

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1325 G STREET, N.W., SUITE 800
WASHINGTON, D.C. 20005**

ORDER

March 1, 2019

FORMAL CASE NOS. EA 06-5, EA 04-3, GA 03-5, AND GA 11-5, IN THE MATTER OF THE APPLICATIONS OF CONSTELLATION ENERGY SERVICES, INC., CONSOLIDATED EDISON SOLUTIONS, INC., CONSTELLATION NEWENERGY, INC., AND CONSTELLATION ENERGY SERVICES-NATURAL GAS, LLC, TO SURRENDER THEIR RESPECTIVE ELECTRIC AND NATURAL GAS SUPPLIER LICENSES IN THE DISTRICT OF COLUMBIA, Order No. 19845

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) grants the requests of Constellation Energy Services, Inc. (“CES”), Consolidated Edison Solutions, Inc. (“ConEd Solutions”), Constellation NewEnergy, Inc. (“CNE”), and Constellation Energy Services-Natural Gas, LLC (“CES-NG”), (the “relinquishing companies,” collectively) to surrender their respective energy supplier licenses. The surrender of CES’s, ConEd Solutions’, CNE’s, and CES-NG’s, supplier licenses shall become effective upon the issue date of this Order.

II. BACKGROUND

2. The relinquishing companies—all affiliates of, and operating under the umbrella of Constellation NewEnergy, Inc.¹ for electric, and Constellation NewEnergy-Gas Division, LLC² for natural gas—seek to surrender their respective energy supplier licenses allowing them to operate as energy suppliers in the District of Columbia (“District”). In the electricity supplier realm, the Commission granted CES (known as WPS Energy Services, Inc. at the time) an electricity supplier license on January, 30, 2007, in Order No. 14190.³ On March 6, 2018, CES filed a request to surrender its electricity supplier license,

¹ *Formal Case No. EA 01-5, In the Matter of the Application of AES NewEnergy, Inc., for an Electricity Supplier License*, Order No. 12039, rel. June 22, 2001.

² *Formal Case No. GA 06-2, In the Matter of the Application of Constellation NewEnergy-Gas Division, LLC, for a Natural Gas Supplier License* (“*Formal Case No. GA 06-2*”), Order No. 13979, rel. June 16, 2006.

³ *Formal Case No. EA 06-5, In the Matter of the Application of WPS Energy Services, Inc., for an Electricity License* (“*Formal Case No. EA 06-5*”), Order No. 14190, rel. January 20, 2007.

stating that due to organizational restructuring, CES was absorbed into Constellation NewEnergy, Inc.⁴ In support of its request, CES filed additional information stating that its former customers were absorbed into Constellation NewEnergy, Inc., owed no assessments and had no outstanding consumer complaints.⁵ The Commission granted ConEd Solutions an electricity supplier license on April 28, 2004, in Order No. 13173.⁶ On April 17, 2018, ConEd Solutions filed a request to surrender its electricity supplier license, stating that its retail commodity business had been purchased by Exelon, and that its electric customers were transferred to and absorbed by Constellation NewEnergy, Inc.⁷

3. The Commission granted CNE a natural gas supplier license on October 7, 2003, in Order No. 12942.⁸ On June 22, 2015, CNE filed a request to surrender its natural gas supplier license, stating that it has had no natural gas customers in the District in the prior five years, nor has it engaged in any natural gas marketing during the same period.⁹ Commission staff sent a notice requesting additional information from CNE on August 14, 2015, but it submitted no response to the notice. However, on April 27, 2016, and in succeeding years, CNE filed updates stating that it had no customers and that it was not marketing natural gas to customers in the District.¹⁰ On November 10, 2011, the Commission granted CES-NG (known as Integrys Energy Services-Natural Gas LLC, at the time) a natural gas supplier license in Order No. 16610.¹¹ On March 12, 2018, CES-NG filed a request to surrender its natural gas supplier license, stating that CES-NG had been merged into, and all legal obligations transferred to Constellation NewEnergy-Gas Division, LLC.¹²

⁴ *Formal Case No. EA 06-5*, Constellation Energy Services, Inc., License Number EA 06-5; Petition to Cancel/Abandon Electric Power Supplier License at 1, filed March 6, 2018.

⁵ *Formal Case No. EA 06-5*, Constellation Energy Services, Inc., Responses to Commission Request, filed April 6, 2018.

⁶ *Formal Case No. EA 04-3, In the Matter of the Application of Consolidated Edison Solutions, Inc. d/b/a Con Edison Solutions for an Electricity License* (“*Formal Case No. EA 04-3*”), Order No. 13173, rel. April 28, 2004.

⁷ *Formal Case No. EA 04-3*, Consolidated Edison Solutions, Inc., License Number EA 04-3; Petition to Cancel/Abandon Electric Power Supplier License at 1, filed April 17, 2018.

⁸ *Formal Case No. GA 03-5, In the Matter of the Application of Constellation NewEnergy, Inc., for a Natural Gas Supplier License* (“*Formal Case No. GA 03-5*”), Order No. 12942, rel. October 7, 2003.

⁹ *Formal Case No. GA 03-5*, Constellation NewEnergy, Inc., Request to Withdraw Natural Gas Supplier Authority at 1, filed June 22, 2015.

¹⁰ *See Formal Case No. GA 03-5*, Annual Information Update, filed April 27, 2016, April 18, 2017, and May 1, 2018.

¹¹ *Formal Case No. GA 11-5, In the Matter of the Application of Integrys Energy Services-Natural Gas, LLC for a Natural Gas Supplier License* (“*Formal Case No. GA 11-5*”), Order No. 16610, rel. November 10, 2011.

¹² *Formal Case No. GA 11-5*, Constellation Energy Services-Natural Gas LLC, License Number GA 06-2; Petition to Cancel/Abandon Natural Gas Supplier License at 1, filed March 12, 2018. On August 8,

III. DISCUSSION

4. According to 15 DCMR §§ 4602.10 (a) and 4702.10 (a), licensed electricity and natural gas suppliers, respectively, wishing to cease providing services in the District must provide to the Commission at least sixty (60) days prior written notice of the Licensee's intention to cease providing electricity service to its customers and inform its customers of the choice to revert to the default service provider or to another electricity supplier. Sections 4602.10 (b) and 4702.10 (b) also provide that upon receipt of such notice, the Commission may order the Licensee to provide such further notice to its customers or to the public as the Commission deems necessary, and/or take such other action that the Commission deems appropriate.¹³

5. Consistent with the requirements in the rules, the relinquishing companies' filings indicate that all have properly provided notice to the Commission of their intent to cease providing services and surrender their supplier licenses. Commission records also indicate that the surviving electricity and natural gas supplier entities, Constellation NewEnergy, Inc. for electric, and Constellation NewEnergy-Gas Division, LLC for natural gas, are providing services to customers in the District.¹⁴ As such, the Commission takes notice that the service the relinquishing companies provided to their customers (and the customers themselves), have reverted to the surviving entities, Constellation NewEnergy, Inc. and Constellation NewEnergy-Gas Division, LLC.¹⁵ In addition, Commission records reflect all payments of assessments to be current,¹⁶ and that there are no outstanding consumer complaints against the relinquishing companies.

6. Inasmuch as the relinquishing companies have complied with the requirements in 15 DCMR §§ 4602.10 (a) and 4702.10 (a), the Commission grants the requests of CES and ConEd Solutions to surrender their electricity supplier licenses granted by Order Nos. 14190 and 13173, respectively. The Commission also grants the requests of CNE and CES-NG to surrender their natural gas supplier licenses granted by Order Nos. 12942 and

2018, CES-NG clarified that the affiliate captioned in *Formal Case No. GA 11-5*, was the entity surrendering its supplier license, not Constellation NewEnergy-Gas Division, LLC in *Formal Case No. GA 06-2*, which is the surviving natural gas licensee.

¹³ See 15 DCMR § 4602.10: Cessation of Business in the District of Columbia or Cessation of Business to a Customer Class; and 15 DCMR § 4702.10: Cessation of Business in the District of Columbia or Cessation of Business to a Customer Class (September 28, 2018).

¹⁴ See e.g., *ASMT 2018- 12- E*, Survey Response, filed March 29, 2018; and *ASMT 2018-05-G*, Survey Response, filed March 29, 2018. (Confidential Filings).

¹⁵ ConEd Solutions' former customers are now being served by Constellation NewEnergy, Inc., and CES-NG's former customers are now being served by Constellation NewEnergy-Gas Division, LLC.

¹⁶ See *ASMT 2018-12-E*, Order Nos. 19454 and 19455, rel. September 4, 2018; *ASMT 2018-07-G* Order Nos. 19532 and 19533, rel. September 4, 2018; *ASMT 2018-11-E*, Order Nos. 19526 and 19527, rel. September 4, 2018; *ASMT 2018-06-G*, Order No. 19530 and 19531, rel. September 4, 2018; and *ASMT 2018-05-G*, Order Nos. 19528 and 19529, rel. September 4, 2018. (Confidential Filings).

16610, respectively. Companies that have surrendered their licenses and seek to reenter the District energy market in the future, must reapply for a supplier license in accordance with Chapter 46 and/or Chapter 47 of the Commission's rules.

THEREFORE, IT IS ORDERED THAT:

7. The requests of Constellation Energy Services, Inc., Consolidated Edison Solutions, Inc., Constellation NewEnergy, Inc., and Constellation Energy Services-Natural Gas, LLC, to surrender their respective energy supplier licenses are **GRANTED**, effective upon the issue date of this Order.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, reading "Brinda Westbrook-Sedgwick". The signature is written in a cursive, flowing style.

CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**