

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

IN THE MATTER OF THE APPLICATION OF)
MIDAMERICAN ENERGY COMPANY FOR A)
CERTIFICATE TO PROVIDE ELECTRIC)
SUPPLY SERVICES WITHIN THE STATE OF) PSC DOCKET NO. 07-100
DELAWARE (FILED APRIL 5, 2007, AND)
AMENDED JUNE 7, 2012))

ORDER NO. 8302

ELECTRIC SUPPLIER CERTIFICATE

This 5th day of March, 2013, the Commission determines and Orders the following:

WHEREAS, on April 5, 2007, MidAmerican Energy Company ("MidAmerican") filed an application (the "Initial Application") with the Commission seeking certification as a retail electric supplier. See 26 *Del. C.* §§1001(3) and 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),¹ "Electric Suppliers"² are not "public utilities," and the resulting sales of Electric Supply Service to Retail Electric Customers are not subject to traditional forms of rate regulation. See 26 *Del. C.* §§ 102(2) and 202(f); and

WHEREAS, in that Initial Application, MidAmerican represented that it intended to provide retail Electric Supply Service to small commercial, large commercial, and industrial customers in Delaware. Therefore, MidAmerican did not provide its standard contract for Residential Customers for Staff review

¹ See 26 *Del. C.* Ch. 10

² Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in 26 *Del. C.* §1001 and 26 *Del. Admin. C.* §3001.

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as required by Section 2.1.1.9 of the Commission's Rules for
Certification and Regulation of Electric Suppliers, 26 Del.
Admin C. §3001 (the "Supplier Rules"); and

WHEREAS, by Order No. 7211 dated June 19, 2007, the
Commission granted MidAmerican's Initial Application, and
MidAmerican received an Electric Supplier Certificate; and

WHEREAS, on June 7, 2012, MidAmerican submitted a request
for an amended Electric Supplier Certificate to allow it to
provide Electric Supply Service to Residential Customers (the
"Amended Application"). In accordance with Section 2.1.1.9 of
the Supplier Rules, MidAmerican submitted its terms and
conditions (the "Contract") for Residential Customers for Staff
review; and

WHEREAS, Staff reviewed the Contract and advised
MidAmerican of certain changes to the Contract that Staff
believed were necessary in order for the Contract to comply with
the Supplier Rules. Staff reports that on February 15, 2013,
MidAmerican provided a revised Contract, and upon review of that
revised Contract Staff believes it to be consistent with the
Supplier Rules; and

WHEREAS, Staff reports that MidAmerican has otherwise
satisfied the requirements of the Act and the Supplier Rules and
recommends that the Commission approve MidAmerican's Amended
Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That MidAmerican Energy Company's ("MidAmerican's") existing Electric Supplier Certificate is hereby amended to allow MidAmerican to provide Electric Supply Service to residential customers in Delaware, in addition to small commercial, large commercial and industrial customers in Delaware.

2. That MidAmerican shall at all times provide its Electric Supply Service in accordance with the requirements imposed by 26 *Del. C. Ch. 10* and *Del. Admin. C. §3001* as presently adopted or as may be hereafter amended or supplemented. The Commission reiterates its notice to MidAmerican 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 26 *Del. Admin. C. §3001-10.2*.

3. That Staff's review of MidAmerican's Contract shall not be construed to be approval of the terms and conditions of said Contract.

4. That MidAmerican shall file, pursuant to the provisions of 26 *Del. C. §1012(c)(2)* and 26 *Del. Admin. Code §§3001-3.9 and 3.10*, such reports and pay such fees and assessments as may be required or imposed by 26 *Del. C. §§114 and 115*.

5. That MidAmerican continues to consent 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.

6. That MidAmerican is hereby placed on notice that the costs of this proceeding will be charged to it under the provisions of 26 Del. C. §114(b)(1).

7. 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/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

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/s/ Alisa Carrow Bentley
Secretary