



Control Number: 36141



Item Number: 2356

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November 13, 2012

2012 NOV 13 PM 4: 01

Ms. Tracie Lowrey  
Filing Clerk  
Public Utility Commission Of Texas  
1701 North Congress Avenue  
Suite 8-100  
Austin, Texas 78701

Re: Project No. 36141, *Retail Performance Measure Reports Pursuant to PUC*  
*Subst. R. §25.88 Beginning 3rd Quarter 2008*

Dear Ms. Lowrey:

Please accept for filing in the above-referenced proceeding the performance measures report of MxEnergy Electric Inc. *now known as* Constellation Energy Power Choice, Inc. ("CEPC") for the *third* quarter of 2012. The measures required for retail electric providers ("REPs") are:

- Measure A-1 Customers served by REPs
- Measure C Technical Field Performance

Attached is the required report attestation, which is being filed publicly. CEPC is also submitting confidentially and under seal the information for the measures set forth above and the required analysis thereof, which discusses and reveals that information. That information and analysis are being submitted as confidential documents pursuant to Proc. R. 22.71.

CEPC notes that in connection with Measure A-1, which requires it to file both paper and electronic copies of its DOE EIA-826 reports, CEPC has submitted only the paper copies of these reports because it considers these reports to constitute confidential information. Procedural Rule 22.71 (d)(3), however, 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. CEPC is unaware of any such arrangements having been made. Accordingly, CEPC is not filing the EIA-826 forms electronically at this time. Should the Staff desire to review electronic copies of those reports, CEPC will discuss appropriate arrangements for filing such materials in consideration of the rule.

Thank you for your attention hereto.

Very truly yours,



Chris Reeder  
Attorney for Constellation Energy Power Choice, Inc.

Attachments

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Austin  
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Dallas  
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Houston

THE STATE OF MARYLAND

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CITY OF BALTIMORE

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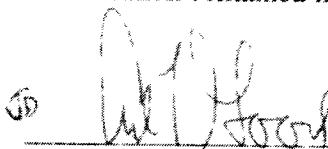
Before me, the undersigned notary public, on this day personally appeared Andrew Good, to me known to be the person whose name is subscribed to the foregoing instrument, who being duly sworn according to law, deposes and says:

"My name is Andrew Good. I am over the age of eighteen years and am competent to make this affidavit. All facts stated herein are based on personal knowledge.

I am employed by Constellation Energy Power Choice, Inc. ("CEPC") as Chief Financial Officer, and in the course of my employment have personal knowledge of the facts stated in the performance measures report for CEPC for the third quarter of 2012, which was prepared pursuant to requirements of the Public Utility Commission of Texas ("report").

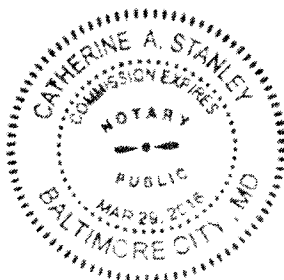
I am an officer of CEPC under whose direction the report was prepared. The information contained in the report is true and correct to the best of my knowledge and belief. An internal review was conducted to confirm the accuracy of the information contained in the report."

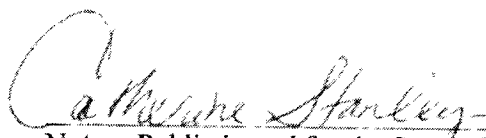
Further affiant sayeth not.



Andrew Good

Given under my hand and seal of office this 2<sup>nd</sup> day of November, A.D., 2012.





Notary Public in and for the State of Maryland

My Commission Expires On:

March 29, 2016