ELLISON, SCHNEIDER & HARRIS L.L.P.

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March 1, 2012

Administrative Law Judge DeAngelis Administrative Law Judge Simon California Public Utilities Commission 505 Van Ness Avenue San Francisco, CA 94102

Re: March 2012 Renewable Portfolio Standard Compliance Submission of Constellation NewEnergy, Inc.

Dear Judges DeAngelis and Simon:

Enclosed please find Constellation NewEnergy, Inc.'s ("CNE") March 2012 Renewable Portfolio Standard ("RPS") submission. You will find a public, redacted, signed version of the completed RPS compliance template, a confidential version of the completed template, and a signed confidentiality declaration.

CNE fully met its 20% RPS-eligible procurement obligation in 2010 and held a significant a banked surplus of bundled procurement. CNE expects to apply this existing surplus in the new 33% RPS regime. However, CNE's bundled surplus procurement bank balance is not reflected in the attached report because the new (and potentially interim) template was not designed to inform the Commission about procurement bank balances the retail seller expects to carry forward into the first compliance period.

The regulatory treatment of carried-forward 2010 procurement banked balances is currently pending before the Commission. CNE supports the comments and reply comments filed by the Alliance for Retail Energy Markets, which sought to protect the value of procurement made on behalf of customers. SB 2 (1X) does not stand for the proposition that entities who have accumulated banks under the 20% program and prior to January 1, 2011 are now required to forfeit the customer value of that procurement reflected in their banks. To do

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¹ Comments and reply comments on this subject were filed in August and September 2011 in Rulemaking 11-05-005 (http://delaps1.cpuc.ca.gov/CPUCProceedingLookup/f?p=401:36:917273239056251::NO:RP:P2_PROCEEDINGY EAR_SELECT:R1105005).

March 1, 2012 Page 2

otherwise would quite simply confiscate customer value achieved in the 20% program by retail providers that successfully achieved 20% of retail sales target RPS procurement.²

Please contact me if you have any questions regarding this submission.

Very truly yours,

Andrew Brown

Ellison, Schneider & Harris L.L.P.

Attorneys for Constellation NewEnergy, Inc.

Cc: R.11-05-005 Service List

² See, "Comments Of The Alliance For Retail Energy Markets On Administrative Law Judge's Ruling Requesting Comments On New Procurement Targets And Certain Compliance Requirements For The Renewables Portfolio Standard" (August 30, 2011) in R.11-05-005, page 11. (Link: http://docs.cpuc.ca.gov/efile/CM/142593.pdf.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue

Implementation and Administration of California

Renewables Portfolio Standard Program.

Rulemaking 11-05-005 (Filed May 5, 2011)

Constellation NewEnergy, Inc.

March 2012 RPS Procurement Progress Report

PUBLIC VERSION

March 1, 2012 Name: Joe Donovan

Title: Senior Counsel, Constellation Energy Resource

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CALIFORNIA'S RENEWABLES PORTFOLIO STANDARD

Instructions for the RPS Procurement Progress Reporting Worksheet

- 1 The March 2012 RPS Procurement Progress Reports will be submitted to the Commission as specified below: > Serve a public version on the service list in proceeding R.11-05-005. All pages must be legible. Retail Sellers are responsible for maintaining confidentiality when serving a redacted report. No more than 35 CPUC e-mail addresses can he included in the same e-mail
 - > Submit a confidential Excel version utilizing the locked spreadsheet with the Energy Division by e-mailing an electronic version to robert.blackney@cpuc.ca.gov and rpscompliance@cpuc.ca.gov
 - > Send paper copies (confidential and public) to each of the assigned Administrative Law Judges (ALJs):

Regina M. DeAngelis and Anne E. Simon California Public Utilities Commission

505 Van Ness Avenue San Francisco, CA 94102

- > Do not send paper copies of the confidential version to anyone except the persons listed above, unless specifically requested.
- 2 Any retail seller seeking confidentiality protection should file a declaration. Confidentiality requests shall comply with the substantive and procedural rules set forth in D.06-06-066, as modified by D.08-04-023, the Commission's decision in its Confidentiality proceeding, Rulemaking (R.) 05-06-040, and any subsequent decisions issued in the same or successor proceeding. A declaration for confidentiality should include the identification of all redacted information by tab name and cell
- 3 Any questions regarding the completion and/or filing of this report can be directed to: Robert Blackney, Energy Division, California Public Utilities Commission: robert.blackney@cpuc.ca.gov. (415) 703-3072
- 4 Include the Title Page and fill out the following information:
 - > Name of the retail seller submitting the Report
 > Date the Report is being submitted

 - > Contact information
- 5 Complete the Officer Verification Form in the format provided (Rule 1.11)
- 6 Yellow cells throughout the spreadsheet indicate user supplied data by the retail seller where and when applicable.
- All data must be entered in MWh out to three decimal points to accurately account for retail sales, procurement and targets t will display MWh throughout. Do not round any reporting data, as this may trigger some cells to turn re
- 8 The spreadsheet included in this report has locked cells to ensure the functionality of the spreadsheet and the accuracy of the data provided by the user. An unprotected version of the spreadsheet is also available by request.

9 The user will enter actual and forecasted retail sales figures to generate the Procurement Quantity Requirement.

PROCUREMENT DETAIL TAB

- 10 Procurement Summary: Total Annual Procurement is differentiated by four categories: Procurement from Contracts Executed Prior to June 1, 2010, Procurement from Category 1 Contracts, Procurement from Category 2 Contracts, Procurement from Category 2 Contracts, Procurement from Category 3. Procurement is further differentiated based on whether the contract is 10 years in length or longer (i.e., a long-term contract). Data for this section is populated by completing the Contract Detail section below. See notes in cells B10:B13 for references to procurement definitions in the portfolio content category decision D.11-12-052.
- 11 RPS Eligible Procurement by Resource Type: This report must state the amount procured or projected to be procured from each resource type (D.05-07-039, Appendix A, D.06-10-050, page 47-48). This information is reported in rows 25-38 in the "Procurement Detail" tab and populated by completing the "Contract Detail" section.
- 12 Contract Detail: For each contract, enter actual and forecasted delivery data throughout the contract term. Do not assume that an expiring contract will be renegotiated.
 - > Pre-2002 Contracts: Input total annual deliveries by resource type
 - > 2002-Present years' Contracts: List contracts by name, annual deliveries (MWh), contract status, facility status, resource type, contract classification and contract length.
 - > In the "Contract Status" column, "short-listed and/or under negotiation" is an option; use the short-listed option only for projects for which the LSE has a high level of confidence that a contract will be executed.
 - > "Expired Contracts". Any contract expiring prior to 2020 should be listed in this section. User should identify expired contract by name and input annual deliveries (MWh) in the first year the contract is no longer delivering for the LSE (per contact by harner and input animal deliverses (inviti) in the lists year the contact is no longer delivering to the LSE (per existing contract) and in every year thereafter. For example, if a contract with annual deliveries of 10,000 MWh expired 12/31/2007, user should enter 10,000 MWh in 2008 and in every year thereafter. If this same contract expired 6/30/2007, user should enter 5,000 MWh in 2007 and 10,000 in every year thereafter. If an expired or expiring contract is re-signed, remove contract information from "Expired Contracts" section and enter it under the appropriate contracting year, as you would for any other contract.

Spreadsheet user notes

- > Protecting confidential data; Individual cells may be formatted black, which will serve to redact info when excel file is converted to pdf. Select cell - click on "fill color" icon - choose black. Note: Once converted to pdf, additional steps are necessary to ensure redacted data is not accessible.
- > Adding and/or deleting rows. The "Procurement Detail" tab allows users to add to or delete rows. Within the desired section, highlight entire row(s) by selecting the excel row number(s) - right click and select "copy" - right click again and select "insert

| eurement Progress Reported by: n NewEnergy, Inc. 12 ement and Targets (MWh) ail Sales | Actual 2011 | nent Status | Input Required Actual Data Forecasted Da | | | Forecast | | 35 and 50 and | | |
|---|---|--|--|--|--|---|------------------------|---|--|--|
| ed by: n NewEnergy, Inc. 12 ement and Targets (MWh) ail Sales | Actual | | Input Required Actual Data Forecasted Da | ta | | Forecast | | | | |
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| ail Sales | 2011 | 2012 | 2013 | 2014 | | | | | | |
| | | | | | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| | | | | | | 4,600,000 | 4,600,000 | 4,600,000 | 4,600,000 | 4,600,00 |
| entage Targets | 20.0% | 20.0% | 20.0% | 21.7% | 23.3% | 25.0% | 27.0% | 29.0% | 31.0% | 33.0% |
| rocurement | 459,192 | 637,228 | 391,728 | 316,728 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | | | |
| ative Procurement Summary | Procurement (| Quantity Requir | ement (Forecast) | Pr | ocurement Amo (Forecast) | unt | | | | |
| Period 1 [2011 - 2013] | | | | | 1,488,148 | | | | | |
| ent Quantity Calculation: 0.20 * (20 | 11 retail sales + 201 | 12 retail sales + 2 | 2013 retail sales) | | | | | | | |
| Period 2 [2014 - 2016] | | | | | 316,728 | | | | | |
| ent Quantity Calculation: (.217 * 20 | 14 retail sales) + (.2 | 233 * 2015 retail s | sales) + (.25 * 2016 | retail sales) | | | | | | |
| Period 3 [2017 - 2020] | | 5,520,000 | | | 0 | | | | | |
| a F 77 F 77 | ntive Procurement Summary Period 1 [2011 - 2013] Int Quantity Calculation: 0.20 * (20 Period 2 [2014 - 2016] Int Quantity Calculation: (.217 * 20 | Period 1 [2011 - 2013] The Quantity Calculation: 0.20 * (2011 retail sales + 20) Period 2 [2014 - 2016] The Quantity Calculation: (.217 * 2014 retail sales) + (.2) | Period 1 [2011 - 2013] The Quantity Calculation: 0.20 * (2011 retail sales + 2012 ret | Period 1 [2011 - 2013] The Quantity Calculation: 0.20 * (2011 retail sales + 2012 retail sales + 2013 retail sales) The Quantity Calculation: 0.20 * (2011 retail sales + 2012 retail sales + 2013 retail sales) The Quantity Calculation: (.217 * 2014 retail sales) + (.233 * 2015 retail sales) + (.25 * 2016) | Procurement Summary Procurement Quantity Requirement (Forecast) Period 1 [2011 - 2013] Int Quantity Calculation: 0.20 * (2011 retail sales + 2012 retail sales + 2013 retail sales) Period 2 [2014 - 2016] Int Quantity Calculation: (.217 * 2014 retail sales) + (.233 * 2015 retail sales) + (.25 * 2016 retail sales) Period 3 [2017 - 2020] 5,520,000 | Procurement Amo (Forecast) Period 1 [2011 - 2013] 1,488,148 Int Quantity Calculation: 0.20 * (2011 retail sales + 2012 retail sales + 2013 retail sales) Period 2 [2014 - 2016] 316,728 Int Quantity Calculation: (.217 * 2014 retail sales) + (.233 * 2015 retail sales) + (.25 * 2016 retail sales) | Period 1 [2011 - 2013] | Procurement Amount (Forecast) Period 1 [2011 - 2013] | Procurement Amount (Forecast) Period 1 [2011 - 2013] Int Quantity Calculation: 0.20 * (2011 retail sales + 2012 retail sales + 2013 retail sales) Period 2 [2014 - 2016] Int Quantity Calculation: (.217 * 2014 retail sales) + (.233 * 2015 retail sales) + (.25 * 2016 retail sales) | Procurement Amount (Forecast) Period 1 [2011 - 2013] Int Quantity Calculation: 0.20 * (2011 retail sales + 2012 retail sales + 2013 retail sales) Period 2 [2014 - 2016] Int Quantity Calculation: (.217 * 2014 retail sales) + (.233 * 2015 retail sales) + (.25 * 2016 retail sales) |

RPS Procurement Progress Report: Procurement Detail
Data Reported by:
Constellation NewEnergy, Inc.
March 1, 2012 Input Required Actual Data Forecasted Data

| | Actual MWh | | | | | Forecasted MI | Mh | | | | |
|---|--|--|--|--|------|--|-------------------------|--|---|---|---|
| Procurement Summary (MWh) | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | |
| Total Annual Procurement | 459,192 | 637,228 | 391,728 | 316,728 | | | 0 6 | 6 | 0 | | Ü |
| Procurement from Contracts Executed Prior to June 1, 2010 | 37,205 | 0 : | . 0 | 0 | . 0 | | 0 0 | 0 | | | 0 |
| Procurement from Category 1 Contracts | 235,995 | 301,092 | 249,092 | 174,092 | . 0 | | 0 0 | 0 | . 0 | | 0 |
| Procurement from Category 2 Contracts | 0 | . 0 | | 0 | . 0 | | 0 0 | 0 | . 0 | | 0 |
| Procurement from Category 3 Contracts | 185,992 | 336,136 | 142,636 | 142,636 | . 0 | | 0 0 | 0 | . 0 | 1 | 0 |
| Long-Term (>= 10 years) | 0 | . 0 | 0 | 0 | . 0 | | 0 0 | 0 | | | 0 |
| Short-Term (< 10 years) | 459,192 | 637,228 | 391,728 | 316,728 | 0 | | 0 0 | 0 | . 0 | | 0 |
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| Contract Detail | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Contract Status | Facility Status | Resource Type | Contract Classification | Contract Lengti |
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| Geothermsi | | | | 0 0 | | | | | | | | | Geothermal | | |
| Small Hydro | | 0 0 | | 0 0 | | | | 0 | 0 | | | | Small Hydro | | |
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| Centract Name | 0 0 | ő | 0 | 6 0 | ő | 0 | 0 | | | | | | |
| ID 2011 Contracts | 421,987 : 50,000 | 50,000 | 50,000 | 0 0 | 0 | 0 : | 0 : | 0.0000000000000000000000000000000000000 | Contract Status | Facility Status onine | Resource Type Landfill Gas | Contract Classification Category 1 | Contract Lengt Short-term |
| Contract 04MO Contract 05X9 | 150,000 0 50,000 0 | 0 | 0 | U 0 | 0 | 0 | 0 | | executed - no approval needed executed - no approval needed | online | Landfill Gas | Category 1 | Short-term |
| Contract 965Q | 50,000 0 | 0 | 0 | 0 0 | 0 | 0 | 0 | | i executed - no approval needed | onine | Wind | Category 3 | Short-term Short-term |
| Contract 06DN Contract 41ZS | 50,000 0 . 50,000 50,000 | 50.000 | 0 . 50.000 | 0 0 | 0 | | 0 | | executed - no approval needed executed - no approval needed | onine onine | Wind Small Hydro | Category 3 Category 3 | Short-term |
| Contract 965P | 28 000 0 | 0 | 0 | 0 0 | ō. | o o | ō. | | executed - no approval needed | onine | Wind | Category 3 | Short-term |
| Contract 06BV Contract 079I | 7,000 0 8,992 0 | | 0 | 0 0 | 0 | 9 | 0 | | executed - no approval needed executed - no approval needed | onine onine | - Wind Wind | Category 3 Category 3 | Short-term Short-term |
| Contract 979H | 35.995 O | 0 | 0 | 0 0 | ű | ű. | ű. | | - executed in approval needed | onine | : Vlind | Category 1 | Short-term |
| Contract Name | 0 0 | 0 | 0 | 0 0 | 0 | 0 | 0 | | | | | | |
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| Contract Name | 0 0 | ő | o · | 0 0 | ů | ű. | Ů. | i i | | and the second second | | | |
| C ID 2012 Contracts Contract 05YJ | 0 : 587,228 0 30,000 | 341,728 | 266,728 | 0: 0 | 0 | 0: | 0 | | Contract Status concuted - no approval needed | Facility Status online | Resource Type Wind | Contract Classification Category 3 | Contract Lengtl Short-term |
| Contract 95YN | 0 70,000 | 0 | 6 | 0 0 | 0 | 0 | 0 | | executed in approval needed | onane | Wind | Category 3 | Short-term |
| Contract 05YO | 0 31500 | | 6 | 0 0 | 0 | 0 | 0 | | executed - no approval needed | onine onine | Wind Wind | Category 3 Category 3 | Short-term Short-term |
| Contract 3005 Contract 3005 | 0 46,318 0 46,318 | 46,318 46,318 | 46,318 46,318 | 0 0 | 0 | | 0 | | executed - no approval needed executed - no approval needed | onine | Vind Vind | Category 3 | Short-term |
| Contract 05YK | 0 58,000 | | 0 | 0 0 | 0 | . 0 | 0 | | executed - no approval needed | onine | Wind | Category 3 | Short-term |
| Contract 079K Contract 079L | 0 52,000 0 12,800 | 0 | 0 | 0 0 | 0.0 | 0 | g o | | executed - no approval needed executed - no approval needed | onine onine | Wind | Category 1 Category 3 | Short-term Short-term |
| Contract 972G | 0 0 | 75,800 | ů. | 0 0 | ő | ō. | 0 | | executed - no approval needed | online | Wind | Category 1 | Short-term |
| Contract 072F | 0 75,000 0 174,092 | 0 174,092 | 0 174 092 | 0 0 | 0 | 0 | 0 | | executed - no approval needed executed - no approval needed | onâne onâne | Wind. Wind | Category 1 Category 1 | Short-term Short-term |
| Contract 978L Contract Name | 6 6 6 | 174,092 | 114'045 | 0. 0 | 0 | 0 | 0 | | executed - int approval needed | grane | Antid | Category i | Source |
| Contract Name | 0 0 | Ō | 0 | 0 0 | 0 | 0 | 0 | | | | | | |
| Contract Name Contract Name | 0 0 | 0 n | . 0 | 0 0 | | 0 | 0 | | | | | | |
| Contract Name | 0 0 | | 0 | 0 0 | 0 | 0 | 0 | , | | | | | |
| Contract Name Expired Contracts/ Contracts Expiring Before 2020 | 0 0 0 404,991 | 741,115 | 0 816,115 1 | 0 0 132.843 1,132,843 | 1,132,843 | 1,132,843 | 1,132,843 | 1,132,843 | notes | | Resource Type | | |
| White Creek 1 | 0 33,004 | 33.004 | 33.004 | 33.004 33.004 | 33,004 | 33,004 | 33.004 | 33,004 | LC . | | Wind | | |
| Contract 04MO Contract 05X9 | 0 150,088 0 50,000 | 150,000 50,000 | 150 000 50 000 | 150,000 160,000 50,000 50,000 | 150,000 50,000 | 150,000 50,000 | 150,000 50,000 | 150,000 50,000 | | | Landfill Gas Landfill Gas | | |
| Contract 065Q | 0 50,000 | 50,000 | 50,000 | 50,000 50,000 | 50,000 | 50 000 | 50,000 | 50,000 | | | Wind | | |
| Contract 06DN | 0 50,000 | 50,000 | 50.000 | 50.000 50.000 50.000 50.000 | 50,000 | 50,000 | 50,000 | 50,000 50,000 | | | - Wind Small Hydro | | |
| Contract 41ZS Contract 06EP | 0 0 0 20,009 | 20,000 | 20.000 | 20,000 20,000 | 50,000 26,000 | 50,000 20,000 | 50,000 20,000 | 20,000 | | | Wind | | |
| Contract 06BV | 0 7,000 0 8,992 | 7,000 | 7.008 | 7,000 7,000 | 7,000 | 7,000 | 7,080 | 7.000 | | | Wind | | |
| Contract 0791 Contract 079H | 0 8,992 0 35,995 | 8,992 35,995 | 8,992 · 35,995 | 8,992 8,992 36,996 36,995 | 8,992 35,995 | 8,992 35,995 | 8,992 35,995 | 8,992 35,995 | | | Wind Wind | | |
| Contract 05YJ | 0 0 | 30,000 | 30,000 | 30,000 30,000 | 36,000 | 36,000 | 30,000 | 30,000 | i i | | Vilind | | |
| Contract 05YN | 0 0 | 70,088 31,588 | 70.000 31.600 | 70 000 70 000 31 500 31 500 | 70,000 31,600 | 70,000 31,500 | 70,000 31,500 | 70,000 31,500 | | | Wind Wind | | |
| Contract 05YO Contract 3U05 | 0 0 | 31,000 | 31,000 | 31.500 31.500 46.318 46.318 | 31,500 46,318 | 46,318 | 46,318 | 31,500 46,318 | | | Wind | | |
| Contract 3U06 | 0 0 | 0 | ű. | 46,318 46,318 | 46,318 | 46,318 | 46,318 | 46,318 | | | Wind | | |
| Centract 95YK Centract 979K | 0 0 | 50 000 64 000 | 66,000 . 64,000 | 50,000 50,000 64,000 64,000 | 50,000 64,800 | 50,000 64,000 | 50,000 64,060 | 50,000 64,000 | | | VAnd Vánd | | |
| Contract 079L | 0 0 | 16,624 | 15,624 | 16.624 15.624 | 15.624 | 15.624 | 15 624 | 16.624 | | | Wind | | |
| Contract 072G | 0 6 | 0 | 75,000 | 75,000 75,000 | 75,000 | 76,000 | 75,000 | 75.000 | | | Wind Wind | | |
| Contract 072F Contract 078L | 0 0 | 75,000 0 | 75,000 | 75,000 75,000 174,092 174,092 | 75,000 174,092 | 75,000 174,092 | 75,000 174,092 | 75,000 174,092 | | | Vind | | |
| | | | | | | | | | | | | 90/08 | |

OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this compliance report has not [has] been altered from the version issued or approved by Energy Division [, with the alterations described in this report].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb. 29, 2012 at Baltimore, Maryland.

Jennifer Lowry, Treasurer