

STATE OF NEW YORK

# Public Service Commission

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FOR RELEASE: IMMEDIATELY

09032/09-E-0055

## CONSTELLATION NUCLEAR SALE APPROVED

—\$4.5B Purchase by French Co. Strengthens Financial Stability of NY Nuclear Plants —

Albany, NY—04/21/09—The New York State Public Service Commission (Commission) today approved the \$4.5 billion acquisition of nearly half of Constellation Nuclear, the indirect owner of three nuclear power plants in upstate New York, to a wholly-owned subsidiary of Electricite de France S.A., the world's largest nuclear power plant owner.

Electricite de France (EDF), through the subsidiary, is acquiring a 49.99 percent ownership interest in Constellation Nuclear. EDF, owned primarily by the French government, is the leading electric utility in France, where it owns and operates approximately 98,000 megawatts (MW) of its worldwide 124,500 MW in generating capacity.

With the New York power plant acquisitions, EDF's subsidiary will own the 621 MW Nine Mile Point Nuclear Unit I and the 1,135 MW Nine Mile Point Nuclear Unit II in Oswego and the 582 MW R.E. Ginna Nuclear Power Plant in Ontario, Wayne County.

The Commission found that no potential for harm exists in this transaction in regards to the Commission's Wallkill presumption, under which transactions involving parent entities upstream from the entities owning wholesale electric generation facilities located in New York must be reviewed if there is the potential for the exercise of market power or other harm to the interests of captive New York ratepayers.

Because EDF is a new entrant into New York generation markets, and is acquiring only interests already held by Constellation Nuclear, market concentration in New York wholesale generation markets will not increase as a result of the transaction. Furthermore, the transaction does not pose the potential for the exercise of vertical market power or other impacts adverse to the interests of captive ratepayers. Neither EDF nor Constellation Nuclear exercises control over electric delivery facilities. As a result, those avenues to the undue exercise of vertical market power are also foreclosed.

The acquisition is expected to bolster the financial stability of the ownership structure for the New York nuclear facilities. EDF is an investment grade rated entity with bond ratings of “Aa3” from Moody’s Investor Services and “A+” from Standard and Poor’s. Parent company Constellation Energy Group, based in Maryland, will retain a majority interest in Constellation Nuclear, which will remain the indirect owner of the Nine Mile and Ginna nuclear facilities. The acquisition also will not affect funds currently invested for radiological and non-radiological decommissioning purposes.

The Commission’s decision today, when issued, may be obtained from the Commission’s [www.dps.state.ny.us](http://www.dps.state.ny.us) Web site by accessing the Commission’s File Room section of the homepage and referencing Case 09-E-0055. Many libraries offer free Internet access. Commission orders may also be obtained from the Commission’s Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500).