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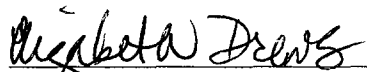
338. By its nature, the appeal may directly affect the interests of an ERCOT QSE such as Constellation.

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

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ATTORNEYS FOR CONSTELLATION
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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