

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

IN THE MATTER OF THE APPLICATION OF)
GLACIAL ENERGY OF MARYLAND, INC. FOR)
A CERTIFICATE TO PROVIDE ELECTRIC)
SUPPLY SERVICES WITHIN THE STATE OF) PSC DOCKET NO. 07-123
DELAWARE (FILED APRIL 30, 2007, AND)
AMENDED AUGUST 28, 2012)

ORDER NO. 8284

ELECTRIC SUPPLIER CERTIFICATE

This 7th day of February, 2013, the Commission determines and Orders the following:

WHEREAS, On April 30, 2007, Glacial Energy of Maryland, Inc. ("Glacial") filed an application (the "Initial Application") with the Commission seeking certification as a retail electric supplier. See 26 Del. C. §§1001(3), 1001(14), 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, Glacial represented that it intended to provide retail Electric Supply Service to small commercial, commercial, and industrial customers in Delaware. Therefore, Glacial did not provide its standard contract for Residential Customers for Staff review as required by section 2.1.1.9

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

WHEREAS, by Order No. 7286 dated September 18, 2007, the
Commission granted Glacial's Initial Application, and Glacial received
an Electric Supplier Certificate; and

WHEREAS, on August 28, 2012, Glacial 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, Glacial
submitted its Terms and Conditions (the "Contract") for Residential
Customers for Staff review; and

WHEREAS, Staff reviewed the Contract and advised Glacial 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 January 14, 2013, Glacial 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 Glacial has otherwise satisfied the
requirements of the Act and the Supplier Rules and recommends that the
Commission approve Glacial's Amended Application;

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

1. That Glacial Energy of Maryland, Inc.'s ("Glacial's")
existing Electric Supplier Certificate is hereby amended to allow
Glacial to provide Electric Supply Service to residential customers in

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Delaware, in addition to small commercial, large commercial and
industrial customers in Delaware.

2. That Glacial 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 Glacial 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 Glacial's Contract shall not be construed to be approval of the terms and conditions of said Contract.

4. That Glacial 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 Glacial 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 Glacial 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary