

Petition; (ii) the manner in which the DSP Petition hinders or supports the development of retail competition in PECO's service territory, while balancing customers' default service requirements; (iii) whether the DSP Petition is consistent with Act 129, the Commission's recent orders regarding the retail markets, and other applicable rules; and (iv) billing and other operational and data issues and their impact on electric generation suppliers. Constellation reserves the right to address other issues as it deems appropriate. With respect to evidence, Constellation may rely on and provide testimony based on expert experience in the market as one of the nation's largest suppliers of wholesale and retail electricity, as well as studies and reports regarding competitive markets, generally, and wholesale supply procurement, specifically.

III. WITNESSES

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

David I. 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

If and when discovery has been served and after the positions of all parties to this proceeding have been made known, Constellation will notify the Administrative Law Judge and all parties of the identities of additional witnesses, if any, that it intends to call.

IV. SERVICE ON CONSTELLATION

Constellation consents to accept electronic delivery documents on the deadlines for their filing, if followed by hard copy delivery by first class mail to its counsel of record.

Constellation respectfully requests that service be made to the following individuals:

Divesh Gupta
Managing Counsel – Regulatory
Constellation Energy
100 Constellation Way, Suite 500C
Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (443) 213-3556
divesh.gupta@constellation.com
david.fein@constellation.com

V. CONCLUSION

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

Respectfully submitted,



Divesh Gupta
PA Bar # 307892
Managing Counsel – Regulatory
Constellation Energy
100 Constellation Way, Suite 500C
Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (410) 213-3556
divesh.gupta@constellation.com

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

Dated: March 12, 2012