

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF        )  
LIBERTY POWER HOLDINGS, LLC, FOR A        )  
CERTIFICATE TO PROVIDE ELECTRIC            )       PSC DOCKET NO. 06-380  
SUPPLY SERVICES WITHIN THE STATE OF        )  
DELAWARE (FILED DECEMBER 14, 2006)        )

ORDER NO. 7149

ELECTRIC SUPPLIER CERTIFICATE

This 3<sup>rd</sup> day of April, 2007, the Commission determines and Orders the following:

1. On December 14, 2006, Liberty Power Holdings, LLC ("Liberty Power") filed to be certificated as a retail electric supplier. See 26 Del. C. §§ 1001(11), 1012(a). Under the regime instituted by the Electric Utilities Restructuring Act of 1999,<sup>1</sup> an "electric supplier" is not a "public utility" and its sales of electric supply service to retail customers are not subject to traditional forms of rate-regulation. See 26 Del. C. §§ 102(2), 202(f).

2. In its application Liberty Power represents that it intends to provide retail electric supply services to large-sized commercial and industrial customers in this State. Staff reports that Liberty Power's application fulfills all the requirements for an Electric Supplier Certificate as set forth in the Commission's "Rules for Certification and Regulations of Electric Suppliers ("ES Rules").<sup>2</sup> In

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<sup>1</sup>codified in main part as 26 Del. C. Ch. 10 (2004 Supp.), and as now amended by the "Electric Utility Retail Customer Supply Act of 2006," 75 Del. Laws Ch. 242 (2006).

<sup>2</sup>adopted in PSC Order No. 7078 (Nov. 21, 2006) (eff. Jan. 10, 2007). Liberty Power's application was filed while an earlier version of the ES

particular, Staff reports that Liberty Power appears to possess the financial, operational, managerial, and technical capabilities to offer electric supply service to its proposed customer base.<sup>3</sup> Based on Staff's report, the Commission now issues an Electric Supplier Certificate to Liberty Power allowing it to offer electric supply services in this State consistent with the scheme adopted by the Electric Utilities Restructuring Act.

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

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

2. That Liberty Power Holdings, 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 Certification and Regulation of Electric Suppliers," as presently adopted, or as may be hereafter amended or supplemented. Liberty Power Holdings, LLC, is hereby notified that a violation of such statute or such rules may be enforced by the sanctions permitted by 26

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Rules prevailed. This certificate is granted under the slightly revised regime adopted in Order No. 7078.

<sup>3</sup>Notice of such application by Liberty Power was published in The News Journal and Delaware State News newspapers on February 21, 2007. No objections to the application were received. Notice of the Commission's intent to grant Liberty Power a final Electric Supplier Certificate was posted on the Commission's Internet website at "[www.state.de.us/delpsc](http://www.state.de.us/delpsc)." Again, no objections have been received in response to that notice.

Del. C. § 1012(a) and § 10.2 of the "Rules for Certification and Regulation of Electric Suppliers."

3. That Liberty Power Holdings, LLC, shall, pursuant to the provisions of 26 Del. C. § 1012(c)(2) and §§ 3.9 and 3.10 of the "Rules for 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 Liberty Power Holdings, LLC, consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of electric supply services in this State.

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:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

ATTEST:

Jeffrey J. Clark  
Commissioner

/s/ Karen J. Nickerson  
Secretary