

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
PREMCOR POWER MARKETING LLC, FOR A)
CERTIFICATE TO PROVIDE ELECTRIC) PSC DOCKET NO. 05-73
SUPPLY SERVICE WITHIN THE STATE OF)
DELAWARE (FILED MARCH 1, 2005))

ORDER NO. 6638

ELECTRIC SUPPLIER CERTIFICATE

This 24th day of May, 2005, the Commission determines and Orders the following:

1. In the Electric Restructuring Act of 1999 (72 Del. Laws Ch. 10), the General Assembly instituted a new regime to govern the generation, supply, and sale of electricity within this State. Regulation of the supply of electricity will, at various times, end and be replaced with the opportunity for retail customers to purchase electric supply from a supplier competing in an essentially non-supervised market. Thus, beginning on October 1, 1999, the generation, supply, and sale of electricity (including all related facilities and assets) is, and will be, no longer regulated by the Commission as a public utility service or function. 26 Del. C. § 1003(a).

2. Under the Act, every Electric Supplier seeking to provide Electric Supply Service under this new regime must obtain an Electric Supplier certificate from the Commission. 26 Del. C. § 1012(a). Pursuant to the authority granted by 26 Del. C. § 1012(a) and (b), the Commission has adopted, in Regulation Docket No. 49, "Rules for the Certification and Regulation of Electric Suppliers" ("ES Rules"). See

PSC Order No. 5207 (Aug. 31, 1999) (adopting initial ES Rules). The ES Rules set forth the criteria for Electric Supplier certification and lay the ground rules for how certificated Electric Suppliers must operate within the new competitive regime.

3. On March 1, 2005, Premcor Power Marketing LLC, filed an application to be certificated as an Electric Supplier to provide Electric Supply Service to Customers within this State. Staff reports that the application filed by Premcor Power Marketing LLC, meets all the criteria set forth in Section II of the ES Rules and that Premcor Power Marketing LLC, appears to possess the financial, operational, managerial, and technical capabilities to offer Electric Supply Service to Customers.¹ In light of Staff's recommendations, the Commission hereby grants an Electric Supplier Certificate to Premcor Power Marketing LLC.

Now, therefore, **IT IS ORDERED:**

1. That Premcor Power Marketing LLC, is hereby granted, under 26 Del. C. § 1012(a) and Section II of the "Rules for the Certification and Regulation of Electric Suppliers," a certificate to do business, and operate, as an Electric Supplier within this State. Under this certificate, Premcor Power Marketing LLC, is authorized to provide Electric Supply Service to Customers within this State in accord with 26 Del. C. Chapter 10.

¹ Notice of such application by Premcor Power Marketing LLC, was published in The News Journal on April 19, 2005 and in the Delaware State News on April 20, 2005. No objections to the application were received. Notice of the Commission's intent to grant Premcor Power Marketing LLC, a final Electric Supplier Certificate was posted on the Commission's Internet website at "www.state.de.us/delpsc." Again, no objections have been received in response to that notice.

2. That Premcor Power Marketing LLC, shall at all times provide Electric Supply Service in accord with the requirements imposed by 26 Del. C. Chapter 10 and the Commission's "Rules for the Certification and Regulation of Electric Suppliers," as presently adopted, or as may be hereafter amended or supplemented. Premcor Power Marketing LLC, is hereby notified that a violation of such statute or such rules may be enforced by the sanctions permitted by 26 Del. C. § 1012(a) and Section X ¶ 2 of the "Rules for the Certification and Regulation of Electric Suppliers."

3. That Premcor Power Marketing LLC, shall, pursuant to the provisions of 26 Del. C. § 1012(c)(2) and Section III ¶ 10 of the "Rules for the Certification and Regulation of Electric Suppliers," file such returns and pay such assessments as may be required, or may be imposed, by 26 Del. C. §§ 114 and 115.

4. That Premcor Power Marketing LLC, shall, pursuant to Section II ¶ 1(i) and Section III ¶ 4 of the "Rules for the Certification and Regulation of Electric Suppliers," file with the Commission a standard form of contract for each class of customers to which it intends to offer Electric Supply Service. Such form of contract shall be filed with the Commission at least twenty-one (21) days prior to Premcor Power Marketing LLC's offering Electric Service Supply to such class of customers under such standard form of contract.

5. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

/s/ Joshua M. Twilley
Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Dallas Winslow
Commissioner

Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary