

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Constellation)
NewEnergy, Inc. for Renewal of its Certification)
as a Competitive Retail Electric Service)
Provider.)

Case No. 00-1717-EL-CRS

CONSTELLATION NEWENERGY, INC.'S MOTION FOR EXTENSION OF TIME
AND REQUEST FOR EXPEDITED RULING

Now comes Constellation NewEnergy, Inc. ("Constellation"), and moves the Public Utilities Commission of Ohio or its Attorney Examiner to extend the expiration date of Constellation's Certificate No. 00-003(4), which authorizes it to provide competitive retail power marketer and power broker services in the State of Ohio. The certificate is due to expire on October 22, 2008, and Constellation seeks to extend the expiration date until November 10, 2008 to allow for the 30-day review process of its renewal application, which will be filed on or before October 10, 2008.

Constellation also requests that the Commission issue an expedited ruling on its request pursuant to Rule 4901:1-12(C) and (F), Ohio Administrative Code. Constellation requests this extension and expedited ruling for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,

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| NewEnergy, Inc. for Renewal of its Certification) | Case No. 00-1717-EL-CRS |
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**CONSTELLATION NEWENERGY, INC.'S MEMORANDUM IN SUPPORT OF
ITS MOTION FOR EXTENSION OF TIME AND REQUEST FOR EXPEDITED
RULING**

Constellation NewEnergy, Inc. ("Constellation") was issued Renewal Certificate No. 00-003(4) to provide competitive retail electric service for the two-year period commencing October 26, 2006 and ending October 22, 2008. Unfortunately, due to an inadvertent administrative error, Constellation will be filing its renewal application on or before October 10, 2008, two weeks after the September 22, 2008 deadline. The Commission will soon receive a filed copy of Constellation's 2008 Renewal Certification for Competitive Retail Electric Service ("Application") no later than October 10, 2008. As will be demonstrated in the Application, there has been no material change in Constellation's business practices as defined by Rule 4901:1-24-10 of the Ohio Administrative Code ("OAC").


Constellation respectfully requests that the Commission extend Certificate No. 00-003(4) to November 10, 2008 so that there will be no interruption in service to Constellation's customers. Due to an administrative oversight, coupled with active participation and numerous deadlines in six (6) active proceedings to implement Amended Sub. SB 221, Constellation was unable to meet the September 22, 2008 submission date. Constellation apologizes for this administrative oversight and ensures the Commission that consistent with Constellation's past practice, all reports and certifications required by the Commission will be timely filed in the

future. Furthermore, Constellation emphasizes its desire to continue to serve customers in Ohio and hopes the Commission will take into account this commitment and Constellation's record of service in this state when making its decision on its Motion for Extension of Time.

Constellation also requests that an expedited ruling be issued on this motion pursuant to Rule 4901:1-12(C) and (F) of the OAC, considering that its current certificate is due to expire October 22, 2008. Because Constellation is the only party to this proceeding, an expedited ruling will not adversely affect the substantive right of any party.

The Commission has the plenary authority to extend the expiration date of Constellation's certification for good cause shown. As demonstrated above, Constellation's tardiness in filing its Application was solely due to an inadvertent administrative error. Moreover, Constellation's business practices have not changed in any material respect since its last certification was filed in 2006. Consequently, Constellation respectfully requests a brief extension of the expiration date of its certification.

Respectfully submitted,



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