



Control Number: 36141



Item Number: 2852

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August 14, 2013

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 Constellation Energy Power Choice, Inc. ("CEPC") *formerly known as MxEnergy Electric Inc.* for the *second* quarter of 2013. 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

4925430.1
53072.11

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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 Bryan Wright, 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 Bryan Wright. 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 second quarter of 2013, 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.

Bryan Wright
Bryan Wright

Given under my hand and seal of office this 8th day of August, A.D., 2013.



Catherine Stanley
Notary Public in and for the State of Maryland

My Commission Expires On:

3/29/2016