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**RE: Constellation NewEnergy, Inc. 2013 Preliminary Annual 33% RPS  
Compliance Report**

Constellation NewEnergy, Inc. (“CNE”) respectfully submits (1) the public version of CNE’s 2013 Preliminary Annual 33% RPS Compliance Report (“RPS Report”), (2) the confidential version of the RPS Report, (3) the Declaration of Jedediah J. Gibson in Support of Claims of Confidentiality of CNE, and (4) CNE’s response to the Narrative Reporting Requirements.

CNE wishes to point out that the contract volumes indicated on the “Procurement Detail” tab of the RPS Report may differ from actual retired volumes reflected on the “RECs Retired to meet PQR” and “36 Month Retirement” tabs of the RPS Report. The difference in procured volumes and retired volumes is the result of REC sales by CNE. Accordingly, certain procurement volumes are higher than retired volumes.

Additionally, CNE wants to point out that certain formulas in the template are incorrect. In column R of the “RECs Retired to meet PQR” tab, the formula used to determine “Short Term Contract Eligibility” improperly calculates contract eligibility in cells R46 through R56. Additionally, when adding retirement information to the tab, additional rows did not incorporate the “Short Term Contract Eligibility” formula. Accordingly, cells R198 through R207 and cells

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R214 through R253 do not include the formula to determine “Short Term Contract Eligibility”. CNE attempted to copy the formula into those cells, but the protections of the RPS Report template prevented CNE from making the change. Accordingly, the “Short Term Contract Eligibility” is not specified for all retirement data provided on the “RECs Retired to meet PQR” tab of the RPS Report.



Dated: August 1, 2014

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