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Via Electronic Filing

March 7, 2024

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

**Re: Docket No. P-2024-3046008: Petition of PECO Energy Company for Approval of its
Default Service Plan for the Period from June 1, 2025 through May 31, 2029**

Dear Secretary Chiavetta:

Pursuant to the March 4, 2024 Prehearing Conference Order in the above captioned proceeding, enclosed please find Constellation NewEnergy, Inc. and Constellation Energy Generation LLC's Prehearing Memorandum.

The parties shown on the attached Certificate of Service are being duly served with a copy of the enclosed Petition to Intervene. Please do not hesitate to contact me if you have any questions or require additional information. Thank you.

Very truly yours,



Elizabeth J. Sher

Enclosure

cc: Administrative Law Judge Eranda Vero (via email)
Administrative Law Judge Arlene Ashton (via email)
Service List

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

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Elizabeth J. Sher
Counsel to Constellation NewEnergy, Inc.
and Constellation Energy Generation LLC

Dated this 7th day of March 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company
for Approval of Its Default Service Program
for the Period From June 1, 2025 Through
May 31, 2029

Docket No. P-2024-3046008

**PREHEARING MEMORANDUM OF
CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY GENERATION, LLC**

Pursuant to 52 Pa. Code §§ 5.71-5.75, the Prehearing Conference Order dated March 4, 2024, and subject to the granting of its Petition to Intervene filed on March 6, 2024, Constellation NewEnergy Inc. and Constellation Energy Generation, LLC (“Constellation”) hereby submit this Prehearing Memorandum to address the topic set forth in the Prehearing Conference Order.

I. BACKGROUND

On February 2, 2024, PECO Energy Company (“PECO” or the “Company”) petitioned the Pennsylvania Public Utility Commission (“Commission”) for approval of the Company's sixth Default Service Program (“DSP VI”), proposing to establish the terms and conditions under which it will procure default service supplies, provide default service to non-shopping customers, satisfy requirements imposed by the Alternative Energy Portfolio Standards Act (“AEPS Act”)¹, and recover all associated costs on a full and current basis for the period from June 1, 2025 through May 31, 2029. On March 6, 2024 Constellation filed a Petition to Intervene. A telephonic prehearing conference has been scheduled for March 8, 2024 before Administrative Law Judges (“ALJs”) Eranda Vero and Arlene Ashton.

¹ 73 P.S. §§ 1648.1-1648.8 and related provisions of 66 Pa. C.S. §§ 2813-2814.

II. ISSUES

As noted in its Petition to Intervene, Constellation will be specifically and substantially affected by the outcome of this proceeding. Constellation is continuing to evaluate PECO's proposals and the forthcoming positions of other parties in relation to its interests and will determine to what extent, if necessary, it identifies issues necessary to bring to the Commission's attention. As such, Constellation reserves the right to raise other issues identified through its continued review and analysis in this case.

The March 4 Prehearing Conference Order Requests input from the parties on the following topics:

- a) The possibility for settlement of the proceeding, subject to the Commission's approval.

Constellation is willing to participate in settlement discussions with the parties to narrow the issues in this matter.

- b) Whether the matter should be decided upon legal briefs, or whether a hearing is necessary.

Constellation is continuing to evaluate the issues in this proceeding at this time and is unable to estimate the amount of hearing time (if any) that may be needed.

- c) If a hearing is required, a procedural schedule will be discussed including the amount of hearing time necessary to dispose of the proceeding.

Constellation will cooperate with the parties and presiding officers to develop a reasonable procedural schedule. Constellation is continuing to evaluate the issues in this proceeding at this time and is unable to estimate the amount of hearing time (if any) that may be needed.

- d) Arrangements for the submission of direct testimony of witnesses in writing in advance of the hearing to the extent practicable, and for the submission in advance of hearing of written requests for information which a party contemplates asking another party to present at hearing.

Constellation is still considering whether or not to present testimony in this matter. Constellation reserves the right to present a witness, as may be necessary, depending on the course of the proceeding. If Constellation decides to present testimony, Constellation will provide reasonable notice to ALJs Vero and Ashton, as well as the parties. Constellation also reserves its right to add or change the identity of its witnesses at any time, upon appropriate notice to the ALJs and the parties.

- e) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including, but not limited to the following:
 - f) The exchange and acceptance of exhibits proposed to be offered into evidence.
 - g) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.
 - h) The limitation of the number of witnesses.
 - i) The discovery or production of data or other material.

Constellation will cooperate with the parties and presiding officers to develop a reasonable procedural schedule and procedures for this proceeding.

Respectfully submitted,

/s/ Elizabeth J. Sher

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Dated: March 7, 2024