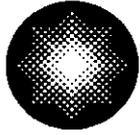


# ORIGINAL

Candler Building  
111 Market Plc; 7<sup>th</sup> fl  
Baltimore MD 21202  
410-230-4780  
f: 410-230-4659/4679  
[www.newenergy.com](http://www.newenergy.com)



**Constellation  
NewEnergy™**

*A Member of the  
Constellation Energy Group*

October 31, 2005

VIA FEDERAL EXPRESS

Hon. James McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Constellation NewEnergy, Inc.  
License Number A-110036

Dear Secretary McNulty:

This is to update the contact information for the above referenced License Number. For regulatory purposes, the contact person is:

Martha A. Duggan  
Director, Regulatory Affairs  
Constellation NewEnergy, Inc.  
111 Market Place 7<sup>th</sup> Floor  
Baltimore, MD 21202  
Phone: (703) 243- 2535  
Mobile Phone: (410) 652-8485  
Email [Martha.Duggan@Constellation.Com](mailto:Martha.Duggan@Constellation.Com)

Please do not hesitate to contact me with any questions or concerns.

Sincerely yours,

Martha A. Duggan  
Director, Regulatory Affairs

Cc: Mr. James Shurskis, PUC

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OCT 31 2005

DOCUMENT  
FOLDER  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

80

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

12/24/08

A-110036

DOCUMENT FOLDER

LETTER OF CREDIT NO. SM201231W

BENEFICIARY  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
COMMONWEALTH KEYSTONE BUILDING 2ND FLOOR  
HARRISBURG PA 17120  
ATTN: JAMES J. MCNUITY

GENTLEMEN

WE HEREBY AMEND OUR ABOVE REFERENCED LETTER OF CREDIT ISSUED IN YOUR FAVOR FOR THE ACCOUNT OF CONSTELLATION ENERGY GROUP, INC. FOR THE ACCOUNT OF CONSTELLATION NEWENERGY AS FOLLOWS:

THE EXPIRATION DATE IS EXTENDED TO 12/31/09 IN ACCORDANCE WITH THE AUTOMATIC EXTENSION PROVISION.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL LETTER OF CREDIT AND BECOMES AN INTEGRAL PART THEREOF.

SINCERELY,

AUTHORIZED SIGNATURE  
WACHOVIA BANK NATIONAL ASSOCIATION

BY  
AND

THE ORIGINAL OF THIS LETTER OF CREDIT AMENDMENT CONTAINS AN EMBOSSED SEAL OVER THE AUTHORIZED SIGNATURE.

OUR CUSTOMER CARE PHONE NUMBER FOR ANY QUERIES IS 800-776-3862, OPTION 2.  
OUR FAX NUMBER IS 336-735-0950.

WACHOVIA

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

02/11/09

A-110036

BENEFICIARY  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
COMMONWEALTH KEYSTONE BUILDING 2ND FLOOR  
HARRISBURG PA 17120  
ATTN: JAMES J MCNUITY

LETTER OF CREDIT NO SM201231W

GENTLEMEN,  
WE HEREBY AMEND OUR ABOVE REFERENCED LETTER OF CREDIT ISSUED IN YOUR FAVOR FOR THE ACCOUNT OF CONSTELLATION ENERGY GROUP, INC FOR THE ACCOUNT OF CONSTELLATION NEWENERGY AS FOLLOWS:  
THE LETTER OF CREDIT AMOUNT IS INCREASED BY USD 1,170,000.00 TO A NEW AGGREGATE TOTAL OF USD 1,870,000.00

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.  
THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL LETTER OF CREDIT AND BECOMES AN INTEGRAL PART THEREOF.

SINCERELY,

*John L. ...*

AUTHORIZED SIGNATURE  
WACHOVIA BANK NATIONAL ASSOCIATION  
EV12  
ANG

DOCUMENT  
FOLDER

THE ORIGINAL OF THIS LETTER OF CREDIT AMENDMENT CONTAINS AN EMBOSSED SEAL OVER THE AUTHORIZED SIGNATURE.

OUR CUSTOMER CARE PHONE NUMBER FOR ANY QUERIES IS 800-776-3862, OPTION 2.  
OUR FAX NUMBER IS 336-735-0950

**Buchanan Ingersoll & Rooney PC**  
Attorneys & Government Relations Professionals

Brian J. Knipe  
(717) 237-4820  
Brian.Knipe@bipc.com

17 North Second Street  
15th Floor  
Harrisburg, PA 17101-1503  
T 717.237.4800  
F 717.233.0852  
[www.bipc.com](http://www.bipc.com)

January 3, 2011

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**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

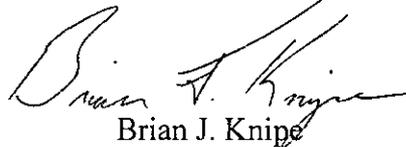
DOCUMENT  
FOLDER

Re: Request of Constellation NewEnergy, Inc. to Amend Its Electric Generation Supplier License to Include Service to Residential and Small Commercial Customers Throughout the Commonwealth of Pennsylvania, Docket No. A-110036

Dear Secretary Chiavetta:

Enclosed are the responses of Constellation NewEnergy, Inc. to data requests of the Bureau of Fixed Utility Services dated December 17, 2010. Copies of these responses have been served as indicated on the attached Certificate of Service.

Very truly yours,



Brian J. Knipe

For BUCHANAN INGERSOLL & ROONEY PC

BJK/kra

Enclosures

cc: James Shurskis, Bureau of Fixed Utility Services, Energy Industry Group (via e-mail and hand delivery w/encls.)  
Divesh Gupta, Esq.  
Certificate of Service

62734

**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Request of Constellation NewEnergy,  
Inc. to Amend Its Electric Generation  
Supplier License to Include Service to  
Residential and Small Commercial  
Customers Throughout the  
Commonwealth of Pennsylvania** :  
: Docket No. A-110036  
:  
:  
:

**CONSTELLATION NEWENERGY, INC.  
RESPONSES TO BUREAU OF FIXED UTILITY SERVICES DATA REQUESTS**

**REQUEST 1:**

**1. Proposed Marketing Method. (Application Item No 4.f.)**

**Provide a response to the item number and provide any additional description of the method(s) to be utilized.**

**RESPONSE:**

In response to Application Item No. 4.f., Constellation NewEnergy, Inc. ("Constellation") provides the following answer:

- Internal – Applicant will use its own internal resources/employees for marketing
- External EGS – Applicant will contract with a PUC LICENSED EGS broker/marketer
- Affiliate -- Applicant will use a NON-EGS affiliate marketing company and or individuals
- External Third-Party – Applicant will contract with a NON-EGS third party marketing company and or individuals

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Request of Constellation NewEnergy, Inc. to Amend Its Electric Generation Supplier License to Include Service to Residential and Small Commercial Customers Throughout the Commonwealth of Pennsylvania :  
: Docket No. A-110036  
:  
:  
:  
:  
:

CONSTELLATION NEWENERGY, INC.  
RESPONSES TO BUREAU OF FIXED UTILITY SERVICES DATA REQUESTS

REQUEST 2:

2. Door-to-Door Sales. (Application Item No. 4.g.)

*Provide a response to the item number.*

RESPONSE:

Regarding Application Item No. 4.g., Constellation responds to Application Item No. 4.g. as follows:

No

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Request of Constellation NewEnergy,  
Inc. to Amend Its Electric Generation  
Supplier License to Include Service to  
Residential and Small Commercial  
Customers Throughout the  
Commonwealth of Pennsylvania

Docket No. A-110036

**CONSTELLATION NEWENERGY, INC.  
RESPONSES TO BUREAU OF FIXED UTILITY SERVICES DATA REQUESTS**

**REQUEST 3:**

**3. PJM Load Serving Entity Requirement. (Application Item No. 10.a.)**

**Provide documentation that the applicant has met the requirement as directed in the Commission's decision at Docket No. M-2010-2157431.**

**RESPONSE:**

Attached as Exhibit 1 please find electronic mail correspondence (the "E-Mail") between Constellation's counsel, Divesh Gupta, and Public Utility Commission ("Commission") Staff providing evidence to meet the requirements of the Commission's decision at Docket No. M-2010-2157431 ("LSE Requirements"). Subsequent to the final correspondence in the E-Mail's chain, Commission Staff assured Mr. Gupta in a telephone conversation that no further documentation – beyond that presented in the E-Mail – would be required in order to meet the Commission's LSE Requirements.

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**EXHIBIT 1:**

**ELECTRONIC MAIL CORRESPONDENCE  
BETWEEN CONSTELLATION AND  
COMMISSION STAFF IN RE:  
COMMISSION LSE REQUIREMENTS**

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## Gupta, Divesh

---

**From:** Gupta, Divesh  
**Sent:** Tuesday, May 04, 2010 4:35 PM  
**To:** 'mwurst@state.pa.us'  
**Subject:** FW: Sector

Matt,

Below please find correspondence from PJM Interconnection, L.L.C. (PJM) confirming that Constellation NewEnergy, Inc. (Constellation) is, in fact, a Load Serving Entity (LSE) in PJM, and a signatory to PJM's Reliability Assurance Agreement (RAA). I will also file and forward to you a hard copy of additional proof from PJM as soon as we receive it, as we discussed.

Thank you for your time and consideration in this matter, and please do not hesitate to contact me with any questions or concerns.

Regards,  
Divesh

Mr. Divesh Gupta  
Senior Counsel  
Constellation Energy  
111 Market Place, Suite 500  
Baltimore, Maryland 21202  
O: 410.470.3158  
M: 410.340.9902  
F: 443.213.3556  
[divesh.gupta@constellation.com](mailto:divesh.gupta@constellation.com)

---

**From:** [frankc@pjm.com](mailto:frankc@pjm.com) [<mailto:frankc@pjm.com>]  
**Sent:** Thursday, April 29, 2010 8:08 AM  
**To:** Gupta, Divesh  
**Subject:** RE: Sector

Good Morning Divesh,

You are an LSE because you are a signatory to the RAA.

Have a good day!

*Chris Franks*  
*Customer Advisor*  
*Member Relations*  
[frankc@pjm.com](mailto:frankc@pjm.com)

*Provide feedback on my assistance by taking the following survey:*  
[How am I doing?](#)



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**From:** Gupta, Divesh [<mailto:Divesh.Gupta@constellation.com>]  
**Sent:** Wednesday, April 28, 2010 4:23 PM  
**To:** Franks, Christine A.  
**Subject:** RE: Sector

Thanks so much!

---

**From:** [frankc@pjm.com](mailto:frankc@pjm.com) [<mailto:frankc@pjm.com>]  
**Sent:** Wednesday, April 28, 2010 4:22 PM  
**To:** Gupta, Divesh  
**Subject:** RE: Sector

Ok I will find this out for you.

---

**From:** Gupta, Divesh [<mailto:Divesh.Gupta@constellation.com>]  
**Sent:** Wednesday, April 28, 2010 4:21 PM  
**To:** Franks, Christine A.  
**Subject:** Re: Sector

Thanks, Chris. I think I'm clear on Constellation NewEnergy's sector designation (currently "Other Supplier"). What I'm trying to obtain is information confirming that CNE is a party to the RAA - that is, that CNE is a LSE.

Divesh Gupta  
Senior Counsel  
Constellation Energy  
111 Marketplace, Suite 500  
Baltimore, MD 21202  
O: 410.470.3158  
C: 202.674.3776  
[divesh.gupta@constellation.com](mailto:divesh.gupta@constellation.com)

---

**From:** [frankc@pjm.com](mailto:frankc@pjm.com) <[frankc@pjm.com](mailto:frankc@pjm.com)>  
**To:** Gupta, Divesh  
**Sent:** Wed Apr 28 16:06:41 2010  
**Subject:** Sector

Divesh,

I am waiting to hear from our membership department as to what sector Constellation energy is in.

I will let you know as soon as they get back to me.

*Chris Franks*  
*Customer Advisor*  
*Member Relations*  
[frankc@pjm.com](mailto:frankc@pjm.com)

*Provide feedback on my assistance by taking the following survey:*  
How am I doing?



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professional or other privileged information, and are intended solely for the addressee. If you are not the intended recipient, do not use the information in this e-mail in any way, delete this e-mail and notify the sender. CEG-IP2

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VERIFICATION

I, DAVID I. FEIN, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 12/31/10

David I. Fein

David I. Fein  
Vice President and Director of Retail Energy Policy  
Constellation Energy Group, Inc.

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**CERTIFICATE OF SERVICE**

On this the 3rd day of January, 2011, I certify that a true and correct copy of the foregoing documents have been served upon the following:

**Via First-Class U.S. Mail:**

Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

Office of the Attorney General  
Bureau of Consumer Protection  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120

Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

Legal Department  
Attn: Paul Russell  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading, PA 19612

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12th Street, Suite 360  
P.O. Box 12677  
Reading, PA 19612-2677

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

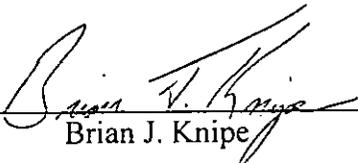
Director of Customer Energy Services  
Orange and Rockland Company  
390 West Route 59  
Spring Valley, NY 10977-5300

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Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
P.O. Box 138  
Wellsboro, PA 16901

  
\_\_\_\_\_  
Brian J. Knipe

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