

DM10-126



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June 23, 2010

**VIA UPS**

Ms. Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429



**Re: Constellation NewEnergy, Inc.'s 2010 CEPS Registration**

Dear Secretary Howland:

Please accept this letter as a supplement to Constellation NewEnergy, Inc's ("CNE") 2010 CEPS Registration, submitted on May 4, 2010. You may withdraw my prior letter dated May 24, 2010.

As part of its nationwide compliance initiative, CNE maintains a comprehensive checklist detailing all regulatory compliance filings. Outside counsel initially prepared and annually reviews this checklist for completeness and accuracy. The New Hampshire biennial renewal submission related to CNE's CEPS license is included in this list.

The Commission granted CNE's application for a CEPS license in 2006; thus the biennial renewal obligation falls upon even years. In 2008, CNE prepared and submitted its biennial renewal submission with the Commission without issue. For reasons unknown, during the annual review of the checklist in 2008 (subsequent to filing the 2008 renewal and in anticipation of the 2009 obligations), a note was inserted in the checklist indicating that the New Hampshire biennial renewal was due in odd years rather than even. As a result of this notation, in April 2009, CNE prepared and submitted its biennial CEPS renewal along with the appropriate filing fee with the Commission. Upon review, Commission staff returned the registration fee check indicating that the filing was not timely as it was due in even years. However, because the check was returned to individuals not involved in managing the checklist, CNE did not modify the note in the checklist regarding the timing of the biennial renewal.

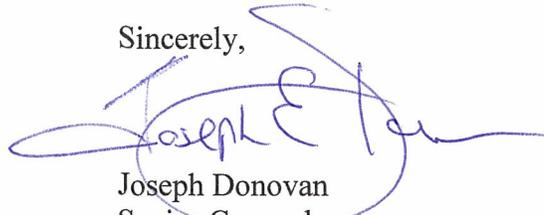
Thus, in April 2010, the compliance checklist still indicated that the biennial package was due in odd years. Upon notice of the issue from Commission staff on May 3, 2010, CNE

expedited preparation of the pending registration, submitting the package in less than 48 hours.

CNE has since corrected the notation in the checklist that caused the underlying confusion and will timely file its next biennial renewal in 2012. In light of CNE's good-faith efforts to adhere with the filing requirements, and the speedy preparation and submission of the renewal package, CNE respectfully requests that the Commission treat CNE's May 4, 2010 CEPS Registration filing as its biennial license renewal.

If you have any questions please do not hesitate to contact me. I can be reached by phone at 410.470.3582 and by email at [Joseph.Donovan@constellation.com](mailto:Joseph.Donovan@constellation.com). Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Donovan", is written over a circular stamp or seal. The signature is fluid and cursive.

Joseph Donovan  
Senior Counsel  
Constellation Energy Resources, LLC  
On behalf of Constellation NewEnergy, Inc.

cc. Mr. Al-Azad Iqbal (via electronic delivery)