

CLASS ACTION SETTLEMENT NOTICE

IF YOU WERE AN RCN INTERNET CUSTOMER WHO WAS CHARGED A NETWORK ACCESS AND MAINTENANCE FEE, YOU MAY BE ELIGIBLE TO RECEIVE A CASH REFUND OR BILL CREDIT.

You must file a [Claim Form](#) to receive a cash refund or bill credit.

For more information, visit www.RCNNAMSettlement.com

A court authorized this Notice.

Your legal rights are affected whether you act or don't act.

Read this Notice carefully.

This Notice informs you of a proposed settlement (“Settlement”) of a class action claim against RCN Telecom Services, LLC (“RCN Telecom”); RCN Telecom Services (Lehigh), LLC; RCN Telecom Services of New York, L.P.; RCN Telecom Services of Philadelphia, LLC; RCN Telecom Services of Illinois, LLC; RCN Telecom Services of Massachusetts, LLC; Starpower Communications, LLC (collectively the “RCN Operating Companies,” and with RCN Telecom, “RCN”); and Patriot Media Consulting, LLC (collectively, with RCN, “Defendants”). Defendants have agreed, under the terms of the Settlement, to provide you with an opportunity to submit a valid and timely Claim Form through which you may be eligible to receive a cash refund of Network Access and Maintenance Fees (“NAM Fees”) paid by you to RCN in connection with broadband internet service, or (if you’re a current customer) a bill credit at your option, as further discussed below.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

Submit a Claim Form

If you are an eligible Settlement Class Member who received broadband internet service from any RCN operating company and were charged and paid a NAM Fee in connection with that service between November 1, 2017 and September 13, 2022 (the “Class Period”), you are entitled to submit a Claim for a bill credit (if you’re a current customer) or a check or electronic payment.

If you received a Notice about this Settlement by email or mail, you are part of the Settlement according to RCN’s records, and you are eligible for a cash payment or (if you are a current RCN broadband internet subscriber) a bill credit from the Settlement.

To receive payment, you need to complete and submit a Claim Form in a timely manner. The Claim Form is necessary to ensure that only eligible Settlement Class Members receive a benefit. A Claim Form is available on the Settlement Website at www.RCNNAMSettlement.com or by writing the Settlement Administrator at Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324.

Do Nothing	By doing nothing, you forfeit the opportunity to receive any compensation and you give up any rights to sue Defendants, and certain parties related to them, about the claims that have been or could have been asserted based on the facts alleged in this lawsuit.
Ask to be Excluded	By asking to be excluded, you will not share in this Settlement. This is the only option that allows you to keep any rights to sue Defendants about the same legal claims in this lawsuit.
Object	You may write to the Court about why you do not like the Settlement.
Go To A Hearing	You may ask to speak in Court about the fairness of the Settlement.

Your rights and options – and the deadlines to exercise them – are explained in detail below.

The Court in charge of this case still has to decide whether to give final approval to the Settlement. Payments and bill credits will be made only if the Court approves the Settlement and after all appeals (if any) are resolved. Please be patient.

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BASIC INFORMATION

1. Why did I receive notice of this lawsuit?

If you received a notice about this Settlement by email or mail, RCN's records indicate you are eligible for a cash payment or (if you're a current customer) a bill credit at your option, from the Settlement because you were a subscriber to RCN broadband internet service who was charged and paid a NAM Fee in connection with that service.

You received an Email or Postcard Notice because you have a right to know about the proposed Settlement of this class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves it and after any objections and appeals are resolved, an administrator appointed by the Court will make the payments that the Settlement allows.

This package (this "Long Form Notice") explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the Superior Court of New Jersey, Mercer County, and the case is pending in front of the Honorable Kay Walcott-Henderson, J.S.C. The lawsuit is known as *Katherine Grillo, et al. v. RCN Telecom Services, LLC, et al.*, Docket No. MER-L-1319-22. The people who sued are called the Plaintiffs, and the parties sued are called the Defendants.

2. What is this lawsuit about?

This is a proposed class action on behalf of RCN broadband internet customers in the United States who were charged and paid a NAM Fee in connection with that service between November 1, 2017 and September 13, 2022 (the "Class Period"). Specifically, Plaintiffs allege that Defendants charged RCN broadband internet customers a monthly NAM Fee in connection with that service in a manner inconsistent with and in violation of New Jersey law, including the New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-1, *et seq.*; the New Jersey Truth in Consumer Contract, Warranty and Notice Act, N.J.S.A. § 56:12-14, *et seq.*; and the New Jersey Uniform Declaratory Judgment Act, N.J.S.A. § 2A:16-51, *et seq.*; and additionally breached the implied covenant of good faith and fair dealing in the RCN Operating Companies' customer agreements. Defendants deny the allegations.

3. Why is this lawsuit a class action and who is involved?

In a class action lawsuit, one or more people called the "Class Representative" or "Lead Plaintiff" sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members," and in this case are the "Settlement Class." The individuals or companies they sued—in this case the companies listed above—are called the Defendants. One Court resolves the issues for everyone in the Settlement Class, except for those people who choose to exclude themselves from the Settlement Class. Judge Kay Walcott-Henderson is in charge of this case and has certified the lawsuit as a class action for settlement purposes only.

4. Why is there a settlement?

The Court did not issue a final ruling in favor of Plaintiffs or Defendants. Instead, the Class Representative and Defendants agreed to enter into the Settlement after an extensive exchange of information and vigorous arms-length negotiations. That way, they avoid litigation costs and burdens, and the people allegedly affected by Defendants' alleged actions will get compensation as soon as

possible. The Class Representatives, and the attorneys for the Class Representatives and the Settlement Class Members (“Class Counsel”), think the Settlement is best for the Settlement Class Members.

WHO IS COVERED BY THE SETTLEMENT?

5. Am I a Settlement Class Member?

The “Settlement Class” in this case is defined as:

All current and former RCN customers in the United States who were charged and paid a “Network Access and Maintenance Fee” between November 1, 2017 and September 13, 2022.

Your receipt of an Email or Postcard Notice indicates that you have been identified as a potential Settlement Class Member because, according to RCN’s records, you received broadband internet services from an RCN operating company and were charged and paid a NAM Fee in connection with that service between November 1, 2017 and September 13, 2022.

If you are not sure whether you are included in the Settlement Class, you may visit www.RCNNAMSettlement.com for more information.

THE SETTLEMENT BENEFITS - WHAT YOU GET

6. What does the Settlement provide?

The complete terms of the proposed settlement are set forth in the Settlement Agreement, which is available at www.RCNNAMSettlement.com. This Notice provides only a summary of the terms of the settlement. The capitalized terms as used in this Notice have the same meaning as the terms set forth in the Settlement Agreement.

The Settlement provides that Defendants will establish a Settlement Fund valued in the amount of up to \$11,500,000. Class Members who were charged and paid NAM Fees in connection with broadband internet service by an RCN operating company and who file valid claims will receive their choice of a bill credit (if you’re a current customer) or a check or electronic payment. Refund amounts will depend on three things: (1) whether you choose to receive a bill credit versus a check or electronic payment; (2) when you were a subscriber; and (3) the number of other Claimants.

In addition, the Settlement provides that Defendants are revising their marketing and advertising materials and RCN’s website to better describe the NAM Fees and to enhance the prominence of the disclosures about the NAM Fees.

If approved by the Court, the Settlement will result in dismissal of this case and final resolution of all claims raised against Defendants. Such dismissal will release Defendants from liability for the claims in this lawsuit.

7. What can I get from the Settlement?

The Settlement provides that Defendants will establish a Settlement Fund valued in the amount of up to \$11,500,000. Class Members who file valid claims will receive their choice of a check or electronic payment or (if you’re a current customer) a bill credit.

Questions? Visit www.RCNNAMSettlement.com.

Refund amounts will depend on three things: (1) whether you choose to receive a check or electronic payment versus (if you're a current customer) a bill credit; (2) when you were a subscriber; and (3) the number of other Claimants. Class Members who are current customers and who choose to receive a bill credit will receive 100% of the allocated loss (as further described below) of his or her NAM Fees paid in connection with internet service during the Class Period. Class Members who are current customers and who choose to receive a check or electronic payment and Class Members who are former customers will receive 50% of the allocated loss (as further described below) of NAM Fees paid in connection with internet service during the Class Period.

The allocated loss is calculated as follows: Each current or former Class Member who signed up for service after February 17, 2019 has an allocated loss of 80% of his or her NAM Fees paid in connection with internet service. Each current or former Class Member who signed up for service before February 17, 2019 and who was a customer anytime on or after that date has an allocated loss of 40% of his or her NAM Fees paid in connection with internet service. Each former Class Member who signed up for service before February 17, 2019 and who was not a customer anytime on or after that date has an allocated loss of 20% of his or her NAM Fees paid in connection with internet service. Based on the foregoing, the range a Class Member may receive is between \$0.20 and \$159.82 depending on: 1) how long the person received internet service from RCN; 2) over what period of time the person received such service; and 3) whether the person chooses to receive cash or a bill credit when making the claim.

In the event that the Settlement Fund, net of the cost of settlement administration, attorneys' fees and costs, and Incentive Awards to the Class Representatives, is not sufficient to enable the above payments, the per-claim payment will be decreased on a pro-rata basis.

HOW YOU RECEIVE PAYMENT - SUBMITTING A CLAIM

8. How can I make a claim?

If you are an eligible Settlement Class Member and you wish to receive a one-time refund, you need to complete and submit a Claim Form in a timely manner. The Claim Form is available on the Settlement Website at www.RCNNAMSettlement.com, or by writing the Settlement Administrator at Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324.

The fully completed Claim Form must be submitted online, or via U.S. Mail to the Settlement Administrator at Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324. The deadline for submission of the Claim Form online or by mail is January 11, 2023. Accordingly, mailed Claim Forms must be postmarked or delivered no later than January 11, 2023, and accurately addressed to the Settlement Administrator. If you do not participate in the claims process by January 11, 2023, you will not receive any settlement benefits. You may attend the Court hearing described below if you wish, but your attendance or non-attendance will not affect your eligibility to submit the Claim Form or receive a cash payment or bill credit. You do not need to appear in Court, and you do not need to hire an attorney in this case.

9. When would I get my payment or bill credit?

The Court will hold a hearing on January 26, 2023, at 9:30 a.m. ET, to decide whether to approve the Settlement. If Judge Kay Walcott-Henderson approves the Settlement, and after that, no appeal is taken, then you will be receiving your payment promptly. If an appeal is taken, then resolving it may take some time, perhaps up to, or more than, a year. Please be patient.

Questions? Visit www.RCNNAMSettlement.com.

If you change your e-mail or postal address before settlement benefits are issued, you should update your information online at www.RCNNAMSettlement.com or by sending a letter to the Settlement Administrator to ensure that you receive your cash payment or bill credit. Remember, cash payments and bill credits will be sent to the e-mail or postal addresses that the Settlement Administrator has on file, so it is important that you update these addresses if they change before the settlement benefits are distributed.

10. What am I giving up to get a refund or stay in the Settlement Class?

If you are in the Settlement Class definition and do not exclude yourself from the Settlement Class, and the settlement is approved and becomes final, the settlement will be legally binding on you and you will be bound by all judgments entered in the case. In exchange for the settlement benefits, you will release all claims against Defendants about the NAM Fee issues in this lawsuit. The Settlement Agreement, available at www.RCNNAMSettlement.com, describes the claims you are releasing (giving up) by staying in the Settlement Class (called “Released Claims”).

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment or bill credit from the Settlement, but you want to keep the right to sue or continue to sue Defendants, on your own, about the legal issues in this case, then you must take steps to get out. This is called excluding yourself or “opting out” of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail to the Settlement Administrator. Your request must include the following:

- a. Your full name, mailing address, telephone number, and email address;
- b. A statement that you are a Class Member and want to be excluded from the RCN NAM Fee Settlement; and
- c. Your signature or the signature of an individual authorized to act on your behalf.

You must mail your exclusion request, **postmarked by January 6, 2023**, to: Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324.

12. If I do not exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Defendants for the NAM Fee claims that the Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. Remember, the exclusion deadline is January 6, 2023. Any exclusion request postmarked after that date will not be valid, and the sender will be a Settlement Class Member and bound by the Settlement, the Settlement Agreement, the Release, and any and all Court orders entered in this Action.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court decided that the law firms of DeNittis Osefchen Prince, P.C. of Marlton, New Jersey and Hattis Law PLLC d/b/a Hattis & Lukacs, of Bellevue, Washington are qualified to represent you and

Questions? Visit www.RCNNAMSettlement.com.

all Settlement Class Members. These law firms are called “Class Counsel.” Both firms are experienced in handling similar cases. More information can be obtained about these law firms, their practices, and their lawyers’ experience by contacting the following Class Counsel:

Stephen P. DeNittis, Esq.
Joseph A. Osefchen, Esq.
Shane T. Prince, Esq.
DENITTIS OSEFCHEN PRINCE, P.C.
5 Greentree Centre, Suite 410, Marlton, NJ 08053
(856) 797-9951
Email: sdenittis@denittislaw.com
Website: www.denittislaw.com

Daniel M. Hattis, Esquire
Paul Karl Lukacs, Esquire
HATTIS & LUKACS
400 108th Ave NE, Suite 500
Bellevue, WA 98004
(425) 233-8650
Email: dan@hattislaw.com
Website: www.hattislaw.com

14. How will the lawyers be paid?

Class Counsel have pursued this lawsuit on a contingency basis and have paid all costs of the lawsuit. These attorneys have not yet been paid or recovered any of their costs associated with the lawsuit. As part of the Settlement, Class Counsel will request a payment of 33.33% (\$3,832,950.00) of the Settlement Fund for their reasonable attorneys’ fees plus reimbursement of out-of-pocket litigation costs of \$1,451.72. Class Counsel’s petition for fees and costs will be filed with the Court no later than January 6, 2023, and may be reviewed by any interested party. The Court will make a determination of reasonable attorneys’ fees and costs at the Final Approval Hearing based on Class Counsel’s application and responses thereto, if any. 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 Other Administrative Costs will come out of the Settlement Fund. Finally, no Settlement Class Member will pay anything.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not like or agree with the Settlement or some part of it.

15. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, and have not excluded yourself from the Settlement Class, you can object to the settlement, Settlement Class Counsel’s request for attorneys’ fees and costs, and/or the request for incentive awards for the Plaintiffs who brought this lawsuit. To object, you must file with the Court and send to the Settlement Administrator, Class Counsel, and Defendants’ Counsel a written objection which includes the following:

- a. The name of this lawsuit: “Katherine Grillo, et al. v. RCN Telecom Services, LLC, et al.”;
- b. Your full name, mailing address, telephone number, and email address;
- c. State whether you are represented by counsel, and if so the identity of such counsel;
- d. Provide proof of membership in the Settlement Class;

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- e. Contain a detailed statement of each objection asserted, including the grounds for objection and reasons for appearing and being heard, together with any evidence and documents in support of the objection; and
- f. Your signature or the signature of an individual authorized to act on your behalf.

To be considered by the Court, your objection must be filed with the Clerk of the Court by January 6, 2023, and also must be mailed to the Settlement Administrator postmarked no later than January 6, 2023, with copies to Class Counsel and Defendants' Counsel at the following addresses:

THE COURT	SETTLEMENT ADMINISTRATOR
Clerk of the Court Superior Court of New Jersey, Mercer County 175 South Broad Street Trenton, New Jersey 08608	Kroll Settlement Administration Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324
CLASS COUNSEL	DEFENDANTS' COUNSEL
Stephen P. DeNittis, Esquire DeNittis Osefchen Prince, P.C. 5 Greentree Centre 525 Route 73 North, Suite 410 Marlton, New Jersey 08053 856-797-9951 (phone) 856-797-9978 (fax) sdenittis@denittislaw.com	David E. Sellinger, Esquire Greenberg Traurig, LLP 500 Campus Drive, Suite 400 Florham Park, NJ 07932 Phone: 973-360-7900 Fax: 973-301-8410 sellingerd@gtlaw.com

Class Members may object either on their own or through an attorney hired at their own expense. If an objecting Class Member hires an attorney to represent him or her, that attorney must file with the Court and serve upon Class Counsel and Defendants' Counsel, a notice of appearance no later than 20 days before the Final Approval Hearing.

Note that you can ask the Court to deny approval of the settlement by filing an objection, but you can't ask the Court to order a different settlement; the Court can only approve or reject the settlement that is now before it. If the Court denies approval, no settlement payments or bill credits will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. You have the right to consult with your own attorney, at your own expense, before deciding how best to proceed.

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on January 26, 2023, at 9:30 a.m. ET, at the Superior Court of New Jersey, Mercer County, 175 South Broad Street, Trenton, New Jersey 08608. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are

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objections, the Court will consider them. Judge Kay Walcott-Henderson will listen to people who have asked to speak at the hearing within the time to do so set by the Court. At or after the hearing, the Court will also decide whether to approve the Settlement and how much to pay Class Counsel. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions Judge Kay Walcott-Henderson may have. But, you are welcome to come at your own expense. If you send an objection, you may come in person to the Court for the Final Approval Hearing, retain your own attorney to appear for you at the Final Approval Hearing, or not attend at all, and the Court will consider your objection.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Katherine Grillo, et al. v. RCN Telecom Services, LLC, et al.*, Docket No. MER-L-1319-22.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than January 6, 2023 and be sent to: (1) the Court at the Superior Court of New Jersey, Mercer County, 175 South Broad Street, Trenton, New Jersey 08608, (2) Kroll Settlement Administration Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324; 3) Stephen P. DeNittis, Esq., DENITTIS OSEFCHEN PRINCE, P.C., 5 Greentree Centre, Suite 410, Marlton, NJ 08053; and (4) David E. Sellinger, Esq., GREENBERG TRAUER, LLP, 500 Campus Drive, Suite 400, Florham Park, NJ 07932.

You cannot speak at the hearing if you excluded yourself from the Settlement Class.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you do nothing – including not completing a Claim Form – you will be a member of the Settlement Class and will forfeit the opportunity to receive any monetary compensation or bill credit. You will also give up any rights to sue Defendants separately about the claims that have been or could have been asserted in this lawsuit.

GETTING MORE INFORMATION

21. Are there more details available?

The Pleadings, the Settlement Agreement, and other papers filed in this lawsuit are available for your inspection in the Superior Court of New Jersey, Mercer County, 175 South Broad Street, Trenton, New Jersey 08608.

Additional information may be obtained on the Settlement Website at www.RCNNAMSettlement.com. You may also contact the Settlement Administrator in writing at Grillo v RCN Telecom c/o Kroll Settlement Administrator P.O. Box 5324, New York, NY 10150-5324. Additionally, you may contact Class Counsel, whose contact information is listed above, or visit Class Counsel’s website at www.denittislaw.com.

PLEASE DO NOT TELEPHONE THE COURT OR THE CLERK OF THE COURT.

Questions? Visit www.RCNNAMSettlement.com.