



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

Informal Remedial Plan

Between the Delegated Commissioner of the Department of Public Utilities and Direct Energy Services, LLC

Direct Energy Services, LLC (“Company”) and the Delegated Commissioner¹ of the Massachusetts Department of Public Utilities (“Delegated Commissioner” and “Department,” respectively) (collectively, “Parties”) enter into this Informal Remedial Plan (“Plan”), dated December 18, 2025 regarding the Delegated Commissioner’s August 25, 2025, notice of initiation of an informal review of the Company (“Informal Review”) pursuant to Interim Guidelines for Competitive Supply Investigations and Proceedings, D.P.U. 16-156-A, Att. A. Competitive Supply Interim Guidelines, Section 2(2) (2017) (“Interim Guidelines”).

1. Background

- a. The Company is an electric and gas supplier authorized to serve retail customers in Massachusetts pursuant to License Numbers CS-047 and GS-028, respectively.
- b. As a supplier doing business in Massachusetts, the Company is required to comply with the rules, regulations, and Orders of the Department. G.L. c. 164, § 1F(7).
- c. Pursuant to Initiatives to Promote and Protect Consumer Interests, D.P.U. 19-07-A, Order on Tier One Initiatives at 49 (2020), the Company is required to read an introductory marketing script (“Marketing Script”) at the beginning of all telemarketing calls.
- d. Upon notification of the Informal Review, the Company timely cooperated to investigate and respond to the Department’s inquiries.
- e. As part of its investigation, the Company discovered that during an updated integration of the Company’s telemarketing system platform, a limited portion of the Marketing Script was inadvertently moved to another portion of the telemarketer script. This technical update inadvertently resulted in a portion of the Marketing Script being omitted from some, but not all, telemarketing calls.

¹ Delegated Commissioner refers to the Department Commissioner whom the Department Chair delegates the authority related to conducting informal reviews and formal proceedings of electric competitive supply companies as prescribed in D.P.U. 16-156-B at 3-5.

- f. The Delegated Commissioner finds that the Company inadvertently did not recite the Marketing Script at the beginning of 407 telemarketing calls between July 2024 and June 2025 (“Instances”).

2. Informal Remedial Plan

- a. This Plan reflects a complete and final resolution of the noncompliance Instances with the Marketing Script requirements from July 2024 through June 2025. The Parties agree that nothing in this Plan resolves, settles, or otherwise affects any claim or action that may be brought against the Company for alleged violations of the rules, regulations, and Orders of the Department other than those violations specifically stated herein.
- b. This Plan is contingent upon the provision of accurate and truthful information by the Parties during the resolution of this Informal Review.
- c. The Company agrees to cease all outbound telemarketing for a period of one year beginning on the effective date of this Plan. Outbound telemarketing includes any form of telephonic marketing and sales activities initiated by the Company or any third parties acting on behalf of the Company, including contacting existing or prior customers. For avoidance of doubt, if a customer initiates contact with the Company and the Company later needs to call the customer back to resolve a concern or complete a sale, these exchanges are not considered “outbound telemarketing” for purposes of this Plan.
- d. The Company agrees to donate \$101,750 to Boston Medical Center’s “Clean Power Prescription” program. The donation amount is the product of the 407 Instances and \$250 per Instance. The donation shall be net of any administrative fees imposed by the charity.
- e. The Company shall submit documentation to the Department demonstrating that it made charitable donation within 30 days of the effective date of this Plan.
- f. The content of the negotiations leading to this Plan (including work papers, email exchanges, and/or documents produced in connection with the negotiations) are confidential.

3. Miscellaneous

- a. The Parties agree that the Plan represents a just and reasonable resolution, violates no regulatory principle or precedent, and it is the product of bargaining among knowledgeable and capable Parties in a cooperative process.
- b. The Parties agree to support the approval and validity of this Plan if it is contested.
- c. The Plan shall be governed by the laws of the Commonwealth of Massachusetts without resort to the conflict of law provisions or rules.

The undersigned, duly authorized, stipulate to and acknowledge agreement to the terms herein.

Department of Public Utilities



Elizabeth A. Anderson
Delegated Commissioner

Date: December 19, 2025

Direct Energy Services, LLC



Kevin L. Cole
Senior Vice President

Date: December 18, 2025