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December 2, 2009

VIA ELECTRONIC FILING

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

Re: **Petition of PECO Energy Company for Approval of its Smart Meter
Technology Procurement and Installation Plan
Docket No. M-2009-2123944**

Dear Secretary McNulty:

Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc., (“Constellation”) will not be filing a Main Brief in the above-captioned proceeding. Constellation’s interests in this proceeding have been addressed in the Joint Petition for Partial Settlement filed on November 25, 2009. 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. If you have any questions, please contact me.

Respectfully submitted,



Melanie J. Tambolas

Enclosure

cc: The Honorable Marlane R. Chestnut
Parties of Record
Kathleen Niesborella, Office of Special Assistants

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a true copy of the foregoing Letter 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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Dated: December 2, 2009