

Thomas E Lauria  
State Bar No. 11998025  
WHITE & CASE LLP  
Wachovia Financial Center  
200 South Biscayne Blvd.  
Miami, FL 33131  
Telephone: (305) 371-2700  
Facsimile: (305) 358-5744

Robin Phelan  
State Bar No. 15903000  
Judith Elkin  
State Bar No. 06522200  
HAYNES AND BOONE, LLP  
901 Main Street  
Suite 3100  
Dallas, TX 75202  
Telephone: (214) 651-5000  
Facsimile: (214) 651-5940

PROPOSED ATTORNEYS FOR THE DEBTORS AND DEBTORS-IN-POSSESSION  
**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

|                                     |   |                                  |
|-------------------------------------|---|----------------------------------|
| In re                               | ) | Chapter 11 Case                  |
| MIRANT CORPORATION, <u>et al.</u> , | ) | Case No. 03-46590(DML)11         |
| Debtors.                            | ) | Jointly Administered             |
|                                     | ) | Hearing Date and Time: To Be Set |

**DEBTORS' MOTION FOR AN ORDER ESTABLISHING AND  
AUTHORIZING PROCEDURES FOR RELEASE OR OTHER  
DISPOSITION OF FIRM CAPACITY UNDER NATURAL GAS  
TRANSPORTATION AND STORAGE AGREEMENTS**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Mirant Corporation ("Mirant") and its affiliated debtors (collectively, the "Debtors"), as debtors-in-possession, respectfully submit this motion (the "Motion") for an order establishing procedures for the release or other disposition of firm capacity under natural gas transportation and storage agreements and, in support thereof state as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

## **PROCEDURAL BACKGROUND**

2. The Cases. On July 14, 2003 (the "Petition Date"), each of the Debtors filed a voluntary petition in this court for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1330, as amended (the "Bankruptcy Code"). The Debtors continue to manage and operate their businesses as debtors-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

3. Joint Administration Request is Pending. Concurrently with the filing of the Motion, the Debtors have moved the court to jointly administer the bankruptcy estates of the Debtors.

4. The Creditors' Committee. No creditors' committee has yet been appointed in these cases by the United States Trustee. Further, no trustee or examiner has been requested or appointed in any of the Debtors' chapter 11 cases.

## **RELIEF REQUESTED**

5. The Debtors are parties to firm transportation and storage agreements with numerous entities that own or operate interstate natural gas pipelines. Pursuant to such agreements, the Debtors reserved capacity on the pipelines to transport natural gas to the Debtors' power generation facilities and customers or reserved capacity in storage facilities. While some reserved capacity is necessary for the continued operation of the Debtors' power generation facilities, a substantial portion of the Debtors' reserved capacity has been utilized historically by the Debtors' gas marketing and proprietary trading businesses. Due to the commencement of these cases, the Debtors anticipate that initially their volume of gas marketing and proprietary trading activity may be reduced substantially from historic levels. By this Motion, to maximize the value of the capacity and minimize any potential claims against the estates, the Debtors seek to be authorized, but not directed, to release unused transportation and

storage capacity in the ordinary course of business and in accordance with the regulations of the Federal Energy Regulatory Commission (“FERC”), and that such permanent releases will effectuate a termination of the contract. Upon such permanent release, the Debtors will have no further liability associated with the contracts.

**The Firm Natural Gas Transportation and Storage Agreements**

6. Pursuant to the governing FERC regulations, interstate pipeline owners or operators that offer transportation services on a firm basis must provide a capacity release mechanism, so that shippers, such as the Debtors, can voluntarily reallocate all or part of their firm transportation rights to another entity that desires to acquire that capacity. If capacity is released on a permanent basis in accordance with the FERC regulations, the shipper has no further liability for costs associated with the released capacity. A permanent release is one for the remaining term of the agreement and is to an assignee whose credit is acceptable to the owner or operator of the pipeline. Capacity release is governed by the FERC regulation set forth at 18 C.F.R. § 284.8, a copy of which is attached to this Motion as Exhibit A.

7. The governing FERC regulation provides two methods for capacity release. First, a shipper electing to release capacity could post its offer of capacity for bid (which includes the volumes of capacity available, the location of the capacity, and a period for which the capacity is available, as well any other conditions) on the website of the pipeline owner or operator so that all interested parties may bid on the offered capacity. Once the bid is posted, the bid period begins and, at the end of the period, the highest bidder is awarded the capacity. Alternatively, the shipper could post on the website of the pipeline owner or operator a prearranged agreement for the release of capacity to a party acceptable to the pipeline. If the prearranged release is not at the maximum rate for the pipeline, another party could submit a

higher bid for the capacity. In most cases where capacity is released, the owner or operator of the pipeline then bills the releasing shipper for its firm capacity, simultaneously credits the releasing shipper for the amount bid by the replacement shipper, and bills the replacement shipper for the amount of its bid. Similar procedures govern the release of storage capacity.

### **BASIS FOR RELIEF**

#### **A. Need to Utilize FERC Capacity Release Procedures**

8. Utilization of the FERC procedures to release pipeline capacity would be of substantial benefit to the Debtors' estates and would not prejudice any party. First, the procedures would permit the Debtors to expeditiously release unused capacity, thereby relieving the bankruptcy estates of further financial liability on account of that capacity. The procedures would further relieve the Debtors of the financial and administrative burden of rejecting the transportation or storage agreements each time the Debtors decide that it would be in the estates' interest to release capacity.

#### **B. Release of Capacity Pursuant to FERC Procedures Is An Ordinary Course Transaction**

9. Section 363 of the Bankruptcy Code provides, in relevant part, that a debtor in possession "may enter into transactions . . . in the ordinary course of business, without notice or a hearing, and may use property of the estate in the ordinary course of business without notice or a hearing." 11 U.S.C. § 363(c)(1).

10. "Section 363 is designed to serve the 'overriding goal of maximizing the value of the estate' by striking the optimal balance between the interests of the debtor and the creditors." Habinger, Inc. v. Metropolitan Cosmetic and Reconstructive Surgical Clinic, P.A., 124 B.R. 784, 786 (Bankr. D. Minn. 1990) (quoting United States ex rel. Harrison v. Estate of Deutscher, 115 B.R. 592 (Bankr. M.D. Tenn., 1990)). Moreover, "[t]he 'ordinary course of

business' standard is intended to allow a debtor 'the flexibility it needs to run its business and respond quickly to changes in the business climate.'" Harbinger, 124 B.R. at 786.

11. The FERC capacity release procedures are available to all shippers for use in the ordinary course of business to ensure efficiency in the energy markets. Accordingly, the Debtors believe they can continue using such procedures in the ordinary course of business notwithstanding the commencement of these cases. See Medical Malpractice Ins. Assoc. v. Hirsch (In re Lavigne), 114 F.3d 379, 384 (2d Cir. 1997) (finding that "ordinary course of business" is meant "to embrace the reasonable expectations of interested parties of the nature of transactions that the debtor would likely enter in the course of its normal, daily business") (quoting In re Watford, 159 B.R. 597, 599 (M.D. Ga. 1993)); In re Roth American, Inc., 975 F.2d 949, 952 (3rd Cir. 1992) (stating that section 363 of the Bankruptcy Code is designed to allow a debtor in possession "flexibility to engage in ordinary transactions without unnecessary ... oversight"); In re Coordinated Apparel, Inc., 179 B.R. 40, 43 (Bankr. S.D.N.Y. 1995). The Debtors, have, however, filed this Motion in the abundance of caution to confirm both their continuing authority to effect releases and as that a release in accordance with the FERC capacity release procedures eliminates all obligations of the Debtors for charges attributable to periods after the release.

12. To the extent this Court finds that releasing capacity pursuant to the FERC procedures is not within the Debtors' ordinary course of business, the Court should nevertheless authorize the Debtors to release capacity in accordance with the FERC capacity release procedures pursuant to sections 105(a) and 363(b) of the Bankruptcy Code. Section 105(a) provides that the "court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." See 11 U.S.C. § 105(a).

13. The Fifth Circuit has acknowledged that section 105 confers broad powers on bankruptcy courts:

[Section] 105 [is] ‘an omnibus provision phrased in such general terms as to be the basis for a broad exercise of power in the administration of a bankruptcy case. The basic purpose of § 105 is to assure the bankruptcy courts power to take whatever action is appropriate or necessary in aid of the exercise of their jurisdiction. . . .’

Davis v. Davis (In re Davis), 170 F.3d 475, 492 (5th Cir. 1999) (citation omitted).

14. Section 363(b)(1) of the Bankruptcy Code provides:

The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.

11 U.S.C. § 363(b)(1). See Cajun Electric Power Cooperative, Inc. v. Official Comm. Of Unsecured Creditors (In re Cajun Electric Power Cooperative, Inc.), 119 F.3d 349, 354 (5th Cir. 1997); Institutional Creditors of Continental Airlines, Inc. v. Continental Air Lines, Inc. (In re Continental Air Lines, Inc.), 780 F.2d 1223, 1226 (5th Cir. 1986). The FERC release procedures represent an efficient mechanism for the reallocation of firm capacity when a shipper, such as the Debtors, determines in its business judgment that such capacity is not currently needed. Accordingly, authorizing the Debtors to release capacity pursuant to FERC mandated procedures is clearly an appropriate use of this Court’s powers under sections 105(a) and 363(b). Such procedures will enhance the efficient administration of the Debtors’ cases and permit the Debtors to relieve expeditiously the estates of the liability associated with unused capacity.

#### **NOTICE**

15. Notice of this Motion has been provided to the Office of the United States Trustee for the Northern District of Texas; the holders of the fifty largest unsecured claims against the Debtors on a consolidated basis; and certain governmental entities, counsel and

parties-in-interest; all as set forth in more detail on the Certificate of Service attached hereto.

The Debtors submit that no other or further notice need be provided.

**CONCLUSION**

WHEREFORE, the Debtors respectfully request entry of an order authorizing and establishing procedures for the release of unused transportation and storage capacity in the ordinary course of business and in accordance with the regulations of the Federal Energy Regulatory Commission and granting such other and further relief as is just and proper.

Dated: Fort Worth, Texas  
July 15, 2003

HAYNES AND BOONE, LLP  
901 Main Street  
Suite 3100  
Dallas, TX 75202  
(214) 651-5000

By s/ Robin Phelan  
Robin Phelan  
State Bar No. 15903000  
Judith Elkin  
State Bar No. 06522200  
Ian Peck  
State Bar No. 24013306

-and-

Thomas E Lauria  
State Bar No. 11998025  
Gerard Uzzi  
Linda M. Leali  
WHITE & CASE LLP  
Wachovia Financial Center  
200 South Biscayne Blvd.  
Miami, Florida 33131  
(305) 371-2700

PROPOSED ATTORNEYS FOR THE DEBTORS  
AND DEBTORS-IN-POSSESSION

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

In re

MIRANT CORPORATION, et al.,

Debtors.

)  
) Chapter 11 Case

)  
) Case No. 03-46590(DML)11  
) Jointly Administered

**ORDER ESTABLISHING AND AUTHORIZING PROCEDURES FOR  
RELEASE OF NATURAL GAS PIPELINE CAPACITY UNDER FIRM  
TRANSPORTATION AND STORAGE AGREEMENTS**

Upon the motion, dated July 15, 2003 (the "Motion"), of Mirant Corporation and its affiliated debtors (collectively, the "Debtors"), as debtors-in-possession, for an order establishing and authorizing procedures for the release of natural gas pipeline capacity under firm transportation and storage agreements, as more fully set forth in the Motion; and upon consideration of the Affidavit of John W. Ragan in Support of First Day Motions and

Applications sworn to on the 14th day of July, 2003; and it appearing that the Court has jurisdiction over this matter; and it appearing that due notice of the Motion has been provided as set forth in the Motion, and that no other or further notice need be provided; and it further appearing that the relief requested in the Motion is in the best interests of the Debtors and their estates and creditors; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Motion is granted in all respects; and it is further

**ORDERED**, that the Debtors are hereby authorized to utilize the FERC procedures for the release of natural gas transportation and storage capacity held to a contract with the owner or operator of an interstate natural gas pipeline; and it is further

**ORDERED**, that the Debtors are hereby authorized to execute and deliver all instruments and documents, and take such other actions as may be necessary or appropriate to implement and effectuate the FERC procedures; and it is further

**ORDERED**, that upon the effectiveness of a permanent release, pursuant to this Order, of transportation or storage capacity for the full term of the contract and for the contract rate, the contract will be terminated. The Debtors will have no further liability, including, but not limited to, liability for charges or damages associated with the capacity, for periods after the release date. The permanent release of capacity requires neither a rejection nor an assumption of the contract; and it is further

**ORDERED**, that the effect of a termination or settlement agreement shall be as set forth in the respective agreement; and it is further

**ORDERED**, that this Order is without prejudice to the Debtors' right to seek further, other or different relief concerning their contracts with natural gas pipeline companies.

### End of Order ###

**PREPARED BY:**

Robin Phelan  
State Bar No. 15903000  
Judith Elkin  
State Bar No. 06522200  
Ian Peck  
State Bar No. 24013306  
HAYNES AND BOONE, LLP  
901 Main Street  
Suite 3100  
Dallas, TX 75202  
(214) 651-5000

-and-

Thomas E Lauria  
State Bar No. 11998025  
Gerard Uzzi  
Linda M. Leali  
WHITE & CASE LLP  
Wachovia Financial Center  
200 South Biscayne Blvd.  
Miami, Florida 33131  
(305) 371-2700

**PROPOSED ATTORNEYS FOR THE DEBTORS  
AND DEBTORS-IN-POSSESSION**

**EXHIBIT A**

Finding Aids section of the printed volume and on GPO Access.

**§ 284.8 Release of firm capacity on interstate pipelines.**

(a) An interstate pipeline that offers transportation service on a firm basis under subpart B or G of this part must include in its tariff a mechanism for firm shippers to release firm capacity to the pipeline for resale by the pipeline on a firm basis under this section.

(b) Firm shippers must be permitted to release their capacity, in whole or in part, on a permanent or short-term basis, without restriction on the terms or conditions of the release. A firm shipper may arrange for a replacement shipper to obtain its released capacity from the pipeline. A replacement shipper is any shipper that obtains released capacity.

(c) Except as provided in paragraph (h) of this section, a firm shipper that wants to release any or all of its firm capacity must notify the pipeline of the terms and conditions under which the shipper will release its capacity. The firm shipper must also notify the pipeline of any replacement shipper designated to obtain the released capacity under the terms and conditions specified by the firm shipper.

(d) The pipeline must provide notice of offers to release or to purchase capacity, the terms and conditions of such offers, and the name of any replacement shipper designated in paragraph (b) of this section, on an Internet web site, for a reasonable period.

(e) The pipeline must allocate released capacity to the person offering the highest rate (not over the maximum rate) and offering to meet any other terms and conditions of the release. If more than one person offers the highest rate and meets the terms and conditions of the release, the released capacity may be allocated on a basis provided in the pipeline's tariff, provided however, if the replacement shipper designated in paragraph (b) of this section offers the highest rate, the capacity must be allocated to the designated replacement shipper.

(f) Unless otherwise agreed by the pipeline, the contract of the shipper releasing capacity will remain in full force and effect, with the net proceeds

from any resale to a replacement shipper credited to the releasing shipper's reservation charge.

(g) To the extent necessary, a firm shipper on an interstate pipeline that offers transportation service on a firm basis under subpart B or G of this part is granted a limited-jurisdiction blanket certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act solely for the purpose of releasing firm capacity pursuant to this section.

(h)(1) A release of capacity by a firm shipper to a replacement shipper for any period of 31 days or less, or for any term at the maximum tariff rate applicable to the release, need not comply with the notification and bidding requirements of paragraphs (c) through (e) of this section. A release under this paragraph may not exceed the maximum rate. Notice of a firm release under this paragraph must be provided on the pipeline's electronic bulletin board as soon as possible, but not later than forty-eight hours, after the release transaction commences.

(2) When a release under paragraph (h)(1) of this section is at less than the maximum tariff rate, a firm shipper may not roll-over, extend, or in any way continue the release at less than the maximum tariff rate without complying with the requirements of paragraphs (c) through (e) of this section, and may not re-release to the same replacement shipper under this paragraph at less than the maximum tariff rate until twenty-eight days after the first release period has ended.

(1) *Waiver of maximum rate ceiling.* Until September 30, 2002, the maximum rate ceiling does not apply to capacity release transactions of less than one year. The provision of paragraph (h)(1) of this section providing an exemption from the posting and bidding requirements for transactions at the applicable maximum tariff rate for pipeline services will not apply as long as the waiver of the rate ceiling is in effect. With respect to releases of 31 days or less under paragraph (h) of this section, the requirements of paragraph (h)(2) of

## § 284.9

18 CFR Ch. I (4-1-03 Edition)

this section will apply to all such releases regardless of the rate charged.

[Order 636, 57 FR 13318, Apr. 16, 1992, as amended by Order 636-A, 57 FR 36217, Aug. 12, 1992; Order 577, 60 FR 16983, Apr. 4, 1995; Order 577-A, 60 FR 30187, June 8, 1995. Redesignated and amended by Order 637, 65 FR 10220, Feb. 25, 2000; Order 637-A, 65 FR 35765, June 5, 2000]

### § 284.9 Interruptible transportation service.

(a) *Interruptible transportation availability.* (1) An interstate pipeline that provides firm transportation service under subpart B or G of this part must also offer transportation service on an interruptible basis under that subpart or subparts and separately from any sales service.

(2) An intrastate pipeline that provides transportation service under Subpart C may offer such transportation service on an interruptible basis.

(3) *Service on an interruptible basis* means that the capacity used to provide the service is subject to a prior claim by another customer or another class of service and receives a lower priority than such other classes of service.

(b) The provisions regarding non-discriminatory access, reasonable operational conditions, and limitations contained in § 284.7 (b), (c), and (f) apply to pipelines providing interruptible service under this section.

(c) *Reservation fee.* No reservation fee may be imposed for interruptible service. A pipeline's rate for any transportation service provided under this section may not include any minimum bill provision, minimum take provision, or any other provision that has the effect of guaranteeing revenue.

[Order 436, 50 FR 42494, Oct. 18, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 284.9, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 284.10 Rates.

(a) *Applicability.* Any rate charged for transportation service under subparts B and G of this part must be established under a rate schedule that is filed with the Commission prior to commencement of such service and

that conforms to the requirements of this section.

(b) *Rate objectives.* Maximum rates for both peak and offpeak periods must be designed to achieve the following three objectives:

(1) Rates for service during peak periods should ration capacity;

(2) Rates for firm service during off-peak periods and for interruptible service during all periods should maximize throughput; and

(3) The pipeline's revenue requirement allocated to firm and interruptible services should be attained by providing the projected units of service in peak and off-peak periods at the maximum rate for each service.

(c) *Rate design*—(1) *Volumetric rates.* Except as provided in § 284.7(e), any rate filed for service subject to this section must be a one-part rate that recovers the costs allocated to the service to the extent that the projected units of that service are actually purchased and may not include a demand charge, a minimum bill or minimum take provision or any other provision that has the effect of guaranteeing revenue. Such rate must separately identify cost components attributable to transportation, storage, and gathering costs.

(2) *Based on projected units of service.* Any rate filed for service subject to this section must be designed to recover costs on the basis of projected units of service. The fixed costs allocated to capacity reservations, as determined in accordance with § 284.7(e), should be used along with the projected nominations accepted by the pipeline to compute the unit reservation fee. The remaining fixed costs and all variable costs should be used to determine the volumetric rate computed on the basis of projected volumes to be transported. The units projected for the service in rates filed under this section may be changed only in a subsequent rate filing under section 4 of the Natural Gas Act.

(3) *Differentiation due to time and distance.* Any rate filed for service subject to this section must reasonably reflect any material variation in the cost of providing the service due to:

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that she provided true and correct copies of the foregoing to Bankruptcy Services, LLC and directed them to effect service upon all persons on the attached Service Lists via facsimile and email transmission, where indicated, or via overnight courier, on the 15th day of July, 2003.

s/s Judith Elkin

## Service List

Environmental Protection Agency  
EPA East  
1201 Constitution Avenue, N.W.  
Room number 4101 M  
Washington, DC 20004  
eMail:  
Fax:

United States Attorney  
Office of the United States Attorney  
3rd Floor, 1100 Commerce Street  
Dallas, Texas 75242  
eMail:  
Fax:

Attorney General  
Office of the Attorney General  
714 Jackson Street  
6th Floor  
Dallas, Texas 75202  
eMail:  
Fax:

Office of Attorney General  
Main Justice Building  
Room 5111  
10th & Construction Avenue, N.W.  
Washington, D.C. 20530  
eMail:  
Fax:

Internal Revenue Service  
Special Procedures Staff  
Internal Revenue Service  
Mail Code 5020-DAL  
1100 Commerce Street Room 9B8  
Dallas, Texas 75242  
eMail:  
Fax:

Credit Suisse First Boston  
C/o Issuer Services  
ADP Proxy Services  
51 Mercedes Way  
Edgewood, NY 11717  
eMail:  
Fax: (631) 254-7618

Neuberger Berman LLC  
605 Third Avenue  
New York, NY 10158  
eMail:  
Fax:

Texas Workforce Commission  
TEC Building Bankruptcy  
101 East 15th Street  
Austin, Texas 78778  
eMail:  
Fax:

Neuberger Berman LLC  
C/o Issuer Services  
ADP Proxy Services  
51 Mercedes Way  
Edgewood, NY 11717  
eMail:  
Fax: (516) 254-7618

Environmental Protection Agency  
Fountain Place 12th Floor  
Suite 1200  
1445 Ross Avenue  
Dallas, TX 75202-2733  
eMail:  
Fax:

Environmental Protection Agency  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104  
eMail:  
Fax:

Georgia Department of Labor  
148 Andrew Young International Blvd  
Atlanta, GA 30303-1751  
eMail:  
Fax:

Attorney General of Georgia  
40 Capitol Square, SW  
Atlanta, GA 30303  
eMail:  
Fax:

Wells Fargo Bank Minnesota NA  
1600 East Madison Avenue  
Mankato, MN 56001  
eMail:  
Fax:

Wells Fargo Bank Minnesota NA  
C/o Issuer Services  
ADP Proxy Services  
51 Mercedes Way  
Edgewood, NY 11717  
eMail:  
Fax:

Comptroller of Public Accounts  
State Comptroller of Public Accounts  
Section  
P.O. Box 13528  
Austin, Texas 78711  
eMail:  
Fax:

Benjamin C. Ackerly  
Hunton & Williams  
Riverfront Plaza  
East Tower  
951 East Byrd Street  
Richmond, VA 23219  
eMail: [backerly@hunton.com](mailto:backerly@hunton.com)  
Fax: (804) 788-8218

Jill Akre  
Wachovia Securities  
1339 Chestnut Street  
3rd Floor  
Philadelphia, PA 19107  
eMail:  
Fax:

Daniel Allen  
Morgan Stanley Senior Funding Inc.  
1633 Broadway  
25th Floor  
New York, NY 10019  
eMail:  
Fax:

Samuel Asiedu  
Export Development Corporation  
151 O'Connor  
Ottawa, Canada K1A 1K3  
eMail: Sasiedu@edc.ca  
Fax: (613) 598-3186

Andrea Augustina  
Deutsche Bank Securities Inc.  
1251 Avenue of the Americas  
New York, NY 10020  
eMail:  
Fax: (212) 463-3326

Patricia Baldwin  
Goldman, Sachs & Co.  
1 New York Plaza  
45th Floor  
New York, NY 10004  
eMail:  
Fax: (212) 902-1431

Kenneth J. Bauer  
Bank One NA  
One Bank One Plaza  
8th Floor  
Chicago, IL 60607  
eMail:  
Fax: (312) 732-3055

David Bennett  
Thompson & Knight, LLP  
1700 Pacific Avenue  
Suite 3300  
Dallas, TX 75201-4693  
eMail:  
Fax: (214) 969-1751

Jacqueline Brunetto  
KBC Bank N.V.  
245 Peachtree Center Avenue  
Suite 2550  
Atlanta, GA 30303  
eMail: jacqueline.brunetto@kbc.be  
Fax: (404) 584-5466

John Byrne  
Lehman Brothers Inc.  
70 Hudson Street  
Jersey City, NJ 07302  
eMail:  
Fax: (212) 548-9262

Joseph J. Callahan  
State Street Bank and Trust Company  
1776 Heritage Drive  
Global Corporation Action Unit  
Quincy, MA 02171  
eMail:  
Fax: (617) 537-5004

James S. Carr  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10078  
eMail: jcarr@kelleydrye.com  
Fax: (212) 808-7897

Romalo Catalano  
Merrill Lynch Professional Clearing C  
101 Hudson Street  
Jersey City, NJ 07302  
eMail:  
Fax: (201) 557-1876

Mark B. Cohen  
Deutsche Bank AG  
60 Wall Street  
New York, NY 10019  
eMail: mark.b.cohen@db.com  
Fax: (212) 797-5695

Joseph P. Collins  
Mayer, Brown & Platt  
190 South LaSalle Street  
Chicago, IL 60603  
eMail: jcollins@mayerbrownrowe.cc  
Fax: (312) 706-9101

Paula Dabner  
JP Morgan Chase  
14201 Dallas Parkway  
Dallas, TX 75254  
eMail:  
Fax: (469) 477-2183

Yoram Dankner  
HypoVereinsbank  
150 East 42nd Street  
New York, NY 10017-4679  
eMail: yoram.dankner@hvbamerica  
Fax: (212) 672-5530

Billy D. Dixon  
BP America, Inc.  
501 Westlake Park Blvd.  
Houston, TX 77079  
eMail: billy.dixon@bp.com  
Fax: (281) 366-7583

Angela D Dodd  
Securities and Exchange Commission  
Midwest Regional Office  
175 W. Jackson Blvd, Ste 900  
Chicago, IL 60604  
eMail: dodda@sec.gov  
Fax: (312) 353-7398

Ken Donohue  
JP Morgan Securities Inc.  
34 Exchange Place  
Jersey City, NJ 07302  
eMail:  
Fax: (201) 324-1691

John Dorans  
Citigroup/Salomon Smith Barney  
250 West Street, 8th Floor  
New York, NY 10013  
eMail: john.dorans@citigroup.com  
Fax: (212) 723-3899

Fernando Ferreyea  
Dexia Credit Local  
445 Park Avenue  
8th Floor  
New York, NY 10022  
eMail:  
Fax:

Keith Frohlicher  
US Bank National Association  
1555 Rivercenter Drive  
Suite 0300  
Milwaukee, WI 53212  
eMail:  
Fax: (414) 905-5581

Marvin J. Goldstein  
Stroock & Stroock & Lavan, LLP  
180 Maiden Lane  
New York, NY 10038-4982  
eMail: mgoldstein@stroock.com  
Fax: (212) 806-6006

Deborah Gravinese  
TD Securities (USA) Inc.  
31 West 52nd Street  
New York, NY 10019-6101  
eMail: deborah.gravinese@tdsecu  
Fax: (212) 827-7244

Karen Greene  
The Northern Trust Company  
801 Canal C-In  
Chicago, IL 60607  
eMail:  
Fax: (312) 444-3882

Charles Greer  
The Royal Bank of Scotland plc  
101 Park Avenue  
New York, NY 10178  
eMail: charles.greer@rbos.com  
Fax: (212) 401-3759

Cynthia Grimm  
Bank of America Securities LLC  
100 North Tryon  
Charlotte, NC 28255-0001  
eMail: Cindy.grimm@bankofameric  
Fax: (704) 386-1319

Seth Grosshandler  
Cleary Gottlieb Steen & Hamilton  
One Liberty Plaza  
New York, NY 10006  
eMail: sgrosshandler@cgsh.com  
Fax: (212) 225-3999

Scott Habura  
Deutsche Bank Securities Inc.  
1251 Avenue of the Americas  
New York, NY 10020  
eMail:  
Fax: (212) 618-3722

Pat Haller  
Citigroup Global Markets Inc.  
333 West 34th Street  
New York, NY 10001  
eMail:  
Fax: (212) 615-9053

Larry Hammond  
Barclays Capital  
222 Broadway  
New York, NY 10038  
eMail:  
Fax: (212) 412-3350

Edward Hamway  
Barclays Bank plc  
200 Park Avenue  
4th Floor  
New York, NY 10166  
eMail:  
Fax:

Amelia Henson  
The Northern Trust Company  
801 Canal C-In  
Chicago, IL 60607  
eMail:  
Fax: (312) 444-3882

Al Hernandez  
Pershing Securities Corporation  
1 Pershing Plaza  
Jersey City, NJ 07399  
eMail:  
Fax: (201) 413-5263

Trevor Houston  
Citigroup/Salomon Smith Barney  
250 West Street, 8th Floor  
New York, NY 10013  
eMail: trevor.houston@citigroup.cor  
Fax: (212) 723-3964

Stefan Huber  
Landesbank Rheinland-Phalz  
Grosse Bleiche 54-56  
Mainz  
Germany D-55098  
eMail:  
Fax:

Walter Hulse  
UBS Warburg  
299 Park Avenue  
New York, NY 10171  
eMail: walter.hulse@ubsw.com  
Fax: (212) 821-2287

Anthony Ianno  
JP Morgan Chase  
277 Park Avenue  
New York, NY 10072  
eMail: anthony.ianno@chase.com  
Fax: (646) 534-1355

Yasuo Imaizumi  
Mizuho Corporate Bank  
1251 Avenue of the Americas  
New York, NY 10020  
eMail:  
Fax: (212) 282-4250

David Kalal  
UBS Warburg  
Impaired Loan Management  
Stamford Branch  
677 Washington Boulevard  
Stamford, CT 06901  
eMail:  
Fax: (203) 719-3162

Paul Kehoe  
Dresdner Kleinwort Wasserstein  
1301 Avenue of the Americas  
New York, NY 10029-6163  
eMail: paul.kehoe@drkw.com  
Fax: (212) 969-2710

Gauri Ketcher  
The Royal Bank of Scotland plc  
101 Park Avenue  
New York, NY 10178  
eMail: gauri.ketcher@rbos.com  
Fax: (212) 401-3759

Chris Kinney  
Barclays Bank plc  
200 Park Avenue  
4th Floor  
New York, NY 10166  
eMail: christopher.kinney@barcap.c  
Fax:

Dennis Klejna  
Refco Group Ltd., LLC  
One World Financial Center  
200 Liberty Street, Tower A  
New York, NY 10281-1094  
eMail: dklejna@refco.com  
Fax: (212) 693-7332

Felicia LaForgia  
Westdeutsche Landesbank Girozent  
1211 Avenue of the Americas  
New York, NY 10036  
eMail: felicia\_laforgia@westlb.com  
Fax: (212) 652-5971

Cecile Lamarco  
The Bank of New York  
One Wall Street  
New York, NY 10286  
eMail: clamarco@bankofny.com  
Fax:

John Lasher  
Deutsche Bank Trust Company Amer  
648 Grassmere Park Road  
Nashville, TN 37211  
eMail:  
Fax: (615) 835-3409

Carlos Lede  
UBS Securities LLC  
677 Washington Boulevard  
Stamford, CT 06901  
eMail:  
Fax: (203) 719-0795

David A. Leslie  
Citibank, N.A.  
3800 Citibank Center, B3-15  
Tampa, FL 33610  
eMail: David.Leslie@citigroup.com  
Fax: (813) 604-1155

John Mancuso  
Bank of New York/UBS AG Designed  
One Wall Street  
14th Floor  
New York, NY 10286  
eMail:  
Fax:

Vincent Marzella  
Bear Stearns Securities Corp.  
One Metrotech Center North  
4th Floor  
Brooklyn, NY 11201-3862  
eMail:  
Fax: (347) 643-4625

Michael P. Massad, Jr.  
Hunton & Williams  
Energy Plaza, 30/F  
1601 Bryan Street  
Dallas, Texas 75201-3402  
eMail: mmassad@hunton.com  
Fax: (214) 880-0011

James Masters  
Mizuho Corporate Bank  
191 Peachtree Street, NE  
Suite 3825  
Atlanta, GA 30303  
eMail:  
Fax:

William McCoy  
Morgan Stanley  
1221 Avenue of the Americas  
New York, NY 10020  
eMail: william.mccoy@morganstank  
Fax: (212) 762-8896

George F. McElreath  
United States Trustee's Office  
Earle Cabell Federal Building  
1100 Commerce Street  
Room 9C60  
Dallas, TX 75242  
eMail: george.f.mcelreath@usdoj.gr  
Fax: (214) 767-8971

Michael McKenney  
Bank of America Securities LLC  
100 North Tryon  
Charlotte, NC 28255-0001  
eMail: michael.j.mckenney@bankof  
Fax:

Lisa J. Mellencamp  
Duke Energy Trading and Marketing,  
5400 Westheimer Court  
Houston, Texas 77056  
eMail: lljmellencamp@duke-energy.  
Fax: (713) 627-6134

Charles O'Neil  
ING Bank NV  
1325 Avenue of the Americas  
New York, NY 10019  
eMail:  
Fax: (646) 424-6440

Sean O'Sullivan  
Bayerische Landesbank Girozentrale  
560 Lexington Avenue  
17th Floor  
New York, NY 10022  
eMail: sosullivan@baylbny.com  
Fax: (212) 310-9868

Peggy Peckham  
Fleet National Bank  
Fleet National Bank  
100 Federal Street  
12th Floor  
Boston, MA 02110  
eMail: peggy\_a\_peckham@fleet.co  
Fax: (617) 434-3652

William Procasky  
DZ Bank AG  
609 Fifth Avenue  
New York, NY 10017  
eMail: william.procasky@dzbank.de  
Fax: (212) 745-1422

Noel Purcell  
Mizuho Corporate Bank  
1251 Avenue of the Americas  
New York, NY 10020  
eMail:  
Fax: (212) 282-4490

Caperton Putt  
Wachovia Securities  
GA9174, 999 Peachtree Street  
Atlanta, GA 30309  
eMail:  
Fax:

Brian Regan  
New York Mercantile Exchange, Inc.  
World Financial Center  
One North End Avenue  
New York, NY 10282  
eMail: bregan@nymex.com  
Fax: (212) 229-2298

Victor Reich  
Morgan Stanley & Co. Inc  
One Pierrepoint Plaza  
Brooklyn, NY 11201  
eMail: victor.reich@morganstanley.c  
Fax: (718) 754-4291

Scott Reifer  
Bank of America Securities LLC  
300 Harman Meadow Boulevard  
Secaucus, NJ 07094  
eMail: scott.reifer@bankofamerica.c  
Fax: (415) 835-2581

Monique Renta  
Credit Suisse First Boston  
11 Madison Avenue  
New York, NY 10010-3629  
eMail: monique.renta@csfb.com  
Fax: (917) 326-8189

Bill Rhodes  
Bank of Tokyo-Mitsubishi Trust Co.  
1251 Avenue of the Americas  
New York, NY 10020-1104  
eMail: brhodes@btmna.com  
Fax: (212) 782-6400

Magalie R. Salas  
Federal Energy Regularoty Commiss  
888 First Street, N.E.  
Washington, D.C. 20426  
eMail:  
Fax:

Frank Sandler  
Bank of Nova Scotia  
One Liberty Plaza  
26th Floor  
New York, NY 10006  
eMail: frank.sandler@scotiacapital.c  
Fax: (212) 225-5172

David Sawyer  
Credit Suisse First Boston  
11 Madison Avenue  
New York, NY 10010-3629  
eMail: david.sawyer@csfb.com  
Fax: (212) 743-2659

Sanjeeva Senananyake  
CIBC World Markets Corp.  
425 Lexington Avenue  
17th Floor  
New York, NY 10022  
eMail: sanjeeva.senananyake@us.c  
Fax:

Carl Shafer  
Bank One NA  
1717 Main Street  
4th Floor  
Dallas, TX 75201  
eMail:  
Fax:

Alan Sidrane  
Credit Lyonnais New York Branch  
1301 Avenue of the Americas  
New York, New York 10019  
eMail: alan.sidrane@clamericas.co  
Fax: (212) 261-3259

Didier Siffer  
Credit Suisse First Boston  
11 Madison Avenue  
New York, NY 10010-3629  
eMail: didier.siffer@csfb.com  
Fax: (212) 325-0304

Paul Silverstein  
Andrews & Kurth L.L.P.  
Andrews & Kurth L.L.P.  
805 Third Avenue  
New York, NY 10022  
eMail: psilverstein@akllp.com  
Fax: (212) 850-2929

Gen Simms  
Wachovia Securities  
Class Action and Bankruptcy  
111 8th Avenue  
New York, NY 10011  
eMail:  
Fax: (212) 776-8161

Fredric Sosnick  
Shearman & Sterling  
599 Lexington Avenue  
New York, NY 10022-6069  
eMail: fsosnick@shearman.com  
Fax: (212) 848-7179

Mark A. Speiser  
Stroock & Stroock & Lavan, LLP  
180 Maiden Lane  
New York, NY 10038-4982  
eMail: mspeiser@stroock.com  
Fax: (212) 806-6006

Darrell Stanley  
Credit Lyonnais Americas  
1301 Travis Street  
Suite 2100  
Houston, TX 77002  
eMail:  
Fax: (713) 890-8668

Melissa Tarasovich  
Boston Safe Deposit & Trust Co.  
525 William Penn Place  
Pittsburgh, PA 15259  
eMail:  
Fax: (412) 234-7244

Fred C. Thurston  
Dresdner Bank, A.G.  
75 Wall Street  
25th Floor  
New York, NY 10005-2889  
eMail:  
Fax:

Anica Trifan  
Deutsche Bank AG  
60 Wall Street  
New York, NY 10019  
eMail: anca.trifan@db.com  
Fax: (212) 797-5695

Frank Turner  
Lehman Brothers, Inc.  
745 Seventh Avenue  
3rd Floor  
New York, NY 10019  
eMail: fturner@lehman.com  
Fax: (646) 758-1986

Bert Valdman  
JP Morgan Chase  
277 Park Avenue  
New York, NY 10072  
eMail: Bertrand.Valdman@JPMorga  
Fax: (646) 534-1355

Subash Viswanathan  
CommerzBank AG  
2 World Financial Center  
225 Liberty Street  
New York, NY 10281-1060  
eMail: sviswanathan@cbkna.com  
Fax: (404) 888-6539

John R. Weiss  
Katten Muchin Zavis Rosenman  
525 West Monroe Street  
Suite 1600  
Chicago, Illinois 60661-3693  
eMail: John.Weiss@kmzr.com  
Fax: (312) 577-4733

Steve A. Youngman  
Weil, Gotshal & Manges, LLP  
100 Crescent Court  
Suite 1300  
Dallas, Texas 75201-6950  
eMail: stephen.youngman@weil.cor  
Fax:

Ron Zeller  
TD Securities (USA) Inc.  
31 West 52nd Street  
New York, NY 10019-6101  
eMail: robyn.zeller@tdsecurities.cor  
Fax: (212) 827-7284

Bruce R. Zirinsky  
Cadwalder, Wickersham & Taft  
100 Maiden Lane  
New York, New York 10038  
eMail: bruce.zirinsky@cwt.com  
Fax: (212) 504-6666