

Case No. 9187 Phase II Constellation Energy and EDF

Constellation Energy Group (CEG) and Électricité de France (EDF) appealed Order No. 82719, issued by the PSC on 6/11/09, which held that the proposed EDF/CEG transaction would give EDF the power to exercise substantial influence over the policies and actions of BGE under Section 6-105. CEG and EDF appealed this determination to the Circuit Court for Baltimore City. OPC, the State/MEA and Commission Staff moved to dismiss the appeal on the grounds that the appeal was interlocutory. OPC participated in Oral Argument on July 1, 2009. On July 2, 2009, the Court granted the Motions to Dismiss filed by OPC, the State/MEA and Staff, and issued a Memorandum Opinion concurring in the arguments advanced by OPC. CEG and EDF have noted a further appeal to the Court of Special Appeals.

Application of EDF for approval of a sales transaction with CEG. EDF sought approval of a business transaction with Constellation. The major issues were impacts (harms and benefits) on consumers. OPC argues that the transaction did not provide benefits to consumers and should not be approved. In Order No. 82986, issued on October 30, 2009, the Public Service Commission approved the transaction on the condition that BGE provide of rate credit to all residential customers of \$100 and institute various measures to insulate BGE's finances from Constellations (Ring Fencing).