



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 13, 2011

A-110036

**DOCUMENT
FOLDER**

TO ALL PARTIES:

Amendment to Electric Generation Supplier License of Constellation NewEnergy Inc.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on January 13, 2011 adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

Rosemary Chiavetta
Secretary

Encls.
Cert. mail
MH

See attached list for additional parties of record.

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: January 6, 2011	2. BUREAU AGENDA NO. 1093406-FUS
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Energy	5. PUBLIC MEETING DATE: January 13, 2011
6. APPROVED BY: Director: R. Wilson 783-6162 Mgr/Spvr: Diskin 214-5558 Legal Review:	
7. PERSONS IN CHARGE: Rametta/Shurskis 787-8763	9. EFFECTIVE DATE OF FILING: N/A
8. DOCKET NO.: A-110036	

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Constellation NewEnergy Inc.
 100 Constellation Way Ste 1200C
 Baltimore, MD 21202

(b) On December 10, 2010, Constellation NewEnergy Inc. filed a request to amend its electric generation supplier license in order to serve residential, small commercial (25 kW and under), large commercial (over 25 kW), industrial and governmental customers throughout all of the electric service territories within the Commonwealth of Pennsylvania.

This proposed amendment is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809.

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order which approves the amendment.

11. **MOTION BY:** Commissioner Chm Cawley Commissioner Coleman - Yes
 Commissioner Gardner - Yes
SECONDED: Commissioner VC Christy Commissioner Powelson - Yes

CONTENT OF MOTION: Staff recommendation adopted.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held January 13, 2011

Commissioners Present:

James H. Cawley, Chairman
Tyrone J. Christy, Vice Chairman
John F. Coleman, Jr.
Wayne E. Gardner
Robert F. Powelson

Amendment to Electric Generation Supplier
License of Constellation NewEnergy Inc.

Docket Number:
A-110036

ORDER

BY THE COMMISSION:

On December 10, 2010, Constellation NewEnergy Inc. (CNE) filed a request to amend its electric generation supplier (EGS) license in order to also serve residential and small commercial (25 kW and under) in the service territories throughout the Commonwealth of Pennsylvania. This proposed amendment is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809.

On January 14, 1999, the Commission granted CNE a permanent license, authorizing CNE, under its prior name of NEV East, LLC (NEV), the right to offer, render, furnish or supply electric generation services as a broker/marketer, aggregator and supplier to large commercial (over 25kW), industrial and governmental customers in the service territories throughout the Commonwealth of Pennsylvania. On May 3, 2001, the

Commission approved, by Secretarial Letter, a change of name on NEV's license to AES NewEnergy Inc. (AES). On January 8, 2003, the Commission approved, by Secretarial Letter, a change of name on AES' license to Constellation NewEnergy, Inc.

CNE has supplied proof that it is in compliance with the Commission's decision in Docket No. M-2010-2157431, Motion adopted at the February 11, 2010, Public Meeting, regarding EGS membership in the PJM Interconnection (PJM) as a Load Serving Entity (LSE) or proof of a contractual arrangement with an existing PJM LSE that facilitates the applicant's retail operations. CNE is a party to the PJM Reliability Assurance Agreement. Since CNE is taking title to electricity it is required to comply with this requirement.

CNE published notice of its original license application in the Pennsylvania newspapers as required by the Commission to provide service to all customer classes in the service territories throughout the Commonwealth. CNE also provided a \$250,000 surety bond with its original license application. Due to the several changes in company name and the length of time since the original application, CNE proactively published notices in the various newspapers applicable to a new applicant seeking to be licensed as an EGS throughout the Commonwealth of Pennsylvania, informing the public of the requested license amendment. CNE also served the amendment request on the various governmental parties and all the electric distribution companies.

Since CNE is proposing to service residential customers, CNE will now be required to comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. § 2807(d), and Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. § 2809(e) and (f)* at Docket No. M-00960890 F0011, Order entered July 11, 1997. Thus, we deem it

appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa. Code Chapter 56) is applicable to residential accounts. An EGS cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to EGSs. An EGS may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or default to utility service at capped rates in accordance with the utility's obligations under section 2807(e), 66 Pa. C.S. § 2807(e). The customer would only be disconnected from the electricity grid pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the EGS that has been designated by the Commission as the provider of last resort.

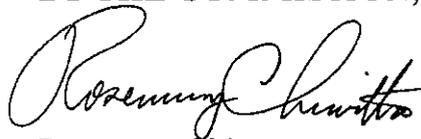
Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code § 54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer's personal information, and compliance with applicable state and federal consumer protection laws. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of business.

Upon full consideration of all matters of record, we find that approval of this request is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED:

1. That the request of Constellation NewEnergy Inc. is hereby approved, consistent with this Order.
2. That a license be issued authorizing Constellation NewEnergy Inc. to begin to offer, render, furnish or supply electric generation supplier services as a broker/marketer, aggregator and supplier to residential, small commercial (25 kW and under), large commercial (over 25 kW), industrial, and governmental customers in the electric distribution company service territories throughout the Commonwealth of Pennsylvania.
3. That this proceeding at Docket No. A-110036 be closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: January 13, 2011

ORDER ENTERED: January 13, 2011

A-110036
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A-110036
THOMAS AUGSPURGER ASSOCIATE GENERAL CNSL
APPLICANT
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BOSTON MA 02116

2. Article Number



7160 3901 9843 2950 2579

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes No

1. Article Addressed to:

A-110036 0
Joseph Quortelyny

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
Joseph Quortelyny	11/18/11
C. Signature	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
X [Signature]	
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PS Form 3811, February 2003

Domestic Return Receipt

2. Article Number



7160 3901 9843 2950 2609

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes No

1. Article Addressed to:

A-110036
H. Mitchell

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
[Signature]	11/19/11
C. Signature	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
X [Signature]	
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

PS Form 3811, February 2003

Domestic Return Receipt

2. Article Number



7160 3901 9843 2950 2661

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-1100360 0
Brian Krueger Esq

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <i>Jim SAGNOLE</i>	B. Date of Delivery <i>1/14/2011</i>
C. Signature <i>[Signature]</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	