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October 27, 2009

**VIA FIRST CLASS MAIL**

Honorable Mark A. Hoyer  
Office of Administrative Law Judge  
Pittsburgh District Office  
Pennsylvania Public Utility Commission  
1103 State Office Building  
300 Liberty Ave.  
Pittsburgh, PA 15222

Re: **Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan, Docket No. M-2009-2123951**

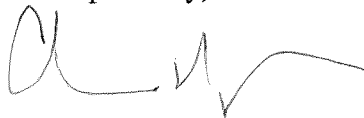
Dear Judge Hoyer:

Please be advised that Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. will not be submitting Rebuttal Testimony in the above-referenced proceeding. Constellation reserves the right to participate in this proceeding in all other respects.

A copy of this letter is being served on all parties of record and has been filed with the Secretary pursuant to 52 Pa. Code § 5.412.

Do not hesitate to contact me with any questions about this material.

Respectfully,



Christopher Sharp

CS

cc: All parties on attached Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that this day I have served two copies of the foregoing Letter 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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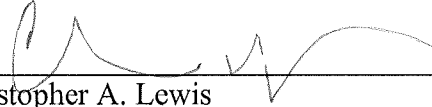
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*Counsel to Constellation NewEnergy, Inc. and  
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Dated: October 27, 2009