

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
AGR GROUP, INC. FOR A CERTIFICATE TO)
PROVIDE ELECTRIC SUPPLY SERVICES) PSC DOCKET NO. 09-449
WITHIN THE STATE OF DELAWARE)
(FILED OCTOBER 8, 2009))

ORDER NO. 7680

ELECTRIC SUPPLIER CERTIFICATE

This 3rd day of November, 2009, the Commission determines and orders the following:

1. On October 20, 2009, AGR Group, Inc. ("AGR" or "Company"), filed an application seeking certification as a retail electric supplier in order to broker the sale or purchase of electric supply service (the "Application"). See 26 Del. C. §§ 1001(2), 1001(11), 1012(a). Under the Electric Utilities Restructuring Act of 1999 (the "Act"),¹ "electric suppliers", which includes brokers, are not "public utilities," and, accordingly, 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 the Application, the Company reports that it is a broker that will utilize appropriate energy procurement strategies to meet the needs of its commercial, institutional and industrial customers in Delaware. Staff reports that the Company's application fulfills all

¹ See 26 Del. C. ch. 10 (2004 Supp.), as amended by the "Electric Utility Retail Customer Supply Act of 2006," 75 Del. Laws Ch. 242 (2006).

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

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 to AGR an Electric Supplier Certificate, allowing it to broker sales and customer purchases of electric supply services in the State of Delaware 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 AGR 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 the State of Delaware. Under this Certificate, AGR Group, Inc., is authorized to broker Electric Supply Service within this State in accordance with 26 *Del. C.* ch. 10.

2. That AGR 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. AGR Group, Inc., is hereby notified that a violation of any applicable statute, rule or other controlling authority 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 AGR 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 AGR 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. 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/ Alisa Carrow Bentley
Secretary