## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

) ) )

)

UNITED STATES OF AMERICA,	
Petitioner,	
V.	
EXELON CORPORATION,	
Respondent.	

Supplemental Action to Civil No. 1:11-cv-02276

## **STIPULATION**

WHEREAS Petitioner United States filed its Petition by the United States for an Order to Show Cause Why Respondent Exelon Corporation Should Not Be Found in Civil Contempt ("Petition to Show Cause") on November 14, 2012;

WHEREAS Exclon asserts that the alleged violations were the result of inadvertent errors and that Exclon has cooperated fully with the Department of Justice in its investigation of the matter, and the United States does not dispute these assertions;

AND WHEREAS the United States and Exelon Corporation ("Exelon") have agreed upon a resolution of this matter without any admission or determination of wrongdoing by Respondent Exelon and without any findings or adjudication of any issue of fact or law;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties that:

1. This Court has jurisdiction over the subject matter of this action and over each of the parties consenting hereto under its inherent power to enforce compliance with its orders and

1

## Case 1:11-cv-02276-EGS Document 17 Filed 11/14/12 Page 2 of 3

under Section XII of the Final Judgment entered by this Court on May 23, 2012, in *United States v. Exelon Corporation, et al.*, Civil Action No. 1:11CV02276 (D.D.C. 2011) ("Final Judgment").

2. The United States filed its Petition to Show Cause, which alleges violations of the Final Judgment and the Hold Separate Stipulation and Order ("Hold Separate Order").

3. The parties consent to the Court's entry of the Settlement Agreement and Order in the form attached to this Stipulation, and without further notice to any party or other proceedings.

4. The parties' execution of this Stipulation and entry of the proposed Settlement Agreement and Order discharges, settles, and constitutes a full release of the claims of the United States against Respondents, as defined in Paragraphs 19-21 of the Petition to Show Cause, arising from the violations of the Final Judgment and Hold Separate Order alleged in the Petition to Show Cause.

5. Neither this Stipulation nor the proposed Settlement Agreement and Order shall be construed to preclude the United States from bringing an action against Respondents for any violation(s) other than the alleged violations described in the Petition to Show Cause.

6. In the event that the proposed Settlement Agreement and Order is not entered pursuant to this Stipulation, this Stipulation shall be null and void and shall be of no effect whatever, and the making of it shall be without prejudice to any party in this or any other proceeding.

Dated: November 14, 2012

FOR THE UNITED STATES:

/s/ Tracy Fisher Trial Attorney United States Department of Justice Respectfully submitted,

FOR EXELON CORP.:

/s/

Steven C. Sunshine (DC Bar #450078) Skadden, Arps, Slate, Meagher & Flom LLP

2

Antitrust Division Transportation, Energy & Agriculture Section 450 Fifth Street, NW, Suite 8000 Washington, D.C. 20001 Tel: (202) 616-1650 Fax: (202) 616-2441 1440 New York Avenue, NW Washington, D.C. 20005-2111 Tel: (202) 371-7860 Fax: (202) 661-0560