



March 7, 2022

VIA PRIORITY MAIL

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gerald Gunter Building  
Tallahassee, FL 32399

**Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715**

Dear  
Florida Public Service Commission:

I write to provide you with this notice of the filing of a proposed class action settlement in the following action:

COM \_\_\_\_\_  
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**Case Name:** *Perrong v. Frontier Utilities Northeast LLC et al.*  
**Case Number:** 20-5844-MSG  
**Court:** United States District Court,  
Eastern District of Pennsylvania  
**Judge:** The Honorable Mitchell S. Goldberg  
**Date Filed:** February 25, 2022

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COMMISSION  
CLERK

The Plaintiffs in this action allege that Frontier Utilities Northeast LLC (“Defendant”) violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, because third parties made unsolicited telemarketing calls to sell its services. Specifically, the Plaintiffs allege that the calls violated the TCPA because the numbers were dialed using an “automatic telephone dialing system” or were on the national Do-Not-Call Registry or Defendant’s Do-Not-Call list. Although Defendant denies any wrongdoing or liability, it has decided to settle to avoid the burden, expense, and uncertainty of continued litigation.



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In accordance with 28 U.S.C. § 1715(b), the documents referenced below are included on the CD Rom that is enclosed with this letter:

1. **28 U.S.C. § 1715(b)(1) – Complaints:** Copies of the Complaint and Amended Complaint are included on the enclosed CD Rom.
2. **28 U.S.C. § 1715(b)(2) – Hearings:** As of the date of this letter, the Court has not scheduled a preliminary or final approval hearing. The Plaintiffs' Amended Motion for Preliminary Approval requests that a preliminary approval hearing take place at U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106 before the Honorable Mitchell S. Goldberg. A copy of that Motion is included on the enclosed CD Rom.
3. **28 U.S.C. § 1715(b)(3) – Notices:** A copy of the proposed Notice of Class Action and Proposed Settlement is included on the enclosed CD Rom.
4. **28 U.S.C. § 1715(b)(4) – Settlement Agreement:** A copy of the Class Action Settlement Agreement and Release is included on the enclosed CD Rom.
5. **28 U.S.C. § 1715(b)(5) – Other Agreements:** The Class Action Settlement Agreement and Release contains the parties' entire agreement. There are no other contemporaneously made agreements between the parties or their counsel.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** As of the date of this letter, no judgment has been entered and no dismissal has been granted. A copy of the Proposed Final Approval Order is included on the enclosed CD Rom.
7. **28 U.S.C. § 1715(b)(7) – Class Composition:** It is not feasible to provide the names of class members or the States' proportionate shares of the settlement, as Defendant does not have comprehensive data regarding calls that were made by third parties and an unknowable number of called parties may have relocated and redomiciled after being called. Accordingly, the enclosed CD Rom contains reasonable estimates that Defendant has generated based on available data and the states in which it provided service during the proposed class period.
8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As of the date of this letter, there have been no written judicial opinions related to the proposed notices, settlement, or judgment.



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If you have any questions about this notice, the lawsuit, or any of the enclosed materials, please contact Michael P. Daly or Marsha J. Indych at Faegre Drinker Biddle & Reath LLP so that Defendant can address any concerns you may have.

Sincerely,

/s/  
Fred R. Webb, II  
KCC LLC & RicePoint Administration

Enclosure – CD Rom