

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for
Approval of its Smart Meter
Technology Procurement and
Installation Plan**

Docket No. M-2009-2123944

**PETITION TO INTERVENE OF
CONSTELLATION NEWENERGY, INC. AND
CONSTELLATION ENERGY COMMODITIES GROUP, INC.**

Pursuant to 52 Pa. Code §§ 5.71-5.76, Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc (“CCG”) (collectively, “Constellation”), by their undersigned counsel, hereby file this Petition to Intervene in the above-captioned proceeding. In support of this Petition, Constellation states the following:

1. The principal place of business of Constellation is:

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2. The names and addresses of Constellation's counsel in this matter are:

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Constellation's attorneys are authorized to accept service on behalf of Constellation in this proceeding. Constellation requests that the Pennsylvania Public Utility Commission (the "Commission") and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders and any other documents issued to its attorneys and Constellation, at the addresses indicated above.

3. On or about August 14, 2009, PECO Energy Company ("PECO") filed a Petition requesting approval of its Smart Meter Procurement and Installation Plan (the "Plan") to reduce energy consumption and demand in its service territory in accordance with the requirements of Act 129, 66 Pa. C.S. § 2806.1 ("Act 129" or the "Act").

4. CCG and CNE are indirect, wholly-owned subsidiaries of Constellation Energy Group, Inc., a FORTUNE 125 North American energy company with several merchant subsidiaries in addition to CCG and CNE, including a Maryland-regulated utility subsidiary, Baltimore Gas and Electric Company. CCG and CNE have been granted market-based rate authority by the Federal Energy Regulatory Commission ("FERC").

5. CNE is authorized to provide electricity and energy-related services to retail customers in Pennsylvania and thirteen other states, the District of Columbia and two Canadian

provinces, serving over 15,500 megawatts of load and over 10,000 customers. CNE markets its services under the Constellation NewEnergy brand name. CNE is a licensed Electric Generation Supplier in the Commonwealth of Pennsylvania, pursuant to 66 Pa.C.S. § 2809, and is a licensed, potential retail supplier to customers in the PECO service territory.

6. CCG provides wholesale power and risk management services to wholesale customers (distribution utilities, co-ops, municipalities, power marketers, utilities and other large load serving entities), including through participation in load auctions, throughout the United States, in both regulated and deregulated energy markets. CCG is a licensed participant in the footprint of PJM Interconnection, L.L.C. CCG is licensed by FERC to make wholesale sales and has participated as a wholesale supplier in previous procurements for generation supply held by PECO.

7. Further, Constellation provides customers with sophisticated demand response services, of the sort necessitated by Act 129. To that end, CNE is in the process of applying to be a registered Conservation Service Provider (“CSP”).

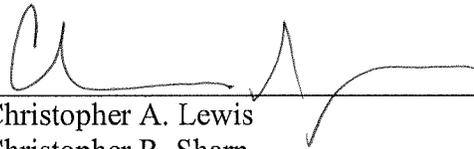
8. Due to its interest in PECO’s response to the mandates of Act 129, Constellation intervened in the Commission’s review of PECO’s Petition for Approval of its Energy Efficiency and Conservation and Demand Response Plan, at Docket No. M-2009-2093215.

9. As a potential supplier of retail and wholesale power and demand response services within the PECO territory, and prospective CSP, Constellation falls squarely within the test articulated for intervention in this proceeding: simply put, Constellation possesses “[a]n interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” Pa. Code § 5.72(a)(1).

10. The public interest demands that Constellation be afforded the opportunity to be heard in this proceeding. *See* Pa. Code § 5.72(a)(3).

WHEREFORE, for all the foregoing reasons, Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc respectfully request that their Petition to Intervene be granted and that the Commission grant them such other relief as is just and reasonable under the circumstances.

Respectfully submitted,



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Counsel to Intervenor Constellation NewEnergy, Inc.

Dated: September 25, 2009

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a true copy of the foregoing Petition to Intervene and Prehearing Memorandum of Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

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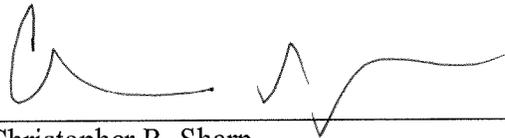
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