

Federal Energy Regulatory Commission  
Washington, D.C. 20426

FEB 09 2015

**VIA CERTIFIED AND ELECTRONIC MAIL**

Christopher C. Horner, Esq.  
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Re: Energy and Environment Legal Institute v. FERC; 1:14-cv-01743-TSC

Dear Mr. Horner:

Enclosed are redacted documents responsive to your June 24, 2013 request (FY 14-93), filed pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (2012) and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, specifically 18 C.F.R. § 388.108. You requested copies of all emails from January 1, 2012 through May 31, 2012 "1) sent or received by either Jon Wellingshoff, or Norman Bay of FERC's Office of Enforcement, 2) which use in either the Subject field or their body, a) 'Constellation' or 'Exelon', and b) in either the Subject field or their body, 'approve', 'merge' (which also includes 'merger'), 'consent', and/or 'settle' (which also includes 'settled' and 'settlement')." The Commission withheld certain responsive documents in full and in part. You appealed the Commission's decision, which was denied in part, and have exhausted your administrative remedies.

You filed a complaint on October 17, 2014 in the United States District Court for the District of Columbia seeking responsive documents. On December 21, 2014, the Judge ordered the Commission to submit its Motion for Summary Judgment on February 6, 2015. The court then granted the Commission's unopposed motion to extend the deadline 31 days, until March 9, 2015. In advance of filing the Commission's Motion for Summary Judgment, the Commission is making a discretionary release of responsive documents.

Sincerely,



Leonard M. Tao  
Director  
Office of External Affairs