

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

IN THE MATTER OF THE APPLICATION OF)
CONSTELLATION ENERGY PROJECTS &)
SERVICES GROUP, INC. FOR A)
CERTIFICATE TO PROVIDE ELECTRIC)
SUPPLY SERVICES WITHIN THE STATE OF) PSC DOCKET NO. 09-213
DELAWARE)
(FILED MAY 18, 2009 AND AMENDED ON)
MAY 28, 2009))

ORDER NO. 7587

ELECTRIC SUPPLIER CERTIFICATE

This 16th day of June, 2009 the Commission determines and Orders the following:

1. On May 18, 2009 Constellation Energy Projects & Services Group, Inc. ("Constellation Energy" or "Company") filed an application with the Delaware Public Service Commission ("Commission") for an Electric Supplier Certificate ("Certificate") as a Broker in the State of Delaware (See 26 Del. C. §§ 1001(2), 1001(11), 1012(a)). Constellation Energy also filed an amended Application on May 28, 2009. Under the regime instituted by the Electric Utilities Restructuring Act of 1999 (the "Act"),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

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).

traditional forms of rate-regulation. See 26 Del. C. §§ 102(2), 202(f).²

2. In its application, the Company 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 Constellation 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 the Company 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 HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That Constellation Energy Projects & Services Group, 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, Constellation

²Under 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.

Energy Projects & Services Group, Inc. is authorized to broker Electric Supply Service within this State in accord with 26 Del. C. ch. 10.

2. That Constellation Energy Projects & Services Group, 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. Constellation Energy Projects & Services Group, 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 Constellation Energy Projects & Services Group, 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 Constellation Energy Projects & Services Group, 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. Constellation Energy Projects & Services Group, Inc. is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 Del. C. § 114(b)(1).

6. 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

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary