

If you are in New Jersey, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Ohio, the District of Columbia, and Pennsylvania, and you switched gas and/or electric service to U.S. Gas & Electric, Inc. and/or Energy Services Providers, Inc. or their subsidiaries, a class action settlement may affect your rights.

You Are Not Being Sued.

The U.S. District Court in the District of New Jersey has authorized this notice.

This is not a solicitation from a lawyer.

- This notice concerns a class action lawsuit in New Jersey federal court against two Defendants, U.S. Gas & Electric, Inc. and Energy Service Providers, Inc., and their subsidiaries. In this lawsuit, Plaintiffs allege that Defendants misrepresented and failed to disclose material facts regarding the true nature of their pricing for gas and/or electric services when marketing and selling those services to persons and entities in certain states. For example, Plaintiffs allege that Defendants represented that their pricing was “competitive” with local utilities that provided such services when, in fact, it was not competitive with, but actually far higher than, the charges of such other companies during periods of extreme or protracted bad weather, which Defendants allegedly knew would be the case. Although this lawsuit is being settled, Defendants deny all of Plaintiffs’ allegations.
- A settlement is a compromise of the parties’ respective positions. In this lawsuit, the Parties have agreed that Defendants will establish a Settlement Fund of \$1,825,000.00, from which each Settlement Class Member will be sent a check in an amount equal to the Settlement Fund plus any accrued interest, divided by the number of Settlement Class Members. Settlement Class Members do not need to do anything in order to receive payment from the Settlement Fund. No claim or other action is necessary.
- Settlement Class Members include all persons or entities in the States of New Jersey, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Ohio, and the District of Columbia who, from January 1, 2008 to February 10, 2017, entered into a gas and/or electric supply service plan with U.S. Gas & Electric, Inc. and Energy Services Providers, Inc. or either of them, or their subsidiaries, as well as all persons or entities in the State of Pennsylvania who entered into a gas supply service plan with Defendants or either of them or their subsidiaries.
- Read this notice in its entirety carefully because your legal rights will be affected whether you act or not.
- For more information, visit www.USGESettlement.com or call 1-866-800-6755.

QUESTIONS? CALL 1-866-800-6755 OR VISIT www.USGESettlement.com.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

OPT OUT	<p>Write to Vitale v. USG&E Settlement Administrator, P.O. Box 3775 Portland, OR 97208-3775 if you do not want to be included in the Settlement. The answers to the questions below set forth the information that your writing must include.</p> <p><i>Deadline to Opt Out: June 15, 2017</i></p>
OBJECT	<p>Write to the Court and to the lawyers for Plaintiffs and Defendants if you do not like the Settlement. As set forth in the answers to the questions below, you may attend a hearing on the fairness of the Settlement, if you give adequate notice of your objection.</p> <p><i>Deadline to Object: June 15, 2017</i></p>
Do NOTHING	<p>If you are a Settlement Class Member, you do not need to do anything to receive payment. However, you must understand that this means you are giving up your right to pursue any claims in the future against U.S. Gas & Electric, Inc. and Energy Services Providers, Inc. or their subsidiaries related to their marketing and sales practices for gas and electric services.</p>

These rights and options – **and the deadlines by which to exercise them** – are explained in this notice.

The Court that is supervising this lawsuit has preliminarily approved the Settlement but still has to decide whether to grant “final approval,” which the Court will decide after considering opt-outs and objections. **The Fairness Hearing will occur on July 18, 2017.** Settlement benefits will be distributed only after final approval and the resolution of any Settlement Class Members’ appeals of the Court’s final approval order. Please be patient.

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BASIC INFORMATION

1. Why was this notice issued?

The Court issued this notice because you have a right to know about a proposed settlement of a class action lawsuit that the Court has preliminarily approved. You are also entitled to know all of your options. If the Court grants final approval and any appeals from this final approval are resolved (this date will be referred to as the "Settlement Effective Date"), valuable benefits will be distributed to you if you are a member of the Settlement Class.

2. What are these lawsuits about?

The people who filed the class action, Patricia and Vincent Vitale (who are spouses), are the "Plaintiffs," and U.S. Gas & Electric, Inc. and Energy Service Providers, Inc. are the "Defendants." The class action lawsuit (*Patricia Vitale and Vincent Vitale, on behalf of themselves and all others similarly situated v. U.S. Gas & Electric, Inc., d/b/a N.J. Gas & Electric*, Civil Action No. 2:14-cv-04464-KM-MAH) claims that Defendants used improper marketing and sales practices (such as claiming Defendants' rates were "competitive" with those of local utilities when, in fact, at least in periods of extreme or protracted bad weather, they allegedly were not), which induced persons and entities to switch their gas and/or electric services to Defendants.

Plaintiffs assert legal claims on behalf of themselves and all members of the Settlement Class, which includes:

Each person or entity in the States of New Jersey, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Ohio, and the District of Columbia, who, from January 1, 2008 to February 10, 2017, entered into a gas and/or electric supply service plan with Defendants or either of them or the subsidiaries.

-and-

Each person or entity in the State of Pennsylvania who, from January 1, 2008 to February 10, 2017, entered into a gas supply service plan with Defendants or either of them or their subsidiaries.

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The settled claims include claims that Defendants violated the New Jersey Consumer Fraud Act, the New Jersey Truth-in-Consumer Contract, Warranty, and Notice Act, or consumer protection statutes in other affected states. Plaintiffs seek injunctive relief (meaning, a Court order banning Defendants' allegedly deceptive practices), declaratory relief (meaning, a Court order declaring that Defendants' practices were deceptive), compensatory damages (meaning, money to Settlement Class Members), punitive damages (meaning, money meant to punish Defendants for their allegedly deceptive conduct), and attorneys' fees and costs. Defendants deny Plaintiffs' claims and charges, as well as any wrongdoing.

In settling these cases, Defendants have agreed to provide checks to members of the Settlement Class. More information can be found at www.USGESettlement.com; by contacting the Settlement Administrator at 1-866-800-6755; or by contacting Plaintiffs' Lead Counsel, Bruce D. Greenberg, Esq., Lite DePalma Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, bgreenberg@litedepalma.com.

3. Why are these cases class actions?

In a class action, one or more persons, called "Class Representatives," sue on behalf of those with similar claims. All of these people together are called a "Class" and, individually, are called "Class Members." The Court appointed Plaintiffs as Class Representatives for purposes of this Settlement. This Settlement resolves all of the factual and legal issues for all of the Settlement Class Members, except for those who specifically and timely ask to be excluded from the Settlement Class ("opt out").

4. Why is there a settlement?

The Court did not decide in favor of either Plaintiffs or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the uncertainty and cost of a trial. The Class Representatives and attorneys appointed by the Court to represent the Settlement Class believe that the Settlement is in the best interests of all Settlement Class Members because the Settlement makes available \$1,825,000.00 in benefits to Settlement Class Members and avoids the risk that the Settlement Class might ultimately lose this case and receive nothing at all.

WHO IS INCLUDED IN THE SETTLEMENT?

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

The Settlement Class includes all persons or entities in the States of New Jersey, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Ohio, or the District of Columbia who, from January 1, 2008 to February 10, 2017, entered into a gas and/or electric supply service plan with U.S. Gas & Electric, Inc. and Energy Services Providers, Inc. or either of them, or their subsidiaries, as well as all persons or entities in the State of Pennsylvania who entered into a gas supply service plan with Defendants or either of them, or their subsidiaries.

If you are a member of the Settlement Class, you will be sent a check in an amount equal to the Settlement Fund plus any accrued interest, divided by the number of Settlement Class Members. You do not need to do anything in order to receive payment from the Settlement Fund. No claim form or other action is necessary.

If you are not a part of the Settlement Class as defined above, then you are not included in this Settlement and will not receive Settlement benefits.

6. Are there exceptions to being included in the Settlement?

Excluded from the Settlement Class are all judges to whom this lawsuit is assigned and the staff of those judges. Also excluded are Defendants' officers, directors, and counsel of record, as well as all of Defendants' employees. Any members of the Settlement Class who properly and timely exclude themselves will also be excluded from the Settlement Class, along with any persons or entities who have already had adjudicated in legal proceedings other than this lawsuit the same or similar claims as those alleged in this lawsuit.

QUESTIONS? CALL 1-866-800-6755 OR VISIT www.USGESettlement.com.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement Class, you may visit www.USGESettlement.com for more information, or you may contact Plaintiffs' Lead Counsel, Bruce D. Greenberg, Esq., Lite DePalma Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, bgreenberg@litedepalma.com.

THE SETTLEMENT BENEFITS: WHAT YOU CAN GET

8. What does the Settlement provide?

The Settlement creates a Settlement Fund of \$1,825,000.00, and each Settlement Class Member will be sent a check in an amount equal to the Settlement Fund plus any accrued interest, divided by the number of Settlement Class Members. Settlement Class Members do not need to do anything in order to receive payment from the Settlement Fund.

9. What do I have to do to receive payment under the Settlement?

Nothing. No claim form or other action is necessary. As long as you are a member of the Settlement Class, a check will be sent to you at the postal address that the Vitale v. USG&E Settlement Administrator has on file.

10. When will I get my check?

The Court will hold a Fairness Hearing on **July 18, 2017**. At that time, the Court will decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether the appeals can be resolved, and resolving them can take time. Checks will be sent only after the Court grants final approval of the Settlement and any appeals are resolved. Please be patient.

If you change your postal address before Settlement benefits are issued, you should update your information by calling 1-866-800-6755, or sending a letter to the Vitale v. USG&E Settlement Administrator at P.O. Box 3775, Portland, OR 97208-3775, to ensure that you receive your payment. Remember, payments will be sent to the postal addresses that Epiq Class Action & Claims Solutions, Inc. has on file, so it is important that you update these addresses if they change before the Settlement benefits are distributed.

11. What rights am I giving up against Defendants to get a payment and to stay in the Settlement Class?

If you are a Settlement Class Member when the Settlement becomes final, you will be releasing Defendants and their officers, directors, employees, and related corporate entities from any liabilities or claims. The specific terms of the release are set forth in the Parties' Settlement Agreement, which you can review at www.USGESettlement.com.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

Yes. Lite DePalma Greenberg, LLC and Poulos LoPiccolo P.C. represent you and the other Settlement Class Members. The Court has appointed these two law firms as Plaintiffs' Lead Counsel for this lawsuit. If you want to be represented by your own lawyer, you may hire one at your own expense.

13. How will the lawyers be paid?

Plaintiffs' Counsel will ask the Court for attorneys' fees and expenses, to be paid by Defendants in addition to the amount payable to Settlement Class Members from the Settlement Fund. Defendants have agreed not to oppose Plaintiffs' Counsel's request for these fees and expenses up to \$500,000.00. The Court may or may not approve that request. Importantly, none of these fees or expenses will come out of the cash or discounts to be received by Settlement Class Members. To earn these fees and expenses, Plaintiffs' Counsel spent time and resources investigating this

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lawsuit before filing it, filing this lawsuit, successfully opposing Defendants' efforts to dismiss this lawsuit, and negotiating the Settlement. For these efforts, they have not been paid. They also faced the risk that they might never get paid for their efforts. Plaintiffs' Counsel also spent thousands of dollars of their own money pursuing these cases, and they faced the risk that those expenses might never be reimbursed.

Defendants are paying the costs of this and other notice to the Settlement Class; they are also paying to administer this Settlement. These notice and administrative amounts will not come out of the funds for benefits to Settlement Class Members. Finally, no Settlement Class Member will pay anything.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. If I would prefer to not participate in the Settlement, what do I do?

You may exclude yourself from (or "opt out" of) the Settlement if you are a person or entity in the States of New Jersey, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Ohio, or the District of Columbia who, from January 1, 2008 to February 10, 2017, entered into a gas and/or electric supply service plan with U.S. Gas & Electric, Inc. and Energy Services Providers, Inc. or either of them, or their subsidiaries, or if you are a person or entity in the State of Pennsylvania who entered into a gas supply service plan with Defendants or either of them, or the subsidiaries, during that same time period.

To opt out, you must submit a writing that (i) is personally signed by you; (ii) clearly expresses your desire to opt out from the Settlement Class in *Patricia Vitale and Vincent Vitale, on behalf of themselves and all others similarly situated v. U.S. Gas & Electric, Inc., Energy Service Providers, Inc. and John Doe Corporations #1-25*, Case No. 2:14-cv-04464-KM-MAH; and (iii) includes your name, address, telephone number, and email address, if any. If you are represented by counsel, the writing must also include your counsel's name, address, telephone number, and email address.

You must mail your exclusion request to the Vitale v. USG&E, Settlement Administrator, P.O. Box 3775, Portland, OR 97208-3775, and it must be postmarked no later than **June 15, 2017**, or it will not be accepted.

If you do not specifically request to be excluded by following the directions above, you will automatically be a member of the Settlement Class.

15. If I exclude myself, will I still get a payment from this Settlement?

No. If you opt out of the Settlement Class, you will not be eligible for any Settlement benefits and will waive all rights to object to the Settlement. Similarly, if you file an objection to the Settlement with the Court, you will not be able to exclude yourself from the Settlement Class.

16. If I don't exclude myself, can I sue Defendants for the same claims later?

If the proposed Settlement is approved, and you are a Settlement Class Member who does not properly and timely exclude yourself from the Settlement Class, all claims that you may have now or in the future against Defendants with respect to their marketing and sales practices and rates charged in connection with gas and electric services will be **WAIVED AND RELEASED**, and you will be prohibited from bringing any such claims in the future on your own behalf, as provided in the Parties' Settlement Agreement.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I like or don't like the Settlement?

If you are a Settlement Class Member, you can express approval of or objection to the Settlement. You also can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter via first-class United States Mail to the Court saying that you object to the terms of the Settlement in *Patricia Vitale and Vincent Vitale, on behalf of themselves and all others similarly situated v. U.S. Gas & Electric, Inc., Energy Services Providers, Inc., and John Doe Corporations #1-25*, Case No. 2:14-cv-04464-KM-MAH, by no later than **June 15, 2017**, at the following address:

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Clerk of the Court
U.S. District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Any written objection must include the following: (i) the objecting Settlement Class Member’s name, address, telephone number, electronic mail address, if any, account number(s) with Defendants or any of them, and, if represented by counsel, counsel’s name, address, telephone number, and electronic mail address; (ii) the full case name and number (*Patricia Vitale and Vincent Vitale, on behalf of themselves and all others similarly situated v. U.S. Gas & Electric, Inc., Energy Services Providers, Inc., and John Doe Corporations #1-25*, Case No. 2:14-cv-04464-KM-MAH); (iii) a statement that the objecting Settlement Class Member is a Settlement Class Member; (iv) a statement of each objection asserted; (v) a detailed description of the facts underlying each objection; (vi) a detailed description of the legal authorities supporting each objection; (vii) a statement of whether the objecting Settlement Class Member intends to appear and speak at the Fairness Hearing; and (viii) the signature of the objecting Settlement Class Member, personally signed by the objecting Settlement Class Member and not by any representative or counsel. In addition, if applicable, all objections shall include the following: (i) the number of times in which the objecting Settlement Class Member, the objecting Settlement Class Member’s counsel (if any), or the objecting Settlement Class Member’s counsel’s law firm (if any) has objected to a class action settlement within the five (5) years preceding the date that the objecting Settlement Class Member files the objection and the caption of each case in which such objection was made; and (ii) a statement disclosing any consideration that the objecting Settlement Class Member, the objecting Settlement Class Member’s counsel (if any), or the objecting Settlement Class Member’s counsel’s law firm (if any) has received in connection with the resolution or dismissal of an objection to a class action settlement within the five (5) years preceding the date that the objecting Settlement Class Member files the objection. If the objecting Settlement Class Member or the objecting Settlement Class Member’s counsel has not objected to any other class action settlement in any court in the United States in the previous five (5) years, the objection must affirmatively so state. Any papers not filed and served in the prescribed manner and time will not be considered at the Fairness Hearing, and all objections not made in the prescribed manner and time shall be deemed waived.

You must also deliver the objection to Plaintiffs’ Counsel and Defendants’ counsel at the following addresses, so that it is received by no later than **June 15, 2017**.

LEAD COUNSEL FOR PLAINTIFFS AND THE SETTLEMENT CLASS	ATTORNEYS FOR DEFENDANTS
Bruce D. Greenberg, Esq. Lite DePalma Greenberg, LLC 570 Broad Street, Suite 1201 Newark, NJ 07102	Stephen M. Orlofsky, Esq. Blank Rome LLP 301 Carnegie Center, 3 rd Floor Princeton, NJ 08540

18. What’s the difference between objecting to the Settlement and excluding myself from it?

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 (meaning you do not exclude yourself). If you exclude yourself, you cannot object because the case no longer affects you. Likewise, if you file an objection to the Settlement with the Court, you cannot exclude yourself from the Settlement Class.

THE COURT’S FAIRNESS HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing before the Honorable Kevin McNulty at 10:00 a.m. on **July 18, 2017**, at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101. At this hearing, the Court will consider whether the Settlement is

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fair, reasonable, and adequate. The Court will consider any objections. The Court also will decide how much to pay Plaintiffs' Counsel. At or after the hearing, the Court will decide whether to grant final approval of the Settlement. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. Plaintiffs' Counsel will answer any questions that Judge McNulty may have. However, you are welcome to come at your own expense. You also may pay your own lawyer to attend the Fairness Hearing on your behalf. If you send an objection, you don't have to come to Court to discuss it. As long as your written objection is received before the deadline, and you have followed the directions contained in the answer to Question 17, the Court will consider everything that you have to say.

21. May I speak at the hearing?

That will be up to Judge McNulty. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying it is your "Notice of Intention to Appear in *Patricia Vitale and Vincent Vitale, on behalf of themselves and all other similarly situated v. U.S. Gas & Electric, Inc., d/b/a N.J. Gas & Electric*, Civil Action No. 2:14-cv-04464-KM-MAH." You must include your name and address, as well as the name, address, and telephone number of any attorney who will appear at the Fairness Hearing on your behalf. Your request must also indicate that you timely objected to the Settlement according to the directions contained in the answer to Question 17.

Your letter must state that you are a member of the Settlement Class. You must sign your letter and list the specific reasons why you wish to speak at the Fairness Hearing, as well as any grounds for your objection.

You must file your Notice of Intention to Appear with the Clerk of the Court at the address listed in the answer to Question 17 no later than **June 28, 2017**. You must include the phrase "*Patricia Vitale and Vincent Vitale, on behalf of themselves and all other similarly situated v. U.S. Gas & Electric, Inc., d/b/a N.J. Gas & Electric*, Civil Action No. 2:14-cv-04464-KM-MAH" below the Court's address on the envelope containing your notice. Your notice must also be received by Plaintiffs' Counsel and Defendants' counsel at the addresses listed in Question 17 no later than **June 28, 2017**.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you do nothing, you will be a member of the Settlement Class, you will receive a payment under the Settlement, and you will waive and release all claims that you may have now or in the future have against Defendants with respect to their marketing and sales practices and rates charged in connection with gas and electric services.

GETTING MORE INFORMATION

23. Are there more details about the Settlement?

This notice summarizes the proposed Settlement. More details are in the Parties' Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.USGESettlement.com.

24. How do I get more information?

If you think you may be a Settlement Class Member, you may review the papers on file in these lawsuits, including the Court's Order regarding the Preliminary Approval of Class Settlement and the Settlement Agreement, during weekdays (normal business hours), at the Clerk's Office, United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101. More information, including settlement papers and other documents, is available at the Settlement Website, www.USGESettlement.com.

PLEASE DO NOT CONTACT THE COURT DIRECTLY WITH QUESTIONS ABOUT THE SETTLEMENT.

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