



Public Utility Commission of Texas

ANNUAL REPORT FORM FOR (RETAIL ELECTRIC PROVIDERS (REPs))

(INSTRUCTIONS)

The **sworn** Annual Report must be submitted to: Central Records Filing Clerk
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7180

This report shall be filed in Central Records by June 1 of each year, for the period of the prior calendar year, in Project Number 25721, *Retail Electric Provider (REP) Annual Reports*. **Four copies (three copies and one original) of the Annual Report for REPs, including attachments**, must be presented upon filing. Other filing requirements are prescribed in the Commission's Procedural Rules, most notably, § 22.71 and § 22.72, which can be found on the Commission's web site, <www.puc.state.tx.us>. All information should be filed in searchable, electronic format. Because minor changes may be made periodically to this form, the REP should check the web site yearly for the most current form before each annual/update submittal.

Confidential Information

Information provided to the Commission is subject to disclosure as public information unless the information or specific parts of the information can be shown to be exempt from disclosure under Chapter 552 of the Texas Government Code, commonly known as the Public Information Act (the Act). REPs are advised to consult legal counsel regarding disclosure issues and to take appropriate precautions to safeguard their trade secrets and any other proprietary information. The Commission assumes no obligation for asserting legal arguments on behalf of REPs. Confidential information must be filed in accordance with PUC Procedural Rule §22.71.

If a REP believes that the response to any question is confidential in nature, then the REP must so specify. The REP must stamp in bold red letters the term "CONFIDENTIAL" on the part of the response that the REP believes to be confidential. Two copies of the confidential information shall be filed in Central Records along with the Annual Report in separate

envelopes that are clearly marked confidential. The envelopes must also be marked with the REP's name, certificate number, the assigned Project Number, and the title of the report.

The REP must submit in writing specific detailed reasons, including relevant legal authority, stating why the REP believes the material to be confidential. Vague and general claims to confidentiality will not be accepted. The Commission will be the sole judge as to whether a claim is general or vague in nature. All responses that are not marked as confidential will be automatically considered public information and treated as such.

REPs may not mark their entire response as confidential. The Commission believes that little of the information requested from the REP will be subject to an exception under the Act. Section 552.133, Tex. Gov't Code provides a specific exception for information reasonably related to a competitive matter held by a Public Power Utility. Although the exception in Section 552.133 is only available for use by a Public Power Utility, the section includes a list or categories of information that may not be deemed to be competitive information and this list may be instructive to REPs in determining whether their information is likely to be subject to other exceptions under the Act.

Based on Section 552.133 and the Commission's experience with REP certification dockets, the Commission anticipates that the documentation required by several questions in particular might be confidential in nature. Those questions are noted at the beginning of each part of the form. Any confidential attachment(s) submitted by the REP must reference the specific part and question of the report to which they apply, and should be numbered accordingly. For example, "Attachment C-5-b, Attachment C-7-b, Attachment F-1," etc.

The 2001 Reporting Period

The 2001 reporting period is unique because it is the subject of the first Annual Report filed by any REP and because the only competitive electric retail sales during the period occurred within the context of the Pilot Projects. REPs who participated in the Pilot Projects already reported that activity in reporting procedures established in the Commission's Substantive Rules, §25.341.¹ (See Project No. 22384 for the actual filed reports.) For the most part, the Pilot Project activity does not need to be reported again here because the pilot programs were established to test the efficacy of restructuring, as well as to correct any logistical problems associated with electric restructuring. With the exception of *Part E*, Question 5 (see next paragraph), REPs that participated in the Pilot Project, may reply "*Pilot Project participant*" to questions in this report that concern specific business activity in the 2001 reporting period.

Part E, Question 5 addresses the reporting requirements of P.U.C. SUBST. R. 25.491, *Record Retention and Reporting Requirements*. REPs who participated in the Pilot Project must supply the requested information concerning their Pilot Project activities. The information must be reported in an electronically searchable (such as Excel) format that details the

¹ Specific sections of the Commission's Substantive rules will be referenced herein by a § (section) symbol. Sections of other rules or laws will be fully referenced otherwise.

categories identified in the rule. This information about REPs' customer activities during the Pilot Project is necessary for the Commission's customer protection functions. An added benefit of reporting this information for 2001 is that it will assist Staff in refining an electronic format for the post-2001 reporting periods, when the data will be significantly more voluminous.

Annual Reporting on an Ongoing Basis

A key purpose of the first Annual Report filed by a REP after it receives its certification is to establish a baseline for the subsequent annual review of the REP's maintenance of ongoing certification requirements. Much of the REP's initial certification rests on sworn promises for actions that are to be taken before services are provided. A REP's first Annual Report serves to confirm that the required capabilities of the REP have been achieved and maintained. It also serves to collect the REP's qualifications in one place so that Staff, OPC, and other interested parties will not have to research the current status of the REP from scattered project numbers and filings.

Going forward beyond its first Annual Report, the REP is required to report primarily on changes or updates to its responses, unless this report form directs otherwise. For a specific question where the response is not altered from the one provided in the previous report, the REP may answer: *"The response to this question is unchanged from that provided in the previous Annual Report."* However, even if there are only minor response changes to a particular question, that question must be answered in its entirety so that Staff or other reviewers do not need to separately determine which portion of a question has changed and which have not. Nevertheless, an ongoing failure to comply with any requirement for certification from one year to the next must be discussed in its entirety.

Completeness

All responses to the questions on this report form must be made in a complete, truthful, and timely manner.

Failure to provide complete, truthful, and responsive information to all questions may result in administrative penalties, suspension of certification, or revocation of certification. The REP must respond to every question in the report with a complete, declarative sentence. Do not leave questions blank. An answer of "not applicable" or "n/a" will be considered non-responsive. A response of "No" or "none" should be part of a statement that affirms or denies the question.

The REP Annual Report Form is organized into the following parts:

Part A: Company Information

Part B: Service Area

Part C: Financial Requirements

Part D: Technical Requirements

Part E: Customer Protection Requirements

Part F: Five Percent Residential Service Requirement, Pursuant to PURA § 39.352(g)

Affidavit

This report form was approved by the Commission on April 5, 2002 in Project No. 25317. Background on the development of this form, including an initial draft posted for comment, may be found on the Project No. 25317 summary page on the Commission's website. Comments filed by interested parties are accessible via the Commission's web-based Interchange filings retrieval system at <<http://www.puc.state.tx.us/interchange/index.cfm>>.

Do not file these instructions with the report.

ANNUAL REPORT FORM FOR RETAIL ELECTRIC PROVIDERS (REPs)

FOR REPORTING PERIOD OF CALENDAR YEAR _____

FOR REP CERTIFICATE NO. _____

FILED IN PROJECT NO. 25721, *Retail Electric Provider (REP) Annual Reports*

Part A: Company Information

1. **Legal Name of REP:** Provide the REPs legal name, which should be the name in which its certificate is issued.
2. **Other Trade or Commercial Names on Certificate:** List all names currently in effect.
3. **Person to Contact about this Annual Report:** Provide name, title, address, telephone number, facsimile transmission number, and e-mail address.
4. **Company Contact Information:** To the extent available for the following people or entities, provide name, title, street address, telephone number, customer service toll-free telephone number, facsimile transmission number, e-mail address, and Web site address for the certified REP. Provide the same information for all trade or commercial names on the certificate if the information is different than for the legal name on the REP certificate.
 - a. Company Headquarters
 - b. Texas Office.
 - c. Agent for Service of Process
 - d. Customer Service Contact.
 - e. Regulatory Contact.
5. **Legal Structure.** Indicate whether the REP is now an Individual, Partnership, Limited Liability Company, Corporation, or Other (specify). If the REP is not an individual, list the state in which the REP is organized and the date of organization.
6. **Officers.** Has there been a change since the REP's last Annual Report in the REP's Officers? If yes, or if this is the REP's first Annual Report, provide in full the name, title, address, telephone number, facsimile transmission number, and e-mail address for each of the officers, directors, and partners of the REP.
7. **Affiliates.** Provide an organizational chart for the REP that delineates parent company, affiliates, and subsidiaries that provide utility related services. Has there been a change

since the REP's last Annual Report in the REP's Affiliates? If yes, or if this is the REP's first Annual Report, provide in full the name and relationship of each affiliate and subsidiary that provides utility related services.

Part B: Service Area

A REP's service area is defined as Option 1 or Option 2 during initial certification, but may be changed by amendment thereafter. The service area of an Option 1 REP is defined by geography, whereas the service area of an Option 2 REP consists of its list of sworn customers, each contracting for more than one megawatt of capacity.

1. For Option 1 REPS: Identify by zip code the areas in which the REP provided retail electric service to customers in Texas, pursuant to § 25.107(d)(1) and § 25.107(i)(4)(B).
2. For Option 2 REPS: Identify the specific retail customers the REP served. Has the REP added new customers since the last reporting period? If yes, provide the docket numbers of any amendments to the certificate in which affidavits were filed from the new customers, pursuant to § 25.107(d)(2).

Part C: Financial Requirements

Questions in *Part C* refer to the most recent reporting period, as well as to any subsequent period in which information relating to these questions is reasonably known and available to the REP.

Part C questions are applicable to both Option 1 and Option 2 REPs. The Commission anticipates that the documentation for responses to Questions 4(b), 4(c), and 7(b) are proprietary.

1. PUC SUBST. R. §25.107(i)(3)(B) requires a REP to report, within 10 days, any of the following events: (a) the loss of investment grade, or (b) a 5.0% decline in either the \$50 million equity standard or the minimal \$100,000 cash standard. Has the REP experienced such an event? If yes, list the date and docket number or proceeding in which the event was reported to the Commission, and provide a brief summary. If such an event has not yet been reported to the Commission, provide a full description of the event and all supporting evidence.
2. Has the REP, on any occasion, failed to timely remit invoiced charges to a transmission and distribution utility (TDU) pursuant to a statewide standardized tariff adopted by the commission in accordance with PUC SUBST. R. §25.214? If yes, provide an explanation, including if, how, and when the late payment was corrected. For purposes of this question, a "no" response is appropriate if protested payments with a TDU are less than 5.0% of the REP's monthly billings with the TDU. [§25.107(j)(8).]
3. Has the REP been bankrupt, insolvent, or unable to meet its financial obligations on a reasonable and timely basis? If yes, provide an explanation, including if, how, and when the event was corrected. [§25.107(j)(7).]

4. What minimum credit standard, and what corresponding financial evidence, is the REP *currently* using to meet the financial credit quality requirements of §25.107(f)(1)? Select from below the method of compliance and provide the specified documentation as attachments.
- a. _____ **Investment Grade Credit Rating:** Provide third party verification of the most current credit rating(s) which are available for the REP, including a complete credit agency report if the credit rating has changed since the last reporting period. [§25.107(f)(1)(A)(i).]
- b. _____ **\$50 Million in Equity** (Assets less Liabilities): Provide the most recent audited balance sheet, including related footnotes and auditor opinion, as well as any subsequent quarterly report(s) if the equity account has changed by more than 5.0%. [§25.107(f)(1)(A)(ii).]
- c. _____ **Available Cash Resources of at least \$100,000:** If the REP uses this cash resource option, reply to the following:
[§25.107(f)(1)(A)(iii).]
- 1) Provide the highest monthly TDU billings, as well as the December billings if different. Also, provide third-party verification that cash resources equal to at least 40% of such TDU billings were available during each of those months.
 - 2) Has the amount of available cash resources fallen below the minimum requirement at any time? If yes, provide the TDU billings and the lowest balance of available cash resources for every month. (The minimum cash requirement is defined as the greater of \$100,000 or 40% of monthly TDU billings.)
 - 3) Has the REP surpassed \$250,000 in monthly TDU billings? If yes, did the REP file an affidavit of that fact within the required ninety (90) days? If such an affidavit was filed, provide the date and docket number of the filing; if no such affidavit was filed, provide an explanation.
5. Has either the type of minimum credit standard [§25.107(f)(1)(A)] or type of financial evidence [§25.107(f)(1)(C)] used to meet the standards for credit quality, as indicated in Question 4 above, *changed* since the last annual report? (Or, the REP may speak to changes since its initial certification if this is the REP's first annual report.) If yes, state the change and provide the docket number of the proceeding in which the REP requested this amendment to its certificate. If the REP has not requested an amendment, or if a request is now being reviewed by the Commission, provide an explanation.
6. Is the REP or its parent company publicly traded, or does it depend on a publicly traded company to meet its credit quality requirements? If yes, then the REP must make available the respective Form 10-K filed with the Securities and Exchange Commission (SEC), including any amendments filed with the SEC, as set out below:

- a. Attach the 10-K when filing the Annual Report or, if the current 10-K has already been provided to the Commission pursuant to another reporting requirement, provide the date and docket number of the prior filing; and,
 - b. To facilitate public access to these SEC reports, provide a web site address at which an electronic version of the document can be obtained (regardless of whether the address belongs to the REP, the SEC, or another entity).
7. Is the REP an Option 1 REP that takes customer deposits or advance payments? If yes, what evidence is the REP using to meet the financial requirements for customer protection, as required by §25.107(f)(2)? Select from below the method of compliance and provide the specified documentation as attachments.
 - a. _____ **Investment Grade Credit Rating:** Provide third party verification of the most current credit rating(s) that are available for the REP, including a complete credit agency report if the rating changed since the last reporting period. If already provided elsewhere in this report, indicate that here.
 - b. _____ **Available Cash Resources:** Provide the highest amount of customer prepayments or deposits in any month, as well as the December amounts (if different). Also, provide third party verification of the amount of cash resources available during those months. If, during any month, the REP failed to maintain an excess of cash resources over customer prepayments or deposits, provide these data for every month.
8. Is the REP an Option 1 REP? If yes, has either the type of minimum credit standard [§25.107(f)(2)(A)] or type of financial evidence [§25.107(f)(2)(B)] used to meet the financial standards required for customer protection, as indicated in Question 7 above, *changed* since the last annual report? (Or, the REP may speak to changes since its initial certification if this is the REP's first annual report.) If yes, state the change and provide the docket number of the proceeding in which the REP requested an amendment to its certificate. If the REP has not requested an amendment, or if a request is now being reviewed by the Commission, provide an explanation.
9. Has the REP, on occasion, failed to meet the standards required by § 25.108(d) for the billing and collection of (securitized) transition charges? If yes, provide an explanation, including if, how, and when the event was corrected. [§25.107(f)(3)]
10. Is the REP an affiliate of a TDU on which the REP has relied for credit, investment, or financing arrangements in order to meet its financial resource standards? If yes, have there been any occasions in which the REP failed to comply with the Code of Conduct requirements controlling the relationship between itself and the affiliated TDU, as set out in §25.272(d)(7)? If yes, provide an explanation, including if, how, and when the event was corrected. [§ 25.107(f)(4)]

11. To the best of its knowledge, is the REP aware of anything else which would be pertinent to its financial qualifications as a REP operating in the State of Texas? Has the REP experienced any recent events, or does it anticipate any potential events before the next report, that would make future compliance unlikely? If yes to either of these, provide an explanation, including if, how, and when the event was corrected.

Part D: Technical Requirements

Part D questions apply to Option 1 REPs. A REP must answer for its entire company, including all assumed names under which it operates. Any requests for information pertaining to a REP's "affiliate" includes that pertaining to a REP's "subsidiary."

1. As evidence of the ongoing technical and managerial resource requirements set out in §25.107(g), provide the following information for the reporting period:
 - a. Who is the REP's qualified scheduling entity (QSE)?
 - b. Is the REP current with its ERCOT testing obligations? Provide documentation of the last testing completed with ERCOT.
 - c. Has the REP been in default with the load serving entity (LSE) agreement? If yes, provide an explanation of each such event and the corrective action taken.
 - d. Has any other party alleged that the REP has violated ERCOT protocols or trading partner agreements? If yes, provide an explanation of each such event and the corrective action taken.
 - e. How is the REP providing outage notification, as required by §25.107(g)(7)?
2. For each third-party on whom the REP depends to meet the requirements of §25.107(g), provide the third party's name, address, telephone number, type of service(s) provided, and date of agreement.
3. To show compliance with § 25.107(g)(5), provide documentation of at least one principal employee experienced in retail electric industry or a related industry when filing the REP's first annual report. In subsequent years, reference the first report if the person is still employed by the REP or update the information if the REP depends on a different employee for meeting this requirement.
4. Has the REP had any certificate/license/permit suspended or revoked in any other state or by a federal authority? If yes, provide the (a) action type, (b) docket/citation number, and (c) court/agency. [§25.107(j)(11)]
5. Provide evidence that the REP is in good standing with the Texas Comptroller of Public Accounts and is currently registered and has active status with the Texas Secretary of State. [VTCA Bus. & C., Chapter 36] [§25.107(g)(9)(B)]

6. For each aggregator with whom the REP conducted business, provide the aggregator's name, the aggregator's Commission registration number, and the date of the contract or agreement specifying the business arrangement. [§25.107(i)(4)(d)]
7. Has the REP's certificate been transferred from any other person or entity? If yes, provide the Commission docket number in which such transfer was approved. [§25.107(i)(7)]

Part E: Customer Protection Requirements

Part E questions apply only to Option 1 REPs except that Option 2 REPs must answer Question 4, Items b and c. A REP must answer for its entire company, including all assumed names under which it operates. Any requests for information pertaining to a REP's "affiliate" includes that pertaining to a REP's "subsidiary." NOTE: For the 2001 reporting period, a response to Question 5 is the only requirement for completion of *Part E*.

1. To demonstrate that staffing and employee training are adequate to meet service level commitments, as required by §25.107(g)(6), respond to each item below. The term "Customer Service" includes but is not limited to billing, service requests, service questions, and service orders unless otherwise specified.
 - a. General
 - i. Provide ratio of total staff to customers (annual average)
 - ii. Provide ratio of Customer Service staff to customers (annual average)
 - iii. Provide calling customers' wait time in queue in Customer Service call centers (average)
 - iv. Are script(s) required to be used in the marketing/sales and customer service areas? (Yes/No)
 - v. Are internal service objectives to monitor performance (i.e., corrective action plans, benchmarks) implemented? (Yes/No); and
 - b. Training for Marketing/Sales and Customer Service Staff Areas
 - i. Is training required? (Yes/No)
 - ii. Provide frequency (e.g., monthly, quarterly) of training per area
 - iii. Provide mode (e.g., live, video, book) of training per area
 - iv. Provide type (e.g., conduct, performance) of training per area
 - v. Is training required for PUC Customer Protection rules? (Yes/No)
 - vi. Provide the number of staff that have received training in PUC Customer Protection rules
2. Provide summary information of complaints filed against the REP, or the REP's utility related affiliates, with any state or federal regulatory agency in states other than Texas, including (a) REP or affiliate name, (b) state or federal regulatory agency, (c) total number of complaints, and (d) complaint types (e.g., local, customer service, unauthorized change of utility, unauthorized charge). [§25.107(g)(9)(B)]
3. Has the REP, REP's utility-related affiliates, or REP's principals been penalized by any attorney general, state regulatory agency, or federal regulatory agency for violation of

- any deceptive trade or customer protection laws or regulations since the last application or Annual Report? If yes, provide the (a) violation type, (b) docket/citation number, and (c) court/agency. [25.107(g)(9)(D)]
4. Has the REP or the REP's principals, officers or directors been convicted of any state or federal criminal laws or been found liable in a civil proceeding for fraud, theft larceny, deceit, or violations of any customer protection or deceptive trade laws in any state? If yes, provide the (a) violation type, (b) docket/citation number, and (c) court/agency. [§25.107(g)(9)(E)]
5. **For REPs that are not municipally owned utilities or electric cooperatives:** Report the following information for the reporting period, as required by P.U.C. SUBST. R. 25.491, by providing the information listed below in an electronically searchable format (such as Excel):
- a. The number of residential customers served, by nine-digit zip code and census tract, by month, to the extent that such zip code and census tract information is available;
 - b. The number of written denial of service notices issued by the REP, by month, by customer class, by nine-digit zip code and census tract;
 - c. The number and total aggregated dollar amount of deposits held by the REP, by month, by customer class, by nine-digit zip code and census tract; and
 - d. The number of complaints received by the REP from residential customers for the following categories by month, by nine-digit zip code and census tract:
 - i. Denial of service;
 - ii. Quality of service;
 - iii. Unauthorized billing (cramming);
 - iv. Unauthorized change of a REP (slamming);
 - v. Accuracy of billing services; and
 - vi. Collection and contract termination.
6. **For REPs subject to P.U.C. SUBST. R. 25.480:**² For the bill payment assistance programs required by P.U.C. SUBST. R. 25.480(g)(2), provide annual summary data for the reporting period for the following:
- a. the total amount of customer donations;
 - b. the amount of money set aside for bill payment assistance;
 - c. the assistance agency or agencies selected to disburse funds to customers; and

² P.U.C. SUBST. R. 25.480 applies to a REP that is responsible for issuing electric service bills to retail customers, unless the REP is issuing a consolidated bill (both energy services and transmission and distribution services) on behalf of an electric cooperative or municipally owned utility. It does not apply to a municipally owned utility or electric cooperative issuing bills to its customers in its own service territory.

- d. the amount of money provided to each assistance agency to disburse funds to customers.

Part F: Five Percent Residential Service Requirement, Pursuant to PURA § 39.352(g)

When reporting for the three calendar years of 2002 through 2004, a REP must complete *Part F* of the Annual Report. (A REP does *not* need to complete *Part F* for the reporting period ending December 31, 2001.)

Completion of *Part F* will demonstrate compliance with PURA §39.352(g), which establishes a threshold residential load requirement for REPs during the first thirty-six months after retail electric competition began in Texas (January 1, 2002). PURA requires that a REP must meet a 5.0% residential load requirement if it serves an aggregate load in excess of 300 megawatts. PURA provides three methods for doing so.

Part F is applicable to both Option 1 and Option 2 REPs. *Part F* is arranged in the sequence of the steps necessary to accurately calculate compliance with PURA §39.352(g). Questions 1 and 2 are applicable to REPs that are either affiliated to a TDU or commonly owned (other REPs should reply “no”). Questions 3 and 4 are applicable to all REPs. Questions 5, 6, and 7 are applicable to any REP that answers “yes” to Question 4. The Commission anticipates that responses to Questions 3, 5, and 7 are proprietary.

Instructions for Questions 1 and 2. An affiliated REP or a commonly owned REP is subject to specific statutory limitations as to which of its service areas and corresponding load data are applicable to the calculations in *Part F*. See PURA § 39.352(g) and P.U.C. SUBST. R. 25.107(e)(3)(C). Once the REP determines the applicable service area, *the same service area data must be used for all Part F calculations.*

1. **Affiliated REPs.** Is the REP an affiliated REP? If yes, describe the service area that meets the statutory and regulatory requirements as the basis for the *Part F* calculations.
2. **Commonly Owned REPs.** Is the REP commonly owned or controlled by another entity, along with one or more other REPs? If yes, list the owner and the commonly owned REPs. Describe the service area that meets the statutory and regulatory requirements as the basis for the *Part F* calculations.
3. **Average Aggregate Load Calculation.** Provide the REP’s highest average hourly demand for each of the months of June, July, August, and September of the current reporting period. Provide the average of these four amounts, which is known as the average aggregate load. Provide verification from the relevant independent organization(s) that the inputs to the aggregate load calculation are the appropriate scheduled generation amounts, as provided in §25.107(e)(3)(A).
4. **Threshold Determination.** Does the average aggregate load for the REP, computed in Question 3 above, exceed 300 megawatts?

5. **Megawatt hours sold.** If “yes” to Question 4 above, what is the total quantity of megawatt hours sold by the REP during the reporting period? Provide verification of these sales. Calculate and provide the number that is 5.0% of the total sales; this is the REP’s residential service obligation.
6. **Compliance Method.** If “yes” to Question 4 above, does the REP use Method 1, Method 2, or Method 3 to meet its residential service obligation for the reporting period? (The methods are described in Question 7 below and established by § 25.107(e)(3)(B))
7. **Proof of Compliance.** For the method indicated in Question 6 above, provide the proof specified below that 5.0% of the total quantity of megawatt hours the REP sold in the reporting period was supplied to residential customers.

Method 1. *The REP itself supplied 5.0% or more of the total quantity of megawatt hours it sold in the reporting period to residential customers.* Provide supporting evidence that the number of megawatt hours sold by the REP to residential customers during the reporting period exceeded its 5.0% obligation.

Method 2. *Another REP served sufficient qualifying residential load on this REP’s behalf during the reporting period.* Provide supporting evidence that another REP sold the number of megawatt hours listed in Question 3, to meet the 5.0% obligation of the REP filing this report, in addition to its own 5.0% residential service obligation.

Method 3. *The REP paid an SBF obligation equal to \$1 multiplied by the difference between the number of megawatt hours it sold to residential customers and the number of megawatt hours it was required to sell to such customers.* Provide supporting evidence that the calculation of the SBF obligation is in accordance with §25.107(e)(3)(B)(iii). In addition, provide evidence that payment for the REP’s SBF obligation has been made by wire transfer to the Comptroller’s Office contemporaneously with filing this report. (Further information regarding the submittal of the wire transfer may be found on the Commission’s web site or by directly contacting the Commission’s Director of Fiscal Services).

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AFFIDAVIT

STATE OF TEXAS §
COUNTY OF TRAVIS §

1. My name is _____. I am _____ [legal title] of the reporting REP, _____ [REP name].

2 I swear or affirm that I have personal knowledge of the facts stated in this REP Annual Report, that I am competent to testify to them, and that I have the authority to make this Report on behalf of the reporting REP. I further swear or affirm that all of the statements and/or representations made in this Report are true, complete, and correct. I swear or affirm that the reporting REP is not in material violation of any of the requirements of its certificate. I swear or affirm that, if any material violation of the requirements of its certificate occurred subsequent to the reporting period applicable to this Report, the reporting REP has notified the Commission of same. I swear or affirm that the reporting REP understands and will comply with all requirements of applicable law and rules.

3. I swear or affirm that any assertions of confidentiality regarding this response have been made with a good faith belief that an exception to public disclosure under Chapter 552 of the Texas Government Code applies to the information provided.

Signature of Affiant/Responsible Party

Typed or Printed Name

Name of Reporting REP

SWORN TO AND SUBSCRIBED TO BEFORE ME on the _____ day of _____, 20__.

Notary Public in and for the
State of _____

My Commission Expires: _____