

**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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**PREHEARING MEMORANDUM OF
CONSTELLATION NEWENERGY, INC. AND
EXELON GENERATION COMPANY, LLC**

Before the Pennsylvania Public Utility Commission (the “Commission”), pursuant to 52 Pa. Code §§ 5.222, Intervenors Constellation NewEnergy, Inc. (“CNE”) and Exelon Generation Company, LLC (“ExGen”) (collectively, “Constellation”), by their undersigned counsel, hereby respectfully submits this Prehearing Memorandum:

I. INTRODUCTION

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.

II. IDENTIFICATION OF ISSUES

Constellation is at this time still formulating its position on the issues presented by the Plan. Based on a preliminary review of the Plan, Constellation expects that potential issues in this proceeding will include but not be limited to: (i) the manner in which Duquesne Light is proposing to conduct default service procurements for various customer classes under the Plan;

(ii) the manner in which the Plan hinders or supports the development of retail competition in the Duquesne Light service territory, while preserving benefits from well-developed default service offerings for customers; (iii) whether the Plan is consistent with Act 129 and other applicable rules; (iv) whether the Plan meets requirements of the Commission's *Final Order in re: the Investigation of Pennsylvania's Retail Electricity Market: Intermediate Work Plan*, Commission Docket No. I-2011-2237952 (entered Mar. 2, 2012) and the Commission's other recent orders regarding the retail markets; and (v) 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.

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 either one of the following individuals:

David I. Fein
Vice President, State Government Affairs – East
550 West Washington Blvd., Suite 300
Chicago, Illinois 60661
Telephone: (312) 704-8499
david.fein@constellation.com

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

Once discovery has begun and 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 any additional witnesses 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:

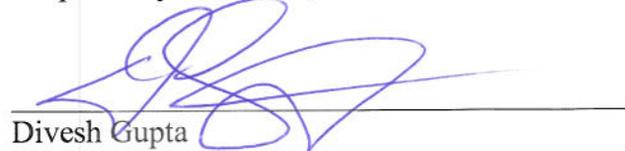
Stephen Bennett
Director, State Government Affairs – East
300 Exelon Way
Kennett Square, PA 19348
Telephone: (610)765-6594
stephen.bennett@exeloncorp.com

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

V. CONCLUSION

WHEREFORE, for all the foregoing reasons, Constellation NewEnergy, Inc. and Exelon Generation Company, LLC respectfully request that their Prehearing Memorandum be entered in to the record of this proceeding.

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