

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	CASE NUMBER 1:06CV01138
v.	)	
	)	JUDGE: John D. Bates
EXELON CORPORATION	)	
	)	
and	)	
	)	DATE STAMP:
PUBLIC SERVICE ENTERPRISE	)	
GROUP INCORPORATED	)	
	)	
Defendants.	)	

**PLAINTIFF’S NOTICE OF DISMISSAL OF COMPLAINT**

Plaintiff United States of America, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby dismisses all causes of action in the complaint against defendants Exelon Corporation (“Exelon”) and Public Service Enterprise Group Incorporated (“PSEG”) without prejudice.

The United States is dismissing this action because there is no longer a basis for the relief sought by the United States. This action was brought to prevent the acquisition of PSEG by Exelon. Since the complaint was filed, however, Exelon has formally abandoned its effort to acquire PSEG, and has withdrawn its Hart-Scott-Rodino Pre-Merger Notification filing for that proposed transaction.

Exelon and PSEG have filed neither an answer to the complaint nor a motion for summary judgment as to these claims. Dismissal under Rule 41(a)(1) is therefore appropriate.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES:

/s/

Mark J. Niefer (DC Bar #470370)

Department of Justice

Antitrust Division

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Dated: September 27, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2006, I caused a copy of the foregoing Plaintiff's Notice of Dismissal of Complaint to be served on counsel for Defendants in this matter in the manner set forth below:

By electronic mail and hand delivery:

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\_\_\_\_\_/s/\_\_\_\_\_  
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