

Control Number: 36141



Item Number: 2261

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September 20, 2012

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PUBLIC UTILITY COMMISSION
FILING CLERK

Filing Clerk
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78701

Re: **Project No. 36141**, *Retail Performance Measure Reports Pursuant to PUC SUBST. R. 25.88*

To Whom It May Concern:

Please accept for filing in the above-referenced project the Performance Measures Retail Electric Market Report for Texas Retail Energy, LLC ("TRE") for calendar year 2009. TRE is a retail electric provider ("REP") operating under REP Certificate No. 10065, originally issued to TRE's predecessor, Creed Power Company, LLC in PUC Docket No. 29168. In accordance with Schedule B of the instructions for REPs contained in the document "Filing Requirements for Performance Measures Reporting Pursuant to P.U.C. SUBST. R. 25.88," TRE is providing the following information:

- Measure A-1: Customers Served by REPs – This information is provided in copies of the EIA-826 form submitted by TRE to the Energy Information Administration ("EIA"). These documents are being filed separately as confidential information pursuant to P.U.C. PROC. R. 22.71. Electronic copies of the documents are not being filed because P.U.C. PROC. R. 22.71(d)(3) prohibits electronic filing of confidential documents unless specific arrangements are made and agreed to on a case-by-case basis and no such agreements have been made in this instance.

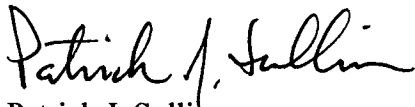
The documents contain Highly Sensitive and Confidential information that is protected from public disclosure pursuant to the provisions of Chapter 552 of the Public Information Act. TEX. GOV'T CODE ANN. § 552 (Vernon 2004). The confidential, Protected Material is exempt from public disclosure pursuant to Section 552.101 of the Public Information Act because it is confidential under regulations adopted by the Department of Energy at 10 CFR 1004.10. Additionally, the confidential, Protected Material is exempt from public disclosure pursuant to Section 552.110(b) of the Public Information Act because it contains confidential, trade secret information and disclosure of the Protected Materials would give an undue advantage to Texas Retail Energy, LLC's competitors in the highly competitive REP market.

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- Measure C: Technical Field Performance – This measure does not apply to TRE because TRE does not serve any residential or critical care customers and does not provide pre-paid service. Pursuant to Order No. 4 in PUC Docket No. 29168, TRE is only authorized to serve one customer, its affiliate Wal-Mart Stores, Inc.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,



Patrick J. Sullivan

Haynes and Boone LLP

Direct Phone Number: (512) 867-8502

Direct Fax Number: (512) 867-8602

patrick.sullivan@haynesboone.com

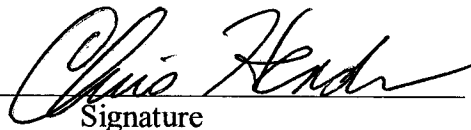
Attorneys for Texas Retail Energy, LLC

AFFIDAVIT

STATE OF ARKANSAS §
 §
COUNTY OF BENTON §

1. My name is Chris Hendrix. I am the Director of Markets & Compliance of Texas Retail Energy, LLC.

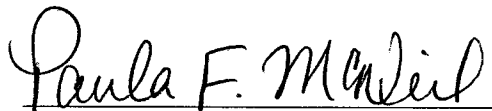
2. I swear or affirm that I have personal knowledge of the facts stated in the Quarterly Performance Measures Report, that I am competent to testify to them, and that I have the authority to make this filing on behalf of the Texas Retail Energy, LLC. I further swear or affirm that all of the statements and representations made in the Quarterly Performance Measures Report are true and correct to the best of my knowledge and belief. An internal review was conducted to confirm the accuracy of the information.


Signature

Chris Hendrix
Typed or Printed Name

Director of Markets & Compliance
Title of Signatory

SWORN TO AND SUBSCRIBED before me on the 18th day of September, 2012.


Notary Public In and For the
State of Arkansas

My commission expires: 6/4/13

