## **BEFORE THE PUBLIC SERVICE COMMISSION** OF THE STATE OF MISSOURI

In the Matter of and Investigation into)Compliance with the Required Registration of)Case No. GO-2004-0195Sellers of Electricity and Gas for Use or)Consumption Within Missouri)

## **AFFIDAVIT OF JOHN E. PALINCSAR**

STATE OF MICHIGAN ) ) ss. COUNTY OF JACKSON )

I, John E. Palincsar being first duly sworn under oath, hereby states as follows:

- 1. I am a member of the Michigan State Bar (P-35369).
- I am presently employed by CMS Enterprises Company, parent company of CMS Energy Resource Management Company (CMS ERM). I serve as Senior Counsel.
- 3. In my capacity as Senior Counsel, I am familiar with the operations, activities and corporate structure of CMS ERM.
- I understand that CMS ERM has been named a party in the above captioned matter currently pending before the Public Service Commission of the State of Missouri (the "Commission").
- 5. I understand that the Commission instituted this proceeding in order to determine if certain Missouri entities are violating Missouri law by providing "energy services" in the State of Missouri, without first being certificated by the Commission pursuant to Missouri law.

 As described in the attached Motion to Dismiss, CMS ERM does not presently engage in any activity or business as a "distributor" or "seller" of "energy services" within the meaning of Section 393.297 et seq., RSMO 2000.

FURTHER AFFIANT SAYETH NOT.

Um John E. Panlincsar

Subscribed and sworn to before me this / day of Marc , 2004. Notary Public

LINDA J. WULFF MOTANY PUBLIC WAYNE CO., MI NY COMMISSION EXPIRES Aug 31, 2004

My Commission expires:

8-31-2004