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February 15, 2012

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

Re: Constellation NewEnergy, Inc. Advice Letter No. CNE-042-ESP, Greenhouse Gas
Emission Performance Standard Compliance Filing.

Dear Energy Division Tariff Unit,

Enclosed please find Constellation NewEnergy, Inc.'s Greenhouse Gas Emission Performance
Standard Compliance filing pursuant to Commission Decision 07-01-039. Please direct any
questions to Mr. Andrew B. Brown at (916) 447-2166 or by email to abb@eslawfirm.com.

Very truly yours,



Eric Janssen
Legal Assistant to Andrew B. Brown

Enclosures

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY LOAD SERVING ENTITY

MUST BE COMPLETED BY LOAD SERVING ENTITY (Attach additional pages as needed)

Company name/CPUC Utility No. Constellation NewEnergy, Inc. / ESP No. 1359

LSE type:

- ELC · GAS
· PLC · HEAT · WATER

Contact Person: Joseph Donovan

Phone #: (410) 470-3582

E-mail: joseph.donovan@constellation.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas
PLC = Pipeline HEAT = Heat WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: CNE-042-ESP

Subject of AL: Greenhouse Gas Emission Performance Standard Compliance Filing

Keywords (choose from CPUC listing):

AL filing type: · Monthly · Quarterly · Annual · One-Time · Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution: D.07-01-039

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL _____

Summarize differences between the AL and the prior withdrawn or rejected AL¹: _____

Resolution Required? · Yes · No - Tier 2 Filing

Requested effective date: March 16, 2012

No. of tariff sheets: 0

Estimated system annual revenue effect (%): n/a

Estimated system average rate effect (%): n/a

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: n/a

Service affected and changes proposed¹: Retail electric service; no changes proposed

Pending advice letters that revise the same tariff sheets: none

Protests: Resource Adequacy compliance filings are not subject to protest.

CPUC, Energy Division

Attention: GHG-EPS Filing

505 Van Ness Ave., 4th Floor

San Francisco, CA 94102

jnj@cpuc.ca.gov and mas@cpuc.ca.gov

ESP Info (including e-mail)

Constellation NewEnergy, Inc.

111 Market Place

6th Floor

Baltimore, MD 21202

joseph.donovan@constellation.

com

Andrew B. Brown

Ellison Schneider & Harris

2600 Capitol Ave. Ste. 400

Sacramento, CA 95816

abb@eslawfirm.com

¹ Discuss in AL if more space is needed.

Attachment 1
Compliance Filing for LSEs with no Long-Term Financial Commitments

February 15, 2012

CA Public Utilities Commission
Energy Division
Attention: Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

Re: GHG Emission Performance Standard Compliance Filing

Pursuant to Ordering Paragraph No. 4 of Decision (“D.”) 07-01-039 Constellation NewEnergy, Inc. submits this annual Attestation Letter affirming that the financial commitments Constellation NewEnergy, Inc. has entered into for generation during the prior calendar year are in compliance with the greenhouse gas (“GHG”) emissions performance standard (“EPS”). Specifically, Constellation NewEnergy, Inc. is in compliance with the EPS because it had no generation facilities and no long-term financial commitments for generation.

Effective Date: No later than March 16, 2012 – 30 days after filing

Tier Designation: Tier 2 Designation

Purpose

This Attestation Letter provides information and documentation required by D.07-01-039. This Attestation Letter demonstrates that for calendar year 2011 Constellation NewEnergy, Inc. entered into financial commitments that are in compliance with the EPS (long-term financial commitments defined on Page 3 of Attachment 7 in D.07-01-039).

Background

D.07-01-039 requires all Load Serving Entities (“LSEs”) to file annual Attestation Letters, due February 15 of each year, attesting to the Commission that the financial commitments entered into for generation during the prior calendar year are in compliance with the EPS. D.07-01-039 requires LSEs to file Attestation Letters as an advice letter and serve the Attestation Letter on the service list in Rulemaking (“R.”) 06-04-009. This Attestation Letter is filed pursuant to that process.

D.07-01-039 requires LSEs to include a listing of long-term financial commitments of five years or longer that they have entered into during the prior year. Furthermore, D.07-01-039 requires additional documentation demonstrating that LSEs have complied with

the EPS. Specifically, D.07-01-039 requires LSEs to provide documentation to demonstrate:

- (a) That the commitments were not “covered procurements” under the interim EPS rule and/or
- (b) For those that represent covered procurements, documentation demonstrating that such procurements are EPS-compliant, including any contracts with a term of five years or longer that include provisions for substitute energy purchases.
- (c) For any requested reliability-based exemptions that have been pre-approved by the Commission, a reference to the application and Commission decision number.

D.07-01-039 requires all LSEs to disclose the investment amount and type of alteration to retained generation, by generation facility and unit. D.07-01-039 also advises LSEs to present documentation regarding the design and intended use of the powerplant(s) underlying their new long-term financial commitments utilizing the sources of information listed in § 8341(b)(4), as well as any other sources of documentation that they believe will be relevant to this determination.

D.07-01-039 emphasizes that the key concept is to establish the design and intended use of the powerplant. Accordingly, documentation of the annualized plant capacity factor for the powerplant should include historical annual averages in order to help determine whether the plant is “designed and intended” to be used for baseload generation. D.07-01-039 requires LSEs to provide documentation of capacity factors, heat rates and corresponding emissions rates that reflect the actual, expected operations of the plant.

This Attestation Letter comports with the requirements outlined above.

Protests

This compliance filing is not subject to protest pursuant to General Order 96-B, Energy Industry Rule 9.

Correspondence

Any correspondence regarding this compliance filing should be sent by email to the attention of:

Joseph E. Donovan
Senior Counsel
Constellation NewEnergy, Inc.
111 Market Place, 6th Floor
Baltimore, MD 21202
E-mail: Joseph.Donovan@constellation.com

Andrew B. Brown
Ellison, Schneider & Harris, L.L.P.
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
Tel: (916) 447-2166
E-mail: abb@eslawfirm.com

Certification

- (1) I have reviewed, or have caused to be reviewed, this compliance submittal.
- (2) Based on my knowledge, information, or belief, this compliance submittal does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements true.
- (3) Based on my knowledge, information, or belief, this compliance submittal contains all of the information required to be provided by Commission orders, rules, and regulations.

Dated: February 14, 2012



Jennifer Lowry
Treasurer
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Jennifer.Lowry@constellation.com