

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION            )  
OF SUSTAINABLE STAR, LLC FOR A            )  
CERTIFICATE TO PROVIDE ELECTRIC            )       PSC DOCKET NO. 11-145  
SUPPLY SERVICES WITHIN THE STATE        )  
OF DELAWARE (FILED MARCH 7, 2011        )  
AND AMENDED SEPTEMBER 21, 2011)        )

ORDER NO. 8064

AMENDED ELECTRIC SUPPLIER CERTIFICATE

This 28<sup>th</sup> day of October 2011, the Commission determines and orders the following:

1. On March 7, 2011, Sustainable Star, LLC ("Sustainable Star" or the "Company") filed an application seeking certification as a Retail Electric Supplier in order to broker the sale or purchase of Electric Supply Service<sup>1</sup> (the "Initial Application"). See 26 Del. C. §§1001(3), 1001(14), 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),<sup>2</sup> "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).<sup>3</sup>

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<sup>1</sup> Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Electric Utilities Restructuring Act of 1999.

<sup>2</sup> See 26 Del. C. Ch. 10.

<sup>3</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 Act deems a broker an "electric supplier." See 26 Del. C. §§1001(3), 1001(14).

2. By Order No. 7939 dated April 4, 2011, the Commission granted Sustainable Star's Initial Application to become a broker.

3. On September 21, 2011, Sustainable Star submitted an application to amend its amended Electric Supplier Certificate to allow it to provide Retail Electric Supply service (the "Amended Application").

4. In its Amended Application, the Company states that it is an electric supplier that will provide retail energy services to industrial, large commercial and local and governmental customers.

5. Staff reports that the Company's Amended Application fulfills all the requirements for an Electric Supplier Certificate to act as an electric supplier 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 an electric supplier. As required by Section 2.2 of the ES Rules, the Company provided the appropriate affidavits of publication of notice of its application in the Delaware State News and The News Journal. Staff confirms that there were no comments, interventions, or protests filed within the required 20-day notice period. Based on Staff's report, the Commission has determined to issue an Electric Supplier Certificate to Sustainable Star Energy allowing it to offer 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 Sustainable Star, LLC's existing Electric Supplier Certificate is amended to approve Sustainable Star's Amended Application to provide Retail Electric Supply services in Delaware, in addition to brokering services, to large commercial, industrial and local and governmental customers in Delaware.

2. That the Company shall at all times provide electric supply services with the requirements imposed by 26 *Del. C.* Ch. 10 and the ES Rules, as presently adopted or as may be hereafter amended or supplemented. The Company 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 1019 and §10.2 of the ES Rules.

3. That the Company shall, pursuant to the provisions of 26 *Del. C.* §1012(c)(2) and §§3.9 and 3.10 of the ES Rules, file such reports and pay such fees and assessments as may be required or imposed by 26 *Del. C.* §§114 and 115.

4. That the Company 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 Company 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:

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Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary