

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF )  
NATIONAL UTILITY SERVICE, INC., )  
D/B/A NUS CONSULTING GROUP, FOR A )  
CERTIFICATE TO PROVIDE ELECTRIC ) PSC DOCKET NO. 08-380  
SUPPLY SERVICES WITHIN THE STATE )  
OF DELAWARE )  
(FILED NOVEMBER 10, 2008 AND AMENDED )  
DECEMBER 3, 2008) )

ORDER NO. 7497

ELECTRIC SUPPLIER CERTIFICATE

This 16<sup>th</sup> day of December, 2008, the Commission determines and Orders the following:

1. On November 10, 2008, National Utility Service, Inc. ("NUS" or "Company"), 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). NUS also filed an amended Application on December 3, 2008. Under the regime instituted by the Electric Utilities Restructuring Act of 1999 (the "Act"),<sup>1</sup> 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).<sup>2</sup>

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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>Under the 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 Restructuring Act deems a broker an "electric supplier." See 26 Del. C. §§ 1001(2), 1001(11)c.

2. In its application, NUS reports that it is a broker that will utilize appropriate energy procurement strategies to meet the needs of its industrial and commercial customers in Delaware. Staff reports that the Company'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 (the "ES Rules"). In particular, Staff reports that NUS 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 NUS allowing it to broker marketer/supplier sales and customer purchases of electric supply services in this State consistent with the scheme adopted by the Act and the ES Rules.

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

1. That National Utility Service, Inc., d/b/a NUS Consulting Group, is hereby granted under 26 Del. C. § 1012(a) and the Commission's "Rules for Certification and Regulations of Electric Suppliers" a certificate to do business, and operate, as an "Electric Supplier" (broker) within this State. Under this certificate, National Utility Service, Inc., d/b/a NUS Consulting Group, is authorized to broker Electric Supply Service within this State in accord with 26 Del. C. ch. 10.

2. That National Utility Service, Inc., d/b/a NUS Consulting Group, shall at all times provide its brokerage of Electric Supply Service in accordance with the requirements imposed by 26 Del. C. ch. 10 and the Commission's "Rules for Certification and Regulations

of Electric Suppliers" as presently adopted, or as may be hereafter amended or supplemented. National Utility Service, Inc., d/b/a NUS Consulting Group, 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 Regulations of Electric Suppliers".

3. That National Utility Service, Inc., d/b/a NUS Consulting Group, shall, pursuant to the provisions of 26 Del. C. § 1012(c)(2) and §§ 3.9 and 3.10 of the "Rules for Certification and Regulations of Electric Suppliers," file such reports and pay such fees and assessments as may be required, or may be imposed, by 26 Del. C. §§ 114 and 115.

4. That National Utility Service, Inc., d/b/a NUS Consulting Group, 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:

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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