

ORDER NO.

12 162

ENTERED

MAY 08 2012

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ES 4

In the Matter of Constellation NewEnergy, Inc.  
Application to be certified as an Electricity  
Service Supplier.

ORDER

DISPOSITION: APPLICATION GRANTED

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

**INTRODUCTION**

On November 5, 2002, the Commission certified Constellation NewEnergy, Inc. as an electricity service supplier (ESS or ES). *See*, Order 02-777. On March 21, 2012, Constellation NewEnergy, Inc. filed a material change form application with the Commission asking that it be granted scheduling ESS certification. This change was requested due to Constellation NewEnergy, Inc.'s (Constellation) merger with the Exelon Corporation (Exelon). As a result of this merger, Constellation's ultimate indirect parent changed to Exelon.

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

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

**FINDINGS OF FACT**

The Applicant, Constellation, is a Delaware corporation. The change in Constellation's ultimate indirect parent as described is the only change to the information currently on file at the Commission. Constellation's name will not change as a result of the merger. Applicant will continue 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 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

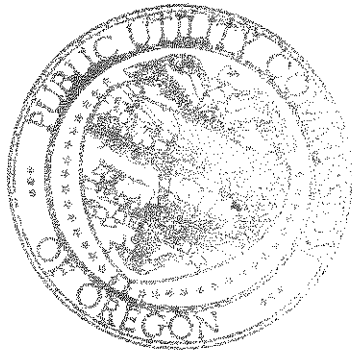
Staff reviewed the material change request application and supporting documents. Applicant has met the requirements to be certified as an electricity service supplier. The material change request should be granted.

**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 as an electricity service supplier.
3. Applicant's annual renewal date will remain January 9.

Made, entered, and effective May 8, 2012.



  
**Bryan Conway**  
Acting Director  
Utility Program

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.