-cv-01219, in the U.S. District Court for the Eastern District of New York.

--Editing by Patrick Reagan.

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