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November 10, 2010

VIA FEDERAL EXPRESS

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

Re: **Petition of PPL Electric Utilities Corporation for Approval of
Changes to its Act 129 Energy Efficiency and Conservation Plan
Docket No. M-2009-2093216**

Dear Secretary Chiavetta:

On behalf of Constellation NewEnergy, Inc., enclosed please find two copies of the Prehearing Memorandum electronically filed today.

If you have any questions, please contact me.

Respectfully submitted,


Christopher R. Sharp

Enclosures

Cc: Administrative Law Judge Dennis J. Buckley
Administrative Law Judge Elizabeth J. Barnes

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities
Corporation for Approval of Changes
to its Act 129 Energy Efficiency and
Conservation Plan**

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Docket No. M-2009-2093216

**PREHEARING MEMORANDUM OF
CONSTELLATION NEWENERGY, INC.**

In accordance with 52 Pa.C.S. § 5.222, Intervenor Constellation NewEnergy, Inc. submits the following Prehearing Memorandum:

I. INTRODUCTION

On or about July 1, 2009, PPL Electric Utilities Corporation (“PPL Electric”) filed a Petition requesting approval of its Energy Efficiency and Conservation Plan (“EE&C Plan”) with the Commission. Constellation intervened in that proceeding on August 3, 2009. By Order entered October 26, 2009, the Commission approved PPL Electric’s EE&C Plan, with modifications.

On September 15, 2010, PPL Electric filed an annual report and proposed changes to its EE&C Plan. A comment period followed, and the Commission has referred this matter to the OALJ for a hearing.

A Prehearing Conference Order was filed on November 4, 2010, scheduling a Prehearing Conference, and requiring filing of a Prehearing Memorandum no later than November 10, 2010.

II. IDENTIFICATION OF ISSUES

Constellation is still reviewing PPL Electric's annual report and proposed changes to its EE&C Plan, and is in the process of identifying issues to address with respect to the Plan. In particular, Constellation intends to review and address, if necessary, any changes proposed by PPL Electric or other parties in the context of this proceeding, which may relate to PPL Electric's planned Load Curtailment Program.

Constellation reserves the right to address other issues as it deems appropriate.

III. WITNESSES

Constellation reserves the right to present direct testimony in this proceeding. Moreover, in the event that the procedural schedule is amended to incorporate more thorough proceedings regarding PPL Electric's annual report and proposed changes, Constellation reserves the right to present direct, rebuttal, and surrebuttal fact and expert testimony, to the extent it deems necessary, in this proceeding. If the procedural schedule is amended in this way, Constellation would expect to present expert testimony by:

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Vice President, Energy Policy
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Constellation will notify the Judge and all parties of the identity of any additional witnesses it would intend to call, if applicable and necessary.

IV. SERVICE ON CONSTELLATION

Constellation consents to accept electronic delivery documents on the deadline for their filing, if followed by hard copy delivery by first class mail. Constellation respectfully requests that service be made to both Divesh Gupta and its counsel of record in this matter:

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V. SETTLEMENT

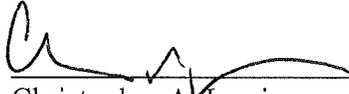
Constellation is amenable to meeting with PPL Electric and all other parties for the purpose of discussing settlement of the entire matter or discrete issues.

VI. LITIGATION SCHEDULE

Constellation will cooperate with other parties to develop a schedule in this proceeding.

Respectfully submitted,

BLANK ROME LLP

By: 

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*Counsel to Intervenor
Constellation NewEnergy, Inc.*

Dated: November 10, 2010

CERTIFICATE OF SERVICE

I hereby certify that this day I have served two true copies of the foregoing Prehearing Memorandum of Intervenor Constellation NewEnergy, 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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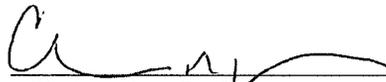
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