

IN THE MATTER OF THE ACQUISITION OF
CONSTELLATION ENERGY GROUP, INC.,
THE PARENT COMPANY OF BALTIMORE
GAS AND ELECTRIC COMPANY, BY
MIDAMERICAN ENERGY HOLDINGS
COMPANY AND CONSTELLATION ENERGY
HOLDINGS, LLC AND OF BALTIMORE GAS
AND ELECTRIC COMPANY BY BGE
HOLDINGS, LLC

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9160

**PETITION TO INTERVENE OF THE NUCLEAR INFORMATION AND RESOURCE
SERVICE, BEYOND NUCLEAR, PUBLIC CITIZEN, THE MARYLAND PUBLIC
INTEREST RESEARCH GROUP, AND MARYLAND ACORN**

COME NOW the Petitioners, Nuclear Information and Resource Service (“NIRS”), Beyond Nuclear, Public Citizen, Maryland Public Interest Research Group (“Maryland PIRG”), and Maryland Association of Communities Organizing for Reform Now (“Maryland ACORN”) by undersigned counsel, and apply to intervene in these proceedings, pursuant to Maryland Code, Public Utilities Company Article, § 3-106. In support thereof the Petitioners state:

1. The Nuclear Information and Resource Service is an information and networking center for people and organizations concerned about nuclear power, radioactive waste, radiation, and sustainable energy issues. As a Maryland-based organization, NIRS has a special interest in Maryland energy policy and economics, ratepayer protection, nuclear power, radioactive waste, renewable energy, energy efficiency and other sustainable energy issues in Maryland. NIRS is an Intervenor in Case No. 9127, regarding a proposed new nuclear reactor at Calvert Cliffs. Constellation Energy and entities closely related to it have been central in these pending proceedings. Currently, BGE purchases electrical power generated at the two operating nuclear reactors at Calvert Cliffs, which Constellation effectively controls, and it would likely purchase electrical power from any new nuclear reactor which might be built at Calvert Cliffs.

2. Beyond Nuclear is a Maryland-based public education and advocacy group that aims to educate and activate the public on issues pertaining to the hazards of nuclear power, its connection to nuclear weapons and the need to abandon both. Beyond Nuclear advocates for an energy future for the State of Maryland and the United States that is sustainable, benign and democratic. Beyond Nuclear is also a co-intervenor in Case No. 9127, regarding the proposed new nuclear reactor at Calvert Cliffs. As noted above, BGE has been a major purchaser of

electricity generated by operations at Calvert Cliffs, which have been controlled by Constellation, and would be a major purchaser of electricity from any new reactor that might be built at Calvert Cliffs.

3. Public Citizen is non-profit, non-partisan consumer rights organization based in Washington, DC with over 100,000 members nationwide, including thousands of members in Maryland. Its Energy Program does extensive work at the federal and state levels to promote energy policies that best protect consumers. Like NIRS and Beyond Nuclear, Public Citizen is an Intervenor in Case No. 9127. It also intervened in Case No. 9054 regarding the proposed merger of Constellation Energy and Florida Power and Light, which bore many similarities to these present proceedings.

4. Maryland PIRG is a statewide, non-profit, non-partisan organization that advocates on behalf of its membership and in the public interest on issues concerning environmental protection, consumer rights, and the democratic process. Maryland PIRG has over 10,000 members throughout Maryland. Maryland PIRG represents its members who, as residential electrical consumers and environmentally conscious citizens, are interested and directly impacted by the proposal to construct a nuclear power plant. Like Public Citizen, it has intervened in Case No. 9054 and Case No. 9127.

5. Maryland ACORN is a 6,000 member community organization of low to moderate income families with offices in Baltimore and Hyattsville. ACORN is a non-profit, non-partisan organization dedicated to fighting for social and economic justice. ACORN has taken action and won victories on issues of concern to our members, including better housing for first-time homebuyers and tenants; living wages for low-wage workers; more investment in our communities from banks and governments, better public utilities and better public schools.

6. NIRS, Beyond Nuclear, Public Citizen, Maryland PIRG, and Maryland ACORN seek to raise several material issues, including:

- a. The corporate structure of the entities involved in this transaction, including the role of Berkshire Hathaway.
- b. Avoidance of an overly hasty approval of the application. In this time of seeming crisis, it is important for the Public Service Commission to keep in mind that Constellation Energy's financial woes were brought on by its unregulated energy trading operations and financing decisions, not by BGE.

c. Ensuring that BGE will operate in the future as a robust, regulated entity which provides consumers with safe power, with the least negative impact to the environment. This includes consideration of BGE reassuming control of power generation units, as well as BGE adopting an assertive role in the development of renewable energy and the promotion of energy efficiency.

7. These issues fall within the ambit of the factors the Commission must consider under Maryland Code, Public Utilities Company Article, § 6-105 (g), particularly with regard to factor (xii), “the public interest, convenience, and necessity.”

8. No party to the proceeding adequately represents the interests of the Nuclear Information and Resource Service, of Beyond Nuclear, of Public Citizen, of Maryland PIRG, or of Maryland ACORN.

9. Communications and correspondence should be addressed to undersigned counsel:

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WHEREFORE, the Petitioners Nuclear Information and Resource Service, Beyond Nuclear, Public Citizen, Maryland Public Interest Research Group, and Maryland ACORN request recognition as Joint Intervenors in this matter.

/s/
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CERTIFICATE OF SERVICE

I hereby certify on this 24th day of October, 2008, copies of the foregoing Petition to Intervene were mailed, first class postage pre-paid, to:

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