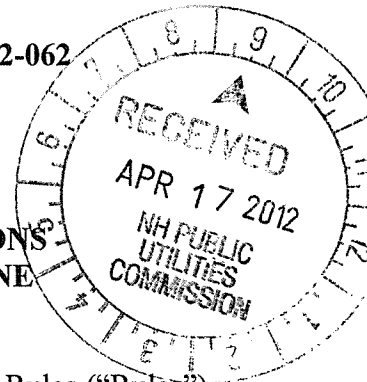


**BEFORE THE
STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Request of Constellation NewEnergy, Inc.)
For Limited Waiver of PUC. 2003.02(a))
Relating To CEPS Renewal Application)

DM 12-062



**REQUEST OF CONSTELLATION NEWENERGY, INC.
FOR WAIVER OF COMMISSION RULES AND REGULATIONS
RELATING TO CEPS RENEWAL APPLICATION DEADLINE**

Pursuant to PUC 201.05, of the New Hampshire Code of Administrative Rules (“Rules”) Constellation NewEnergy, Inc., (“Constellation”) a licensed Competitive Electric Power Supplier (“CEPS”) in the State of New Hampshire, hereby respectfully requests approval of a waiver of the renewal and registration requirements under PUC 2003.02(a) requiring each registered CEPS to submit an application for renewal, 60 days prior to the termination of the currently effective CEPS registration. In support of its request for waiver, Constellation states the following:

The Commission, on July 23, 2010, approved Constellation’s renewal as a CEPS, finding that it met the requirements of PUC 2003.01. Further, the Commission instructed that, pursuant to PUC 2003.01(h), Constellation must re-register on or before April 9, 2012.

Shortly after approving Constellation’s prior renewal, the Commission adopted a revised PUC 2003.01(g) and 2003.02(a), in which the Commission modified the prior two-year renewal process such that a CEPS must re-register with the Commission every five years.

Constellation understood the revised regulations to mean the five-year timeline adopted pursuant to the Commission’s rule would override the two-year renewal process outlined in the prior order; as such Constellation would not need to file a renewal until 2015, not the April 2012 date. However, after coordinating with Commission staff in early March 2012, Constellation

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now understands that, because its renewal was approved in the weeks prior to the rule change, it was obligated to file its renewal within the prior two year timeframe. Unfortunately, Constellation did not come to this understanding until its conversations with Commission staff in March 2012, after the 60-day advance notice period had expired.

Upon learning of its obligation to file the two-year renewal, Constellation expeditiously submitted its 2012 application for registration renewal as a CEPS on March 9, 2012 (“2012 Re-Register Application”) in Docket No. DM 12-062. The Commission has not, as of yet, ruled on Constellation’s pending application. Due to the exigent circumstances of this renewal filing and Constellation’s good-faith attempt to satisfy the Commission’s renewal process adopted in its revised regulations, Constellation hereby respectfully requests that the Commission grant a limited waiver of the requirement under PUC 2003.02(a) that directs applications for renewal be submitted no less than 60 days prior to the termination of the currently effective registration. No customers will be harmed in granting the limited waiver, nor will a waiver disrupt any other matters before the Commission.

Pursuant to PUC 201.05, the Commission may waive a rule if it finds that (1) the waiver serves the public interest; and (2) the waiver will not disrupt the orderly and efficient resolution of matters before the Commission.

As such, Constellation respectfully requests that the Commission grant a limited waiver the requirements of PUC 2003.2(a) and accept Constellation's 2012 Re-Register Application as timely filed.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Joseph Donovan", with a large, stylized flourish extending to the right.

Joseph Donovan
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