

**Constellation Energy®**

NewEnergy Gas  
9960 Corporate Campus Drive  
Suite 2000  
Louisville, KY 40223  
Phone: 502-426-4500  
Fax: 502-426-8800  
www.newenergy.com

February 10, 2011

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**RECEIVED**

**FEB 10 2011**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

RE: Constellation NewEnergy-Gas Division, LLC  
Natural Gas Supplier License No. A-125095  
Amended Authority Request

Dear Secretary Chiavetta:

Constellation NewEnergy-Gas Division, LLC (CNEG) is a licensed Natural Gas Supplier in the Commonwealth of Pennsylvania.<sup>1</sup> CNEG is currently authorized by the Pennsylvania Public Utility Commission (Commission) to provide natural gas services to the public within the service territories of Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, UGI Utilities, Inc., Equitable Gas Company, T. W. Phillips Gas and Oil Company, and the Peoples Natural Gas Company. CNEG presently provides natural gas services to commercial and industrial customers located in the service territories of these utilities.

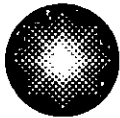
On January 14, 2011, CNEG submitted a request to the Commission to amend CNEG's existing license to include the service territory of Philadelphia Gas Works (PGW). CNEG understands that request is currently being evaluated by the Commission's Staff.

CNEG herein respectfully requests the Commission amend CNEG's existing license to also include the PECO service territory. If approved, in addition to its present business activities, CNEG intends to solicit natural gas-related business from commercial receiving less than 6,000 Mcf annually, commercial receiving 6000 Mcf or more annually, industrial, and governmental customers located in PECO's service territory.

Based upon information from Commission Staff, CNEG understands that the following information is required to support its request:

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<sup>1</sup> The initial license was granted in the name Alliance Energy Services Partnership (Alliance Energy) on April 5, 2001. On April 28, 2004 the Commission approved the request by Alliance Energy to change the name on its license to Constellation NewEnergy-Gas Division, LLC.



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1. Evidence that CNEG has met the creditworthiness standards of PECO.

Enclosed is an email dated February 3, 2011 from Jon Davis of PECO Enterprise Risk Management stating CNEG is deemed to be a creditworthy entity by PECO Energy and has satisfied the requirements to be an HVT supplier.

2. Proof of publication in the newspapers distributed in the geographic area served by PECO of notice of intent to provide natural gas and related services in its service territory.

Also, enclosed is a copy of CNEG's January 2001 initial newspaper notice in the *Philadelphia Inquirer*. Please note the notice states CNEG's intent to "sell natural gas and related services throughout all of Pennsylvania." CNEG understands that if the initial newspaper notice indicated intent to provide service statewide, then notice at this time to support the request herein is not required.

Finally, CNEG respectfully requests the Commission amend CNEG's existing license to also authorize service to commercial customers receiving less than 6,000 Mcf annually and governmental customers in all its currently authorized service territories as well as the PGW and PECO service territories.

If there are any questions, please contact me at (502) 214-6313.

Respectfully submitted,

Stephen Baker  
Associate, Legal Compliance

XC: James Shurskis ([jshurskis@state.pa.us](mailto:jshurskis@state.pa.us))

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## Baker, Stephen

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**From:** jon.davis@exeloncorp.com  
**Sent:** Thursday, February 03, 2011 8:49 AM  
**To:** Quinn, Brett W  
**Cc:** chris.sauerbaum@peco-energy.com  
**Subject:** RE: PECO Gas Tariff - Creditworthiness

Constellation NewEnergy-Gas Division LLC is deemed to be a creditworthy entity by PECO Energy and has satisfied the requirements to be an HVT supplier. Please note that as this entity acquires customers and additional volume, PECO Energy Company will ask for collateral to cover any additional risk exposure it may bear. Risk exposure will be measured based upon the formula outlined in the PECO gas tariff to calculate necessary collateral.

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**From:** Quinn, Brett W [mailto:Brett.Quinn@constellation.com]  
**Sent:** Wednesday, February 02, 2011 5:29 PM  
**To:** Davis, Jon K:(BSC)  
**Subject:** FW: PECO Gas Tariff - Creditworthiness

Hi Jon,

Our legal compliance group has requested that PECO explicitly state in an email that "Constellation NewEnergy-Gas Division, LLC" be referenced as the creditworthy HVT supplier so that we may obtain PA PUC license authority. Please see the email below from Stephen Baker. Thanks again.

Brett W. Quinn  
410.470.2174

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**From:** Baker, Stephen  
**Sent:** Wednesday, February 02, 2011 3:53 PM  
**To:** Quinn, Brett W  
**Subject:** RE: PECO Gas Tariff - Creditworthiness

Would you please obtain a simple email (examples below) from PECO which specifies that Constellation NewEnergy-Gas Division, LLC is deemed a creditworthy HVT supplier (versus the generic name Constellation) for purposes of obtaining Pennsylvania PUC license authority.

Suggested examples of language are:

"Please be advised that per PECO's review (Page 31 of the Tariff) of Constellation NewEnergy-Gas Division, LLC's creditworthiness, Constellation NewEnergy-Gas Division, LLC is deemed a creditworthy HVT supplier."

"This email serves as notification that per PECO's review (Page 31 of the Tariff) of Constellation NewEnergy-Gas Division, LLC, Constellation NewEnergy-Gas Division, LLC has satisfied the PECO's creditworthiness requirements as an HVT supplier."

**Stephen Baker**  
*Associate, Legal Compliance*

502.214.6313 direct  
502.526.6432 mobile  
502.426.8800 fax  
stephen.baker@constellation.com

Proof of Publication in The Philadelphia Inquirer  
Under Act. No 160, P.L. 877, July 9, 1976

STATE OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA

Anna Dickerson being duly sworn, deposes and says that **The Philadelphia Inquirer** is a daily newspaper published at Broad and Callowhill Streets, Philadelphia County, Pennsylvania, which was established in the year 1829, since which date said daily newspaper has been regularly published and distributed in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of said daily newspaper on the following dates:

January 19<sup>th</sup>, 2001.

Affiant further deposes and says that he is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that he is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

*Anna Dickerson*

Sworn to and subscribed before me this 19<sup>th</sup> day of  
January, 2001.

*Margaret C. Ruchalski*  
Notary Public

My Commission Expires:

NOTARIAL SEAL  
Margaret C. Ruchalski, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires May 27, 2002

Copy of Notice of Publication

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE  
Application of Alliance Energy Services (d/b/a Alliance Energy Services) For Approval To Offer, Render, Furnish Natural Gas Supply Services as a Marketer, Broker or Aggregator engaged in The Business Of Supplying Natural Gas Supply Services To The Public In The Commonwealth of Pennsylvania (Docket No. A-125095).  
On October 28, 2000, Alliance Energy Services filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as: (1) a supplier of natural gas, (2) a broker, marketer, engaged in the business of supplying natural gas, and (3) an aggregator engaged in the business of providing natural gas supply services. Alliance Energy Services proposes to sell natural gas and related services throughout all of Pennsylvania under the provisions of the new Natural Gas Choice and Competition Act.  
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Alliance Energy Services may be filed within 18 days of the date of this notice with the Secretary of the PUC, P.O. Box 3266, Harrisburg, PA 17105-3266. You should send copies of any protest to Alliance Energy Services, attorney at the address listed below. Please include the PUC's docket number on any correspondence, which is A-125095.  
By and through Counsel: W. Thomas Helble, Jr., Esq.  
Bites & Harbison  
400 West Market Street, Suite 1800  
Louisville, KY 40202  
Phone: (602) 587-3400  
Fax: (602) 587-8391

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FEB 10 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Urgent**

This envelope is for use with the following services: **UPS Next Day Air Saver**

2/11/2011 9:50:09 AM

**TO: PUC (PUC)**  
**Agency: PUC**  
**Floor:**  
**External Carrier: UPS**

ress™

ents on this side.

e for:

ed®

**J-20**

or call **1-800-PICK-UPS®** (1-800-742-5877)  
pickup or find a drop off location near you.

Letter rate, UPS Express Envelopes may only contain  
urgent documents, and/or electronic media, and must  
Envelopes containing items other than  
in 8 oz. will be billed by weight.

**PUBLIC UTILITY COMMISSION**  
**400 NORTH ST**  
**HARRISBURG PA 17120-1007**  
**1-852**  
**1500**

only for documents of no commercial

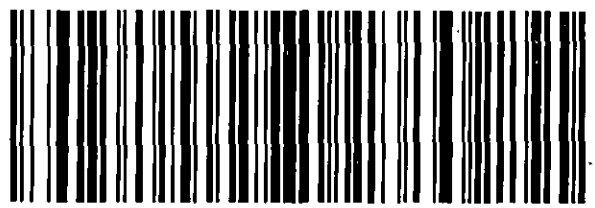
**LTR 1 OF 1**

**FROM:**  
**STEPHEN BAKER**  
**(502) 426-4500**  
**CONSTELLATION ENERGY**  
**150 CORPORATE CAMPUS DR**  
**LOUISVILLE KY 40223**



**SHIP TO:**  
**ROSEMARY CHIAVETTA, SECRETARY**  
**PENNSYLVANIA PUBLIC UTILITY COMM.**  
**COMMONWEALTH KEYSTONE BUILDING**  
**400 NORTH STREET**  
**HARRISBURG PA 17105**

**UPS NEXT DAY AIR SAVER** **1P**  
TRACKING #: 1Z F4E 559 13 6172 6200



Salesperson: HL1001-Legal

BILLING: P/P