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After Winter Storm, \$1 Billion Class Action Lawsuit Puts Heat on Griddy

RICK STRICKLAND | FEBRUARY 23, 2021 | 3:21PM



How was beautiful. The electric bills afterward are ugly. / Creative Commons/DJJudah

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After a record-breaking winter storm devastated Texas last week, the wholesale power retailer Griddy could be in hot water thanks to a lawsuit filed in Houston.

Since plummeting temperatures and snow pounded Texas and knocked out power for millions, reports of massive energy bills have popped up online and made national headlines. Some Griddy customers faced bills of several thousand dollars for a

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That same accusation is at the heart of a \$1 billion class-action **lawsuit** filed Monday in the state’s 133rd District Court in Harris County.

The lawsuit was filed by Lisa Khoury, who lives in Mont Belvieu and says her Griddy bill skyrocketed to \$9,340 between Feb. 13 and Feb. 19. Her monthly bills usually range between \$200 and \$250, according to a press release.

Before the storm, Griddy’s wholesale energy rate was generally around \$50 per megawatt/hour, but the rates shot up to more than \$9,000 per megawatt/hour when the state’s Public Utility Commission raised the price cap during the freeze.

The proposed class-action lawsuit includes any Texas resident who “used electricity services from Griddy and were hit with excessive charges resulting from the storm,” the Houston-based Potts Law Firm said in the release.

According to the lawsuit, Griddy violated the Texas Deceptive Trade Practice Act among others.

Derek Potts, who is representing Khoury, said that “no one knows for sure” how many customers are in a similar situation, but that he expects the number is in the thousands.

“We just know that people are talking about this on a wide basis,” he told the *Observer*. “It seems like on the surface that it's going to be a large number of people.”

Potts described the prices as “excessive and exorbitant, and

“While she was sitting home freezing with no power, they were taking huge sums out of her bank account.” -
Derek Potts, Potts Law Firm



“While she was sitting home freezing with no power, they were taking huge sums out of her bank account,” Potts said. “It's not just charges; it's collection of excessive fees. Her money is already gone.”

Potts added that the lawsuit seeks to both secure reimbursements for customers whose money was taken like this, but it’s also seeking an injunction to prevent Griddy from continuing collection. “The state of Texas so far has not stopped it from happening,” he said. “We think it needs to come to an end immediately.”

Although Khoury attempted to switch power providers during the storm, it took her several days to do so, the lawsuit says.

For two of those days, Khoury and her husband, who were hosting her parents and her in-laws, had little to no power.

At the time of publication, Griddy had not replied to the *Observer’s* request for comment.

Last week, several officials and lawmakers blasted energy providers for the apparently inflated rates during the storm.

State Rep. Jeff Leach, a Republican from Plano, [took to Twitter](#) and promised that “there will be hell to pay” for companies “who take advantage of or overbill Texans after this crisis.”

On Saturday, Gov. Greg Abbott [tweeted](#) that “Texans shouldn't have to face a spike in their energy costs,” adding that he had held an emergency meeting with lawmakers to “begin crafting solutions.”

Abbott has also launched an investigation into the Electric Reliability Council of Texas, or ERCOT, which manages the state’s power grid.

But the Texas Democratic Party said the crisis could have been avoided and blamed Abbott and other Republican leaders for the fallout.

“Texans will not forget this manmade crisis that is still affecting tens of millions of families across the state,” party chairman Gilbert Hinojosa said in a [news release](#). “Greg Abbott is not protecting us from the abuses of a deregulated energy system, and he will fail to do so for the next emergency.”

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ONE CARTER | FEBRUARY 23, 2021 | 4:00AM



College has found itself embroiled in many controversies over the past few months. / [Oldag07 at English](#)
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The more one studies Collin College’s kerfuffles over academic free speech, the deeper the rabbit hole goes. So deep, in fact, that it snakes all the way to the Texas Legislature.

Last week, the Foundation for Individual Rights in Education (FIRE) published documentation that Collin College had fought to keep buried: a **text message exchange** between the school’s president and state Rep. Jeff Leach, a Republican from Plano. At the center of the conversation was Lora Burnett, a history professor at Collin College.

Burnett believes Leach tried to get her fired over tweets she’d made criticizing former Vice President Mike Pence.

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"Jeff Leach has been a big critic of cancel culture," Burnett said, "but he was more than willing to embrace cancel culture to get a professor fired because my politics differ from his."

Although he didn't return the *Observer's* request for comment, some of Leach's actions appear to support Burnett's suspicion.


Last week, Burnett replied to one of Leach's Twitter posts. In response, the lawmaker apparently celebrated what he believed was Burnett's firing.

"The fact that you are no longer paid and your maniacal, obscene rhetoric no longer supported with Collin County taxpayer dollars is a win! A BIG WIN!" Leach said in a tweet.


After Burnett informed Leach that she's still employed, he responded with a gif of a ticking clock.



Jeff Leach
@leachfortexas



GIF



Dr. Lora Burnett @LDBurnett

This Texas Republican politician literally bragged about abusing his office to suppress the first amendment rights of a citizen.

Congratulations, @leachfortexas; you played yourself.

Meanwhile, I still have the job.


Condolences on your impotence.



To learn how a state representative began trolling a local professor – during a week when **Texas was in crisis** because of statewide power outages amid freezing weather – you have to go back to October.

That month, Burnett got in trouble with her employer after she tweeted during the vice-presidential debate that Pence, who repeatedly talked beyond his designated time, needed to shut his **“little demon mouth up.”** She’d also retweeted a post calling him a “scumbag lying sonofabitch.”

“It seems to be a pattern with the people connected with Collin College ... that the speech of women is really threatening to their sense of control and authority.” - Professor Lora Burnett



Afterward, the school **publicly apologized**, even though its **policy** dictates that administrators have an obligation to defend professors’ free speech. In an email to faculty, district President Neil Matkin also complained he’d received “contacts from legislators” demanding Burnett’s termination.

So, FIRE asked for the school to release records of those contacts, which Collin College fought. Ultimately, though, the Texas Attorney General’s Office ruled Collin College had to hand them over.


Burnett was anxious: Who in the world had her in their crosshairs? Surely, the college must be trying to protect some powerful Texas or national politician, she thought.

She said she was “so disappointed” to learn it boiled down to a text message exchange between Matkin and Leach.

“LD Burnet [sic] is paid with taxpayer dollars, correct?”
Leach asked


“My inbox and the board is getting the same,” Matkin replied.
“Appreciate you. Good luck in November friend.”


Taxpayer dollars aren't just funding Burnett's salary; she said they're also paying for Collin College's legal fees. Monday evening, Burnett **tweeted** that a records request revealed the school had spent at least \$14,000 to hide that single text exchange.



Julie Gavran, PhD @jagavran · Feb 22, 2021


76 degrees. #dfwwx





Richardson Today @RichardsonToday

We wanted to take a moment and share some of these pretty images we took a few minutes ago at the fountain outside City Hall. You may want to hurry if you want to see it in person. It's going to be well above freezing tonight and the high tomorrow is expected to be 76 degrees.





Dr. Lora Burnett @LDBurnett


wild, wild week.


speaking of which, you will be delighted to know that @collincollege spent AT LEAST \$14,000 trying to keep @leachfortexas's text message to Neil Matkin from coming to light. That was taxpayer money.

5:27 PM · Feb 22, 2021









Copy link to Tweet

Collin College didn't reply to the *Observer's* requests for comment.

Over the past few months, the school has made several headlines with many faculty criticizing its response to the COVID-19 pandemic. **Two professors** say they were terminated as a result of speaking out and for their participation in a non-bargaining faculty union.

In a list FIRE published last week, Collin College was named one of the **top 10 worst schools** for free speech. That designation didn't surprise Burnett.

“It seems to be a pattern with the people connected with Collin College ... that the speech of women is really threatening to

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amended version was later **signed** into law.

More recently, Leach came under fire for a tweet in which he appeared to defend an alleged Capitol insurrectionist’s right to wear a “Camp Auschwitz” shirt. The lawmaker wrote that while he doesn’t approve of the man’s ostensible Nazism, he would still “fight for his right to be an ass.”

Jeff Leach
@leachfortexas

No. I’m not good with that. But I’ll fight for his right to be an ass as much as I’ll fight for you right to be a troll.

Manu Lail @manucampaign

Replying to @leachfortexas

How about this? You good with this?

7:55 PM · Jan 7, 2021

16

11

Copy link to Tweet

Burnett also pointed to a 2018 **Facebook post** in which Leach declared he’d uphold the right for teachers to say “Merry Christmas.”

“He’s positioned himself as a real champion of free speech,” Burnett said. “But it’s apparently only speech he likes that he will champion.”

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Simone Carter, a staff news reporter at the *Dallas Observer*, graduated from the University of North Texas’ Rayborn School of Journalism. Her favorite color is red, but she digs Miles Davis’ *Kind of Blue*.

CONTACT: [Simone Carter](#)

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