

ELLISON, SCHNEIDER & HARRIS L.L.P.

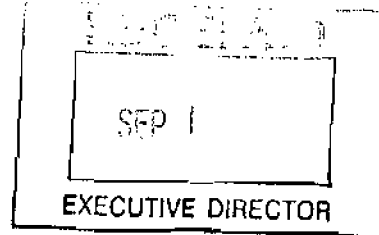
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September 11, 2007

B. B. Blevins  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-39  
Sacramento, CA 95814-5512

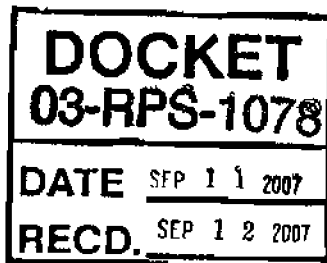


**RE: Application for Confidential Designation – Constellation NewEnergy, Inc.  
RPS Track Form Submission**

Dear Mr. Blevins:

On August 1, 2007 Constellation NewEnergy, Inc., (“CNE”) filed an appeal of your June 18, 2007 decision denying CNE’s application for confidentiality in 03-RPS-1078. After discussions between CNE and Energy Commission staff, on August 29, 2007 you issued an Amended Executive Director Decision (“Amended Decision”) granting confidentiality to certain information previously unprotected. In light of these revisions, CNE now requests to withdraw its appeal of the June 18, 2007 decision.

Please feel free to contact me at (916) 447-2166 should you or Staff have any questions or require additional information regarding this letter. Thank you for your consideration of our request.



Sincerely,

Andrew B. Brown  
Ellison, Schneider & Harris, LLP  
Attorneys for Constellation NewEnergy, Inc.

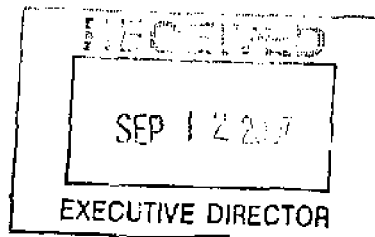
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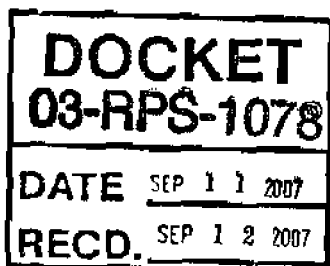
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Sincerely,

A handwritten signature in black ink, appearing to read "A. B. Brown".

Andrew B. Brown  
Ellison, Schneider & Harris, LLP  
Attorneys for Constellation NewEnergy, Inc.