

**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 Since the complaint was filed, however, Exelon has formally abandoned its effort to acquire PSEG, and has withdrawn its Hart-Scott-Rodino Pre-Merger Notification filing for that proposed transaction.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

325 Seventh Street, NW

Suite 500

Washington, DC 20530

Tel: (202) 307-6318

Fax: (202) 307-2784

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:

Counsel for Defendant Exelon Corporation
John M. Nannes, Esq. (DC Bar #195966)
Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates
1440 New York Ave., NW
Washington, DC 20005-2111
Tel: (202) 371-7090
Fax: (202) 661-9191

Counsel for Defendant Public Service Enterprise Group, Inc.
Douglas G. Green, Esq. (DC Bar #183343)
Steptoe & Johnson, LLP
1330 Connecticut Ave., NW
Washington, DC 20036-1795
Tel: (202) 429-6264
Fax: (202) 429-3902

_____/s/_____
Mark J. Niefer
Counsel for Plaintiff