1

1	UNITED STATES DIST	
2	DISTRICT OF	MAINE
3		
4	KATHERINE VEILLEUX, and JENNIFER CHON, ROCK COAST	) )
5	FAMILY ACUPUNCTURE, P.A., individually and on behalf	) )
6	of all others similarly situated,	) )
7	Plaintiffs	) )
8	V.	) ) Civil Action
9	ELECTRICITY MAINE, LLC,	) No. 1:16-cv-571-NT )
10	PROVIDER POWER, LLC, SPARK HOLDCO, LLC, KEVIN DEAN,	) )
11	and EMILE CLAVET,	) )
12	Defendants	)
13		
14		
15	CORPORATE 30(b)(6) DEPO	OSITION of
16	ELECTRICITY MAINE, LLC by DANII	
17	pursuant to notice dated April	
18	offices of Norman, Hanson & De!	
19	Plaza, Portland, Maine, on May	_
20	at 9:32 a.m., before Laurel A.	_
21	Public in and for the State of	
22	rubile in and for the beate of	raine.
23		
	D	ing. To a
24	Duvernay Report 72 Ocean Street,	Suite 304
25	South Portland, (207) 653-	

## Case 1:16-cv-00571-LEW $\,$ Document 163-11 $\,$ Filed 03/25/19 $\,$ Page 2 of 7 $\,$ PageID #: 2172 $_{19}$ 1 1 he'll testify -- he can testify about this, but he with EMA, there's is a line that reads, 2 never reviewed them. They were provided to me, 2 Electricity Maine can help offset your rising 3 and they're work product; and I'm not going to 3 energy costs by saving you up to 5 percent, and so produce them. He never saw them. What he got was 4 forth. 4 5 a verbal explanation from Mr. Dean. And based on 5 How is that 5 percent calculated? 6 that verbal explanation and information Mr. Dean 6 MR. AROMANDO: Hold on. Hold on. 7 7 provided to counsel, we prepared that summary for He needs the document you're having copied in 8 him to use as the 30(b)(6) deponent. 8 front of him when he answers these questions, but 9 MR. CUMMINS: Okay. So why don't we make 9 I can give him my copy if you want to push ahead. 10 some copies of this. I'll mark it as -- because I 10 MR. CUMMINS: Okay. Just -- so if I ask 11 had premarked a bunch of exhibits that we'll 11 questions about the 5 percent and the \$20 million, 12 either get to or not as things proceed. 12 he'll be able to answer them based on this 13 13 document we've marked as Plaintiffs' Exhibit 75? MR. AROMANDO: Sure. 14 MR. CUMMINS: I'm going to mark this three-14 MR. AROMANDO: He'll be able to provide an 15 page document as Plaintiffs' Exhibit 75. And it's 15 answer. I don't know if he'll be able to give you 16 captioned Value Electricity Maine Summary Re: 16 everything you want, but we'll do the best we can. 17 Electricity Maine Advertising Content. Let me get 17 MR. CUMMINS: Do you know how disappointed 18 some copies so that we can --18 I'm going to be if that's the case? 19 (Deposition Exhibit No. 75 was marked.) 19 MR. AROMANDO: I can only imagine, but we'll 20 20 (A short recess was taken.) persevere. 21 MR. CUMMINS: Well, let's move on for a 21 BY MR. CUMMINS: 22 moment while that's being copied. 22 Q. And take a look at 50-8. That says that 23 23 John, there's a collection of documents Electricity Maine saved Mainers \$14 million in 24 tabbed together in the group I gave you, the top 24 2012. Where does that number come from? 25 portion of which is 45. And there's a whole group 25 A. Based on Kevin's approach, it's my understanding 20 18 1 of exhibits. There's other group exhibits that 1 that he would take what the standard offer was at, 2 I've marked as well. And --2 calculate the difference between Electricity 3 MR. AROMANDO: 45 is the depo notice. 3 Maine's rate and the standard offer, use an 4 MR. CUMMINS: It's the same as Exhibit 1. 4 average for the household consumption -- an annual 5 And then in addition, you should have Group 5 average for household consumption of energy, take 6 Exhibits 50, 51 and 52. And I'll get into those, 6 that difference and multiply it by the number of 7 7 but I'll -- Ben is back. customers to come up with that savings. 8 MR. DONAHUE: Someone is coming up. 8 Q. So it was a calculation, sort of an average 9 9 MR. CUMMINS: Okay. We'll let's take -- let number, right? 10 me put in front of the witness Group Exhibit 50. 10 A. In some cases the average was on the usage -- the 11 11 MR. AROMANDO: 50? average usage of electricity -- or a Maine 12 MR. CUMMINS: 50. It's in that pile. 12 household. BY MR. CUMMINS: 13 13 Q. Oh, you have a copy. Q. If you would just thumb through that quickly, sir, 14 14 MR. AROMANDO: Well, he's got my copy. 15 and see if that's the kind of materials you 15 I don't need that. You can give that to Bob. 16 reviewed in anticipation of this deposition. 16 BY MR. CUMMINS: 17 And each of the documents is marked -- for 17 Q. Okay. Let's take a look at this. The first line 18 example, the Electricity Maine fact sheet, 18 says the folks responsible for marketing content 19 Defendants' Bates No. 952, is Exhibit 50-4. And 19 in the period 2011-2014 were Dean, Clavet, and a 20 my question for you is are these the materials --20 Ms. Sanborn, right? 21 some of the materials you reviewed in anticipation 21 A. Correct. 22 of this deposition? 22 **Q.** No longer with the company. By whom are they 23 23 A. Yes. currently employed? 24 Q. Take a look at 50-13 just for a moment. In the 24 A. I do not know that answer. 25 second subheading, Fall and Winter Months, same 25 Q. Are they no longer a part of the Spark family?

	5 <del>C</del> .	1:16-cv-00571-LEW Document 163- <u>11</u> Fil	ea (	J3/2	25/19 Page 3 of 7 PageID #: 2173 <sub>39</sub>
1	Q.	And are you familiar with these postings that are	1		getting into one of Sandra's topics here.
2		referred to on the first page of 51-1?	2		He is not the witness on that subject matter,
3	A.	I've read them.	3		Bob, Sandra is.
4	Q.	And when was this was this actually published	4		MR. CUMMINS: He's pointing the finger at you
5		on Facebook, these	5		again.
6	A.	I don't know when this	6		MR. AROMANDO: Yes.
7	Q.	Okay.	7		MR. CUMMINS: Okay. We'll defer it to the
8		Take a look at 51-2. The 7.07 cents per	8		next witness.
9		kilowatt hour at the top compared to the Central	9		BY MR. CUMMINS:
10		Maine Power and Bangor Hydro Power numbers, those	10	Q.	Now, take a look at 51-5. Again, do you have any
11		were calculated in the same fashion as Exhibit 75?	11		idea when this was published? And 51-5 is
12		MR. AROMANDO: Objection.	12		Defendants' Bates No. 173940, 41, and 42.
13	A.	Can you repeat that question?	13	A.	You mean when it was published? I do not know
14		BY MR. CUMMINS:	14		that.
15		Yes. How did you come up with the 7.07 cents?	15	Q.	Take a look at the first question and the first
16	Α.	It was based on the cost of power at that time,	16		answer. You will see a savings in the supply
17		our operating expenses, and our profit margin,	17		portion of your bill. The bigger the group, the
18	_	essentially 10 percent.	18		bigger the savings will be. Discounts can be as
19	Q.	Now, in 2012, if somebody wanted to cancel, did	19		high as 10 percent. Current discounts for CMP
20		they get charged 100 bucks?	20		customers are 6.  Where do those numbers come from?
22	A.	Over time our terms of service changed, and I don't recall for that time period what that was.	22	٨	Those were based on the same calculations that
23	0	Take a look at 51-3. It's Bates No Defendants'	23	Λ.	as in this document right here, the same approach.
24	Œ.	Bates No. 17 161717. Do you know when this was	24	O.	And then the next one is, There is no catch.
25		published, or approximately?	25	٦.	Do you see that?
-					·
		38			40
1	A.	I do not. There's no date on this one.	1	A.	40 <b>Yes.</b>
1 2			1 2		
		I do not. There's no date on this one.			Yes.
2	Q.	I do not. There's no date on this one.  Now, when you joined the company, what was the	2	Q.	Yes.  No commitment. Cancel at any time. No additional
2	Q. A.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?	2	Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?
2 3 4	Q. A.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.	2 3 4	Q. A. Q. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.
2 3 4 5	Q. A. Q.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling	2 3 4 5	Q. A. Q. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?
2 3 4 5 6 7 8	Q. A. Q. A.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.	2 3 4 5 6 7 8	Q. A. Q. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.
2 3 4 5 6 7 8 9	Q. A. Q. A.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company,	2 3 4 5 6 7 8	Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:
2 3 4 5 6 7 8 9	Q. A. Q. A.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts	2 3 4 5 6 7 8 9	Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?
2 3 4 5 6 7 8 9 10	Q. A. Q. A.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine,	2 3 4 5 6 7 8 9 10	Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.
2 3 4 5 6 7 8 9 10 11	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>Q.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?	2 3 4 5 6 7 8 9 10 11	Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our
2 3 4 5 6 7 8 9 10 11 12 13	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>Q.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our	2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>A.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.	2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q. Q. A. Q. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.
2 3 4 5 6 7 8 9 10 11 12 13	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>A.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.  But there was a time when the promotional	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. A. Q. A. Q. A. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.  Terms and conditions.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>A.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A. Q. A. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.  Terms and conditions.  Take a look at 51-6. This was a typical
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>A.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.  But there was a time when the promotional statements to the customer or potential customers	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A. Q. A. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.  Terms and conditions.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>A.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.  But there was a time when the promotional statements to the customer or potential customers was that there would be no contract with Electricity Maine, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A. Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.  Terms and conditions.  Take a look at 51-6. This was a typical enrollment form used at the time you joined the company, right?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li><li>Q.</li><li>A.</li></ul>	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.  But there was a time when the promotional statements to the customer or potential customers was that there would be no contract with Electricity Maine, right?  Yes.  And then that changed?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q. A. Q. A. Q.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.  Terms and conditions.  Take a look at 51-6. This was a typical enrollment form used at the time you joined the company, right?  I don't know if this was used when I joined the company.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A. Q. A. Q.	I do not. There's no date on this one.  Now, when you joined the company, what was the date again?  March of 2012.  How long had they been in the market selling electricity at that point?  They started in July of 2011, August 2011 time frame.  And at or about the time you joined the company, they were publicizing that there were no contracts when you signed up with Electricity Maine, correct?  I don't recall the exact time that we changed our terms and service. I was not involved with that part.  But there was a time when the promotional statements to the customer or potential customers was that there would be no contract with Electricity Maine, right?  Yes.  And then that changed?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A. Q. A. Q. A.	Yes.  No commitment. Cancel at any time. No additional fees. That all changed, right?  At some point, yes.  Why?  I don't recall why that was changed.  Well, it was because you were losing money, right?  MR. AROMANDO: Objection.  BY MR. CUMMINS:  It was because you were losing money?  MR. AROMANDO: Objection.  I don't recall when and where, why, we changed our terms.  BY MR. CUMMINS:  Okay.  Terms and conditions.  Take a look at 51-6. This was a typical enrollment form used at the time you joined the company, right?  I don't know if this was used when I joined the company.  Well, take a look at it.

Ca	se .	1:16-cv-00571-LEW Document 163-11 Fil	ed (	03/2	25/19 Page 4 of 7 PageID #: 2174 <sub>43</sub>
1		Okay. And what time frame would you identify with	1		MR. DONAHUE: Some of those were produced in
	Q.		2		·
2		this document, in terms of when it was used?			the native form, so
3	Α.	I see no date on this, so I would I don't know the exact time that this document would have been	3		MR. CUMMINS: Just printed.
4			4		MR. DONAHUE: they were all yeah, the
5	_	used, this form.	5		date stamp is whenever they were produced.
6	Q.	Well, we can place it that it was before the time	6		MR. CUMMINS: Let's go off the record.
7		that a cancellation fee was imposed, right? Take	7		(Discussion off the record.)
8		a look at the penultimate question on Bates 1744.	8		MR. AROMANDO: Based on you've been asking
9		Repeat that.	9		him about terms of service. If the rate is in
10	Q.	Go to the second page. And you'll see, Do I have	10		there, then that could be something they can trace
11		to sign any type of contract to pay a fee for	11		to a date because they have knowledge about what
12		cancelling?	12		rates apply to what years. But not in every
13		It's over in the right-hand column. And it	13		instance can they tell when a document was
14		says, Nope.	14		prepared, certainly not to the exact date.
15		And the question, again, was?	15		MR. CUMMINS: Let's just take a couple of
16	Q.	So this would have been used prior to the time	16		minutes.
17		that the cancellation fee was applied?	17		(A short recess was taken.)
18		I believe so.	18		BY MR. CUMMINS:
19		And what time give me a ballpark.	19	Q.	Okay. We talked briefly about the process for
20		I do not know that time frame.	20		dealing with the renewal rates, and you talked
21		2014? 2015? Can you give me a year?	21		about batches. In a particular year well, let
22	A.	I don't know when we switched.	22		me ask you this first. When did the renewals
23		MR. AROMANDO: Again	23		start to kick in? This was after you joined the
24		MR. CUMMINS: And Ms. Nadeau would be the	24		company.
25		person?	25		MR. AROMANDO: Objection.
		42			44
1		MR. AROMANDO: She's the witness on that.	1		You can answer.
2		MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay.	2	A.	You can answer.  At the end of their term, at the end of whatever
2		MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS:	2	A.	You can answer.  At the end of their term, at the end of whatever they enrolled for.
2 3 4	Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form	2 3 4		You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:
2 3 4 5	Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of	2 3 4 5		You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in
2 3 4 5 6	Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last	2 3 4 5 6	Q.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?
2 3 4 5 6 7	Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos.	2 3 4 5 6 7	Q.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.
2 3 4 5 6 7 8		MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47.	2 3 4 5 6 7 8	Q.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick
2 3 4 5 6 7 8 9	A.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47. This page here?	2 3 4 5 6 7 8 9	Q. A. Q.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?
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2 3 4 5 6 7 8 9 10	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47. This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used?	2 3 4 5 6 7 8 9 10	Q. A. Q.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually
2 3 4 5 6 7 8 9 10 11	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47. This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes.	2 3 4 5 6 7 8 9 10 11	Q. A. Q. A.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47. This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. A. Q. A.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months.  And beginning in 2011, what were the options in terms of terms?  I believe it was 12.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47. This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A.	You can answer.  At the end of their term, at the end of whatever they enrolled for. BY MR. CUMMINS: So the initial group of customers was enrolled in 2011, right? Yes. And, so, the enrollment period for them would kick in when? When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months. And beginning in 2011, what were the options in terms of terms? I believe it was 12. 12 months. So in 2012 and 2013 when you were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47. This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this witness can't address it?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A.	You can answer.  At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months.  And beginning in 2011, what were the options in terms of terms?  I believe it was 12.  12 months. So in 2012 and 2013 when you were involved in this reenrollment process, how many
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q.	MR. AROMANDO: She's the witness on that.  MR. CUMMINS: Okay.  BY MR. CUMMINS:  Take a look at 51-7. This is an enrollment form that apparently was used in the fall of  September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos.  Defendants' 1745 to 47.  This page here?  Yes, sir. Just tell me, was it about the time that this enrollment form was used?  When this document was created, yes.  Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this witness can't address it?  MR. AROMANDO: Well, possibly. I mean, not	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A.	You can answer.  At the end of their term, at the end of whatever they enrolled for. BY MR. CUMMINS: So the initial group of customers was enrolled in 2011, right? Yes. And, so, the enrollment period for them would kick in when? When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months. And beginning in 2011, what were the options in terms of terms? I believe it was 12. 12 months. So in 2012 and 2013 when you were involved in this reenrollment process, how many batches would there be in a particular year and at
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47.  This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this witness can't address it?  MR. AROMANDO: Well, possibly. I mean, not always. If Katherine, I assume if we had a date, if there was some date on the documents, we gave it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	At the end of their term, at the end of whatever they enrolled for. BY MR. CUMMINS: So the initial group of customers was enrolled in 2011, right? Yes. And, so, the enrollment period for them would kick in when? When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months. And beginning in 2011, what were the options in terms of terms? I believe it was 12. 12 months. So in 2012 and 2013 when you were involved in this reenrollment process, how many batches would there be in a particular year and at what time of year? One per month and usually up to towards the in between 30 and 60 days of whatever month the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47.  This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this witness can't address it?  MR. AROMANDO: Well, possibly. I mean, not always. If Katherine, I assume if we had a date, if there was some date on the documents, we gave it to them?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q.	At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months.  And beginning in 2011, what were the options in terms of terms?  I believe it was 12.  12 months. So in 2012 and 2013 when you were involved in this reenrollment process, how many batches would there be in a particular year and at what time of year?  One per month and usually up to towards the in between 30 and 60 days of whatever month the term would be that we would have to have the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47.  This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used?  When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this witness can't address it?  MR. AROMANDO: Well, possibly. I mean, not always. If  Katherine, I assume if we had a date, if there was some date on the documents, we gave it to them?  MS. KAYATTA: Is this from the metadata?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. A.	At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months.  And beginning in 2011, what were the options in terms of terms?  I believe it was 12.  12 months. So in 2012 and 2013 when you were involved in this reenrollment process, how many batches would there be in a particular year and at what time of year?  One per month and usually up to towards the in between 30 and 60 days of whatever month the term would be that we would have to have the notices out per the regulations.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q.	MR. AROMANDO: She's the witness on that. MR. CUMMINS: Okay. BY MR. CUMMINS: Take a look at 51-7. This is an enrollment form that apparently was used in the fall of September of 2011, if you take a look at the last page of the exhibit. These are Bates Nos. Defendants' 1745 to 47.  This page here? Yes, sir. Just tell me, was it about the time that this enrollment form was used? When this document was created, yes. Okay.  MR. CUMMINS: John, some of these forms don't have dates. I assume that Ms. Nadeau is going to be able to give me a ballpark on these if this witness can't address it?  MR. AROMANDO: Well, possibly. I mean, not always. If Katherine, I assume if we had a date, if there was some date on the documents, we gave it to them?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q.	At the end of their term, at the end of whatever they enrolled for.  BY MR. CUMMINS:  So the initial group of customers was enrolled in 2011, right?  Yes.  And, so, the enrollment period for them would kick in when?  When their first meter read date and then whatever term they enrolled on that. It's usually expressed in months.  And beginning in 2011, what were the options in terms of terms?  I believe it was 12.  12 months. So in 2012 and 2013 when you were involved in this reenrollment process, how many batches would there be in a particular year and at what time of year?  One per month and usually up to towards the in between 30 and 60 days of whatever month the term would be that we would have to have the

Ca	se :	1:16-cv-00571-LEW Document 163- <u>1</u> 1 Fil	ed C	3/2	25/19 Page 5 of 7 PageID #: 2175 <sub>47</sub>
1		So, for example, in 2013 would there have been a	1		particular year?
2		batch every month?	2		MR. AROMANDO: Objection. You can answer.
3	Α.	Yes.	3	Α.	At times they could be the same, but then at times
4		And we've previously marked at Mr. Clavet's	4	,	they would also change.
5	Ψ.	deposition the renewal letters or communications	5		BY MR. CUMMINS:
6		that were sent to the plaintiffs in this case, and	6	Q.	And what would change, if you will?
7		they're marked here. I'll dig them out.	7		The price could change.
8		MR. AROMANDO: It's 30 and 31, Bob.	8		I'm talking about just
9		MR. CUMMINS: Thank you very much.	9		The message. And then some of the different
10		BY MR. CUMMINS:	10		messages within the notice would change as well.
11	Q.	Would you take a look at those, sir?	11	Q.	Now, where are the so you were given a format,
12		And I have a predicate question. Did you	12		correct?
13		review these exhibits before you showed up here	13	A.	Yes.
14		today?	14	Q.	And you were given a format each month for each
15	A.	I have seen them, yes.	15		batch or did you get a format and it covered
16	Q.	Okay. And when was it that you saw them?	16		several batches? How did that work?
17	A.	Earlier this week in their office.	17	A.	It could be both. There were months, several
18	Q.	And were those letters part of a batch?	18		months, sequential months, that we would use the
19	A.	Yes.	19		same message or template.
20	Q.	And all of the substance of the letters, other	20	Q.	Yes. Oh, good. Template, that's the word. Where
21		than the name and address and so forth, would be	21		are these templates? I mean, if the judge said, I
22		the same, correct, in the batch?	22		want to see all these templates that you folks
23	A.	It could be slightly different based on the	23		use, how would we get ahold of them?
24		utility within a batch.	24		MR. AROMANDO: Objection.
25	Q.	Oh, you mean the price would be slightly different	25		MS. HEWEY: Objection. Form.
		46			48
1		depending upon whether it's CMP or EME?	1		MR. AROMANDO: You can answer.
2					
_	A.	Yes, it could be.	2		BY MR. CUMMINS:
3		But that would be the only that would be a	3		They're stored somewhere, right?
		•	_		They're stored somewhere, right?  They
3	Q. A.	But that would be the only that would be a number change?  Yes.	3	A.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.
3 4 5 6	Q. A. Q.	But that would be the only that would be a number change?  Yes.  Not the substance of the document itself?	3 4 5 6	A.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.  They are. And what we have we have turned over as
3 4 5 6 7	Q. A. Q. A.	But that would be the only that would be a number change?  Yes.  Not the substance of the document itself?  Yes.	3 4 5 6 7	A.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.  They are. And what we have we have turned over as part of discovery.
3 4 5 6 7 8	Q. A. Q. A.	But that would be the only that would be a number change?  Yes.  Not the substance of the document itself?  Yes.  Okay. Who is responsible for preparing these	3 4 5 6 7 8	A. A.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.  They are. And what we have we have turned over as part of discovery.  BY MR. CUMMINS:
3 4 5 6 7 8 9	Q. A. Q. A. Q.	But that would be the only that would be a number change?  Yes.  Not the substance of the document itself?  Yes.  Okay. Who is responsible for preparing these letters, these renewals?	3 4 5 6 7 8	A. A.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.  They are. And what we have we have turned over as part of discovery.  BY MR. CUMMINS:  So you've turned over the blank templates used for
3 4 5 6 7 8 9	Q. A. Q. A. Q.	But that would be the only that would be a number change?  Yes.  Not the substance of the document itself?  Yes.  Okay. Who is responsible for preparing these letters, these renewals?  Myself and one other there was actually several	3 4 5 6 7 8 9	A. A. Q.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.  They are. And what we have we have turned over as part of discovery.  BY MR. CUMMINS:  So you've turned over the blank templates used for the batches for what period of time?
3 4 5 6 7 8 9 10	Q. A. Q. A. Q.	But that would be the only that would be a number change?  Yes.  Not the substance of the document itself?  Yes.  Okay. Who is responsible for preparing these letters, these renewals?  Myself and one other there was actually several people. Myself and one of my coworkers, Sandra	3 4 5 6 7 8 9 10	A. A. Q.	They're stored somewhere, right?  They  MR. AROMANDO: Objection.  They are. And what we have we have turned over as part of discovery.  BY MR. CUMMINS:  So you've turned over the blank templates used for the batches for what period of time?  For the ones that were available. I wouldn't I
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to discovery. You've got to ask for them, and we've got to go according to the rules. It's  math to make the case in a fashion that's civil and easy to deal with, you don't have to put it all in writing. So anyway  math to advance the case in a fashion that's civil and easy to deal with, you don't have to put it all in writing. So anyway  math to advance the case in a fashion that's civil and easy to deal with, you don't have to put it all in writing. So anyway  math to advance the case in a fashion that's civil and easy to deal with, you don't have to put it all in writing. So anyway  math to advance the case in a fashion that's civil and easy to deal with, you don't have to put it and easy to deal with, you don't have to put it it implementing those renewals. And we can form it, but that's our request.  math to dvance the case in a fashion that's civil copies of the templates that were employed in implementing those renewals. And we can form it, but that's our request.  math to dvance the case in a fashion that's civil copies of the templates that were employed in implementing those renewals. And we can form it, but would like to get the numbers of renewals in each of the years at issue, along with copies of the templates that were employed in implementing those renewals. And we can form it, but hat's our request.  math to dvance the case in a fashion that's civil copies of the templates that were employed in implementing those renewals. And we can form it, but hat's our request.  math to dvance the case in a fashion that's civil copies of the templates that were employed in implementing those renewals. And we can form it, we would like to get the numbers of renewals in each of the years at issue, along with copies of the template in preparing those?  math to dvance the case in a fashion that's civil in point on it, we would like to get the numbers of renewals in each of the years at issue, along with copies of the template to point on the there and not pash our renewals or spide and in prepari	6			6	Q.	There could be one or there could be four, right?
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23 Q. Right. And how many were constructed at that point in time; do you have any idea? 24 point in time; do you have any idea? 25 A. I don't recall. Every month it  54  1 Q. Could I have them a moment, sir? 2 Well, the time frame here is October of 2014. 3 Do you have an independent recollection of whether or not in October of 2014 there were 10,000 5 renewals or 5,000 renewals or do you have any sense? 7 A. I don't recall in that month how many renewals were for that month were sent. 9 Q. There is a record, though, of how many renewals 10 were sent, for example, in October of 2014, right? 11 A. Yes. 12 Q. And those would all use the same template, correct? 13 COUMDINS: It's Exhibit 33. 14 MS. HEWEY: That's all right. I'm good. 15 MS. HEWEY: Well, we never got Exhibit 33. 16 from you yet; but that's okay. 17 MR. CUMMINS: Oh, well, here. Let me giv you the original of Exhibit 33. 18 MS. HEWEY: Just go ahead. If I have questions, I'll come lean over your shoulder. 19 MR. CUMMINS: Okay. All right. 10 MR. AROMANDO: Objection. 11 MR. AROMANDO: To be clear for the record just for the witness, this is something that you folks created, right? This isn't an Electricity Maine document? 18 MR. CUMMINS: MR. DONAHUE: That's correct.	21	A.	We used the message that was provided to us from $% \left( \mathbf{r}\right) =\left( \mathbf{r}\right) $	21		MR. AROMANDO: Thank you.
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1 Q. Could I have them a moment, sir? 2 Well, the time frame here is October of 2014. 3 Do you have an independent recollection of whether or not in October of 2014 there were 10,000 4 blown up so 5 renewals or 5,000 renewals or do you have any sense? 6 From you yet; but that's okay. 7 A. I don't recall in that month how many renewals were for that month were sent. 9 Q. There is a record, though, of how many renewals were sent, for example, in October of 2014, right? 11 A. Yes. 12 Q. And those would all use the same template, correct? 13 COTRECT? 14 MR. AROMANDO: Objection. 15 A. The same message 16 BY MR. CUMMINS:  1  would like.  2  MS. HEWEY: That's all right. I'm good.  MR. CUMMINS: It's Exhibit 33, but this is  MR. CUMMINS: It's Exhibit 33, but this is  MR. CUMMINS: Oh, well, we never got Exhibit 33  MS. HEWEY: Well, we never got Exhibit 33  MR. CUMMINS: Oh, well, here. Let me give you the original of Exhibit 33.  MR. CUMMINS: Oh, well, here. Let me give you the original of Exhibit 33.  MR. HEWEY: Just go ahead. If I have questions, I'll come lean over your shoulder.  MR. AROMANDO: To be clear for the record just for the witness, this is something that you folks created, right? This isn't an Electricity  Maine document?  MR. DONAHUE: That's correct.	25	A.	I don't recall. Every month it	25		MR. CUMMINS: You can sit next to me if you
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	10 11 12 13 14	A.	The same message	1		
	10 11 12 13 14 15	A.	_	16		MR. DONAHUE: That's correct.
18 A would have been. 18 MR. AROMANDO: Right.	10 11 12 13 14 15 16		BY MR. CUMMINS:			MR. CUMMINS: That's right.
19 Q. Right. 19 Just so you understand that, Dan, this is no	10 11 12 13 14 15 16 17	Q.	BY MR. CUMMINS: Right.	17		MR. CUMMINS: That's right.
20 A. Yes. 20 a company record. This is something that the	10 11 12 13 14 15 16 17	Q. A.	BY MR. CUMMINS: Right would have been.	17 18		MR. CUMMINS: That's right.
21 Q. So there is a there will be a record that shows 21 plaintiffs' lawyers created.	10 11 12 13 14 15 16 17 18	Q. A. Q.	BY MR. CUMMINS: Right would have been. Right.	17 18 19		MR. CUMMINS: That's right.  MR. AROMANDO: Right.  Just so you understand that, Dan, this is not
that in January of 2014 we had this many renewals 22 THE DEPONENT: Okay.	10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A.	BY MR. CUMMINS: Right would have been. Right. Yes.	17 18 19 20		MR. CUMMINS: That's right.  MR. AROMANDO: Right.  Just so you understand that, Dan, this is not a company record. This is something that the
and February and March, throughout the entire 23 BY MR. CUMMINS:	10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A.	BY MR. CUMMINS: Right would have been. Right. Yes. So there is a there will be a record that shows	17 18 19 20 21		MR. CUMMINS: That's right.  MR. AROMANDO: Right.  Just so you understand that, Dan, this is not a company record. This is something that the plaintiffs' lawyers created.
24 year, right? 24 Q. Did you review this document before you showed	10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A.	BY MR. CUMMINS: Right would have been. Right. Yes. So there is a there will be a record that shows that in January of 2014 we had this many renewals	17 18 19 20 21 22		MR. CUMMINS: That's right.  MR. AROMANDO: Right.  Just so you understand that, Dan, this is not a company record. This is something that the plaintiffs' lawyers created.  THE DEPONENT: Okay.
25 A. How many notices were sent, yes. 25 here today? Or the original of it is much	10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A.	BY MR. CUMMINS: Right would have been. Right. Yes. So there is a there will be a record that shows that in January of 2014 we had this many renewals and February and March, throughout the entire	17 18 19 20 21 22 23	Q.	MR. CUMMINS: That's right.  MR. AROMANDO: Right.  Just so you understand that, Dan, this is not a company record. This is something that the plaintiffs' lawyers created.  THE DEPONENT: Okay.

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1	A.	I don't believe we did such studies. I'm not	1		MR. AROMANDO: Objection. Objection. He's
2		aware of any such studies that we did.	2		here to answer factual questions, Bob, not
3		BY MR. CUMMINS:	3		metaphysical debates about what's common sense.
4	Q.	Well, you know as you sit here today under oath	4		Ask him factual questions.
5		that the principal motivation for customers in the	5		MR. CUMMINS: Does this have a Bates number,
6		period that you were involved with Electricity	6		Ben?
7		Maine from 2012 to 2014 was price, correct?	7		MR. DONAHUE: Yes. It's right at the top.
8		MR. AROMANDO: Objection.	8		MR. CUMMINS: At the top?
9	A.	We did market on savings at some period of times,	9		MR. DONAHUE: Yes.
10		and then we had other messages as well.	10		BY MR. CUMMINS:
11		BY MR. CUMMINS:	11	Q.	You folks produced a document for us as Bates No.
12	Q.	And forget about the other messages. The primary	12		3291.
13		motivation for consumers in the period that you	13		My presbyopia is not helped much with these
14		joined the company in 2012 until at least 2014 was	14		specs.
15		price, correct?	15		MR. CUMMINS: Have you heard "presbyopia"
16		MR. AROMANDO: Objection.	16		before?
17		MS. HEWEY: Objection. Form, foundation.	17		THE REPORTER: I haven't, but I'll look it
18		MR. AROMANDO: Is that how it works, Bob, you	18		up.
19		forget about the parts that don't work for your	19		MR. CUMMINS: I tried a case once, and I
20		case? I mean, you cannot instruct the witness to	20		never got the word.
21		forget about anything. You can ask him questions	21		BY MR. CUMMINS:
22		and he'll answer the questions.	22	Q.	Let me show you Mr. Ben here, who's smarter
23		MR. CUMMINS: The question was the primary.	23		than I am, pulled up this exhibit. We'll produce
24		Primary. That's one.	24		it in tangible form and mark it as Plaintiffs'
25		BY MR. CUMMINS:	25		Exhibit 76, but right now it's on his little
		62			64
1	Q.	The primary purpose that folks the reason	1		computer. And I want you to take a look at
2		the primary reason that folks chose Electricity	2		Defendants' Exhibit Defendants' Bates No. 3291.
3		Maine in the period from 2012 until 2014 was	3		And your lawyer can look at it, too.
4		price, isn't that correct, sir?	4		MR. AROMANDO: Gee, thanks.
5		MR. AROMANDO: Objection.	5		
6		MC HEWEY Objective			MR. CUMMINS: Would you show it to him,
7		MS. HEWEY: Objection.	6		please?
		MR. AROMANDO: You can answer.	7		please?  MR. AROMANDO: Yes, when I'm done looking at
8	A.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select	7		please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.
8 9	A.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and	7 8 9		please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.
8 9 10	A.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and some people chose it on some of the other products	7 8 9 10		please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.  MR. CUMMINS: I'll have it produced as
8 9 10 11	A.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and some people chose it on some of the other products that we had offered.	7 8 9 10 11		please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.  MR. CUMMINS: I'll have it produced as lunchtime.
8 9 10 11 12		MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and some people chose it on some of the other products that we had offered.  BY MR. CUMMINS:	7 8 9 10 11		please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.  MR. CUMMINS: I'll have it produced as lunchtime.  (Exhibit No. 76 was identified for the
8 9 10 11 12 13	Q.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and some people chose it on some of the other products that we had offered.  BY MR. CUMMINS:  What were the other products?	7 8 9 10 11 12 13		please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.  MR. CUMMINS: I'll have it produced as lunchtime.  (Exhibit No. 76 was identified for the record.)
8 9 10 11 12 13 14	Q. A.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and some people chose it on some of the other products that we had offered.  BY MR. CUMMINS:  What were the other products?  Buy local.	7 8 9 10 11 12 13	Q.	please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.  MR. CUMMINS: I'll have it produced as lunchtime.  (Exhibit No. 76 was identified for the record.)  BY MR. CUMMINS:
8 9 10 11 12 13	Q. A. Q.	MR. AROMANDO: You can answer.  I don't know what drove every customer to select our product. Some people chose it on price, and some people chose it on some of the other products that we had offered.  BY MR. CUMMINS: What were the other products?  Buy local.  Stop there. What does that mean?	7 8 9 10 11 12 13	Q.	please?  MR. AROMANDO: Yes, when I'm done looking at it, I'll show it to him.  MS. HEWEY: I think I can pull it up here.  MR. CUMMINS: I'll have it produced as lunchtime.  (Exhibit No. 76 was identified for the record.)  BY MR. CUMMINS:  That's a document your lawyers produced.
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