

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF RELIANT ENERGY NORTHEAST, LLC)
D/B/A RELIANT ENERGY FOR A)
CERTIFICATE TO PROVIDE ELECTRIC)
SUPPLY SERVICES WITHIN THE STATE) PSC DOCKET NO. 10-404
THE STATE OF DELAWARE)
(FILED NOVEMBER 22, 2010; AMENDED)
JUNE 30, 2011))

ORDER NO. 8035

AND NOW, this 20th day of September, 2011, the Delaware Public Service Commission ("Commission") finds and Orders as follows:

1. On November 22, 2010, Reliant Energy Northeast, LLC d/b/a Reliant Energy ("Reliant") filed an application (the "Initial Application") with the Commission, pursuant to Section 1012(a) of the Electric Utility Restructuring Act of 1999, 26 Del. C. §1012(a) (the "Act") and the Commission's Rules for the Certification and Regulation of Electric Suppliers, 26 Del. Admin. C. §3001 et seq. (the "ES Rules"), seeking a certificate to act as an electric supplier in the State of Delaware. In that Initial Application, Reliant represented that it intended to provide retail electric supply service to large-sized commercial and industrial customers in Delaware. At the time of its Initial Application, Reliant did not intend to provide retail electric supply service to residential and small commercial customers in Delaware and so was not required to provide a Standard Contract for Residential and Small Commercial Customer or a link to that contract

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on its website, as required by Section 2.1.1.9 of the ES Rules (26 *Del. Admin. Code* §3001.2.1.1.9).

2. By Order No. 7894 dated January 11, 2011, the Commission granted Reliant's Initial Application, and Reliant received an Electric Supplier Certificate.

3. On June 30, 2011, Reliant submitted a request for an amended Electric Supplier Certificate to allow it to provide retail electric supply service to residential and small commercial customers (the "Amended Application"). In accordance with Section 2.1.1.9 of the ES Rules (26 *Del. Admin. Code* §3001.2.1.1.9), Reliant submitted its Terms of Service (the "Contract") for Staff review.

4. Staff reviewed the Contract and advised Reliant of certain changes to the Contract that Staff believed were necessary in order for the Contract to comply with Section 2.1.1.9 of the ES Rules (26 *Del. Admin. Code* §3001.2.1.1.9). Staff reports that on September 1, 2011, Reliant provided a revised Contract, and upon review of that revised Contract Staff believes it to be consistent with the ES Rules.

5. Staff reports that Reliant has otherwise satisfied the requirements of the Act and the ES Rules, and recommends that the Commission approve Reliant's Amended Application.

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

1. That Reliant Energy Northeast, LLC d/b/a Reliant Energy's existing Electric Supplier Certificate is hereby amended to approve

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Reliant's Amended Application to provide retail electric supply service to residential and small commercial customers in Delaware, in addition to large-sized commercial and industrial customers in Delaware.

2. That Reliant shall at all times provide retail electric supply service in accordance with the requirements imposed by the Act and by 26 *Del. Admin. Code* §3001 *et seq.*, as presently adopted or as may be hereafter amended or supplemented. The Commission reiterates its notice to Reliant that a violation of any applicable statute, rule, or other controlling authority may be enforced by the sanctions permitted by 26 *Del. C.* §1019 and 26 *Del. Admin. Code* §3001.10.2.

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

4. That Reliant shall, pursuant to the provisions of 26 *Del. C.* §1012(c)(2) and 26 *Del. Admin. Code* §§3001.3.9 and 3001.3, file such reports and pay such fees and assessments as may be required or imposed, by 26 *Del. C.* §§114 and 115.

5. That Reliant 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 Reliant 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).

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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/ Arnetta McRae
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary