

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Filing of PPL Electric Utilities Corporation for Approval of Time-of-Use Rates</b>	:	<b>Docket No. R-2009-2122718</b>
	:	
	:	
<b>Pennsylvania Public Utility Commission</b>	:	<b>Docket No. C-2009-2128394</b>
v.	:	
	:	
<b>PPL Electric Utilities Corporation</b>	:	
	:	
	:	

**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. (“CNE”) and Constellation Energy Commodities Group, Inc (“CCG”) (collectively, “Constellation”), by and through their undersigned counsel, hereby file this Petition to Intervene in the above-captioned consolidated proceedings. 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:

Christopher A. Lewis  
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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. Act 129, enacted in 2008, requires that each electric distribution company in Pennsylvania with more than 100,000 file at least one time-of-use or real-time pricing plan.

4. On or about July 31, 2009, PPL Electric Utilities Corporation issued and filed for approval by the Commission Supplement No. 71 to PPL Electric Utilities Corporation’s Tariff Electric – Pa. P.U.C. No. 201. Supplement No. 71 proposes the establishment of a new optional time-of-use program (“the TOU program”) for residential and small commercial and industrial customer classes.

5. On or about September 2, 2009, the Office of Consumer Advocate filed a Complaint against Supplement No. 71. On or about October 9, 2009, the Office of Small Business Advocate filed a Complaint against Supplement No. 71.

6. 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”).

7. 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 PPL Electric service territory.

8. 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 PPL.

9. Due to its interest in PPL Electric’s response to the mandates of Act 129—both as a potential retail competitor and load supplier—Constellation intervened in both the Commission’s review of PPL Electric’s Petition for Approval of its Energy Efficiency and Conservation Plan, at Docket No. M-2009-2093216, and is actively participating in the ongoing

proceeding regarding PPL Electric's Petition for Approval of its Smart Meter Technology Procurement and Installation Plan, at Docket No. M-2009-2123945.

10. Constellation likewise has an interest in ensuring that retail competition in the PPL Electric territory is achieved through the imposition of competitively neutral measures, and to that end CNE has actively participated in the PPL Electric Utilities Corporation Retail Markets proceeding, at Docket No. P-2009-2129502.

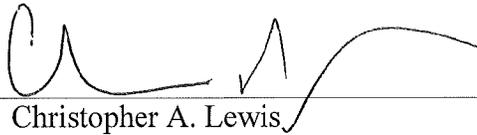
11. As a potential supplier of retail and wholesale power services within the PPL Electric territory, Constellation's interest in this proceeding—ensuring that PPL's TOU program is sound as well as competitively neutral—falls squarely within the test articulated: simply put, Constellation possesses “[a]n 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).

12. Permitting Constellation to intervene in this proceeding will not delay any on-going activity in this proceeding. Moreover, no prejudice to an existing party or to the public interest will result.

13. 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,

A handwritten signature in black ink, appearing to read 'C. Lewis', is written over a horizontal line.

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

Dated: October 13, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a true copy of the foregoing Petition to Intervene on behalf 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.

**VIA E-MAIL AND FIRST CLASS MAIL**

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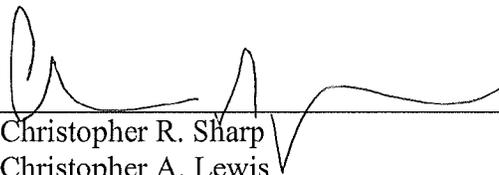
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Dated: October 13, 2009