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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 Petition to Intervene 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**

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

**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:

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2. The names and addresses of Constellation's counsel in this matter are:

Christopher A. Lewis  
Christopher R. Sharp  
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Constellation's attorneys are 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 attorneys. Particularly, Constellation respectfully requests that service (both electronic and paper) be made to its counsel of record in this matter, while electronic service only (not paper) be made to David Fein and Divesh Gupta.

3. On 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").

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, Baltimore Gas and Electric Company. CCG and CNE have been granted market-based rate authority by the Federal Energy Regulatory Commission ("FERC") 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 of Pennsylvania, pursuant to 66 Pa.C.S. § 2809, and is a licensed, potential retail supplier to customers in the DLC service territory.

6. 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 and Canada, in both regulated and deregulated energy markets. CCG is a licensed participant in the footprint of PJM Interconnection, L.L.C., and is also authorized by FERC to engage in wholesale sales.

7. As a potential supplier of both retail and wholesale power in the DLC's service territory, 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).

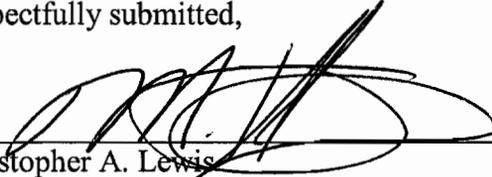
8. The Plan presents serious and fundamental issues which affect the ability of Constellation, and suppliers like it, to compete in the Commonwealth's electricity market. The public interest demands that Constellation be afforded the opportunity to be heard in this proceeding. *See* Pa. Code § 5.72(a)(3).

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 DLC service territory. 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 Plan 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,



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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 Petition to Intervene 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