

**DECLARATION OF ANDREW B. BROWN IN SUPPORT OF CLAIMS OF
CONFIDENTIALITY OF CONSTELLATION NEWENERGY, INC.**

I, Andrew B. Brown, declare as follows:

1. I am an attorney representing Constellation NewEnergy, Inc. (“CNE”) in this matter.
2. I have reviewed, or caused to be reviewed, the December 28, 2012 RPS Compliance Report of CNE.
3. The statements in this declaration are based on my knowledge, information, or belief.
4. An officer of CNE is not located within the County of Sacramento and was not available to execute this Declaration at the time the materials were prepared.
5. I have been authorized to make this declaration on behalf of CNE.
6. Those portions of CNE’s RPS Compliance Report identified in Table 1 below are eligible for confidentiality protection pursuant to Decision (“D.”) 06-06-066 and D.08-04-023 and the Matrix of Allowed Confidential Treatment for Energy Service Provider Data (“ESP Matrix”) attached as Appendix B to the latter decision.
7. The data for which CNE requests confidentiality and thereby protection from public disclosure are of the types and correspond to the category (or categories) in the ESP Matrix specified below:

TABLE 1: IDENTIFICATION OF CONFIDENTIAL INFORMATION

<i>RPS Compliance Report Worksheet Location</i>	<i>Type of Data</i>	<i>Matrix Category</i>
Worksheet “2011-2013 Compliance Period”, RPS Summary Report Table, Cells E9:G10, H11	Total Retail Sales MWh 2012-2013 and CP Total; Annual RPS Targets and Compliance Period Procurement Requirement percentage; Total RPS Eligible RECs Procured percentage	I – Renewables Portfolio Standard (RPS) Information. A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.

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<i>RPS Compliance Report Worksheet Location</i>	<i>Type of Data</i>	<i>Matrix Category</i>
Worksheet “Compliance Summary and Charts”, Cells D10:G10, D12:G12, C13:H13	Retail Sales (MWh) 2012-2015, Annual RPS Target MWh 2011-2015, Procurement Quantity Requirements 2011-2013 and 2014-2016	I – Renewables Portfolio Standard (RPS) Information. A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “Annual RPS Compliance Report: Compliance Status”, Annual RPS Procurement and Percentages (MWh) Table: Cells D18:G18, D21:G21	Annual Retail Sales MWh 2012-2015; Annual RPS Procurement Percentage 2012-2015	I – Renewables Portfolio Standard (RPS) Information. A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “Annual RPS Compliance Report: Compliance Status”, Procurement Quantity Requirement (MWh) Table: Cells C26:H26	Procurement Quantity Requirements (PQR) MWh 2011-2013 and 2014-2016	I – Renewables Portfolio Standard (RPS) Information. A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three

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		years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “Annual RPS Compliance Report: Compliance Status”, RPS Compliance Status (MWh) Table: Cell C79	Additional RECs Needed to meet RPS Procurement Quantity Requirement	I – Renewables Portfolio Standard (RPS) Information. A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.

8. The data for which CNE is claiming confidentiality is not already public.
9. The confidentiality of the data for which CNE is claiming confidentiality would not be compromised if it were first aggregated with the equivalent data of all other load serving entities before being made public. Other than by the aforesaid process, the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
10. CNE’s customers may be harmed by the loss of confidentiality insofar as members of the public not eligible to review the data as non-market participating parties—primarily other market participants such as other ESPs or wholesale suppliers or RPS supplies—can use this data to derive CNE-specific RPS procurement requirements (net short) and CNE’s current compliance position, particularly in light of the relative scarcity of such resources eligible for the product content category one resources.

Declared under penalty of perjury that the aforesaid is true of my own knowledge, except as to matters that are stated on information or belief and as to those matters I believe them to be true.

Declaration Of Andrew B. Brown
Constellation NewEnergy, Inc.
December 27, 2012

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Dated: December 27, 2012

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