

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF BRIGHTERGY, LLC FOR A)
CERTIFICATE TO PROVIDE ELECTRIC)
SUPPLY SERVICES WITHIN THE STATE) PSC DOCKET NO. 15-1177
OF DELAWARE)
(SUBMITTED JULY 31, 2015; FILED)
AUGUST 5, 2015))

ORDER NO. 8788

ELECTRIC SUPPLIER CERTIFICATE

This 22nd day of September, 2015, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on November 5, 2014, Brightergy, LLC ("Brightergy" or the "Company") submitted to the Commission an incomplete application¹ pursuant to 26 *Del. C.* §1001 - §1020, the Electric Utility Restructuring Act (the "Act"), and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").² The incomplete application requested certification for Brightergy as a retail electric supplier in order to broker the sale or purchase of Electric Supply Service. This incomplete application was docketed as PSC Docket No. 14-0505; and

WHEREAS, over a six-month period of time, the Commission Staff ("Staff") sent numerous notices of deficiencies to Brightergy, including clarification of what information Staff needed to address

¹ Under Section 3001 of the Supplier Rules, applicants must submit certain required documents that are accompanied by signed, sworn verification. See also 26 *Del. Admin. C.* §1001. Brightergy's original submission failed to include all of the required documents.

² Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Act and the Supplier Rules.

the deficiencies. Because Brightergy failed to supply the necessary documents, Staff considered the incomplete application as abandoned and closed PSC Docket No. 14-0505 on April 21, 2015;³ and

WHEREAS, on July 31, 2015, Brightergy submitted to the Commission another incomplete application which requested certification as a retail electric supplier in order to broker the sale or purchase of Electric Supply Service; and

WHEREAS, on August 5, 2015, Brightergy submitted all of the required documents and thereby filed a complete application (the "Application") pursuant to the Act and the Supplier Rules; and

WHEREAS, in the Application, the Company requested certification to act as a Broker⁴ and stated it will utilize appropriate energy procurement strategies to meet the needs of small commercial, large commercial, and industrial customers in Delaware; and

WHEREAS, as more specifically detailed in its Memorandum to the Commission, Staff reports that the Application fulfills all of the requirements set forth in the Act and the Supplier Rules for an Electric Supplier Certificate to act as a Broker and that the Company has specifically presented substantial evidence to support its financial, operational, managerial, and technical ability to operate

³ Under Section 3001-2.4 of the Supplier Rules, applications that do not include the necessary supporting documentation or information may be rejected. In addition, "[t]he Commission Staff will provide the Applicant with a list of deficiencies and the Applicant will be given time to provide the necessary information to complete its certification. However, an incomplete or abandoned application will be closed four (4) months after the filing date, unless such time frame is extended by the Commission."

⁴ Pursuant to §1001(3) of the Act, "Broker" is defined as 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." Although a Broker never takes "title" to any electric supply product, §1001(14)(c) of the Act deems a broker an "Electric Supplier."

as a Broker of Electric Supply Service within the State of Delaware. Therefore, Staff recommends that the Commission issue an Electric Supplier Certificate to authorize the Company to broker sales and customer purchases of Electric Supply Services in the State of Delaware;

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

1. Brightergy is hereby granted 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 the State of Delaware consistent with and in accordance with the Act and the Supplier Rules.

2. Brightergy is hereby notified that a violation of any applicable order, statute, regulation, rule, or other controlling authority may be enforced by sanctions permitted by §§1012(a) and 1019 of the Act and §3001-10.2 of the Supplier Rules.

3. Brightergy shall file such reports and pay such fees and assessments as may be required or imposed by §§114, 115 and 1012(c)(2) of the Act and §§3001-3.9 and 3.10 of the Supplier Rules.

4. Brightergy 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. Brightergy is hereby placed on notice that the costs of this proceeding will be charged to it pursuant to §114(b)(1) of the Act.

6. 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:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary