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## **Overcharge Claim Soundly Defeated**

JULY 25TH, 2007

Novack and Macey LLP obtained a complete victory on behalf of its client, Constellation NewEnergy (CNE), in an arbitration brought by one of CNE's former customers. Constellation NewEnergy operates in competitive retail power markets and is a leading supplier of electricity to businesses and government agencies.

The claimant in arbitration was a former customer of Constellation NewEnergy which alleged that CNE had miscalculated certain charges over a four-and-one-half year period, resulting in a substantial claimed overcharge. After a two-day evidentiary hearing held in May 2007, the arbitrator soundly rejected the claim in an Award entered on June 25, 2007. The Award termed the evidence Novack and Macey presented on CNE's behalf "overwhelming," and held that CNE's charges were proper and consistent with the parties' contract and intent. In addition to denying the former customer's claim "in its entirety," the arbitrator also ordered the former customer to reimburse CNE for various of its arbitration expenses.

Constellation NewEnergy was represented by Novack and Macey partner, Stephen J. Siegel, and associate, Richard G. Douglass, with the assistance of associate Melissa B. Pryor. Over the past decade, Novack and Macey has successfully represented a host of energy companies in their commercial disputes, including CNE's corporate parent, Constellation Energy Group, a Fortune 200 energy company based in Baltimore, Maryland.

For more information, contact Steve Siegel at (312) 419-6900.