



STATE OF DELAWARE
THE PUBLIC SERVICE COMMISSION

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April 23, 2014

MEMORANDUM

TO: The Chair and Members of the Commission
FROM: Malika Davis, Public Utility Analyst
SUBJECT: IN THE MATTER OF THE APPLICATION OF SMARTENERGY HOLDINGS, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED FEBRUARY 5, 2014) - PSC DOCKET No. 14-64

On February 5, 2014, SmartEnergy Holdings, LLC (“SmartEnergy” or “Company”) filed an application (the “Application”) with the Delaware Public Service Commission (“Commission”) for an Electric Supplier Certificate (“ESC”) in the State of Delaware in accordance with the Electric Utility Restructuring Act of 1999, 26 *Del. C.* § 1001 - §1020 (the “Act”), and 26 *Del. Admin C.* § 3001, the Commission’s Rules for Certification and Regulation of Electric Suppliers (the “Supplier Rules”)¹.

SmartEnergy is a limited liability company created and existing under the laws of Delaware and has provided a Certificate of Good Standing issued by the Delaware Division of Corporations as proof that it is legally authorized and qualified to do business in the State of Delaware. The Company consents to the jurisdiction of the Delaware courts. SmartEnergy intends to serve all classes of customers throughout Delaware. The Company did not post a surety bond since it will not require Customers to provide a deposit, prepayment, financial guarantee or the like. The Company provided a sample customer contract for Residential and Small Commercial Customers for Staff to review as part of the Application. Staff reviewed the contract and asked the Company to make certain changes in order to make the contract consistent with the Supplier Rules. Staff believes that the Company’s revised contract, received on March 13, 2014, is consistent with the Supplier Rules.

SmartEnergy was advised that, pursuant to Section 2.2 of the Supplier Rules, it was required to publish a notice of its filing in two general circulation newspapers in Delaware. The Company provided the appropriate affidavits of publication on March 13, 2014 from The News Journal and the Delaware

¹ All references to capitalized terms are set forth in 26 *Del. C.* § 1001 and 26 *Del. Admin C.* § 3001.

State News. The notice of filing was published in both newspapers on February 26, 2014. There were no interventions, protests, or comments filed in the docket within the required 20-day notice period.

Based on Staff's review of Application and the contract received on March 13, 2014, SmartEnergy has satisfied the requirements under the Act and the Supplier Rules. Thus, Staff recommends that the Commission approve the Application.