

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION )  
OF ONDEMAND ENERGY, INC., FOR A )  
CERTIFICATE TO PROVIDE ELECTRIC )  
SUPPLY SERVICES WITHIN THE STATE ) PSC DOCKET NO. 08-402  
OF DELAWARE (FILED NOVEMBER 24, )  
2008 AND AMENDED DECEMBER 16, )  
2008) )

ORDER NO. 7512

ELECTRIC SUPPLIER CERTIFICATE

This 6<sup>th</sup> day of January, 2009, the Commission determines and Orders the following:

1. On November 24, 2008, OnDemand Energy, Inc. ("OnDemand" 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). The Company also filed an amended Application on December 16, 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

---

<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).

not subject to traditional forms of rate-regulation. See 26 Del. C. §§ 102(2), 202(f).<sup>2</sup>

2. In its application, OnDemand 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 the Company 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 OnDemand 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 OnDemand Energy, Inc. 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, OnDemand Energy, Inc. is authorized to broker

---

<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.

Electric Supply Service within this State in accordance with 26 Del. C. ch. 10.

2. That OnDemand Energy, Inc. 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. OnDemand 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 Regulations of Electric Suppliers".

3. That OnDemand 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 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 OnDemand 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

PSC Docket No. 08-402, Order No. 7512 Cont'd.

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary