

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

IN THE MATTER OF THE APPLICATION            )  
OF VIRIDIAN NETWORK, LLC FOR A            )  
CERTIFICATE TO PROVIDE ELECTRIC            )       PSC DOCKET NO. 12-410  
SUPPLY SERVICES WITHIN THE STATE        )  
OF DELAWARE (FILED AUGUST 28, 2012)    )

**ORDER NO. 8215**

**ELECTRIC SUPPLIER CERTIFICATE**

This 18<sup>th</sup> day of September 2012, the Commission determines and orders the following:

**WHEREAS**, on August 28, 2012, Viridian Network, LLC ("Viridian Network" 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 "Application"). See 26 Del. C. §§1001(3), 1001(14), and 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),<sup>2</sup> "electric suppliers," which include 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) and 202(f);<sup>3</sup> and

**WHEREAS**, in its Application, the Company states that it is a Broker that will utilize appropriate energy procurement strategies to

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<sup>1</sup> Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in 26 Del. C. §1001 and 26 Del. Admin. C. §3001.

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

<sup>3</sup> Under the Act, a "broker" means a person or entity that acts as an agent or intermediary in the sale or purchase of, but that does not take title to, electricity for sale to retail electric customers. 26 Del. C. §1001(3). 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) and (14)(c).

meet the needs of residential, commercial, and industrial customers in Delaware. Staff reports that the Company's Application fulfills all of 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, 26 *Del. Admin. C.* §3001 (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. Therefore, Staff recommends that the Commission issue to Viridian Network an Electric Supplier Certificate that authorizes 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 Viridian Network, LLC (the "Company") is hereby granted, under 26 *Del. C.* §1012(a) and 26 *Del. Admin. C.* §3001, a certificate to do business and operate as an "Electric Supplier" (Broker) within the State of Delaware. Under this Electric Supplier Certificate, the Company is authorized to broker Electric Supply Service within this State in accordance with 26 *Del. C. Ch.* 10.

2. That the Company shall at all times provide its brokerage of Electric Supply Service in accordance with the requirements imposed by 26 *Del. C. Ch.* 10 and 26 *Del. Admin. C.* §3001 as presently adopted, or as may be hereafter amended or supplemented. The Company is hereby notified that a violation of any applicable order, statute, regulation, rule, or other controlling authority may be enforced by



ATTEST:

/s/ Alisa Carrow Bentley  
Secretary