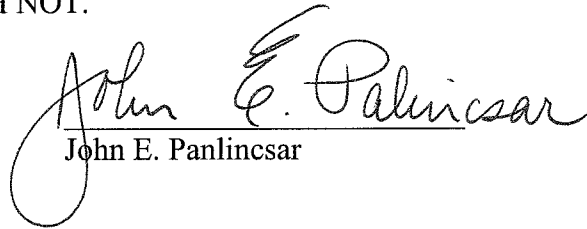
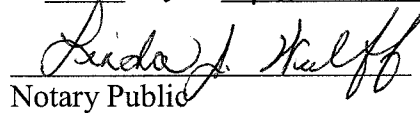


6. As described in the attached Motion to Dismiss, CMS ERM does not presently engage in any activity or business as a "distributor" or "seller" of "energy services" within the meaning of Section 393.297 et seq., RSMO 2000.

FURTHER AFFIANT SAYETH NOT.


John E. Panlincsar

Subscribed and sworn to before me this 1 day of March, 2004.


Notary Public

LINDA J. WULFF
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Aug 31, 2004

My Commission expires:

8-31-2004