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**PUC PROJECT NO. 29298**

**QUARTERLY WHOLESALE  
ELECTRICITY TRANSACTION  
REPORTS FOR 2003**

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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**CITY OF GARLAND'S  
QUARTERLY WHOLESALE ELECTRICITY TRANSACTION REPORT**

Pursuant to P.U.C. SUBST. R. 25.93, the City of Garland, whose municipally owned electric utility operates under the name Garland Power & Light ("Garland"), submits its Quarterly Wholesale Electricity Transaction Reports for the third quarter of 2006. Garland notes that it is one of the parties in *City of Garland v. Public Utility Commission of Texas*, 165 S.W.3d 814 (Tex. App. - Austin 2005, pet. denied), in which the Third Court of Appeals held that P.U.C. SUBST. R. 25.93 conflicts with the Commission's statutory duties under TEX. UTIL. CODE ANN. § 39.155 in light of TEX. GOV'T CODE ANN. § 552.133, and remanded it back to the Commission.

Mr. Carl Smith, Administrative Manager for Garland, is the person attesting to the accuracy of these reports. Mr. Smith's affidavit is attached hereto and incorporated herein for all purposes. Mr. Smith's contact information is:

Mr. Carl Smith  
Garland Power & Light  
525 East Avenue B  
Garland, TX 75040  
(972) 205-3023

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Information contained in these reports is confidential, highly sensitive material that Garland is withholding from public disclosure. Such withholding is consistent with the Texas Public Information Act, Gov't Code Chapter 552 (Vernon 1994 & Supp. 2006). Garland requests that this information be protected from public disclosure under P.U.C. PROC. R. 25.71. Specifically, information contained in these reports is exempt from public disclosure pursuant to TEX. GOV'T CODE ANN. § 552.133 relating to Public Power Utility Competitive Matters. That provision exempts from public disclosure utility-related matters that the public power utility governing body in good faith determines by a vote under this section is related to the public power utility's competitive activity. Garland adopted Resolution No. 9160 on July 20, 2004, in which it defined certain categories of information as competitive matters. Garland's determination of "competitive information" in Resolution No. 9160 comprises purchasing and contract information, including, but not limited to, (i) power supply pricing, proposals, and contracts, and (ii) power sales pricing, proposals, and contracts. This is the very information contained in these reports that Garland is withholding from public disclosure. Specifically, this information contains the names of purchasers, dates of purchase, quantity, and pricing information. Thus, under the provisions of TEX. GOV'T CODE ANN. § 552.133, Garland has lawfully determined that the information submitted under the Commission's rule is competitive information, the disclosure of which would give advantage to competitors or prospective competitors.

The undersigned counsel for Garland has reviewed the confidential information contained in the documents sufficiently to state in good faith that the information is exempt from public disclosure under the Texas Public Information Act and merits the confidential materials designation.


DATED: February 21, 2007

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CITY OF GARLAND  
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ATTORNEY FOR THE  
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Respectfully submitted,

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ATTORNEYS FOR THE CITY OF GARLAND

## AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

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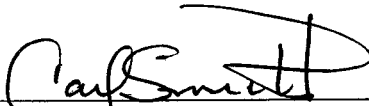
BEFORE ME, the undersigned authority, on this day appeared Carl Smith who being by me first duly sworn, on oath deposed and said the following:

"My name is Carl Smith. I am over eighteen (18) years of age, am of sound mind, and am fully competent to make this statement. I have personal knowledge of every statement made herein. The statements made are true and correct.

As Administrative Manager for the City of Garland's municipally owned electric utility, Garland Power & Light ("Garland"), I oversee the area responsible for compiling the quarterly transaction reports provided to the Public Utility Commission of Texas. I swear or affirm that the attached reports were prepared by me or under my direction, and that I have the authority to submit this report on behalf of the reporting party. I further swear or affirm that all statements made in the report are true, correct and complete to the best of my knowledge and that any substantial changes in such information will be provided to the Public Utility Commission of Texas in a timely manner."

**CITY OF GARLAND /  
GARLAND POWER & LIGHT**

By:

  
\_\_\_\_\_  
Carl Smith  
Administrative Manager

Sworn and subscribed before me this 15 day of February, 2007.

  
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Notary Public in and for the State of Texas

