

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

IN THE MATTER OF THE APPLICATION OF)
GEXA ENERGY DELAWARE, LLC, FOR A)
CERTIFICATE TO PROVIDE ELECTRIC) PSC DOCKET NO. 08-127
SUPPLY SERVICES WITHIN THE STATE OF)
DELAWARE (FILED MAY 23, 2008))

ORDER NO. 7424

ELECTRIC SUPPLIER CERTIFICATE

This 19th day of August, 2008, the Commission determines and Orders the following:

1. On May 23, 2008, Gexa Energy Delaware, LLC ("Gexa 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, Gexa Energy represents that it intends to provide retail electric supply services to residential, small commercial, and large commercial and industrial customers in Delmarva Power & Light Company's service area in this State. Staff reports that Gexa 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").

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).

In particular, Staff reports that Gexa 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 Gexa 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 Gexa Energy Delaware, 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, Gexa Energy Delaware, LLC is authorized to provide Electric Supply Service to Customers within this State in accord with 26 Del. C. Chapter 10.

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

²Notice of such application by Gexa Energy was published in The News Journal and Delaware State News newspapers on July 16, 2008. No objections to the application were received. Notice of the Commission's intent to grant Gexa Energy a final Electric Supplier Certificate was posted on the Commission's Internet website at "dep.sc.delaware.gov." Again, no objections have been received in response to that notice.

3. That Gexa Energy Delaware, 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 Gexa Energy Delaware, 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

Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary