

**IN THE UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Constellation Energy Commodities Group, Inc.) Docket No. RC08-7-000
RC08-7-001

Notice of Withdrawal of Appeal With Prejudice

Pursuant to Rule 216 of the Federal Energy Regulatory Commission's ("FERC" or the "Commission") Rules of Practice and Procedure,¹ and in compliance with the Joint Settlement Agreement between Constellation Energy Commodities Group, Inc. ("Constellation") and the Texas Regional Entity and approved by the North American Electric Reliability Corporation ("NERC") ("Settlement Agreement"),² Constellation hereby submits this notice to withdraw its Request for Appeal from NERC's decision to register Constellation as a Generator Operator in the NERC Compliance Registry, filed on July 11, 2008 in the captioned proceeding ("FERC Appeal").

I. WITHDRAWAL OF THE FERC APPEAL

The Settlement Agreement provides that Constellation will "voluntarily withdraw with prejudice" its FERC Appeal within thirty days of a "final, non-

¹18 C.F.R. § 385.216 (2009).

²The Commission approved the Settlement Agreement on August 17, 2009. *Constellation Energy Commodities Group, Inc.*, 128 FERC ¶ 61,159 (2009) ("Settlement Order").

appealable order” approving the Settlement Agreement “as submitted to [the Commission] or as modified in a manner acceptable to the Settling Parties (“Final Order”).”³ The Commission made the Settlement Agreement effective as of the date of the Settlement Order, August 17, 2009,⁴ but granted Constellation’s request for an extension of time to allow the deadline for filing requests for rehearing to expire prior to withdrawing the FERC Appeal.⁵ Because the time period for filing requests for rehearing has expired, and no requests for rehearing have been filed, the Settlement Order is now final and non-appealable. Constellation hereby notifies the Commission of its withdrawal, with prejudice, of the FERC Appeal.

³Settlement Agreement ¶¶ 42, 49.

⁴Settlement Order at PP 1, 11.

⁵Notice of Extension of Time, Docket Nos. RC08-7-000 and RC08-7-001 (Sept. 15, 2009) (granting an extension of time to withdraw the FERC Appeal to and including October 1, 2009).

II. CONCLUSION

For the reasons set forth above, Constellation hereby submits this notice to withdraw the FERC Appeal with prejudice.

Patricia M. Alexander
Energy Industry Advisor
Dickstein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006-5403

/s/ Deborah A. Carpentier
Deborah A. Carpentier
Dickstein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006-5403

Paul Ackerman
Senior Counsel
Constellation Energy Group, Inc.
111 Market Place
Baltimore, MD 21202

October 1, 2009

**Attorneys for
Constellation Energy Commodities Group, Inc.**

Certificate of Service

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in these proceedings.

Dated at Washington, DC this 1st day of October, 2009.

/s/ Bethany B. Dukes
Bethany B. Dukes

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