

Dear Griddy Creditor:

March 15, 2023 marked the two-year anniversary of the filing of Griddy's bankruptcy case. Pursuant to Griddy's plan I was appointed plan administrator. The plan also provided for the appointment of an oversight board consisting of Holly O'Neil, Greg Craig and Lisa Khoury.

As plan administrator, and subject to oversight board supervision, I have two primary functions. First, to the extent that Griddy has claims against third parties, I must attempt to settle or reduce those claims to judgment, and, if successful, collect on those settlements and/or judgments. Second, to the extent that any party has filed a claim that is not grounded in fact or law or is overstated in amount, I must object to that claim.

I will address the second function first. Over 4,500 claims have been filed against Griddy. Those claims total over \$10 billion. Presently, Griddy has about \$400,000 in cash. As you can see from these numbers, without an effective claim review, reconciliation and objection process, we could not even justify the postage to send distributions. This means that in order to make any meaningful distribution, invalid claims against the estate must be eliminated and recoveries on behalf of the estate must be achieved. In order to accomplish the latter objective, I have concentrated on preserving cash for the prosecution of claims against third parties.

Last year I sued TXU in its capacity as a Provider of Last Resort (“POLR”). TXU was one of 3 POLRs that received Griddy’s customers after ERCOT terminated its contract with Griddy. I alleged that Griddy should have received value for those customers. Unfortunately, the Bankruptcy Court disagreed and dismissed that lawsuit. The Court’s ruling not only eliminated our claims against TXU, but precluded us from suing the other 2 POLRs.

In addition to the lawsuit against TXU, I investigated other causes of actions, including bankruptcy claims, contract claims, and tort claims. After that investigation, I concluded that Griddy’s most viable claim was against ERCOT.

On November 3, 2022, I filed Griddy’s lawsuit against ERCOT in the Bankruptcy Court. There, I objected to ERCOT’s \$29 million claim and sought an affirmative recovery for ERCOT’s actions during Winter Storm Uri. ERCOT asked the Court to dismiss the lawsuit or, alternatively, to abstain from hearing it. Bankruptcy Judge Isgur decided to abstain from hearing certain parts of our case against ERCOT. In doing so, he instructed me to pursue most of Griddy’s claims against ERCOT (specifically those relating to the \$9,000/MWh rate) in the Texas state court system. In the meantime, he stayed all of Griddy’s claims against ERCOT in Bankruptcy Court until Griddy’s state-based claims were clarified or resolved.

Because the majority of Griddy’s claims against ERCOT are now in the state system and its remaining claims are stayed, I

anticipate a significant delay in the resolution of our claims against ERCOT. Absent some type of settlement with ERCOT (which I presently do not anticipate) I do not expect a resolution of the ERCOT matter sooner than 18 months from now.

Assuming a successful outcome, I expect that it will take at least another six months to resolve objections to other claims against the estate. So, assuming funds are available for distribution, I do not anticipate a distribution to creditors sooner than 24 months from now.

I know that this news is disappointing. Many of you experienced severe disruption of your lives because of Winter Storm Uri. For some, that disruption continues to this day. I understand that some form of immediate compensation could make a difference to many of Griddy's customers.

Guided by the oversight board, I will do all that I can to pursue Griddy's claims as thoroughly and expeditiously as possible. But, as the same time, I do not want to instill false hope for an early resolution when I do not harbor such hope myself. If you have specific questions about the status of the case, please contact my paralegal, Shanna Dinkins, at [smdinkins\\_griddy.planadxa@yahoo.com](mailto:smdinkins_griddy.planadxa@yahoo.com).