



ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

June 11, 2015

Mr. Scott MacGlashan, Esq.
Clerk
Circuit Court for Queen Anne's County
100 Court House Square
Centreville, Maryland 21617

Re: Petition for Judicial Review of an Order Issued
by the Maryland Public Service Commission

Dear Mr. MacGlashan:

Enclosed for filing please find an original and three copies of the Petition for Judicial Review and civil non-domestic case information report of the Sierra Club and the Chesapeake Climate Action Network, as well as a check for \$145.00 to cover all required fees. The Petition is an administrative appeal of Order No. 86990 issued by the Public Service Commission of Maryland in the matter of the Merger of Exelon Corporation and PEPCO Holdings, Inc., Commission Case No. 9361.

The second copy is for service on the Public Service Commission of Maryland by the Clerk of the Court pursuant to Maryland Rule 7-202(d). An extra copy of the Petition is enclosed since the Petitioners have requested that the appeal be included in the Business and Technology Case Management Program. If you have any questions, please do not hesitate to contact me. Thank you in advance for your attention to this matter.

Sincerely,

Susan Stevens Miller

Earthjustice

1625 Massachusetts Avenue, NW, Suite 702

Washington, DC 20036-2212

T: 443.534.6401

Email: smiller@earthjustice.org

Counsel for Sierra Club and

Chesapeake Climate Action Network

Enclosures

cc: Robert Erwin, General Counsel, Maryland Public Service Commission
All Parties on Commission service list for Case No. 9361.

IN THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY

PETITION OF

SIERRA CLUB
50 F Street, NW, 8th Floor
Washington, DC 20001

AND

CHESAPEAKE CLIMATE ACTION NETWORK
6930 Carroll Ave, Suite 720
Takoma Park, MD 20912

FOR JUDICIAL REVIEW OF THE DECISION OF
THE MARYLAND PUBLIC SERVICE COMMISSION
William Donald Schaefer Tower
6 St. Paul Street, 16th Floor
Baltimore, Maryland 21202-6808

CIVIL NO. _____

IN THE MATTER OF
THE MERGER OF EXELON CORPORATION AND PEPSCO HOLDINGS, INC.
CASE NO. 9361

PETITION FOR JUDICIAL REVIEW

Petitioners Sierra Club and Chesapeake Climate Action Network, by and through their counsel, Susan Stevens Miller, petition this Court pursuant to Md. Code Ann., Public Utility Companies Article § 3-201 *et seq.* and Maryland Rule 7-202 for the judicial review of Order No. 86990, the decision of the Maryland Public Service Commission on May 15, 2015 in the above-referenced matter.

Both Sierra Club and the Chesapeake Climate Action Network were parties to Case No. 9361 before the Maryland Public Service Commission.

Pursuant to Maryland Rule 7-202(d)(1), Petitioners are providing to the Clerk, contemporaneously with the filing of this Petition, a copy of the Petition for mailing by the Clerk to the Commission.

Dated: June 11, 2015

Respectfully submitted,



Susan Stevens Miller

Earthjustice

1625 Massachusetts Avenue, NW, Suite 702

Washington, DC 20036-2212

T: 202.797.5246

smiller@earthjustice.org

Counsel for Sierra Club and

Chesapeake Climate Action Network

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 11th day of June, 2015, copies of this petition were mailed first-class postage pre-paid, to H. Robert Erwin, General Counsel of the Maryland Public Service Commission, at the address listed below, and to all parties of record in the Maryland Public Service Commission Case No. 9361.

H. Robert Erwin, Esq.
General Counsel
Maryland Public Service Commission
6 St. Paul Street, 16th Floor
Baltimore Maryland 21202
E-mail: robert.erwin@maryland.gov



Susan Stevens Miller
Earthjustice
1625 Massachusetts Avenue, NW, Suite 702
Washington, DC 20036-2212
T: 202.797.5246
smiller@earthjustice.org

Circuit Court for Queen Anne's County

City or County

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: ☒ PLAINTIFF ☐ DEFENDANT CASE NUMBER _____ (Clerk to insert)

CASE NAME: Public Service Commission of Maryland vs. Sierra Club, Chesapeake Climate Action Netw
Plaintiff Defendant

JURY DEMAND: ☐ Yes ☒ No Anticipated length of trial: 3 hours or _____ days

RELATED CASE PENDING? ☒ Yes ☐ No If yes, Case #(s), if known: _____

Special Requirements? ☐ Interpreter (Please attach Form CC-DC 41)
☐ ADA accommodation (Please attach Form CC-DC 49)

**NATURE OF ACTION
(CHECK ONE BOX)**

DAMAGES/RELIEF

TORTS	LABOR	A. TORTS	
<input type="checkbox"/> Motor Tort	<input type="checkbox"/> Workers' Comp.	Actual Damages	
<input type="checkbox"/> Premises Liability	<input type="checkbox"/> Wrongful Discharge	<input type="checkbox"/> Under \$7,500	<input type="checkbox"/> Medical Bills
<input type="checkbox"/> Assault & Battery	<input type="checkbox"/> EEO	<input type="checkbox"/> \$7,500 - \$50,000	\$ _____
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Other _____	<input type="checkbox"/> \$50,000 - \$100,000	<input type="checkbox"/> Property Damages
<input type="checkbox"/> Professional Malpractice		<input type="checkbox"/> Over \$100,000	\$ _____
<input type="checkbox"/> Wrongful Death	CONTRACTS		<input type="checkbox"/> Wage Loss
<input type="checkbox"/> Business & Commercial	<input type="checkbox"/> Insurance		\$ _____
<input type="checkbox"/> Libel & Slander	<input type="checkbox"/> Confessed Judgment		
<input type="checkbox"/> False Arrest/Imprisonment	<input type="checkbox"/> Other _____		
<input type="checkbox"/> Nuisance	REAL PROPERTY	B. CONTRACTS	C. NONMONETARY
<input type="checkbox"/> Toxic Torts	<input type="checkbox"/> Judicial Sale	<input type="checkbox"/> Under \$10,000	<input type="checkbox"/> Declaratory Judgment
<input type="checkbox"/> Fraud	<input type="checkbox"/> Condemnation	<input type="checkbox"/> \$10,000 - \$20,000	<input type="checkbox"/> Injunction
<input type="checkbox"/> Malicious Prosecution	<input type="checkbox"/> Landlord Tenant	<input type="checkbox"/> Over \$20,000	<input checked="" type="checkbox"/> Other Admin appeal
<input type="checkbox"/> Lead Paint	<input type="checkbox"/> Other _____		
<input type="checkbox"/> Asbestos	OTHER		
<input type="checkbox"/> Other _____	<input type="checkbox"/> Civil Rights		
	<input type="checkbox"/> Environmental		
	<input type="checkbox"/> ADA		
	<input type="checkbox"/> Other _____		

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☐ Yes ☒ No C. Settlement Conference ☐ Yes ☒ No

B. Arbitration ☐ Yes ☒ No D. Neutral Evaluation ☐ Yes ☒ No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated **LENGTH OF TRIAL**.
THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

☒ 1/2 day of trial or less ☐ 3 days of trial time

☐ 1 day of trial time ☐ More than 3 days of trial time

☐ 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY.

Date June 11, 2015

Signature Sum Stennis Miller

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.



Expedited

Trial within 7 months
of Filing



Standard

Trial within 18 months
of Filing



EMERGENCY RELIEF REQUESTED _____

Signature _____

Date _____

COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR)

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202.
Please check the applicable box below and attach a duplicate copy of your complaint.*



Expedited - Trial within 7 months of Filing



Standard - Trial within 18 months of Filing

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)



Expedited

Trial 60 to 120 days from notice. Non-jury matters.



Standard-Short

Trial 210 days.



Standard

Trial 360 days.



Lead Paint

Fill in: Birth Date of youngest plaintiff _____.



Asbestos

Events and deadlines set by individual judge.



Protracted Cases

Complex cases designated by the Administrative Judge.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.



Liability is conceded.



Liability is not conceded, but is not seriously in dispute.



Liability is seriously in dispute.

CIRCUIT COURT FOR BALTIMORE COUNTY

- | | |
|---|---|
| <input type="checkbox"/> Expedited
(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus. |
| <input type="checkbox"/> Standard
(Trial Date-240 days) | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases. |
| <input type="checkbox"/> Extended Standard
(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex
(Trial Date-450 days) | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases. |