

## United States District Court for the Eastern District of New York

### Notice of Proposed Class Action Settlement

**A federal court authorized this notice. This is not a solicitation from a lawyer.  
You are not being sued. Please do not contact the Court or National Grid.**

#### Background & Introduction

- A settlement has been proposed to end a class action lawsuit against National Grid and its related companies (“National Grid”), known as *Jenkins v. National Grid USA Service Company, Inc.*, No. 2:15-cv-01219-JS-ARL (E.D.N.Y.) (the “Lawsuit”). The Lawsuit claims that National Grid and its debt collectors violated the federal Telephone Consumer Protection Act by making calls with prerecorded and automated voice messages to cellular telephones related to: (1) the payment or status of a current or past National Grid Utility Account or bill; (2) an “important matter” concerning a current or past National Grid Utility Account or bill; (3) a disconnect notice concerning a current or past National Grid Utility Account; (4) an invitation from National Grid to attend a Customer Assistance Expo or to meet with or speak to the National Grid Consumer Advocacy Group, National Grid Consumer Advocate, or National Grid Credit Department; or (5) the availability of a government assistance program, such as the Home Energy Assistance Program (HEAP), to assist with payments to National Grid, all without the prior express consent of the persons called. “National Grid” includes utilities operating in New York as KeySpan Gas East Corporation, The Brooklyn Union Gas Company, Niagara Mohawk Power Corporation; in Massachusetts as Boston Gas Company, Colonial Gas Company (now part of Boston Gas), Massachusetts Electric Company, Nantucket Electric Company; and in Rhode Island as The Narragansett Electric Company. National Grid denies that it did anything wrong.
- The parties in the Lawsuit agreed to resolve the Lawsuit on a class action basis. As described further below, if the Settlement is approved by the Court, National Grid will pay \$38.5 million, and will implement various changes to its practices for outbound calling by its Credit and Collections department and Consumer Advocacy Group, including to stop using prerecorded telephone calls to persons who have not consented to receive those calls. **If the Settlement is approved and becomes final, you will be issued a payment if (i) you are a member of the Settlement Class (defined below); and (ii) you file a valid claim form before the deadline. Even if you do not file a claim form and share in the settlement proceeds, your rights will be affected if you are a member of the Settlement Class and you do not exclude yourself from the Settlement Class.**
- Read below, visit [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com), or call (855) 784-1955 for more information.

<b>Your Legal Rights and Options in this Lawsuit</b>	
<b><u>Option 1:</u> File a Claim Form</b>	<p>If you are a member of the Settlement Class (defined below) you have a right to complete a Claim Form to share in the settlement proceeds paid by National Grid to settle the Lawsuit. A Claim Form can be obtained from the settlement website (<a href="http://www.nationalgridtcpasettlement.com">www.nationalgridtcpasettlement.com</a>). A Claim Form can be (a) completed and submitted electronically on the website, or (b) printed, completed, and submitted by mail to the following address:</p> <p style="text-align: center;">National Grid TCPA Settlement Administrator P.O. Box. 8207 Philadelphia, PA 19101</p> <p>If you are a Settlement Class member and do not ask to exclude yourself from the Settlement, and if the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit. <i>See Questions 5-14 for details.</i></p>
<b><u>Option 2:</u> Do nothing, receive no payment, give up right to sue</b>	<p>If you do nothing and the Settlement becomes final, you will not be issued a Settlement payment. If you are a member of the Settlement Class and do not ask to exclude yourself from the Settlement, and if the Settlement is approved and becomes final, you will give up your right to bring your own lawsuit about the issues in this Lawsuit. <i>See Questions 9-11, 14 for details.</i></p>
<b><u>Option 3:</u> Opt out, receive no payment, retain right to sue</b>	<p>If you exclude yourself from the Settlement (also called “opting out”), you will give up your right to receive a Settlement payment, but will not release any claims and will retain any rights you may have to bring your own lawsuit about the issues in this Lawsuit. <i>See Question 12 for more information.</i> The deadline to exclude yourself is <b>May 12, 2022</b>.</p>
<b><u>Option 4:</u> Object or Comment</b>	<p>If you do not exclude yourself from the Settlement, you may object to or comment about the Settlement and/or Class Counsel’s request for attorneys’ fees, expenses, and service awards to the plaintiffs who brought this Lawsuit. <i>See Question 13 for more information.</i> The deadline for submitting objections or comments is <b>May 12, 2022</b>.</p>

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## Basic Information About the Class Action

### 1. What is the Lawsuit about?

The Lawsuit claims that National Grid and its debt collectors made calls with automated dialers and/or prerecorded or artificial voice messages to cellular telephones related to: (1) the payment or status of a current or past National Grid Utility Account or bill; (2) an “important matter” concerning a current or past National Grid Utility Account or bill; (3) a disconnect notice concerning a current or past National Grid Utility Account; (4) an invitation from National Grid to attend a Customer Assistance Expo or to meet with or speak to the National Grid Consumer Advocacy Group, National Grid Consumer Advocate, or National Grid Credit Department; or (5) the availability of a government assistance program, such as the Home Energy Assistance Program (HEAP), to assist with payments to National Grid, all without the prior express consent of the persons called. Plaintiffs allege that this conduct violates the federal Telephone Consumer Protection Act. National Grid denies those allegations and disputes that it did anything wrong.

Some of the calls at issue in the Lawsuit were made directly by National Grid, while others were made by debt collectors hired by National Grid to collect utility debts that were allegedly past due. Many of the calls were made to persons who are or were National Grid utility account holders, but some calls were made to persons who were not a National Grid account holder. “National Grid” includes utilities operating in New York as KeySpan Gas East Corporation, The Brooklyn Union Gas Company, Niagara Mohawk Power Corporation; in Massachusetts as Boston Gas Company, Colonial Gas Company (now part of Boston Gas), Massachusetts Electric Company, Nantucket Electric Company; and in Rhode Island as The Narragansett Electric Company.

Plaintiffs Jarrett Jenkins, Emmot Steele, Frances Royal, Danai Ewan, and Charmaine Whyte filed the Lawsuit against National Grid and some of its affiliated companies about these issues. The operative *Third Amended Class Action Complaint* in the Lawsuit is available at [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com).

Plaintiffs and National Grid have now agreed to a Settlement to resolve the Lawsuit, as described below. The Court has not decided whether Plaintiffs or National Grid are correct. By agreeing to the Settlement, neither National Grid nor Plaintiffs make any admissions regarding the merits of the allegations, claims, or defenses in this case.

Another National Grid customer has filed a separate class action making similar claims as made in the Lawsuit. That case is known as *MacKenzie v. National Grid USA Service Company, Inc.*, No. 2:19-cv-01916-JS-JMW (E.D.N.Y.). If the Settlement of the Lawsuit is approved and becomes final, the Plaintiff in the *MacKenzie* lawsuit (Kristin MacKenzie) will become a plaintiff in the Lawsuit (along with the five (5) other Plaintiffs identified above) and the *MacKenzie* lawsuit will be dismissed.

Both the Lawsuit and the separate *MacKenzie* lawsuit were filed in The United States District Court for the Eastern District of New York and are pending before the Honorable Joanna Seybert, United States District Judge.

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

In a class action, one or more people sue on behalf of themselves and other people with similar claims. All of these people together make up the Settlement Class and are Settlement Class members. One court resolves the issues for all Settlement Class members, except for those who exclude themselves from the Settlement Class.

### **Information About the Settlement**

## **3. Who is in the Settlement Class?**

The “Settlement Class” is defined as:

All persons residing in the United States who, from March 9, 2011 until October 29, 2021, received a telephone call on a cellular telephone using a prerecorded or artificial voice message concerning: (1) the payment or status of a current or past National Grid utility bill or account; (2) an “important matter” concerning a current or past National Grid utility bill or account; (3) a disconnect notice concerning a current or past National Grid utility account; (4) an invitation from National Grid to attend a Customer Assistance Expo or to meet with or speak to the National Grid Consumer Advocacy Group, National Grid Consumer Advocate, or National Grid Credit Department; or (5) the availability of a government assistance program, such as the Home Energy Assistance Program (HEAP), to assist with payments to National Grid. “National Grid” includes utilities operating in New York as KeySpan Gas East Corporation, The Brooklyn Union Gas Company, Niagara Mohawk Power Corporation; in Massachusetts as Boston Gas Company, Colonial Gas Company (now part of Boston Gas), Massachusetts Electric Company, Nantucket Electric Company; and in Rhode Island as The Narragansett Electric Company. The Settlement Class excludes (1) officers, directors and employees of National Grid as well as any outside counsel representing National Grid in this litigation; (2) any judge to whom this case is assigned, along with his or her staff, and (3) immediate family of any individual excluded by (1) or (2).

People in the Settlement Class are called “Settlement Class Members.”

The final Settlement Class will consist of all persons within the Settlement Class definition except for those individuals who submit timely and valid requests for exclusion by the deadline set by the Court. (*See* Question 12).

## **4. What is the Class Period?**

The “Class Period” means those calls described in the Settlement Class (defined in Question 3 above) made between March 9, 2011 and October 29, 2021.

## **5. What are the terms of the proposed settlement?**

The complete terms of the proposed settlement are set forth in the Settlement Agreement, which is available at [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com). This notice provides only a summary of the terms of the Settlement. The settlement benefits and obligations are summarized below.

## **6. What are the benefits of the proposed settlement?**

If the Settlement is approved and becomes final, National Grid will pay thirty-eight million five-hundred thousand dollars (\$38,500,000.00) into a settlement fund. This money will be used to: (1) make settlement payments to Settlement Class Members, as described in Question 7; (2) pay the costs of distributing notice and settlement payment checks to Settlement Class Members and other costs of administering the Settlement; and (3) pay court-awarded attorneys' fees and litigation expenses of the attorneys appointed by the Court to represent the Class ("Class Counsel") and any service awards granted to the Plaintiffs.

**If you are a Settlement Class Member, you need to complete and submit a Claim Form to receive a settlement payment. Claim Forms are available on the settlement website, [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com),**

In addition to the settlement payments, if the Settlement is approved and becomes final, National Grid will revise and institute certain changes to the outbound calling policies and practices of its Credit and Collections department and Consumer Advocacy Group, including to end the use of prerecorded or artificial voice telephone calls to persons who do not consent to receive those calls to a cellular telephone. A list of those changes and new policies and procedures is listed in the Settlement Agreement at Sections 4.06 and 4.07, which is available on the settlement website, [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com).

## **7. How will settlement payments be determined and sent?**

If the Settlement is approved and becomes final, Settlement Class Members who do not exclude themselves from the Settlement Class and who complete and submit a Claim Form will be issued a Settlement payment. Settlement Class Members' payment amounts will be shared equally among all Settlement Class Members who submit valid Claim Forms, after the deduction of settlement costs and attorneys' fees and expenses awarded by the Court (*See* Question 6). It is estimated by Class Counsel that settlement payments will range between \$50 and \$150 per Settlement Class Member, although the actual amount could be higher or lower.

**If you are a Settlement Class Member, you need to complete and submit a Claim Form to receive a settlement payment. Claim Forms are available on the settlement website, [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com).**

For any settlement payment checks that are uncashed or deemed undeliverable by the Settlement Administrator, the funds will be distributed by one or both of the following means: (1) a *pro rata* second distribution to those Settlement Class Members who cashed/deposited their initial settlement payment checks (if there are sufficient residual funds to justify the administrative costs of such distribution); and/or (2) distribution to the National Consumer Law Center

## **8. How do I obtain and submit a Claim Form?**

In order to share in the payment of the settlement proceeds, you must (1) be a Settlement Class Member; and (2) complete and submit a Claim Form by **May 12, 2022**. You can obtain a Claim Form on the settlement website, [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com). You can also email the Claims Administrator at [info@nationalgridtcpasettlement.com](mailto:info@nationalgridtcpasettlement.com) and request that a Claim Form

be emailed or mailed to you. The Claim Form requires Settlement Class Members to identify their (1) Name; (2) Mailing Address; (3) the cellular telephone number(s) called by National Grid or its debt collectors; (4) designate whether to receive your Settlement payment by mailed check or electronic distribution and (5) your certification that you are a member of the Settlement Class because between March 9, 2011 and October 29, 2021 you received a call from National Grid or its debt collectors using a prerecorded message or artificial voice recording about monies alleged owed on a National Grid utility account or for any of the other reasons set forth in the definition of the Settlement Class. *See* Question 3 (defining the Settlement Class). The Claim Form also requests a contact telephone number and email address to facilitate communications to Settlement Class Member who submit claims, should it be necessary to contact them.

Once completed, the Claim Form can be submitted electronically on the settlement website or printed and mailed to the following address:

National Grid TCPA Settlement Administrator  
P.O. Box. 8207  
Philadelphia, PA 19101

**Each Settlement Class Member is entitled to submit only one Claim Form.**

Settlement Class Members are entitled to submit only one claim form regardless of the number of utility accounts they have or have had with National Grid and regardless of the number of times they were called by or on behalf of National Grid.

Individual Settlement Class Members entitled to submit a Claim Form should do so only once. If you submit a Claim Form through the settlement website, please do not submit a duplicate Claim Form by mail, and vice versa. Duplicate claim forms will be rejected.

**Your Rights and Options**

**9. What are my options?**

You must be a member of the Settlement Class and submit a Claim Form in order to receive a payment from the Settlement proceeds. Those Settlement Class Members who submit valid Claim Forms will receive a settlement payment and will give up their right to bring their own lawsuit against National Grid about the issues in the Lawsuit. If you are a Settlement Class Member and do nothing and the Settlement is approved and becomes final, you will not be issued a Settlement payment and you will still give up your right to bring your own lawsuit against National Grid about the issues in the Lawsuit.

You may exclude yourself from the Settlement Class (sometimes referred to as “opting out”) by following the steps described in Question 12. If you exclude yourself, you will give up your right to receive a settlement payment and other settlement benefits but will retain any right you may have to sue National Grid about the issues in the Lawsuit.

If you do not exclude yourself, you may object to or comment on the settlement and/or or to Class Counsel’s request for attorneys’ fees, litigation expenses, and service awards (*see* Question 13). You do not need to object or comment in order to receive a settlement payment or

other settlement benefits. If you object and the Settlement is approved and becomes final, you will give up your right to bring your own lawsuit against National Grid about the issues in the Lawsuit.

#### **10. How do I stay in the Settlement Class?**

You do not need to do anything to stay in the Settlement Class. If you are within the Settlement Class definition and you do not exclude yourself, you will remain in the Settlement Class and, if the Settlement becomes final. However, you will be issued a settlement payment only if you complete and submit a Claim Form by **May 12, 2022**.

#### **11. What happens if I do nothing?**

If you are in the Settlement Class and you do nothing, you will stay in the Settlement Class. If the Settlement is approved and becomes final, you will not be issued a Settlement payment and you will not be able to sue National Grid about the issues in this Lawsuit. You will also be legally bound by all of the orders that the Court issues and judgments the Court makes in this class action.

#### **12. How do I exclude myself from the Settlement Class?**

To exclude yourself from the Settlement, you must mail a written request for exclusion to:

Class Action Opt-Opt  
Attn: National Grid TCPA Settlement  
P.O. Box. 58220  
Philadelphia, PA 19102

To be effective, your request for exclusion must be **postmarked no later than May 12, 2022** and must include the following information:

- (a) your full name, telephone number, and mailing address;
- (b) a statement that you wish to be excluded from the Settlement Class in as *Jenkins v. National Grid USA Service Company, Inc.*, No. 2:15-cv-01219-JS-ARL (E.D.N.Y.); and
- (c) your signature and the date.

#### **13. How do I object or comment?**

If you are a Settlement Class Member, and have not excluded yourself from the Settlement, you can comment on or object to the Settlement, Class Counsel's request for attorneys' fees and litigation expenses, and/or the request for service awards for the individual plaintiffs. To object or comment, you must send a written objection/comment including the following:

- (a) the name and case number of this lawsuit: as *Jenkins v. National Grid USA Service Company, Inc.*, No. 2:15-cv-01219-JS-ARL (E.D.N.Y.);
- (b) your full name, mailing address and telephone number;
- (c) an explanation of why you claim to be a Settlement Class Member, including the cellular telephone numbers called by Defendants or their debt collection agents or vendors;

- (d) an explanation of the basis for your objection, including all grounds for the objection and any legal support;
- (e) the identity of any attorney representing you in this matter, or any attorney who may be entitled to compensation for any reason related to the objection;
- (f) a statement about whether or not you intend to appear at the Final Approval Hearing, and if so, the identify of all counsel representing you who will appear at the Final Approval Hearing (who must enter a written Notice of Appearance of Counsel with the Clerk of the Court);
- (g) a list of all other class action settlements to which you or your attorney has previously filed an objection;
- (h) a list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- (i) your signature (your attorney’s signature is not sufficient);

To be considered by the Court, your comment or objection must be filed or mailed to the Clerk of Court, with copies to National Grid’s counsel, and Class Counsel, **filed/postmarked no later than May 12, 2022** at the following addresses:

<b>THE COURT</b>	<b>NATIONAL GRID’S COUNSEL</b>	<b>CLASS COUNSEL</b>
Clerk of the Court USDC for the Eastern District of New York 100 Federal Plaza Central Islip, NY, 11722	Richard H. Brown Day Pitney LLP One Jefferson Road Parsippany, NJ 07054-2891	Joseph S. Tusa Tusa P.C. P.O. Box 566 55000 Main Road, 2nd Floor Southold, NY 11971  Douglas I. Cuthbertson Lief Cabraser Heimann & Bernstein LLP 250 Hudson Street, 8th Floor New York, NY 10013-1413

You have the right to consult with your own attorney, at your own expense, before deciding how best to proceed.

**14. What claims will be released by this Settlement?**

If you are in the Settlement Class definition and do not exclude yourself from the Settlement, and the Settlement is approved and becomes final, the Settlement will be legally binding on you. In exchange for the opportunity to obtain settlement benefits, you will release all claims against National Grid and its affiliates about the issues in this Lawsuit regarding National Grid’s and its vendors’ and debt collectors’ calls or attempted calls to your cellular telephone numbers concerning: (1) the payment or status of a current or past National Grid Utility Account or bill; (2) an “important matter” concerning a current or past National Grid Utility Account or bill; (3) a disconnect notice concerning a current or past National Grid Utility Account; (4) an invitation from National Grid to attend a Customer Assistance Expo or to meet with or speak to the National Grid Consumer Advocacy Group, National Grid Consumer Advocate, or National Grid Credit Department; or (5) the availability of a government assistance

program, such as the Home Energy Assistance Program (HEAP), to assist with payments to National Grid. You also covenant and agree that you will not take any step whatsoever to commence, institute, continue, pursue, maintain, or prosecute any claims about the issues in this Lawsuit against National Grid and its affiliates. The Settlement Agreement at Section 13.01, available at [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com), describes the claims you are releasing (giving up) by staying in the Settlement Class (called “Released Claims”).

### The Lawyers Representing You

#### 15. Do I have a lawyer in this class action?

Yes. The Court has appointed the following attorneys and law firms to represent the Settlement Class Members. Together, these lawyers are called “Class Counsel”:

Joseph S. Tusa Tusa P.C. P.O. Box 566 55000 Main Road, 2nd Floor Southold, NY 11971	Jonathan D. Selbin Douglas I. Cuthbertson John T. Nicolaou Lieff Cabraser Heimann & Bernstein LLP 250 Hudson Street, 8th Floor New York, NY 10013-1413	Daniel M. Hutchinson Lieff Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94111- 3339
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You do not have to pay Class Counsel for their time or expenses incurred in this Lawsuit out of your pocket. Instead, Class Counsel will petition the Court for an award of their fees and expenses; any amount awarded will be paid from the Settlement Fund.

The Court has also appointed Plaintiffs Jarrett Jenkins, Emmot Steele, Frances Royal, Danai Ewan, Charmaine Whyte, and Kristin MacKenzie as class representatives to represent the Settlement Class.

#### 16. How will the lawyers be paid?

Class Counsel (*see* Question 15) will file a motion on or before May 2, 2022 asking the Court to award them attorneys’ fees and reimbursement of litigation expenses up to one-third of the \$38.5 million settlement fund. The attorneys’ fees and expenses awarded by the Court will be the only payment to Class Counsel for their efforts in achieving the Settlement and for their risk in undertaking this representation on a wholly contingent basis during the more than 6 years this case was litigated. In addition, Class Counsel will ask the Court on or before May 2, 2022 to award the Plaintiffs representing the Settlement Class service awards that do not exceed \$60,000 in the aggregate (or up to \$10,000 each) to compensate them for their efforts and commitment on behalf of the Settlement Class in this Lawsuit.

The Court will determine the amount of attorneys’ fees, expenses, and service award to award. Class Counsel’s application for attorneys’ fees, expenses, and service award will be available at [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com) when it is filed.

**17. Should I hire my own lawyer for this case?**

You do not need to hire your own lawyer because Class Counsel represents you and the other members of the Settlement Class already. However, you have the right to hire your own lawyer at your expense.

**The Court's Final Approval Hearing**

**18. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Final Approval Hearing at 10:00 a.m. on June 10, 2022, in the United States District Court for the Eastern District of New York, Courtroom 1030, 100 Federal Plaza, Central Islip, NY 11722. The hearing may be moved to a different date or time, or the Court may order that the hearing be held telephonically or by videoconference, without additional notice. Please check [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com) for updates or changes.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel's application for attorneys' fees, expenses, and service awards. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**19. Do I have to come to the hearing?**

No, you do not have to attend or participate in the Final Approval Hearing to receive a Settlement payment. Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. So long as you submitted your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

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

If you are Settlement Class Member and have not opted out of the Settlement, you may ask the Court for permission to speak at the Final Approval Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

**Getting More Information**

**21. Where can I get more information?**

More information can be found at [www.nationalgridtcpasettlement.com](http://www.nationalgridtcpasettlement.com). That website includes important case deadlines, links to case documents including the full Settlement Agreement and the Complaint filed in this lawsuit, and other information about the Lawsuit and the Settlement. You can also get more information by calling the Claims Administrator at (855) 784-1955.

**PLEASE DO NOT CONTACT THE COURT OR NATIONAL GRID**