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November 9, 2009

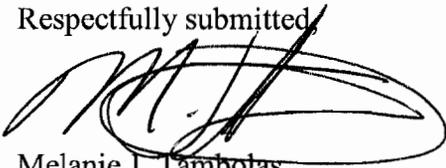
**VIA ELECTRONIC FILING**

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Petition of Duquesne Light Company for Approval of Default Service Plan  
for the Period January 1, 2011 through May 31, 2013; Docket No. P-2009-  
2135500**

Dear Secretary McNulty:

Enclosed for filing with the Commission in the above-captioned matter is the Prehearing Memorandum of Constellation Energy Commodities Group, Inc. and Constellation NewEnergy, Inc. The e-filing receipt is attached to the paper copy. Copies of this filing are being served per the attached certificate of service. If you have any questions, please contact me.

Respectfully submitted,  
  
Melanie J. Tambolas

MJT/dc  
Enclosure

cc: The Honorable John H. Corbett, Jr. (w/enclosure) (via Federal Express)  
Certificate of Service (w/enclosure)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company  
for Approval of Default Service Plan  
for the Period January 1, 2011 through  
May 31, 2013**

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**Docket No. P-2009-2135500**

**PREHEARING MEMORANDUM OF  
CONSTELLATION NEWENERGY, INC. AND  
CONSTELLATION ENERGY COMMODITIES GROUP, INC.**

Before the Pennsylvania Public Utility Commission (the "Commission"), in accordance with 52 Pa.C.S. § 5.222, Intervenors Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. (collectively, "Constellation"), by their undersigned counsel, hereby respectfully submit this Prehearing Memorandum.

**I. INTRODUCTION**

On or about October 9, 2009, Duquesne Light Company ("DLC") filed a Petition seeking Commission approval of its proposed plan to secure default service supply for DLC customers for the period between January 1, 2011, through May 31, 2013 (the "Plan"). On the date hereof, Constellation submitted a Petition to Intervene in this proceeding. A Prehearing Conference is scheduled for November 12, 2009.

**II. IDENTIFICATION OF ISSUES**

Constellation is at this time still formulating its position on the issues presented by the Plan. Based on a preliminary review of the Plan, Constellation expects that potential issues in this proceeding will include but not be limited to: (i) the manner in which DLC is proposing to conduct the default service procurements for the various customer classes under the Plan; (ii) the manner in which the Plan supports the continued development of retail competition in the DLC

service territory; and (iii) whether the Plan is consistent with Act 129 and other applicable rules. Constellation reserves the right to address other issues as it deems appropriate.

### **III. WITNESSES**

Constellation reserves the right to present direct, rebuttal, and surrebuttal fact and expert testimony, to the extent it deems necessary, in this proceeding. Constellation expects to present expert testimony by:

David 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

Once discovery has begun and the positions of all parties to this proceeding have been made known, Constellation will notify the Administrative Law Judge and all parties of the identity of any additional witnesses it intends to call.

### **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 to its counsel of record. Constellation also requests that parties serve electronic (and not paper) copies of all documents in this proceeding on David Fein and Divesh Gupta.

Constellation respectfully requests that service be made to its counsel of record in this matter:

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Christopher R. Sharp  
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Constellation also requests that parties serve electronic (and not paper) copies of all documents and communications in this proceeding on:

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#### **V. SETTLEMENT**

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

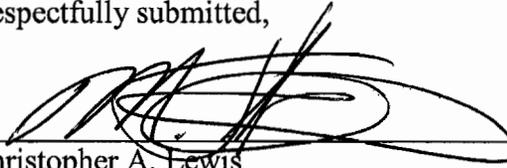
#### **VI. LITIGATION SCHEDULE**

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

#### **VII. CONCLUSION**

WHEREFORE, for all the foregoing reasons, Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. respectfully request that their Prehearing Memorandum in this proceeding be entered into the record.

Respectfully submitted,



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

Dated: November 9, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a true and correct copy of the Prehearing Memorandum on behalf of Constellation Energy Commodities Group, Inc., and Constellation NewEnergy, Inc., in Docket No. P-2009-2135500, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Dated: November 9, 2009