

139 FERC ¶ 61,076
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 27, 2012

In Reply Refer To:
Exelon Corporation
Docket Nos. EC11-83-000
EC11-83-001

Exelon Corporation
100 Constellation Way
Suite 500C
Baltimore, MD 21202

Attention: David O. Dardis, Vice President & Deputy General Counsel - Regulatory

Reference: Request for Waiver

Dear Mr. Dardis:

1. On April 4, 2012, Exelon Corporation (Exelon) filed a request for waiver of the obligation to file the first quarterly report as required by the Commission in its March 9, 2012 order authorizing Exelon to acquire Constellation Energy Group, Inc. (Merger).¹ Exelon also requests authorization to include in Exelon's second quarterly report the information that would be otherwise required in the first quarterly report.
2. Notice of Exelon's request was published in the *Federal Register*, 77 Fed. Reg. 23,472 (2012), with protests and interventions due on or before April 18, 2012. None was filed.
3. Exelon states that the Merger closed on March 12, 2012. Under the Merger Order, Exelon's first quarterly report, covering Exelon's bidding behavior from March 12, 2012 to March 31, 2012, must be filed and certified by an independent entity by April 10, 2012. Exelon states that it recently engaged an independent entity (Potomac Economics) to perform the independent entity duties required under the Merger Order, but that the

¹ *Exelon Corporation, et al.*, 138 FERC ¶ 61,167 (2012) (Merger Order).

engagement requires substantial startup work by Potomac Economics to carry out these duties. According to Exelon, Potomac Economics estimates that this start up work will take “at least a couple of weeks.” Exelon also states that the independent entity would have to include significant caveats as to their ability to certify this first report if it were to be filed by April 10, 2012.

4. We will grant Exelon’s request for waiver and direct Exelon to include the information for the period from the closing of the Merger until March 31, 2012 in a separate section with the second quarterly report, which is due by July 10, 2012. The period for which Exelon requests waiver is less than three weeks and will be captured by the monitoring entity, albeit on a delayed basis.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.