

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

IN THE MATTER OF THE APPLICATION     )  
OF COMMUNITY ENERGY, INC. FOR A     )  
CERTIFICATE TO PROVIDE ELECTRIC     )     PSC DOCKET NO. 13-219  
SUPPLY SERVICES WITHIN THE STATE     )  
OF DELAWARE (FILED MAY 31, 2013)     )

**ORDER NO. 8427**

**ELECTRIC SUPPLIER CERTIFICATE**

This 30<sup>th</sup> day of July, 2013, the Commission determines and Orders the following:

**WHEREAS**, on May 31, 2013, Community Energy, Inc. ("Community Energy" or "Company") filed an application seeking certification as a retail electric supplier. See 26 Del. C. §§1001(14) and 1012. The application does not request to certify Community Energy as a broker pursuant to 26 Del. C. §1001(3). Under the Electric Utilities Restructuring Act of 1999 (the "Act"),<sup>1</sup> "Electric Suppliers"<sup>2</sup> 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 its application, Community Energy reports that it has been a "PUC licensed Aggregator and Broker/Marketer since 2001" in other states and that it wants to become an Electric Supplier in the State of Delaware that will provide Electric Supply Service to Residential, Commercial, and Industrial Retail Electric Customers; and

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<sup>1</sup> See 26 Del. C. Ch. 10

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

**WHEREAS**, Staff reports that the Company's application fulfills all the requirements for the Company to obtain an Electric Supplier Certificate to act as an Electric Supplier as set forth in the Commission's Rules for Certification and Regulation of Electric Suppliers, 26 *Del. Admin. C.* §3001 (the "Supplier 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 Supplier 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 in the instant docket within the required 20-day notice period. Because Staff reports that the Company has fulfilled all of the requirements for an Electric Supplier Certificate, Staff recommends that the Commission issue such an Electric Supplier Certificate to Community Energy to allow it to offer Electric Supply Service in this State consistent with the scheme adopted by the Act and the Supplier Rules;

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

1. That Community Energy, Inc. is hereby granted, under *Del. C.* §1012(a) and 26 *Del. Admin. C.* §3001, a certificate to do business and operate as an "Electric Supplier" within the State of Delaware. Under this certificate, Community Energy, Inc. is authorized to provide Electric Supply Service within this State in accordance with 26 *Del. C. Ch.* 10.

2. That the Company shall at all times provide its 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 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 Community Energy, Inc. shall file, pursuant to the provisions of 26 Del. C. §1012(c)(2) and §§3001-3.9 and 3.10, 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 Community Energy, 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 Community Energy, 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/ Dallas Winslow  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary