

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 1121

In the Matter of OREGON ELECTRIC
UTILITY COMPANY, LLC, et al.
Application for Authorization to Acquire
Portland General Electric Company.

PETITION TO INTERVENE OF
CONSTELLATION NEWENERGY, INC.

Pursuant to Oregon Administrative Rule (“OAR”) 860-013-0021, Constellation NewEnergy, Inc. (“Constellation NewEnergy”) hereby submits this petition to intervene (“Petition”) in the above-captioned proceeding. All communications concerning this Petition, and any copies of communications and filings made in this proceeding should be directed to and sent to the following individual:

Constellation NewEnergy, Inc.
Attn: Bill Chen, Director of Government Affairs
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Constellation NewEnergy is a leading national competitive energy supplier, serving over 4,000 commercial and industrial customers throughout the United States and Canada that represent over 8,000 megawatts of peak load.¹ Constellation NewEnergy is a wholly-owned subsidiary of the Constellation Energy Group (NYSE: CEG), a Fortune 500 company based in Baltimore, Maryland. Constellation NewEnergy received its

¹ Constellation NewEnergy is licensed to serve commercial and industrial customers in California, Connecticut, Delaware, District of Columbia, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, and the Canadian provinces of Alberta and Ontario.

Oregon Public Utility Commission (“Commission”) certification as a scheduling electricity service supplier (“ESS”) in January 2002, and has renewed its certification for the past two years. In addition, Constellation NewEnergy is registered with Portland General Electric (“PGE”) to enroll customers for direct access in PGE’s service territory.

Constellation NewEnergy is strongly interested in the development of a thriving retail electricity market in Oregon and has been engaged in discussions with PGE’s large nonresidential customers regarding switching to direct access service. As such, Constellation NewEnergy has a direct and substantial interest in this proceeding that cannot be adequately represented by any other party, and any decisions rendered and precedent established in this proceeding may directly affect Constellation NewEnergy’s interests.

Furthermore, Constellation NewEnergy has acquired special knowledge and expertise which will assist the Commission in resolving the issues identified in this proceeding through its active participation in other electricity proceedings² before the Commission in addition to its active involvement with similar regulatory matters before the public utility commission of other jurisdictions.

Based on the information provided above, Constellation NewEnergy does not believe that its participation in this proceeding will unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.³

² AR 417 & 441; UE 149; UM 1066; and UM 1081

³ OAR 860-013-0021(2)

WHEREFORE, Constellation NewEnergy respectfully requests that the Commission grant its petition to intervene so that it may actively participate in this proceeding to the extent permitted under the applicable rules.

Dated this 30th day of March, 2004.

Respectfully submitted,

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Director of Government Affairs
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