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DOCKET NO. 26311

PUBLIC UTILITY COMMISSIPPING CLERK HOSSION

APPEAL BY FRONTERA
GENERATION LIMITED
PARTNERSHIP OF ELECTRIC
RELIABILITY COUNCIL OF
TEXAS APPROVAL OF PROTOCOL
REVISION 338

OF TEXAS

PETITION OF CONSTELLATION POWER SOURCE, INC.. FOR LEAVE TO INTERVENE

Constellation Power Source, Inc. ("Constellation") moves to intervene in the above-styled and -docketed proceeding pursuant to the Public Utility Regulatory Act, Title II, TEX. UTIL. CODE ANN. (Vernon 2001) ("PURA") and Sections 22.101, 22.103 and 22.104 of the Rules of Practice and Procedure of the Public Utility Commission of Texas ("PUC" or "the Commission"). In support of its motion, Constellation respectfully states:

- 1. Constellation is a qualified scheduling entity ("QSE"), certified by the Electric Reliability Council of Texas ("ERCOT"), and active in the Texas wholesale electric market.
 - 2. Constellation's authorized representatives are:

Marianne Carroll Elizabeth Drews Carroll & Gross, L.L.P. 701 Brazos, Suite 310 Austin, Texas 78701 512/320-5951 512/320-5920 Fax

3. On July 22, 2002, Frontera filed an appeal at the Commission of a decision by the Board of Directors of the ERCOT to adopt Protocol Revision Request

338. By its nature, the appeal may directly affect the interests of an ERCOT QSE such as

Constellation.

4. For the reasons hereinabove stated, Constellation has a substantial interest

in the outcome of this docket that may be adversely affected by the decisions made

herein. In recognition of that justiciable interest, Constellation seeks leave to intervene as

a party in this proceeding.

5. Constellation respectfully requests that the Commission and all parties to

this proceeding serve copies of all correspondence, pleadings, briefs, requests for

information and responses thereto, and other documents on Constellation's authorized

representatives listed above.

Based on the above, Constellation respectfully requests that its Petition for Leave

to Intervene be granted, and that Constellation be allowed to participate in this

proceeding to the full extent that it desires to do so.

RESPECTFULLY SUBMITTED,

Marianne Carroll

State Bar No. 03888800

Elizabeth Drews

State Bar No. 08687200

CARROLL & GROSS, L.L.P.

Austin Centre, Suite 310

701 Brazos

Austin, Texas 78701

512/320-5953/5954

512/320-5920 Fax

ATTORNEYS FOR CONSTELLATION

POWER SOURCE, INC.

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Certificate of Service

I certify that a copy of this document was served on all parties of record in this proceeding on October 14, 2002, by regular mail, facsimile transmission or hand-delivery.

Elizabeth Drews