

Motion made by John Edwards & seconded by Kenan Ögelman to accept Proposal 3,  
**Issue:** Example 5 which is a 25% claw-back for units with offers and 50% claw-back for units without offers in the non-RUC hours after make-whole is satisfied. The claw-back for the RUC hours remains at 50% and 100%, respectively.

Date: 18-Aug-2004  
Time: 2:42 PM  
Prepared by: I. Flores

**TALLY TOTAL**

**50.0% 50.0%**

Sector/Entity	Representative	Present	Vote	Yes	No	Abstain
<b>COOP</b>						
Brazos Electric Cooperative	Roy True	y	n	--	0.500	--
LCRA	Brad Belk	y	y	0.500	--	--
Big Country Electric Coop	Jerry Stapp			--	--	--
Rayburn Country	Eddy Reece			--	--	--
MEC	Henry Wood (web)			--	--	--
STEC	Mike Troell (web)	y	a	--	--	A
Victoria Electric	Kurt Johnson			--	--	--
Coleman County Coop				--	--	--
Southwest Texas Electric Coop				--	--	--
Taylor Electric				--	--	--
Tex-La	Valerie Anderson (alt. Rep.)			--	--	--
Concho Valley	Weldon Gray			--	--	--

**COOP Totals:** 3 **0.500 0.500** 1

**Municipal**

Austin Energy	Stacey Woodard	y	y	0.500	--	--
BTU	Ray Schwertner			--	--	--
City of Garland	Fred Sherman	y	a	--	--	A
City of Greenville				--	--	--
CPS of San Antonio	Dan Jones	y	y	0.500	--	--
College Station	David Massey			--	--	--
Denton Municipal Utilities				--	--	--
Brownsville	Richard Crozier	y	a	--	--	A

**Municipal Totals:** 4 **1.000 0.000** 2

**Investor Owned Utilities**

AEP	Jackie Rainey			--	--	--
CenterPoint	Adrian Pieniazek	y	n	--	0.333	--
First Choice	Jeremy Jackson	y	y	0.333	--	--
TXU	Larry Gurley	y	n	--	0.333	--

**IOU Totals:** 3 **0.333 0.667** 0

**Independent Generator**

ANP	Bob Helton			--	--	--
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Sector/Entity	Representative	Present	Vote	Yes	No	Abstain
Calpine	Randy Jones	y	n	--	0.333	--
Dynegy	Barry Huddleston			--	--	--
Sempra	Barbara Clemenhausen	y	n	--	0.333	--
FPL Energy				--	--	--
Frontera				--	--	--
PSEG Texgen I	Sean Hausman	y	n	--	0.333	--
Tenaska	Brad Cox			--	--	--
Tractebel	Cesar Seymour			--	--	--

<b>Ind Gen Total:</b>	3	<b>0.000</b>	<b>1.000</b>	<b>0</b>
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## Consumers

### Consumers/Residential

OPC	Kenan Ögelman	y	y	0.333	--	--
				--	--	--
Residential Consumers	Shannon McClendon			--	--	--
<b>Residential Total:</b>		1		0.333	0.000	<b>0</b>

### Consumers/Commercial

HEB				--	--	--
Walmart	Kenan Ögelman (proxy)	y	y	0.333	--	--
CDM Energy Management				--	--	--
Seven Eleven				--	--	--
Randall's				--	--	--
<b>Commercial Total:</b>		1		0.333	0.000	<b>0</b>

### Consumers/Industrial

BP Energy	Jeff Holligan	y	n	--	0.167	--
Nucor				--	--	--
TXI				--	--	--
Air Products & Chemicals				--	--	--
Marathon Oil				--	--	--
Halliburton				--	--	--
BOC Gases				--	--	--
Texas Instruments				--	--	--
Chevron Phillips				--	--	--
Prexair, Inc				--	--	--
Flint Hills Resources, L.P.				--	--	--
Valero Refining - Texas, L.P.				--	--	--
Exxon Mobil & Gas Services				--	--	--
Dow Chemical				--	--	--
Oxy	John Edwards (proxy)	y	y	0.167	--	--

<b>Industrial Total:</b>	2	0.167	0.167	<b>0</b>
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Consumer Subgroups Present:	3
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Consumer Subgroups Abstaining:	0
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<b>Consumers Total:</b>	4	<b>0.833</b>	<b>0.167</b>	<b>0</b>
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### Independent Rep

Green Mountain	Terri Eaton	y	a	--	--	A
Direct Energy	Smith Day			--	--	--
Constellation	Clayton Greer	y	n	--	0.167	--
Cirro	William Lewis	y	y	0.167	--	--

Sector/Entity	Representative	Present	Vote	Yes	No	Abstain
Gexa				--	--	--
Tara Energy				--	--	--
TCE				--	--	--
Hino	Margarita Fournier (alt rep)	y	y	0.167	--	--
Spark Energy L.P.	Margarita Fournier (proxy)	y	y	0.167	--	--
TriEgle Energy	Margarita Fournier (proxy)	y	y	0.167	--	--
CAPP				--	--	--
Entergy Solutions	Doug Skinner			--	--	--
Strategic Energy	Read Comstock (web)			--	--	--
Utility Choice	Margarita Fournier (proxy)	y	y	0.167	--	--
Ind Rep Total:		7		0.833	0.167	1

#### Independent Power Marketers

Cargill Power & Gas Mkts	Gabriel C. Ejebe (web)	y	a	--	--	--
Longhorn Power	Bob Wittmeyer	y	n	--	0.250	--
Exelon	Kristy Ashley	y	n	--	0.250	--
Coral Power	Jeff Brown	y	n	--	0.250	--
Reliant Energy	John Meyer	y	n	--	0.250	--
				--	--	--
Mirant	Dottie Stockstill			--	--	--
Ind Power Marketers Total:		5		0.000	1.000	1
All Sectors Voting Totals				3.500	3.500	7.000
Tally Total				50.0%	50.0%	