

Docket No: 04-0066
Bench Date: 3/17/04
Deadline: N/A

MEMORANDUM

TO: The Commission
FROM: David Gilbert, Administrative Law Judge
DATE: March 5, 2004
SUBJECT: Constellation NewEnergy, Inc.

Petition for Emergency Relief to Protect Portions of Report of Continued Compliance as an Alternative Retail Electric Supplier and its Annual Kilowatt-Hour Report from Disclosure for Not Less than Five Years in Order to Protect Highly Confidential and Proprietary Information.

RECOMMENDATION: Enter Attached Order granting Application.

Applicant requests an Order protecting certain documents from public disclosure. The documents are a report of continued compliance as an Alternative Retail Electricity Supplier and a report enumerating the total annual kilowatt-hours delivered and sold to retail customers within each utility service territory in the proceeding calendar year. Applicant alleges that the pertinent information is proprietary and confidential and that disclosure would be detrimental to Applicant.

The state Freedom of Information Act permits confidentiality for such information. No party appeared to oppose the Application.

For the foregoing reasons, I recommend entry of the attached Order, which grants the Application.

DG;jt