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PUBLIC SERVICE COMMISSION

August 26, 2021

In the Matter of the Merger of Exelon *
Corporation and Constellation Energy Group, * Case No. 9271
Inc. *
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NOTICE OF VIRTUAL EVIDENTIARY HEARING

On August 9, 2021, the Technical Staff’s Office of Staff Counsel (“Staff Counsel”) sent the Commission a letter requesting an evidentiary hearing on Condition 9 and the Expiration of the Independent Market Monitor (“IMM”) Settlement in Case No. 9271.¹ The Commission hereby gives Notice that it will conduct a virtual evidentiary hearing on Thursday, October 7, 2021, to consider evidence and allow for legal argument on jurisdiction, current market conditions, and whether the expiration of the behavioral remedies in the IMM settlement will, through Exelon’s increased ability to exercise market power, pose a significant risk of harm to Maryland ratepayers, thereby necessitating an extension of the existing IMM Settlement.²

In order to accommodate the virtual nature of the evidentiary hearing, all parties to this case are required to prepare and email an exhibit list along with pre-marked copies of any exhibits that they may introduce at the evidentiary hearing to Rosanna Mantova at rosanna.mantova@maryland.gov by 5pm on Monday, October 4, 2021, and copy the other

¹ Maillog No. 236512. Staff states in its filing that: “Monitoring Analytics, LLC, in its capacity as the IMM for PJM, filed a confidential Market Monitor Report that recommends that the IMM Settlement be extended for an additional 10 years, and suggested two modifications regarding Exelon’s participation in the PJM wholesale market. On April 7, 2021, the IMM filed a redacted version of the Market Monitor Report. On May 21, 2021, Exelon filed a response opposing an extension of the IMM Settlement and any new obligations for its participation in the PJM wholesale market, and noted that the current size of its generation portfolio is similar to that prior to the merger with Constellation. On June 15, 2021, the IMM then filed a response discussing how Exelon continued to exercise market power in Maryland. In response, Exelon on July 26, 2021, filed a response that argued that the condition precedent in the merger order to extending the IMM Settlement has not occurred, and that consideration of issues involving the regulation and operation of the PJM wholesale market should be left to, and may be preempted by, the Federal Energy Regulatory Commission (“FERC”).” *Id* at 2. The IMM made another filing responding to Exelon and reiterating its positions on August 16, 2021. Maillog No. 236668.

² The Commission will conduct the virtual hearing on Webex.

parties.³ Please direct any questions about this process to Rosanna Mantova at rosanna.mantova@maryland.gov.

All parties to the case are also required to provide Rosanna Mantova, by 5pm on Monday, October 4, 2021, with a list⁴ of Counsel and associated witnesses they plan to introduce or sponsor during the hearings, as well as which witnesses from opposing parties each Counsel plans to cross-examine.

For purposes of this evidentiary hearing, Counsel and witnesses are deemed “participants.” Otherwise, parties may watch the livestream of the hearing on the Commission’s YouTube channel.⁵ Any questions about the hearings should also be directed to Rosanna Mantova at rosanna.mantova@maryland.gov. Additionally, the Commission’s Technical Staff will be contacting the parties to establish a schedule of witnesses.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

cc: Service List for Case No. 9271

³ Copies of exhibits that have been pre-filed in Case No. 9271 do not need to be e-mailed prior to the evidentiary hearing, but must be included on the party’s exhibit list itself. Parties may supplement their exhibit lists after the hearing starts on Thursday, October 7, 2021. Continuing its practices from other virtual evidentiary hearings, absent a reason to exclude an unanticipated exhibit, the Commission will be flexible and allow its introduction. The Commission’s general expectation is that the parties anticipate the exhibits that they will file to the best of their ability, and it appreciates the good faith efforts of parties to make their exhibit lists as complete as possible.

⁴ The list from each party shall include the e-mail addresses for each Counsel and sponsored witness.

⁵ You may access the Commission’s YouTube channel via the “Watch PSC Proceedings” button on the lower left side of the Commission’s home page, or via the following link:
<https://www.youtube.com/c/MarylandPSC>.