



Control Number: 36141



Item Number: 460

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August 14, 2009

Mr. James Galloway  
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 3<sup>rd</sup> Quarter 2008*

Dear Mr. Galloway:

Please accept for filing in the above-referenced proceeding the performance measures report of Suez Energy Resources North America ("SERNA") for the second quarter of 2009. 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. SERNA 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.

SERNA notes that in connection with Measure A-1, which requires it to file both paper and electronic copies of its DOE EIA-826 reports, SERNA 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. SERNA is unaware of any such arrangements having been made. Accordingly, SERNA is not filing the EIA-826 forms electronically at this time. Should the Staff desire to review electronic copies of those reports, SERNA will discuss appropriate arrangements for filing such materials in consideration of the rule.

Thank you for your attention hereto.

**AFFIDAVIT**

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STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

Before me, the undersigned notary public, on this day personally appeared Cecilia Heilmann, to me known to be the person whose name is subscribed to the foregoing instrument, who being duly sworn according to the law, states the following:

"My name is Cecilia Heilmann. I am over the age of eighteen 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.

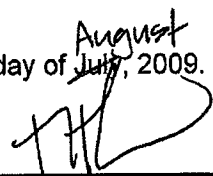
I am employed by GDF Suez Energy Resources NA, Inc. ("Suez") as Vice President of Business Control, and in the course of my employment have personal knowledge of the facts stated in the Performance Measures report for Suez for the second (2<sup>nd</sup>) quarter of 2009, which was prepared pursuant to the requirements of the Public Utility Commission of Texas (the "report").

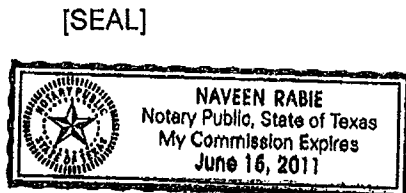
I am an officer of Suez under whose direction the report was prepared. The information contained in the report is true and correct to the best of my knowledge and belief. An internal review was conducted to confirm the accuracy of the information contained in the report."

Further affiant sayeth not.

  
\_\_\_\_\_  
CECILIA HEILMAN

Given under my name and seal of offices this 4<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



My Commission Expires on:  
JUNE 16, 2011

