

(3) (I) IF THE COMMISSION FINDS THAT THE ACQUISITION IS CONSISTENT WITH THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY, ~~AND DOES NO HARM INCLUDING BENEFITS AND NO HARM TO CONSUMERS,~~ THE COMMISSION SHALL ISSUE AN ORDER GRANTING THE APPLICATION.

(II) THE COMMISSION MAY CONDITION AN ORDER AUTHORIZING THE ACQUISITION ON THE APPLICANT'S SATISFACTORY PERFORMANCE OR ADHERENCE TO SPECIFIC REQUIREMENTS.

(4) IF THE COMMISSION DOES NOT FIND THAT THE ACQUISITION IS CONSISTENT WITH THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY, ~~OR THAT THE ACQUISITION WOULD NOT HARM INCLUDING BENEFITS AND NO HARM TO CONSUMERS,~~ THE COMMISSION SHALL ISSUE AN ORDER DENYING THE APPLICATION.

(5) THE APPLICANT BEARS THE BURDEN OF SHOWING THAT GRANTING THE ACQUISITION IS CONSISTENT WITH THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY, ~~AND DOES NO HARM INCLUDING BENEFITS AND NO HARM TO CONSUMERS.~~

(G) NOTHING IN THIS SECTION PROHIBITS DISSEMINATION BY ANY PARTY OF INFORMATION CONCERNING THE ACQUISITION IF THE DISSEMINATION DOES NOT OTHERWISE CONFLICT WITH FEDERAL OR STATE LAW.

SECTION 4. AND BE IT FURTHER ENACTED, That any approval by the Public Service Commission of a merger between FPL Group, Inc., and Constellation Energy Group, Inc., pending as of the effective date of this Act must include the following conditions:

(1) ~~the transaction may not allow~~ merger transaction does not provide for the transfer of facilities between Florida Power & Light Company or Baltimore Gas and Electric Company and an associate company;

(2) ~~the transaction may not allow~~ merger transaction does not provide for the new issuances of securities by Florida Power & Light Company or Baltimore Gas and Electric Company for the benefit of an associate company;

(3) ~~the transaction may not allow~~ merger transaction does not provide for new pledges or encumbrances of assets of Florida Power & Light Company or Baltimore Gas and Electric Company for the benefit of an associate company;

(4) ~~the transaction may not allow~~ merger transaction does not provide for new affiliate contracts between nonutility associate companies and Florida Power & Light Company or Baltimore Gas and Electric Company, other than for goods and services subject to review under §§ 205 and 206 of the Federal Power Act; and

(5) any savings realized as a result of the merger must be applied in part to the elimination of carrying charges and the delay of increases in residential electric rates approved by the Public Service Commission in Case No. 9052 or successor proceedings.

SECTION 5. AND BE IT FURTHER ENACTED, That: