

Control Number: 24462



Item Number: 993

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November 14, 2005

Mr. James Galloway
Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
Suite G-113
Austin, Texas 78701

Re: Project No. 24462, *Performance Measures for the Retail Electric Market*

Dear Mr. Galloway:

Please accept for filing in the above-referenced proceeding the Performance Measure filing report of Constellation New Energy, Inc. ("Constellation") for the third quarter of 2005. The measures required for retail electric providers ("REPs") are:

Measure A-1 Customers served by Non-Affiliated REPs
Measure B-3 Billing Success

Attached is the required report attestation, which is being filed publicly. Constellation is also submitting confidentially and under seal the information for the two measures set forth above. Constellation is submitting this confidential information under seal consistent with PUC Proc. R. 22.71. Constellation notes that in connection with Measure A-1, which requires it to file both paper and electronic copies of its DOE EIA-826 reports, Constellation has submitted only the paper copies of these reports because it considers these reports to constitute confidential information. Procedural Rule 22.71 (d)(3) provides that a party shall not file confidential materials electronically unless specific arrangements are made and agreed to by the parties involved on a case-by-case basis. Constellation is unaware of any such arrangements having been made. Accordingly, Constellation is not filing the EIA-826 forms electronically at this time. Should the Staff desire to review electronic copies of those reports, Constellation will discuss appropriate arrangements for filing such materials in consideration of the rule.

Thank you for your attention hereto.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Reeder", with a long horizontal flourish extending to the right.

Chris Reeder
Attorney for Constellation NewEnergy, Inc.

Attachments

THE STATE OF TEXAS

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§
§

COUNTY OF HARRIS

Before me, the undersigned notary public, on this day personally appeared Kelli Mitchell, to me known to be the person whose name is subscribed to the foregoing instrument, who being duly sworn according to law, deposes and says:

"My name is Kelli Mitchell. I am over the age of eighteen years and am a resident of the State of Texas, and am competent to make this affidavit. All facts stated herein are based on personal knowledge.

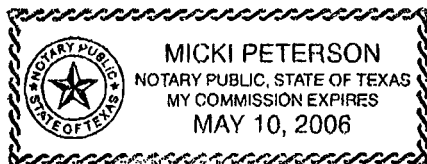
I am employed by Constellation NewEnergy, Inc. ("CNE") as Director of Operations, and in the course of my employment have personal knowledge of the facts stated in the performance measures report for CNE for the third quarter of 2005, which was prepared pursuant to requirements of the Public Utility Commission of Texas ("report").

I am an officer of CNE under whose direction the report was prepared. The information contained in the report is true and correct to the best of my knowledge and belief. An internal review was conducted to confirm the accuracy of the information contained in the report."

Further affiant sayeth not.

Kelli J. Mitchell
Kelli J. Mitchell

Given under my hand and seal of office this 7th day of November, A.D., 2005.



Micki Peterson
Notary Public in and for the State of Harris
MICKI PETERSON
My Commission Expires On:

MAY 10, 2006