

ORDER NO. 02-777

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BEFORE THE PUBLIC UTILITY COMMISSION**

OF OREGON

ES 4

In the Matter of the Application of)
CONSTELLATION NEWENERGY INC for) ORDER
authority to be certified as an Electricity Service)
Supplier in Oregon.

DISPOSITION: APPLICATION GRANTED

NOTE: By issuing this order, the Commission makes no endorsement regarding Applicant's rates or service.

INTRODUCTION

On January 9, 2002, the Commission certified AES NEWENERGY INC as an electricity service supplier (ESS or ES). *See*, Order 02-031. On October 4, 2002, CONSTELLATION NEWENERGY INC filed a material change form with the Commission asking that it be granted scheduling ESS certification. This change was requested due to CONSTELLATION ENERGY GROUP INC acquiring 100 percent of the common stock of AES NEWENERGY INC from the AES CORPORATION.

The Commission usually serves notice of an application by electronic mail to the Commission's ES application electronic mail list. As AES NEWENERGY INC was previously certified, we waived our usual notice procedures.

Based on the application and the Commission's records, the Commission makes the following:

FINDINGS OF FACT

The Applicant, CONSTELLATION NEWENERGY INC is a Delaware corporation. Applicant intends to provide electricity service to nonresidential retail consumers in Oregon. Applicant seeks certification as a scheduling ES under OAR 860-038-0400 and ORS 757.649.

OPINION

Applicable Law

Applications to be certified as an electricity service supplier are filed pursuant to OAR 860-038-0400. OAR 860-038-0400(1) provides that:

An electricity service supplier (ESS) must be certified by the Commission to sell electricity services to consumers.

An applicant must declare whether it intends to offer electricity service as a scheduling or a nonscheduling electricity service supplier. OAR 860-038-0400(2) provides that:

An ESS must be certified as either a scheduling or nonscheduling ESS as prescribed in OAR 860-038-0410.

Applicant must comply with all other provisions as set forth in OAR 860-038-0400 including an attestation that Applicant will comply with all applicable laws, rules, Commission orders, and electric company tariffs.

CONCLUSIONS

Staff reviewed the material change request application and supporting documents. Applicant has met the requirements to be certified as an electricity service supplier. The material change request should be granted.

ORDER

IT IS ORDERED that:

1. The application of CONSTELLATION NEWENERGY INC to be certified as a scheduling electricity service supplier, is granted.
2. Applicant may provide authorized services in Oregon until January 8, 2003.
3. AES NEWENERGY INC is no longer certified as an ESS.

Made, entered, and effective _____.

John Savage
Director
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order pursuant to ORS 756.580.