

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
MITCHELL ENERGY MANAGEMENT SERVICES,)
INC. FOR A CERTIFICATE TO PROVIDE) PSC DOCKET NO. 08-59
ELECTRIC SUPPLY SERVICES WITHIN THE)
STATE OF DELAWARE)
(FILED MARCH 4, 2008))

ORDER NO. 7380

ELECTRIC SUPPLIER CERTIFICATE

This 6th day of May, 2008, the Commission determines and Orders the following:

1. On March 4, 2008, Mitchell Energy Management Services, Inc. ("Mitchell Energy"), filed to be certificated as a retail electric supplier in order to broker the sale or purchase of electric supply service. See 26 Del. C. §§ 1001(2), 1001(11), 1012(a). Under the regime instituted by the Electric Utilities Restructuring Act of 1999,¹ an "electric supplier" (including a broker) is not a "public utility" and the resulting 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

2. In its application, Mitchell Energy reports that it is a broker and aggregator that provides aggregation, energy data management, energy bill payment and processing, and utility budgeting

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).

²Under the Restructuring Act, a "broker" is an agent or intermediary in the sale or purchase of electricity to, or by, retail electric customers. Although a broker never takes "title" to the electric supply product, the Act deems a broker an "electric supplier." See 26 Del. C. §§ 1001(2), 1001(11)c.

and forecasting services. Mitchell Energy intends to offer its brokerage services to commercial, industrial, and governmental customers in Delaware. Staff reports that Mitchell Energy's application fulfills all the requirements for an Electric Supplier Certificate to act as a broker as set forth in the Commission's "Rules for Certification and Regulations of Electric Suppliers ("ES Rules"). In particular, Staff reports that Mitchell Energy appears to possess the financial, operational, managerial, and technical capabilities to operate as a broker of electric supply service. Based on Staff's report, the Commission here issues an Electric Supplier Certificate to Mitchell Energy allowing it to broker sales and purchases of electric supply services in this State consistent with the scheme adopted by the Electric Utilities Restructuring Act.

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

1. That Mitchell Energy Management Services, 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" (broker) within this State. Under this certificate, Mitchell Energy Management Services, Inc. is authorized to broker Electric Supply Service within this State in accord with 26 Del. C. Chapter 10.

2. That Mitchell Energy Management Services, Inc. shall at all times provide its brokerage of 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. Mitchell Energy Management Services, 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."

3. That Mitchell Energy Management Services, 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 Mitchell Energy Management Services, 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/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Jeffrey J. Clark
Commissioner

/s/ Karen J. Nickerson
Secretary