

senior OE staff: Larry Gasteiger, LeeAnn Watson, Larry Parkinson
CCG: Constellation Energy Commodities Group, Inc.

Doc No.	Description	Exemption Invoked	Segregable Portions	Factual Basis for Withholding	# of pgs.
1	<p>Subject: RE: OE weekly report</p> <p>January 3, 2012 Email from Larry Parkinson to Larry Gasteiger, Lee Ann Watson, and lower level OE staff re OE January 2, 2012 Weekly report. Norman Bay CCed.</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning proposed decisions and policies that were yet to be voted out by the Commission.	<p>Exemption 5 – This internal staff report contains the status of proposed decisions that were currently being reviewed by the Commissioners, proposed decisions that were soon to be reviewed by the Commissioners, and various updates on the status of OE investigations including non-final deliberations from staff concerning proposed decisions and policies that were yet to be voted out by the Commission. The document also discloses the process and procedure the Commission uses to further its regulatory purpose.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	2
2	<p>Subject: Exelon-Constellation/memo</p> <p>January 3, 2012 email between</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and</i></p>	2

	<p>Michael Bardee, the Commissioners, Commissioners' assistants, and James Pederson re an internal memo written by staff experts about the Exelon-Constellation Merger and attachments of two cases cited in the memo. Norman Bay, David Morenoff, Deborah Leahy, Mike McLaughlin, Steve Rodgers, Anna Cochrane, and Larry Gasteiger are CC-ed.</p> <p>January 6, 2012 forward of the email from Norman Bay to OE senior staff.</p>		<p>deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012).</p>	<p><i>Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). The document contains internal staff communications about the pre-decisional memorandum that was developed to facilitate further discussion among Agency staff about proposed Commission decisions that had not been voted out by the Commissioners.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	
3	<p>Subject: Constellation Settlement Memo</p> <p>January 3, 2012 emails between OE lower level employee and Mike Bardee with attached draft CCG Settlement Memo and Draft Notice of Alleged Violations; and between OE lower level employees, Norman Bay, and OE senior staff re the aforementioned.</p>	Exemptions 5 & 6	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). The document includes internal staff communications regarding a proposed draft notice and settlement memorandum prepared for senior staff review by staff who lack authority to act on behalf of the Commission, and is protected as part of the deliberative process.</p> <p>With regard to the Tao Decl., portions of</p>	4

			FERC ¶ 61,168 (Mar. 9, 2012).	<p>this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	
6	<p>Subject: FW: Exelon/Constellation merger; public interest standard</p> <p>January 10-11, 2012 emails between David Applebaum, Norman Bay, OE senior staff, James Pederson and a lower level employee of the Chairman's Office re: an attached memo about the public interest standard.</p>	Exemptions 5 & 6	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012).</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). The internal staff communications and lower level staff memorandums regarding regulatory and legal standards contain deliberations from staff concerning possible proposed decisions and legal policies that were being contemplated but had not been decided.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	5
7	January 12, 2012 emails between James Pederson, Michael	Exemption	No segregable portions. To the extent there are facts in this	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision	4

	McLaughlin, Anna Cochrane, Michael Bardee, David Morenoff, Norman Bay, and Larry Gasteiger re timeline for acting on the Constellation/Exelon merger. ¹	5	document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012). The email concerns internal deliberation about proposed manner and timing of Commission action. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members 	
8	Subject: DRAFT CCG EMAIL January 25, 2012 emails between lower level OE staff and OE senior staff re draft email about staff's process and method for establishing appropriate settlement figures and attendance at settlement negotiations. Norman Bay is CCed.	Exemptions 4, 5, 6, and 7(E)	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). Additionally, facts may be	Exemption 4 – Portions of the document refer to confidential financial or commercial information related to an appropriate settlement figure. Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains staff discussion and pre-decisional evaluation of settlement figures and reflects staff's proposed process and method for reaching such figures. Similarly, staff's deliberations about legal	4

¹ This document's subject field is not appropriate for discretionary release, and is protected from disclosure by FOIA Exemption 5.

			inextricable intertwined with proprietary or otherwise confidential commercial information.	<p>policy as to who may attend settlement negotiations is protected by the deliberative process privilege.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of nonsupervisory staff.</p> <p>Exemption 7(E) – The document reveals the agency’s procedure and technique for determining appropriate settlement amounts in law enforcement matters.</p>	
9	<p>Subject: Non Public and Confidential</p> <p>January 25-28, 2012 emails between lower lever OE staff, the Commissioners, the Commissioners’ assistants, Michael Bardee, Christy Walsh, OE senior staff, and Norman Bay, about attendance at settlement negotiations and the Agency’s process or method for determining settlement amounts.</p>	Exemptions 4,5, 6, and 7(E)	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy</i>	<p>Exemption 4 – Portions of the document refer to confidential financial or commercial information related to an appropriate settlement figure.</p> <p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains staff discussion and pre-decisional evaluation of settlement</p>	65

			<i>Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>figures and reflects staff's proposed process and method for reaching such figures. Similarly, staff's preliminary legal analysis regarding who may attend settlement negotiations is protected by the deliberative process privilege.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p> <p>Exemption 7(E) – The document reveals the agency's procedure and technique for determining appropriate settlement amounts in law enforcement matters.</p>	
10	<p>Subject: notice on Constellation</p> <p>January 26, 2012 emails between lower level staff of Commissioner Moeller's office, James Pederson, OE senior staff, and Norman Bay, re issuance of Public Notice and Exelon's participation in settlement discussions.</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the	<p>Exemption 5 –</p> <p>The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document involves strategic discussions among staff regarding the Commissioners' non-final opinions about a settlement range and whether Exelon could participate in the settlement discussions.</p>	4

			Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
11	January 31, 2012 email conversation between OE senior staff and Norman Bay re perceptions and thoughts on the conference with CCG and Exelon. ²	Exemptions 4 & 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	Exemption 4 – Portions of the document refer to confidential financial or commercial information related to settlement figures. Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). Document involves strategic non-final deliberations among staffmembers regarding the CCG settlement process and their perceptions and reactions to the discussion with CCG. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members.	2
12	Subject: Discussion with Paul Pantano	Exemptions 4, 5, and 6	No segregable portions. To the extent there are facts in this	Exemption 4 – Portions of the document refer to confidential financial or	37

² This document's subject field is not appropriate for discretionary release, and is protected from disclosure by FOIA Exemption 4.

	February 10, 2012 email conversation between OE senior staff, lower level OE staff, Sean Collins, Norman Bay, Jon Wellinghoff, and James Pederson re a settlement discussion call concerning CCG, staff's further pre-decisional internal comments, specific terms of a proposed settlement agreement, and staff's recommended course of action not yet adopted by the Commission.		document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	commercial information related to an appropriate settlement figure. Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). Document involves deliberations among staff about proposed non-final terms of a potential settlement agreement, as well as staff's deliberations after a call concerning the CCG possible settlement. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Deliberative Memos from Junior to Senior Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
13	Subject: Constellation Update February 17-23, 2012 email conversation between Norman Bay, Jon Wellinghoff, James Pederson, senior OE staff, and lower level OE staff re settlement discussions	Exemptions 4, 5, 6, and 7(E)	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with	Exemption 4 – Portions of the document refer to confidential financial or commercial information related to an appropriate settlement figure. Exemption 5 – The withheld material is pre-decisional to	32

	involving CCG and the non-final methodology used to reach the proposed settlement figure.		the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document reflects deliberations among staff regarding the CCG settlement. Additionally, the document involves pre-decisional staff deliberations about settlement figures and reflects staff's interim process and method for reaching such non-final figures.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 7(E) – The document reveals the agency's procedure and technique for determining appropriate settlement amounts in law enforcement matters.</p> <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff. Also contains the personal cell phone number of former Chairman Wellinghoff.</p>	
14	<p>Subject: Draft Hotlist for the March 15 open meeting</p> <p>February 22-27, 2012 email</p>	Exemptions 5 & 6 / Non-	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy</i></p>	80

	<p>conversation between lower level FERC staff of the Office of Enforcement and the Commissioners' offices, James Pederson, Mike Bardee, David Morenoff, Michael McLaughlin, Norman Bay, Joseph McClelland, and Jon Wellinghoff re Commissioners' opinions on a matter unrelated to this FOIA request, preliminary matters concerning a vote for the CCG/Exelon merger order, and a non-final draft of the list of items proposed for a Commission open meeting.</p>	responsive	<p>deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012).</p>	<p><i>Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains internal staff deliberations and preliminary views regarding proposed timing and non-final decisions and policies.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains, name, title, telephone number, and/or email address of non-supervisory staff.</p> <p>Non-responsive – contains unrelated, non-responsive material, regarding a different matter before the Commission.</p>	
15	<p>Subject: FW: Exelon-Constellation draft order EC11-83</p> <p>February 23, 2012 email from Lee Ann Watson to Norman Bay and senior OE staff re attached draft non-final order for CCG/Exelon Merger.</p>	Exemption 5	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). Document concerns a proposed non-final order and a solicitation for comments, and thus is protected as part of the deliberative process.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p>	1

			in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	<ul style="list-style-type: none"> • Draft Commission Order. 	
16	<p>Subject: Follow Up Conversation with Kathleen</p> <p>February 27, 2012 email conversation between Norman Bay, senior OE staff, and James Pederson re a further settlement conversation concerning CCG/Exelon.</p>	Exemptions 4 & 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>Exemption 4 – Portions of the document refer to confidential financial or commercial information related to an appropriate settlement figure.</p> <p>Exemption 5 –The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document involves internal deliberations among subordinate and superiors regarding the interim state of CCG settlement discussions and discussion of non-final proposals for further settlement efforts.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members • Deliberative Memos from Junior to Senior Staff Members. 	5
17	<p>Subject: Can we meet at 1 on Constellation?</p> <p>March 1, 2012 email from Norman Bay to senior OE staff and lower level OE staff re negotiating proposed terms of a Constellation</p>	Exemption 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document involves internal strategic</p>	2

	settlement.		the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	discussions among staff regarding staff's interim perception of the status of the continuing CCG settlement negotiations, and is part of the internal deliberative process. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
18	Subject: Ethics Question March 3, 2012 email between Norman Bay and Larry Gasteiger re potential considerations resulting from the prohibition on discussing the timing of Commission orders.	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations. Additionally, any factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012) and proposed legal opinions.	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). Document involves pre-decisional deliberation between a subordinate and superior about the Commission's prohibition on discussing the timing of orders, and is part of the internal deliberative process. Additionally, the document contains a legal opinion provided by an attorney for the Agency, and is protected by the attorney/client privilege. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members, and	1

				<ul style="list-style-type: none"> • Attorney-client Privilege. 	
19	<p>Subject: Draft Settlement Agreement</p> <p>March 4, 2012 email from Kathleen Barron to Norman Bay re comments on draft interim CCG settlement agreement and an attached interim draft order with tracked changes.</p>	Exemption 4	No segregable portions. Any releasable material is inextricably embedded or otherwise intertwined with proprietary or otherwise non-public information relating to the proposed settlement terms that had not been voted out by the Commission.	<p>Exemption 4 – The document contains detailed confidential and proprietary information concerning CCG and a potential settlement arising from an investigation of CCG by the Commission’s Office of Enforcement.</p> <p>For more information, refer to ¶ 26 of the Tao Decl.</p>	2
22	<p>Subject: Disgorgement & the Effective Date</p> <p>March 6, 2012 email conversation between Norman Bay, senior OE staff, and lower level OE staff re Exelon/CCG’s response to terms of draft settlement agreement and deliberations about those responses.</p>	Exemptions 4, 5 and 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>Exemption 4 – Portions of the document refer to CCG’s confidential financial or commercial information related to an appropriate settlement figure.</p> <p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains staff’s non-final views as to how to edit specific terms of the settlement agreement as well as staff’s interim deliberations after a call concerning CCG about potential settlement.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and 	9

				<ul style="list-style-type: none"> • Draft Stipulation and Consent Agreements. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	
23	<p>Subject: FW: Exelon-Constellation merger order draft - March agenda</p> <p>March 7-8, 2012 pre-decisional conversation between senior OE staff, Norman Bay, and David Applebaum re an email forwarded from lower level staff about draft language concerning the CCG/Exelon investigation in the proposed merger order.</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). Reflects discussion and pre-decisional deliberation on policy between subordinates and superiors, on the directives of a proposed draft order.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Draft Commission Orders. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	12
24	<p>Subject: FW: Exelon-Constellation merger order draft - March agenda</p> <p>March 7, 2012 email conversation between Norman Bay and James Pederson re an email forwarded from lower level staff about draft</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion	<p>Exemption 5 - The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). Reflects discussion and pre-decisional deliberation on proposed policy between subordinates and superiors,</p>	5

	language for the proposed merger order which concerned the CCG/Exelon investigation. (Extension of #23)		concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	on the directives of a proposed draft order With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Draft Commission Orders. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
25	Subject: Question on Exelon/Constellation merger order March 8, 2012 email from Larry Gasteiger to senior OE staff, Norman Bay and lower level OE staff re assertions in specific paragraphs of a non-final draft merger order (draft attached).	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	Exemption 5 - The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012). Reflects discussion and pre-decisional deliberation on proposed policy between subordinates and superiors, on the directives of a proposed draft order With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Draft Commission Orders. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	1
26	Subject: Non-Public and Confidential Settlement Package	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this	Exemption 5 –The withheld material is pre-decisional to the ultimate, final decision	9

	March 8-9, 2012 email conversation between lower level OE staff, lower level employees of the Commissioners' Offices, Norman Bay, senior OE staff, and Kimberly Bose re proposed settlement and the draft Order Approving Stipulation and Consent Agreement for CCG.		document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). Reflects discussion and pre-decisional deliberation on policy between subordinates and superiors, on the directives of a proposed draft order. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Draft Stipulation and Consent Agreement.. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
30	Subject: "Neither admit nor deny" March 10-11, 2012 conversation between Jon Wellinghoff, James Pederson, and Norman Bay re CCG press statement and earlier settlement deliberations.	Exemption 5	Yes [Partial Release, 9/30/14] All non-exempt responsive information in this record was released on 9/30/14, and there is no reasonably segregable information remaining. To the extent there are facts remaining in the withheld portions of this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion	Exemption 5 – The withheld material references deliberations that were pre-decisional to the ultimate, final decision voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012), and further deliberation as to anticipated adherence to settlement terms. Document involves interim deliberation among staff regarding the CCG settlement, and is deliberative process. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. 	20

			concerning prior settlement negotiations.		
31	<p>Subject: Interest Bearing Account</p> <p>March 12-19, 2012 email conversation between Norman Bay, Anton Porter, lower level OE staff, and senior OE staff re the proposed methods for transacting settlement.</p>	Exemptions 5, 6, & 7(E)	<p>Yes [Partial Discretionary Release 2/09/15]</p> <p>Pursuant to the Attorney General's memorandum, the Commission made a discretionary release of portions of this document on 2/09/15. Only a short communication string remains redacted, along with the names and email addresses of non-supervisory staff. Given the breadth of the discretionary release, no additional material can be released. There is no reasonably segregable information or non-exempt information in the redacted material that can be released.</p>	<p>Exemption 5 – Document contains a short internal non-public conversation from a lower level OE staff member to Senior staff about a process proposed to be used to transact a settlement and is deliberative and reflects a proposal that was not final at the time of this communication. The remaining portions of the document were discretionarily released.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p> <p>Exemption 7(E) – The document contains reference to the agency's procedure and technique for completing settlement.</p>	14
32	<p>Subject: FW: Exelon, Constellation complete merger; FERC fines Constellation Energy unit for market manipulation in 2007-2008</p> <p>Email from Wayne Gardiner of Pennsylvania Public Utilities Commission to Norman Bay re</p>	N/A	<p>Yes</p> <p>[Released in full, 8/5/14]</p>		5

	Merger and Settlement orders and summary.				
33	<p>Subject: FW: Draft Press Guidance on Constellation Settlement</p> <p>March 13, 2012 email conversation between Norman Bay and David Morenoff re draft press guidance.</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning proposed press guidance and legal recommendations by the General Counsel.	<p>Exemption 5 – The material contained in the document is pre-decisional to the final decision ultimately rendered by former Chairman Wellinghoff on how to respond to the press after the settlement. Document contains proposed talking points and recommendations on how to answer questions and non-final discussion about how to handle FERC’s message after the settlement. This is covered by the deliberative process privilege.</p> <p>Additionally, the recommendations are provided by the General Counsel, and is protected by Attorney work product and the Attorney-/client privileges.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Attorney Work Product and Attorney-Client Privilege. 	5
34	<p>Subject: EXC statement to Reuters</p> <p>March 13, 2012 email conversation among Norman Bay, James Pederson, senior OE staff, and lower level OE staff re a forwarded</p>	Exemptions 5 & 6	<p>Yes [Partial Release, 8/5/14]</p> <p>All non-exempt responsive information in this record was released on 8/5/14, and there is no reasonably segregable information remaining. To the</p>	<p>Exemption 5 – The withheld material is pre-decisional to the Commission’s ultimate, final decision on how to respond to the public and industry after the settlement. The redacted portions of the document contain non-final deliberations among staff regarding the conduct of CCG</p>	8

	email from Kathleen Barron of Exelon Corp. to Norman Bay with a press statement to Reuters.		extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning the Commission's response to press statements.	after the settlement, including staff's proposed advice and views that were not finalized at the time of the email. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members.	
35	Subject: Draft Remarks March 14-15, 2012 email conversation between James Pederson, Norman Bay, the Commissioners' Assistants, senior OE staff, Michael Bardee, David Morenoff, Leonard Tao, Chris Murray, Michael McLaughlin, and Anna Cochrane re a draft of the Chairman's Open Meeting Statement about the CCG Settlement.	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Open Meeting statement.	Exemption 5 – The material contained in the document is pre-decisional to the decision ultimately rendered by former Chairman Wellinghoff on his statement during the Commission Open Meeting. Document contains staff deliberations on suggested talking points and non-final recommendations on how to answer questions and non-final discussion on how to handle FERC's message after the settlement. This is covered by the deliberative process privilege. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	5
36	Subject: FW: RC warns US power, natgas traders on manipulation	Exemptions 5 & 6	Yes [Partial Release, 9/30/14]	Exemption 5 – Document contains deliberations among staff regarding the media portrayal of the CCG settlement,	10

	March 15, 2012 email conversation between Jon Wellinghoff, Norman Bay, and James Pederson re Reuters article that was forwarded to Jon Wellinghoff by Bill Wells.		All non-exempt responsive information in this record was released on 9/30/14, and there is no reasonably segregable information remaining. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning the media portrayal of the CCG settlement.	including non-final opinions and views on the Commission's policy. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains names and email addresses of private citizens.	
37	Subject: Funds from Constellation Settlement/IN 12-7-000 March 19, 2012 email from lower level OE employee to Doug Foster, Anton Porter, Norman Bay, senior OE staff, and lower level OE staff re proposed methods for completing settlement.	Exemptions 5 & 6	Yes [Partial Discretionary Release 2/09/15] Pursuant to the Attorney General's memorandum, the Commission made a discretionary release of portions of this document on 2/09/15. Only the names and email addresses of non-supervisory staff remain redacted. Given the breadth of the discretionary release, no additional material can be released. There is no reasonably segregable information or non-exempt information in the	Exemption 5 – Contains names and email addresses of Commission staff and is part of the deliberative process. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	1

			redacted material that can be released.		
38	<p>Subject: Confidential</p> <p>March 19-22, 2012 email conversation between lower level OE employee and Kathleen Barron of Exelon Corp re confidential financial information and instructions for disgorgement, and one very small email between Norman Bay, senior OE staff, and lower level OE staff re the conversation with Kathleen Barron.</p>	Exemptions 5 & 6.	<p>Yes [Partial Release, 9/30/14]</p> <p>All non-exempt responsive information in this record was released on 9/30/14, and there is no reasonably segregable information remaining. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion.</p>	<p>Exemption 5 – The very small redacted portions shows the delegation of responsibility as part of FERC’s pre-decisional decisionmaking. The redacted portions contain a short communication between a subordinate and supervisor regarding the interaction with a CCG/Exelon representative in pursuit of transferring the settlement funds, and is non-final and part of the deliberative process.</p> <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	25
39	<p>Subject: DC Energy and Hogan on Constellation</p> <p>March 22, 2012 email from Sean Collins to senior OE staff, and lower level OE staff re attached Platts Megawatt daily article.</p> <p>Norman Bay is cc-ed.</p>	Exemptions 5 & 6	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Agency policy.</p>	<p>Exemption 5 – Internal staff reports contain subordinate staff’s pre-decisional deliberations regarding media articles and the effects of Commission policy.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	1
40	<p>Subject: FW: meeting with Exelon</p>	Exemptions 5 & 6/ Non-	<p>No segregable portions. To the extent there are facts in this</p>	<p>Exemption 5 – The withheld material references deliberations that were pre-</p>	11

	March 19 – April 16, 2012 email conversation between lower level OE employee, Larry Parkinson, Larry Gasteiger, and Norman Bay re meeting with Exelon and an anticipated report; and non-responsive email conversation.	responsive	document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion.	<p>decisional to the ultimate, final decision on how to handle a different Exelon enforcement issue. The document contains pre-decisional deliberation exchanged between subordinates and superiors and is protected under Exemption 5 as part of the deliberative process.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p> <p>Non-responsive – Non-responsive material contains conversation concerning scheduling a potential meeting in a different Exelon matter.</p>	
A1	<p>Subject: RE: NOPs</p> <p>February 21, 2012 email exchange between Jon Wellinghoff and James Pederson re status of Various Notices of Penalties and staff's views on same.</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012). The document contains non-final descriptions of the statuses of various Notices of Penalties and includes pre-decisional deliberations between a subordinate and superior as to pending investigations, and is protected under	2

			Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	Exemption 5 as part of the deliberative process. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Non-responsive – contains unrelated, non-responsive material, regarding different matters before the Commission.	
A2	Subject: Re: Draft Hotlist for the March 15 open meeting February 23, 2012 (12:36PM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing changes to the open meeting.	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012). Contains discussion and pre-decisional deliberations on policy between subordinates and superiors which are protected under Exemption 5 as part of the deliberative process. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	2
A3	Subject: Re: Draft Hotlist for the March 15 open meeting February 23, 2012 (1:43PM) email	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and</i>	3

	exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing proposed agenda for open meeting and the Commissioners' preliminary thoughts on an order.		deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	<p><i>Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). The document contains discussion and pre-decisional deliberation addressing the Commissioners' preliminary thoughts on what actions the Commission might take.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	
A4	<p>Subject: Re: Draft Hotlist for the March 15 open meeting</p> <p>February 23, 2012 (3:29PM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing proposed agenda for open meeting and the Commissioners' preliminary thoughts on an order.</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). The document contains discussion and pre-decisional deliberation addressing the Commissioners' preliminary thoughts on what actions the Commission might take.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	4

A5	<p>Subject: Re: Draft Hotlist for the March 15 open meeting</p> <p>February 23, 2012 (4:04PM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing the Commissioners' preliminary thoughts on an order, and preliminary thoughts on appropriate CCG settlement figures.</p>	Exemptions 5, 6, and 7(E)	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012).</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012). The document contains discussion and pre-decisional deliberation addressing the Commissioners' preliminary thoughts on what actions the Commission might take.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains, name, title, telephone number, and/or email address of non-supervisory staff.</p> <p>Exemption 7(E) – The document reveals the agency's procedure and technique for determining appropriate settlement amounts in law enforcement matters.</p>	5
A6	<p>Subject: Re: Draft Hotlist for the March 15 open meeting</p> <p>February 23, 2012 (4:22PM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing the Commissioners' preliminary thoughts on an order, and</p>	Exemptions 5 & 6	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i>, 138 FERC ¶ 61,167 (2012) and <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). The document contains discussion and pre-decisional deliberation</p>	6

	preliminary thoughts on appropriate CCG settlement figures		Commission decisions that were later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012) and <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	addressing the Commissioners' preliminary thoughts on what actions the Commission might take. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
A7	Subject: Re: Draft Hotlist for the March 15 open meeting February 24, 2012 (9:17AM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing proposed agenda for open meeting and the Commissioners' preliminary thoughts on an order.	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012). The document contains discussion and pre-decisional deliberation addressing the Commissioners' preliminary thoughts on what actions the Commission might take. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	3
A8	Subject: Re: Draft Hotlist for the March 15 open meeting	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and	5

	February 24, 2012 (9:59AM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing proposed agenda for open meeting and the Commissioners' preliminary thoughts on an order.		facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012). The document contains discussion and pre-decisional deliberation addressing the Commissioners' preliminary thoughts on what actions the Commission might take. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
A9	Subject: Re: Draft Hotlist for the March 15 open meeting February 24, 2012 (10:00AM) email exchange between Jon Wellinghoff and James Pederson re a forwarded email addressing proposed agenda for open meeting and the Commissioners' preliminary thoughts on an order.	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission decision that was later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012).	Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Exelon Corp. and Constellation Energy Grp., Inc.</i> , 138 FERC ¶ 61,167 (2012). The document contains discussion and pre-decisional deliberation addressing the Commissioners' preliminary thoughts on what actions the Commission might take. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of	5

				non-supervisory staff.	
A10	<p>Subject: Re: Request</p> <p>February 29, 2012 email exchange between Jon Wellinghoff and James Pederson re non-final staff analysis in Find, Fix, Track and Report (FFT) draft order.</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning the proposed FFT draft order.	<p>Exemption 5 – The document contains substantive comments, identifies potential issues, and provides staff views with regard to the FFT draft order and does not represent the final opinion or action of the Agency.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. 	1
A11	<p>Subject: RE: Constellation Order</p> <p>March 9, 2012 (9:00AM) exchange between Jon Wellinghoff and James Pederson re review and changes to the draft CCG Stipulation and Consent Order.</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). The document contains non-final, deliberative comments arising from the review of the draft CCG Stipulation and Consent Order.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Draft Stipulation and Consent Agreement. 	1
A12	<p>Subject: RE: Constellation Order</p> <p>March 9, 2012 (9:11AM) email exchange between Jon</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168</p>	2

	Wellinghoff, Norman Bay, and James Pederson re review of the draft CCG Stipulation and Consent Order.		information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	(Mar. 9, 2012). The document contains non-final deliberative comments arising from the review of the draft CCG Stipulation and Consent Order. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Draft Stipulation and Consent Agreement. 	
A13	Subject: "Neither admit nor deny" March 10, 2012 email from Jon Wellinghoff to Norman Bay and James Pederson re the Commission's potential response to statements made by Exelon regarding the settlement.	Exemption 5	Yes [Partial Release, 9/30/14] All non-exempt responsive information in this record was released on 9/30/14, and there is no reasonably segregable information remaining. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning potential responses to press statements.	Exemption 5 – The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement. Document contains non-final deliberations among staff regarding statements made by CCG/Exelon after the settlement, including staff's interim views on potential responses. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. 	2
A14	Subject: Re: "Neither admit nor deny" March 11, 2012 (1:20PM) email exchange between Jon Wellinghoff	Exemption 5	Yes [Partial Release, 9/30/14] All non-exempt responsive information in this record was released on 9/30/14, and there is	Exemption 5 – The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement. Document contains non-final	3

	to Norman Bay and James Pederson re the Commission's potential response to statements made by Exelon regarding the settlement.		no reasonably segregable information remaining. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning potential responses to press statements.	deliberations among staff regarding the statements made by CCG/Exelon after the settlement, including staff's interim views regarding the Commission's potential response. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members.	
A15	Subject: Re: "Neither admit nor deny" March 11, 2012 (5:25PM) email exchange between Jon Wellinghoff to Norman Bay and James Pederson re the Commission's potential response to statements made by Exelon regarding the settlement.	Exemption 5	Yes [Partial Release, 9/30/14] All non-exempt responsive information in this record was released on 9/30/14, and there is no reasonably segregable information remaining. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning potential responses to press statements.	Exemption 5 – The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement. Document contains non-final deliberations among staff regarding statements made by CCG/Exelon after the settlement, including staff's interim views regarding the Commission's potential response. With regard to the Tao Decl., portions of this document are properly categorized as: • Policy Discussion Between Staff Members.	4
A16	Subject: Time Sensitive- Please Read ASAP March 11, 2012 (5:25PM) email	Exemptions 5 & 6	Yes [Partial Release, 9/30/14] All non-exempt responsive information in this record was	Exemption 5 The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement.	1

	from Jon Wellinghoff to lower level employee of Chairman's office re potential responses to statements made by Exelon regarding the settlement.		released on 9/30/14, and there is no reasonably segregable information remaining. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning potential responses to press statements.	Document contains non-final deliberations among staff regarding potential responses to statements made by CCG/Exelon after the settlement, including staff's interim views regarding the Commission's potential response. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	
A17	Subject: Re: Energy Alert: FERC Orders Record \$245 Million Enforcement Settlement March 12, 2012 email exchange between Jon Wellinghoff, Norman Bay, Larry Gesteiger, and James Pederson re potential intended policy objectives of the Commission.	Exemption 5	Yes [Partial Release, 8/5/14, Partial Discretionary Release 2/09/15] All non-exempt responsive information in this record was released on 8/5/14. Additionally, pursuant to the Attorney General's memorandum, the Commission made a discretionary release of portions of portions of this document on 2/09/15. Minimal material remains redacted. Given the breadth of the discretionary release, no additional material can be	Exemption 5 – The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement. Document involves non-final deliberations among staff regarding potential objectives related to the CCG settlement and initial, non-final views about the effectiveness of the settlement. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. 	3

			released. There is no reasonably segregable information or non-exempt information in the redacted material that can be released.		
A18	May 1, 2012 response from Jon Wellinghoff to Norman Bay re Norman Bay's assessment of an OE meeting with Barclays. ³	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains non-final deliberations about an OE investigation and staff's preliminary views about the case and its settlement potential.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Non-responsive – Non-responsive material contains conversation concerning a different Commission matter.</p>	1
A19	<p>Subject: Fwd: NERC's Hiring of Charles Berardesco</p> <p>May 10, 2012 email from Jon Wellinghoff to James Pederson re</p>	Exemption 5	<p>Yes</p> <p>[Partial Release, 8/5/14, Partial Discretionary Release 2/09/15]</p> <p>All non-exempt responsive</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision by Mr. Wellinghoff on how to handle an incoming email. Document contains internal deliberation about potential</p>	2

³ This document's subject field is non-responsive, and not appropriate for discretionary release.

	an email received from Eric Morris.		information in this record was released on 8/5/14. Additionally, pursuant to the Attorney General's memorandum, the Commission made a discretionary release of portions of this document on 2/09/15. Minimal material remains redacted. Given the breadth of the discretionary release, no additional material can be released. There is no reasonably segregable information or non-exempt information in the redacted material that can be released.	response to an email received from Eric Morris. With regard to the Tao Decl., portions of this document are properly categorized as: <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. 	
A20	Subject: Re: NERC's Hiring of Charles Berardesco May 11, 2012 response from Jon Wellinghoff to James Pederson's email re an email received from Eric Morris.	N/A	Yes [Partial Release, 8/5/14, Discretionary Release in full 2/09/15]		2
A21	Subject: Re: CCG States' Fund matter in the news (NY) May 14, 2012 email from Jon Wellinghoff to Norman Bay re	Exemption 6	Yes [Partial Release, 8/5/14, additional Partial (Discretionary) Release 2/09/15]	Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.	1

	various proposed uses for the NY share of the Constellation settlement funds.		<p>All non-exempt responsive information in this record was released on 8/5/14.</p> <p>Pursuant to the Attorney General's memorandum, the Commission made a discretionary release of portions of this document on 2/09/15. Only the names and email addresses of non-supervisory staff remain redacted. Given the breadth of the discretionary release, no additional material can be released. There is no reasonably segregable information or non-exempt information in the redacted material that can be released.</p>		
B1	<p>Subject: FW: Chairman's Open Meeting Statement on Constellation Settlement</p> <p>March 14, 2012 email from Norman Bay to senior OE staff re comments and edits to the Chairman's Open Meeting statement.</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Open	Exemption 5 – – The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement. Document contains proposed talking points and non-final views and deliberations on the Chairman's Open Meeting Statement regarding the CCG	3

			Meeting statement.	<p>settlement.</p> <p>Additionally, the document contains recommendations provided by the General Counsel, and is protected by Attorney work product and the Attorney/client privileges.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and • Attorney Work Product and Attorney Client Privilege. 	
B2	<p>Subject: Press Guidance on Constellation Energy Commodities Group.doc</p> <p>March 9, 2012 email from lower level OE employee to Norman Bay, senior OE staff, and lower level OE staff re press guidance on the CCG settlement order.</p>	Exemptions 6	<p>[Partial Discretionary Release 2/9/15]</p> <p>Pursuant to the Attorney General's memorandum, the Commission made a discretionary release of portions of this document on 2/09/15. Only the names and email addresses of non-supervisory staff remain redacted. Given the breadth of the discretionary release, no additional material can be released. There is no reasonably segregable information or non-exempt information in the redacted material that can be released.</p>	<p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	1

B3	<p>Subject: RE: What type of beer?</p> <p>March 1, 2012 email exchange between James Pederson, Jon Wellinghoff, and Norman Bay re terms of the proposed CCG settlement agreement</p>	Exemption 5	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012).</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains non-final deliberations among staff about how to proceed with the CCG settlement and how potentially to inform the Commissioners.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. 	2
B4	<p>Subject: RE: Constellation/NYISO call</p> <p>March 13, 2012 email from lower level OE employee to Norman Bay, senior OE staff, Sean Collins and lower level OE staff re unusual market behavior.</p>	Exemptions 5 & 6	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning timing and investigation of unusual market behavior.</p>	<p>Exemption 5 – The material contained in the document is pre-decisional with regard to the Commission’s ultimate, final policy decision regarding timing and investigation of unusual market behavior. The withheld email is deliberative because it reflects the non-final views of FERC staff members regarding whether and when NYISO should have informed FERC of unusual market behavior.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title,</p>	5

				telephone number, and/or email address of non-supervisory staff.	
B5	<p>Subject: RE: Constellation Announces loss for last quarter.</p> <p>February 17, 2012 email exchange between Sean Collins, Norman Bay, senior OE staff, and lower level OE staff re CCG's earning statement.</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). The withheld email is deliberative because it reflects the non-final views of FERC staff members regarding CCG's earning statement.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	3
B6	<p>Subject: RE: Constellation Question</p> <p>February 24, 2012 email between Norman Bay and senior OE staff re settlement discussions with CCG/Exelon and the potential methodology to be used to reach a settlement figure.</p>	Exemption 5	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy</i>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains non-final views of staff about how to proceed with the CCG settlement.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, and 	1

			<i>Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<ul style="list-style-type: none"> • Deliberative Memos from Junior to Senior Staff Members. 	
B7	<p>Subject: RE:REVISED Disgorgement & the Effective Date</p> <p>March 6, 2012 email exchange between Sean Collins, Norman Bay, senior OE staff, and lower level OE staff re suggested edits to specific paragraphs of the settlement agreement.</p>	Exemptions 5 & 6	<p>No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012).</p>	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains line-by-line edits and substantive comments and views by reviewers regarding terms of the CCG settlement, and does not represent the final agency action.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, • Draft Stipulation and Consent Agreement, and • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	3
B8	<p>Subject: FW: I assume you've seen the Baltimore Sun article</p> <p>March 13, 2012 email exchange between senior OE staff, Norman Bay, and lower level OE staff re staff's non-final reaction to CCG's public statements about the</p>	Exemptions 5 & 6	<p>Yes [Partial Release, 9/11/14]</p> <p>All non-exempt responsive information in this record was released on 9/11/14, and there is no reasonably segregable information remaining. To the</p>	<p>Exemption 5 – The withheld material is pre-decisional to the Commission's ultimate, final decision on how to respond to the public and industry after the settlement. Document contains preliminary views by staff about CCG's press statement that were non-final and not necessarily the</p>	4

	settlement.		extent there are facts remaining in the withheld portions of this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning reactions and proposals for the Commission's press statement response.	<p>opinion of the Commission.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members.. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of non-supervisory staff.</p>	
B9	<p>Subject: Non-Public Draft Order for Review</p> <p>March 08, 2012 email from lower level OE employee to James Pederson, Mike Bardee, Jamie Simler, Michael McLaughlin, and cc-ed Norman Bay, OE senior staff, Sean Collins, and lower level OE staff re consideration of the settlement agreement.</p>	Exemptions 5 & 6	No segregable portions. To the extent there are facts in this document, the selection of those facts are an integral part of the deliberations, and the factual information contained therein is inextricably intertwined with the deliberative discussion concerning a proposed Commission action that was later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i> , 138 FERC ¶ 61,168 (Mar. 9, 2012).	<p>Exemption 5 – The withheld material is pre-decisional to the ultimate, final decision later voted out by the Commissioners and published in <i>Constellation Energy Commodities Grp. Inc.</i>, 138 FERC ¶ 61,168 (Mar. 9, 2012). Document contains line-by-line edits and substantive comments and views by reviewers regarding terms of the CCG settlement, and does not represent the final agency action.</p> <p>With regard to the Tao Decl., portions of this document are properly categorized as:</p> <ul style="list-style-type: none"> • Policy Discussion Between Staff Members, • Draft Stipulation and Consent Agreement, and • Deliberative Memos from Junior to Senior Staff Members. <p>Exemption 6 – Contains name, title, telephone number, and/or email address of</p>	1

				non-supervisory staff.	
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