

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

IN THE MATTER OF THE APPLICATION )  
OF AVIDXCHANGE, INC. FOR A )  
CERTIFICATE TO PROVIDE ELECTRIC ) PSC DOCKET NO. 16-0108  
SUPPLY SERVICES WITHIN THE STATE )  
OF DELAWARE )  
(SUBMITTED JANUARY 27, )  
2016; FILED OCTOBER 12, 2016) )

**ORDER NO. 8956**

**ELECTRIC SUPPLIER CERTIFICATE**

This 1st day of November, 2016, the Delaware Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on January 27, 2016, AvidXchange, Inc. ("AvidXchange") submitted to the Commission an incomplete application<sup>1</sup> pursuant 26 Del. C. §1001 - §1020, the Electric Utility Restructuring Act (the "Act"),<sup>2</sup> and 26 Del. Admin. C. §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules"). This incomplete application requested certification for AvidXchange to act as a Broker<sup>3</sup> that will utilize appropriate energy procurement strategies to meet the needs of large commercial and industrial

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<sup>1</sup> Under Section 3001 of the Supplier Rules, applicants must submit certain required documents to complete their application. AvidXchange's initial submission failed to include all of the required documents.

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

<sup>3</sup> 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 to be an "Electric Supplier."

customers in Delaware. This incomplete application was docketed as PSC Docket No. 16-0108; and

**WHEREAS**, over a nine-month period of time, the Commission Staff ("Staff") sent to AvidXchange one notice of deficiency and exchanged emails and telephone calls with a representative of the company to correct the deficiencies in the incomplete application; and

**WHEREAS**, on October 12, 2016, AvidXchange submitted all of the required documents and thereby filed a complete application (the "Application") pursuant to the Act and the Supplier Rules; 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. In particular, Staff reports that AvidXchange has specifically presented substantial evidence to support its financial, operational, managerial, and technical ability to operate as a Broker of Electric Supply Service within the State of Delaware. Staff also notes that AvidXchange is pending licensure in several jurisdictions. Staff recommends that an updated listing be submitted to the Commission as licenses are obtained. Staff also recommends that the Commission issue an Electric Supplier Certificate to authorize AvidXchange to broker sales and customer purchases of Electric Supply Services in the State of Delaware;

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

1. AvidXchange 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, AvidXchange 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. AvidXchange 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. AvidXchange 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, as well as an updated listing of the status of licensing applications in other jurisdictions, as appropriate.

4. AvidXchange 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. AvidXchange is hereby placed on notice that the costs of this proceeding will be charged to it pursuant to 26 *Del. C.* §114(b)(1).

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:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary