

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

IN THE MATTER OF THE APPLICATION OF)
COMMERCE ENERGY, INC. FOR A CERTIFI-)
CATE TO PROVIDE ELECTRIC SUPPLY) PSC DOCKET NO. 07-275
SERVICES WITHIN THE STATE OF DELAWARE)
(FILED OCTOBER 9, 2007))

ORDER NO. 7330

ELECTRIC SUPPLIER CERTIFICATE

This 18th day of December, 2007, the Commission determines and Orders the following:

1. On October 9, 2007, Commerce Energy, Inc. ("Commerce Energy") 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 1999,¹ 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 Commerce Energy represents that it intends to provide retail electric supply services to residential, small business, and commercial customers in Delmarva Power & Light Company's service area in this State. Staff reports that Commerce Energy'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"). In

¹codified 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).

particular, Staff reports that Commerce Energy appears to possess the financial, operational, managerial, and technical capabilities to offer electric supply service to its proposed customer base.² Based on Staff's report, the Commission now issues an Electric Supplier Certificate to Commerce Energy 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 Commerce Energy, Inc. 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, Commerce Energy, Inc. is authorized to provide Electric Supply Service to Customers within this State in accord with 26 Del. C. Chapter 10.

2. That Commerce Energy, Inc. 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. Commerce Energy, Inc. 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 § 10.2 of the "Rules for Certification and Regulation of Electric Suppliers."

²Notice of such application by Commerce Energy was published in The News Journal and Delaware State News newspapers on November 15, 2007. No objections to the application were received. Notice of the Commission's intent to grant Commerce Energy a final Electric Supplier Certificate was posted on the Commission's Internet website at "depssc.delaware.gov." Again, no objections have been received in response to that notice.

3. That Commerce Energy, Inc. 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 Commerce Energy, Inc. 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/ Dallas Winslow
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary