

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company
for approval of a Default Service
Program and Procurement Plan for
the Period June 1, 2013 through May
31, 2015**

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: **Docket No. P-2012- 2301664**
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**PETITION TO INTERVENE OF
CONSTELLATION NEWENERGY, INC. AND
EXELON GENERATION COMPANY, LLC**

Before the Pennsylvania Public Utility Commission (the “Commission”), pursuant to 52 Pa. Code §§ 5.71-5.76, Constellation NewEnergy, Inc. (“CNE”) and Exelon Generation Company, LLC (“ExGen”) (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:

100 Constellation Way, Suite 500C
Baltimore, MD 21202

Stephen Bennett
Director, State Government Affairs – East
300 Exelon Way
Kennett Square, PA 19348
Telephone: (610)765-6594
stephen.bennett@exeloncorp.com

Divesh Gupta
Assistant General Counsel
100 Constellation Way, Suite 500C
Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (443) 213-3556
divesh.gupta@constellation.com

2. The name and address of Constellation's counsel in this matter is:

Divesh Gupta
(PA Bar # 307892)
Assistant General Counsel
100 Constellation Way, Suite, 500C
Baltimore, MD 21202
Telephone: (410) 470-3158
Facsimile: (443) 213-3556
divesh.gupta@constellation.com

Constellation's attorney is 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 attorney. Particularly, Constellation respectfully requests that service (both electronic and paper) be made to its counsel of record, Divesh Gupta, as well as Stephen Bennett.

3. On April 27, 2012, Duquesne Light Company ("Duquesne Light") filed the Petition of Duquesne Light Company for Approval of a Default Service Plan for the Period June 1, 2013 through May 31, 2015 ("Plan") pursuant to Section 2807(e) of the Public Utility Code.

4. ExGen and CNE are indirect, wholly-owned subsidiaries of Exelon Corporation, a North American energy company headquartered at 10 South Dearborn Street, Chicago, Illinois, with operations and business activities in 47 states, the District of Columbia and Canada. Exelon owns Commonwealth Edison Company (ComEd), Baltimore Gas and Electric Company (BGE) and PECO Energy Company (PECO), as well as several merchant subsidiaries in addition to ExGen and CNE.

5. ExGen is the largest competitive power generator in the U.S., with approximately 35,000 megawatts of owned capacity comprising one of the nation's cleanest and lowest-cost power generation fleets, located in a number of organized markets, including in the PJM

Interconnection, L.L.C. market where Duquesne Light's territory is found. The company's Constellation business unit, including CNE, is one of the nation's leading marketers of electricity and natural gas and related products in wholesale and retail markets. These businesses serve approximately 100,000 business and public sector customers and approximately one million residential customers in various markets throughout the United States.

6. 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, pursuant to 66 Pa.C.S. § 2809, and is a registered retail supplier for customers in the Duquesne Light' service territory.

7. As a potential supplier of both retail and wholesale power in Duquesne Light's 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 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 Duquesne Light 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 filing, conduct discovery and obtain additional information as necessary.

WHEREFORE, for all the foregoing reasons, Constellation NewEnergy, Inc. and Exelon Generation Company, LLC 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,



Divesh Gupta
Assistant General Counsel
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 Exelon Generation Company, LLC*

Dated: June 4, 2012