

**BOARD OF EDUCATION
BEEVILLE INDEPENDENT SCHOOL DISTRICT**

Agenda Item No. _____

Date: July 17, 2007

Subject: Consider and approve
settlement and release related
to payment for electricity used in
add-on meters (incremental load)

Submitted by: Erasmo Rodriguez

Related Pages: 3

Supt's Approval: _____

CONSENT

BACKGROUND INFORMATION:

The district has been charged for electricity used in add-on meters (incremental load) that were not served at the original contract price. Energy for Schools and Strategic Energy have resolved their outstanding business issues and will now compensate the district \$87.22.

ITEMS ADDRESSED:

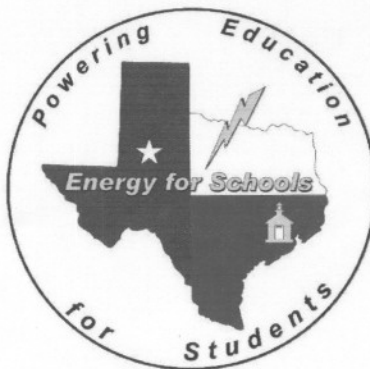
Electricity used in add-on meters that were not served at the original contract price.

RECOMMENDED ACTION:

Approval

BUDGETARY INFORMATION:

None



June 27, 2007

TIME SENSITIVE DOCUMENT

Dr. John Hardwick, Jr.
Superintendent
Beeville Independent School District
2400 N. Saint Mary's St.
Beeville, Texas 78102-2494

Dear Dr. Hardwick, Jr.:

As you have been previously notified by e-mail, Energy for Schools and Strategic Energy are very pleased to have resolved all of our outstanding business issues and now we would like to proceed with compensating your school district for the electricity used in add-on meters (incremental load) that were not served at the original contract price. Our calculation of the amount paid by your district for its incremental load is listed on the attached "Release" document. This amount was determined by taking the number of kilowatts used through add-on meters that were not served at the original contract price, and multiplying this number by the difference between the price at which these meters were served and the original contract price. It includes the full amount of additional cost of your district's incremental load plus interest. Please note that our calculation is based on actual meter reads and kilowatts used through May 2007.

So that we may process your payment as soon as possible, if you have not already done so, please post an action item for your **next** board meeting, to read as follows:

**CONSIDER AND APPROVE SETTLEMENT AND RELEASE
RELATED TO PAYMENT FOR ELECTRICITY USED IN ADD-ON
METERS (INCREMENTAL LOAD)**

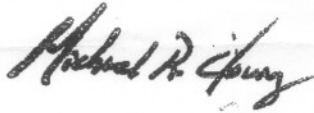
Attached you will find the "Release" document your district will need to execute and return to Energy for Schools after your district's Board of Trustees approves the settlement amount. **Please have the authorized district representative sign and date the document and mail the original to Energy for Schools, Two Park Ten Place, 16300 Katy Freeway, Suite 140, Houston, Texas 77094.** It is important that you secure board approval and return the document to us as soon as possible. Once your Board of Trustees approves the Release document, and you return it to Energy for Schools, Energy for Schools will send you a check from Strategic Energy for 100% of your district's incremental load, plus interest.

We hope that these funds will benefit your school district as you plan and budget for the coming school year. If you have any questions please contact me at 281-647-7750 or Michael Young of Strategic Energy at 412-394-6951. Thank you for your continued support of Energy for Schools.

Sincerely,



Frank DeLaro, Ed.D.
President
Energy for Schools



Michael R. Young
Executive Vice President of Sales
Strategic Energy

ATTACHMENT-1

RELEASE

This Release is entered into by **Beeville Independent School District** ("the District") for the benefit of Strategic Energy L.L.C. and Energy for Schools.

WHEREAS the District believes it was entitled to continue to receive electricity used in add-on meters (incremental load) at the original contract price after February 2006 ("Claim").

WHEREAS the District recognizes that a disagreement exists regarding the facts, circumstances, relationships, and agreements underlying its Claim, but in order to avoid further time, expense, and uncertainties, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District agrees to this Release, as follows:

The District agrees to accept payment from Strategic Energy L.L.C. in the amount of **\$87.22** ("Settlement Amount"), which includes both the cost of incremental load plus interest, as full and final consideration for this Release.

The District's receipt of the Settlement Payment is a condition to this Release, and this Release will not become effective until the District receives the Settlement Payment.

For the consideration given herein, and except for those obligations created by or arising out of this Release, the District, on the District's behalf and on behalf of its trustees, administration, agents, attorneys, insurers, and employees, past and present, does hereby forever fully and finally release and discharge and further covenants not to sue, pursue an administrative action against, or issue a complaint against Strategic Energy L.L.C., Energy for Schools, or their predecessors, successors, assigns, parents, subsidiaries, affiliated corporations, holding companies, divisions, trustees, directors, officers, owners, partners, shareholders, agents, attorneys, insurers, or employees, past and present, with respect to and from any and all claims, demands, or causes of action of whatever kind or nature in law, equity, or otherwise, that exist against Strategic Energy L.L.C. or Energy for Schools as of the date of this Release including, without limitation, those that arise from or relate to the facts, circumstances, relationships, and agreements underlying the Claim.

By signing below the District agrees, through its authorized representative, to be bound by the terms of this Release.

Beeville Independent School District

By: _____

Printed Name: **Erasmio Rodriguez**

Title: **Deputy Superintendent**

Date: _____