

136 FERC ¶ 61,161
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Exelon Corporation
Constellation Energy Group, Inc.

Docket No. EC11-83-000

NOTICE OF PROPOSED COMMUNICATION
WITH DEPARTMENT OF JUSTICE

(September 2, 2011)

1. On May 20, 2011, pursuant to sections 203(a)(1) and 203(a)(2) of the Federal Power Act¹ and Part 33 of the Commission's regulations,² Exelon Corporation (Exelon) and Constellation Energy Group, Inc. (Constellation) submitted an application for the approval of a transaction pursuant to which Constellation will become a wholly-owned subsidiary of Exelon and the former shareholders of Constellation will become shareholders of Exelon (Merger Transaction).
2. Notice of the May 20, 2011 Filing was published in the *Federal Register*, 76 Fed. Reg. 30,934 (2011), with interventions, protests and comments due on or before June 10, 2011 with an Errata issued extending the period to July 19, 2011.
3. The purpose of this notice is to advise the applicants and intervenors that the Commission proposes to permit communications between staff from the Department of Justice, Antitrust Division (DOJ Antitrust Division Staff) and Commission Advisory Staff regarding the Merger Transaction during the pendency of this proceeding. Because such communications, under our current regulations, require the consent of all parties to this proceeding, the Commission directs applicants and any intervenors who object to these communications to indicate their objection within seven days of the issuance of this notice.³ Otherwise, the Commission will deem applicants and intervenors in this proceeding to have consented to communications between DOJ Antitrust Division Staff and Commission Advisory Staff during the pendency of the Merger Transaction proceeding. The Commission notes that this proposal is limited in application and

¹ 16 U.S.C. § 824b (2006).

² 18 C.F.R. Part 33 (2011).

³ The Commission directs any party seeking late intervention to indicate its objection, if any, in its late-filed motion to intervene.

applies only to this proceeding and communications between Commission Advisory Staff and DOJ Antitrust Division Staff related to the Merger Transaction.

By the direction of the Commission.

Kimberly D. Bose,
Secretary.