

**Issue:**

A motion was made by Kevin Smith and seconded by Randy Jones to remove option 4 from consideration; the focus is to consider options 2 and 3. A friendly amendment was offered by Roy True to approve the document with consideration of options 2 and 3 at a later time.

Date: 17-Mar-2004

Time: 2:37 PM

Prepared by: I. Flores

**TALLY TOTAL**

|              |              |
|--------------|--------------|
| <b>64.4%</b> | <b>35.6%</b> |
|--------------|--------------|

| Sector/Entity                 | Representative               | Present | Vote | Yes          | No           | Abstain |
|-------------------------------|------------------------------|---------|------|--------------|--------------|---------|
| <b>COOP</b>                   |                              |         |      |              |              |         |
| Brazos Electric Cooperative   | Billy Helpert                | y       | y    | 0.167        | --           | --      |
| LCRA                          | Shams Siddiqi (proxy)        | y       | y    | 0.167        | --           | --      |
| Big Country Electric Coop     | Jerry Stapp                  |         |      | --           | --           | --      |
| Rayburn Country               | Eddy Reece                   |         |      | --           | --           | --      |
| MEC                           | Billy Helpert (proxy)        | y       | y    | 0.167        | --           | --      |
| STEC                          | Billy Helpert (proxy)        | y       | y    | 0.167        | --           | --      |
| Victoria Electric             | Kurt Johnson (web)           | y       | y    | 0.167        | --           | --      |
| Coleman County Coop           |                              |         |      | --           | --           | --      |
| Southwest Texas Electric Coop |                              |         |      | --           | --           | --      |
| Taylor Electric               |                              |         |      | --           | --           | --      |
| Tex-La                        | Valerie Anderson (alt. Rep.) |         |      | --           | --           | --      |
| Concho Valley                 | Weldon Gray                  | y       | y    | 0.167        | --           | --      |
| <b>COOP Totals:</b>           |                              | 6       |      | <b>1.000</b> | <b>0.000</b> | 0       |

**Municipal**

|                            |                       |   |   |              |              |    |
|----------------------------|-----------------------|---|---|--------------|--------------|----|
| Austin Energy              | Mark Dreyfus          | y | n | --           | 0.143        | -- |
| BTU                        | Ray Schwertner        | y | y | 0.143        | --           | -- |
| City of Garland            | Dan Bailey            | y | y | 0.143        | --           | -- |
| City of Greenville         | Pat Wilkins (proxy)   | y | y | 0.143        | --           | -- |
| CPS of San Antonio         | Mark Werner           | y | n | --           | 0.143        | -- |
| College Station            | David Massey          |   |   | --           | --           | -- |
| Denton Municipal Utilities | Pat Wilkins (alt rep) | y | y | 0.143        | --           | -- |
| Brownsville                | Richard Crozier       | y | y | 0.143        | --           | -- |
| <b>Municipal Totals:</b>   |                       | 7 |   | <b>0.714</b> | <b>0.286</b> | 0  |

**Investor Owned Utilities**

|                    |                  |   |   |              |              |    |
|--------------------|------------------|---|---|--------------|--------------|----|
| AEP                |                  |   |   | --           | --           | -- |
| CenterPoint        | Adrian Pieniazek | y | n | --           | 0.500        | -- |
| First Choice       | Steven Moss      | y | a | --           | --           | A  |
| TXU                | Jerry Ward       | y | y | 0.500        | --           | -- |
| <b>IOU Totals:</b> |                  | 3 |   | <b>0.500</b> | <b>0.500</b> | 1  |

**Independent Generator**

|         |                  |   |   |    |       |    |
|---------|------------------|---|---|----|-------|----|
| ANP     | Bob Helton       |   |   | -- | --    | -- |
| Calpine | Randy Jones      | y | n | -- | 0.250 | -- |
| Dynegy  | Barry Huddleston |   |   | -- | --    | -- |

| Sector/Entity         | Representative      | Present | Vote | Yes          | No           | Abstain  |
|-----------------------|---------------------|---------|------|--------------|--------------|----------|
| FPL Energy            | Beth Garza          |         |      | --           | --           | --       |
| Frontera              | Ray King            | y       | n    | --           | 0.250        | --       |
| PSEG Texgen I         | Rafael Lozano (web) |         |      | --           | --           | --       |
| Tenaska               | Kevin Smith (web)   | y       | y    | 0.250        | --           | --       |
| Tractebel             | Cesar Seymour       | y       | y    | 0.250        | --           | --       |
| <b>Ind Gen Total:</b> |                     | 4       |      | <b>0.500</b> | <b>0.500</b> | <b>0</b> |

## Consumers

### Consumers/Residential

|                           |                   |   |   |       |       |          |
|---------------------------|-------------------|---|---|-------|-------|----------|
| OPC                       | Kenan Ogelman     | y | y | 0.500 | --    | --       |
| Residential Consumers     | Shannon McClendon |   |   | --    | --    | --       |
| <b>Residential Total:</b> |                   | 1 |   | 0.500 | 0.000 | <b>0</b> |

### Consumers/Commercial

|                          |  |   |  |       |       |          |
|--------------------------|--|---|--|-------|-------|----------|
| HEB                      |  |   |  | --    | --    | --       |
| Walmart                  |  |   |  | --    | --    | --       |
| CDM Energy Management    |  |   |  | --    | --    | --       |
| Seven Eleven             |  |   |  | --    | --    | --       |
| Randall's                |  |   |  | --    | --    | --       |
| <b>Commercial Total:</b> |  | 0 |  | 0.000 | 0.000 | <b>0</b> |

### Consumers/Industrial

|                                       |                         |   |   |              |              |          |
|---------------------------------------|-------------------------|---|---|--------------|--------------|----------|
| BP Energy                             | Jeff Holligan           | y | n | --           | 0.125        | --       |
| Air Products & Chemicals              | Steve Madden (proxy)    | y | y | 0.125        | --           | --       |
| Marathon Oil                          |                         |   |   | --           | --           | --       |
| Halliburton                           |                         |   |   | --           | --           | --       |
| BOC Gases                             | Steve Madden (proxy)    | y | y | 0.125        | --           | --       |
| Texas Instruments                     |                         |   |   | --           | --           | --       |
| Flint Hills Resources, L.P.           |                         |   |   | --           | --           | --       |
| Valero Refining - Texas, L.P.         |                         |   |   | --           | --           | --       |
| Exxon Mobil & Gas Services            |                         |   |   | --           | --           | --       |
| Dow Chemical                          | Eliezer Maldonado (web) |   |   | --           | --           | --       |
| Oxy                                   | Steve Madden            | y | y | 0.125        | --           | --       |
| <b>Industrial Total:</b>              |                         | 4 |   | 0.375        | 0.125        | <b>0</b> |
| <b>Consumer Subgroups Present:</b>    |                         | 2 |   |              |              |          |
| <b>Consumer Subgroups Abstaining:</b> |                         | 0 |   |              |              |          |
| <b>Consumers Total:</b>               |                         | 5 |   | <b>0.875</b> | <b>0.125</b> | <b>0</b> |

### Independent Rep

|                   |                              |   |   |       |    |    |
|-------------------|------------------------------|---|---|-------|----|----|
| Green Mountain    |                              |   |   | --    | -- | -- |
| Direct Energy     | Smith Day (web)              | y | y | 0.333 | -- | -- |
| Constellation     | Clayton Greer                | y | y | 0.333 | -- | -- |
| Cirro             | Neal Eddleman (alt rep)      | y | a | --    | -- | A  |
| Gexa              | Neal Eddleman (proxy)        | y | a | --    | -- | A  |
| Tara Energy       |                              |   |   | --    | -- | -- |
| TCE               |                              |   |   | --    | -- | -- |
| Hino              | Margarita Fournier (proxy)   | y | a | --    | -- | A  |
| Spark Energy L.P. | Margarita Fournier (proxy)   | y | a | --    | -- | A  |
| TriEgle Energy    | Margarita Fournier (alt rep) | y | a | --    | -- | A  |

| Sector/Entity     | Representative       | Present | Vote | Yes   | No    | Abstain |
|-------------------|----------------------|---------|------|-------|-------|---------|
| CAPP              |                      |         |      | --    | --    | --      |
| Entergy Solutions | James Striedel       |         |      | --    | --    | --      |
| Strategic Energy  | Read Comstock        |         |      | --    | --    | --      |
| Utility Choice    | Henry Vadie ( proxy) | y       | n    | --    | 0.333 | --      |
| Ind Rep Total:    |                      | 8       |      | 0.667 | 0.333 | 5       |

Independent Power Marketers

|                            |                   |   |   |       |       |       |
|----------------------------|-------------------|---|---|-------|-------|-------|
| Cargill Power & Gas Mkts   | Gabriel C. Ejebe  |   |   | --    | --    | --    |
| Longhorn Power             | Bob Wittmeyer     | y | n | --    | 0.250 | --    |
| Exelon                     | Kristy Ashley     | y | y | 0.250 | --    | --    |
| Coral Power                | Jeff Brown (web)  |   |   | --    | --    | --    |
| Reliant Energy             | John Meyer        | y | n | --    | 0.250 | --    |
| Mirant                     | Dottie Stockstill | y | n | --    | 0.250 | --    |
| Ind Power Marketers Total: |                   | 4 |   | 0.250 | 0.750 | 0     |
| All Sectors Voting Totals  |                   |   |   | 4.506 | 2.494 | 7.000 |
| Tally Total                |                   |   |   | 64.4% | 35.6% |       |