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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

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GOVERNOR

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# Memorandum

**DATE:** June 12, 2012

**TO:** Executive Secretary, File to the Docket U-14066

**FROM:** Ikechukwu N. Nwabueze Ph.D., Director, Regulated Energy Division

**SUBJECT:** Alternative Gas Supplier: Legal Name Change U-14066

*Handwritten:* Hilfinger  
6/12

This memo is notification to Docket U-14066 that Staff of the Financial Analysis & Customer Choice Section of the Regulated Energy Division has received a request and documents from MXenergy Inc. (MX) for a change of its name to Constellation Energy Gas Choice, Inc. MX was issued its alternative gas supplier (AGS) license in Case No. U-14066 on March 29, 2004. As a result of the name change, Constellation Energy Gas Choice, Inc. (CEGC) has replaced MX as the licensed AGS entity. Staff reviewed the materials provided by MX regarding its change and confirms that:

1. On July 1, 2011 Constellation Energy Group, Inc. (CEG) acquired MXenergy Holdings Inc. This organizational structure did not change MX's service or customer population and did not affect MX's financial, technical or managerial capabilities in Michigan.
2. On March 9, 2012, the Federal Energy Regulatory Commission (FERC) authorized the merger between Exelon Corporation (Exelon) and CEG in Docket Nos. EC11-83-000 and EC11-83-001 to which Exelon would acquire CEG and 100 percent of the ownership interests in MXenergy Holding Inc. This transaction closed on March 12, 2012. On March 12, 2012 CEG, MX's ultimate parent, merged with Exelon (the "Step 1 Merger"). Under the terms of this merger, CEG became a wholly-owned subsidiary of Exelon and Exelon became the ultimate parent of MX. Immediately following the Step 1 Merger, CEG merged with and into Exelon, with Exelon as the surviving entity (the "Step 2 Merger"). Following the Step 2 Merger, MX's ultimate parent continued to be Exelon. MX's direct parent both before the Step 1 Merger and after the Step 2 Merger was MXenergy Holdings Inc. Immediately following the Step 2 Merger, Exelon transferred Constellation Energy Resources, LLC (CER) and its subsidiaries (including MXenergy Holdings, the direct parent of MX) to Exelon Generation Company, LLC, a wholly-owned subsidiary of Exelon. As a result of these transfers, MX's ultimate indirect parent continues to be Exelon and its direct parent continues to be MXenergy Holdings. MXenergy Holdings was MX's direct parent before the change in organization structure and is MX's direct parent after the change in organizational structure. This organization structure did not change

MX's service or customer population and did not affect MX's financial, technical or managerial capabilities in Michigan.

3. This name change became effective on June 1, 2012. CEGC changed its principal office, email addresses and website to reflect the main corporate information. CEGC retains the same toll-free number, Staff contacts, federal tax identification number, Dunn & Bradstreet number, company operations, and managerial and technical expertise. Contractual rights and obligations remain unaffected and notice was provided to all of its customers of the new name change. CEGC regulatory responsibilities for Michigan remain unchanged as well.

4. CEGC has amended its certificate of authority to do business in Michigan to reflect its new name, filed on May 17, 2012 under its Michigan ID number 632650.

5. Staff received an amended bond from CEGC in the amount of \$100,000.

6. The renamed entity CEGC will coexist and continue to maintain separate and distinct alternative gas and electric retail licenses, Case Nos. U-14867, U-14555, U-13660, U-12662, for Constellation NewEnergy Gas Division, Exelon Energy Co., Constellation NewEnergy, Inc., and Exelon Energy Company, respectively. These entities will continue to operate as standalone entities under their respective licenses. There will not be any service changes or transferring of customers between any of these corporate entities at this time.

cc: Bill Stosik, Manager  
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