

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison Company,	:	Docket Nos. P-2011-2273650
Pennsylvania Electric Company, Pennsylvania	:	P-2011-2273668
Power Company and West Penn Power	:	P-2011-2273669
Company For Approval of Their Default Service	:	P-2011-2273370
Programs	:	
	:	

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

Before the Pennsylvania Public Utility Commission (the “Commission”), pursuant to 52 Pa. Code §§ 5.71-5.76, Constellation NewEnergy, Inc. (“CNE”) 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 to Intervene, Constellation states the following:

1. The principal place of business of Constellation is:

100 Constellation Way, Suite 500C
Baltimore, MD 21202

David I. Fein
Vice President, Energy Policy
Director of Retail Energy Policy
Constellation Energy
550 West Washington Blvd., Suite 300
Chicago, Illinois 60661
Telephone: (312) 704-8499
david.fein@constellation.com

Divesh Gupta
Managing Counsel – Regulatory
Constellation Energy
100 Constellation Way, Suite 500C
Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (443) 213-3556
divesh.gupta@constellation.com

2. The name and address of Constellation’s counsel in this matter is:

Divesh Gupta
(PA Bar # 307892)
Managing Counsel – Regulatory
Constellation Energy
100 Constellation Way, Suite, 500C

Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (443) 213-3556
divesh.gupta@constellation.com

Constellation's attorney is authorized to accept service on behalf of Constellation in this proceeding. Constellation requests that the Commission and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders and any other documents issued on both Constellation and its attorney. Particularly, Constellation respectfully requests that service (both electronic and paper) be made to its counsel of record, Divesh Gupta, while electronic service only be made to David I. Fein.

3. On November 17, 2011, Metropolitan Edison Company ("Met-Ed"), Pennsylvania Electric Company ("Penelec"), Pennsylvania Power Company ("Penn Power"), and West Penn Power Company ("West Penn") (collectively, "Joint Applicants") filed a Joint Petition for Approval of their Default Service Implementation Plans ("Plans") pursuant to Section 2807(e) of the Public Utility Code.

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

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. CNE is a licensed Electric Generation Supplier in the Commonwealth, pursuant to 66 Pa.C.S. § 2809, is a registered Pennsylvania Conservation Service Provider, and is a registered retail supplier to customers in the Joint Applicants' service territories.

6. CCG provides wholesale power and risk management services to wholesale customers (including, but not limited to, distribution utilities, co-ops, municipalities, power marketers, utilities and other large load serving entities), including through participation in wholesale load procurements, in both regulated and restructured energy markets. CCG is a licensed participant in PJM Interconnection, L.L.C.

7. As a potential supplier of both retail and wholesale power in the Joint Applicants' territories, 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).

8. The Plans present fundamental issues which affect the ability of Constellation, and suppliers like it, to compete in the Commonwealth's electricity market. The public interest demands that Constellation be afforded the opportunity to be heard in this proceeding. See Pa. Code § 5.72(a)(3).

9. In summary, Constellation has a direct and substantial interest in the outcome of this proceeding as a potential retail and wholesale supplier in the Joint Applicants' territories. No other party can adequately represent Constellation's interests in this matter. Moreover, it is in the public interest that Constellation be permitted to participate in this proceeding.

10. Due to the early stage of this proceeding, Constellation is still formulating its position on the proposed Plans and will finalize its position after it has had an opportunity to further study and evaluate the filings, conduct discovery and obtain additional information as necessary.

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,



Divesh Gupta
Managing Counsel – Regulatory
Constellation Energy
100 Constellation Way, Suite 500C
Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (410) 213-3556
divesh.gupta@constellation.com

*Counsel to Intervenors Constellation NewEnergy, Inc.
and Constellation Energy Commodities, Group, Inc.*

Dated: December 15, 2011