



Filing Instructions for Retail Electric Brokers

I. Where to File: Applications should be filed in the Commission’s electronic filing system, DelaFile, which can be accessed at <https://delafile.delaware.gov/>

II. What to File: Applicant must use the attached form to submit the Application. (Please remove this instruction sheet prior to filing). To submit an application please provide the **\$750 non-refundable application fee**, all exhibits, affidavits, and other attachments. All exhibits should be clearly identified. For example, Exhibit A should be marked “Exhibit A – Delaware Certificate of Good Standing.” Each exhibit should be attached as a separate document to the filing in DelaFile.

III. Confidentiality: All information disclosed in this application is considered public information unless specifically labeled confidential. The Applicant has the responsibility to disclose to the Commission Secretary what is privileged or confidential information not otherwise available to the public. The Applicant should **attach in DelaFile one copy of all confidential information, documents should be stamped “CONFIDENTIAL” at the top in clear and conspicuous letters, the security level in DelaFile for this document should be designated “confidential”; a separate redacted version of all confidential documents should be attached to the filing in DelaFile, and the security level in DelaFile should be designated “public”**. For more information, see 26 Del. Admin Code. C. §1001 – Rules of Practice and Procedure of the Delaware Public Service Commission.

IV. Material Changes: Applicants shall inform Staff of any material changes in any information submitted in the application that occur from the time the application is submitted to the time the Commission considers the application. Failure to provide such notice within ten (10) Business Days after the change may be grounds for rejection of this application.

Questions regarding this application: Please contact Toni Loper (302)736-7534 or email Toni.Loper@state.de.us or Clishona Marshall (302)736-7539 or email at Clishona.Marshall@state.de.us.

Incomplete applications or those not including the necessary fees, supporting documentation or information may be rejected and processing delayed. The Applicant should then refile the application with the required information and filing fee.

If the application when submitted and reviewed is found to be deficient the applicant will be given the opportunity to provide the additional information; 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.

REFER TO 26 *Del. Admin. C.* § 3001 FOR SPECIFIC INFORMATION REQUIRED. UNLESS OTHERWISE NOTED, CAPITALIZED TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN 26 *Del. Admin. C.* § 3001. COMMISSION STAFF MAY REQUEST ADDITIONAL INFORMATION IN ORDER TO COMPLETE THE PROCESSING OF THE APPLICATION.



Company Name _____

Company Website _____

1. Legal name of Applicant and the name under which the Applicant proposes to do business in Delaware.

_____ d/b/a _____
Name

- Applicants with a d/b/a must submit a copy of the Registration of Trade, Business & Fictitious Name Certificate for each of the three Delaware counties.

Provided in **Exhibit** _____

- Provide a list of names under which the Applicant, its Affiliated Interests, or any current or previous officer, director, or manager has previously done business in Delaware.

Provided in **Exhibit** _____

1. Tax identification number:

Federal Tax ID Number

2. Certifications:

Certifications issued by the state of formation or incorporation that the Applicant is in good standing and qualified to do business in that state.

- Provide a Certificate of Good Standing issued by the Secretary of State of the state of formation or incorporation (if different from the State of Delaware) dated within the past 12 months certifying that the Applicant is in good standing and qualified to do business in Delaware. Provided in **Exhibit** _____

- Provide a copy of the Applicants Business License certifying that the Applicant is registered and/or qualified to do business in the state of formation or incorporation (if different from the State of Delaware). Provided in **Exhibit** _____

3. Authority to do Business:

Each Applicant will provide a copy of the following documentation:

- Provide a Certificate of Good Standing issued by the Delaware Secretary of State dated within the past 12 months certifying that the Applicant is in good standing and qualified to do business in Delaware. Provided in **Exhibit** _____

- Provide a copy of the Applicants Delaware Business License certifying that the Applicant is registered and/or qualified to do business in Delaware. Provided in **Exhibit _____**

4. Delaware Registered Agent:

Each Applicant shall provide a designation in writing of the name and address of a person resident within the State of Delaware upon which service of any notice, order or process may be made. This information must be updated if changed.

Name

Address

Phone

5. Leadership:

Provide the names, titles, addresses, and telephone numbers of the Applicants' principal officers, directors, partners, or other similar officials. Provided in **Exhibit _____**

6. Corporate Structure:

Each Applicant shall provide a description of the Applicant's corporate structure, including all parent, affiliated, and subsidiary companies. Additionally, please provide a graphical depiction of such structure. Provided in **Exhibit _____**

- 7. Name, title, and telephone number of a Regulatory Contact Person:** This person will ordinarily be the initial point of contact for resolving complaints filed with the Commission. The Commission will also send any correspondence to this person. This information is required to be updated if there is a change.

Name of Regulatory Contact

Title

Telephone Number

Email Address

- 8. Name, title, and telephone number of Complaint Contact Person:** If contact is different from the Regulatory Contact.

Name of Complaint Contact

Title

Telephone Number

Email Address

9. **Name, title, and telephone number of Applicant’s Attorney:** This person will ordinarily be the initial point of contact for resolving complaints filed with the Commission. The Commission will also send any correspondence to this person. This information is required to be updated if there is a change.

Name of Attorney

Firm

Address

Telephone Number

Email Address

No Attorney

10. **Toll-free telephone number of Applicants customer service department:** This number will be listed on the Commission’s website as a resource for existing and potential customers.

Toll-free customer service number

11. **Consent to Jurisdiction:** A statement consenting to the jurisdiction of the Delaware courts for acts or omissions arising from the Electric Supplier’s and its Agent’s in the State.

By (signature)

Typed or Printed Name

Title

12. Criminal activities statement:

- A statement detailing any criminal activities, except for misdemeanors or lesser violations, of which the Applicant, any of its Affiliated Interests, officers, and directors (and prior officers and directors who left the Applicant's employ less than three (3) months before the filing of the application) have been convicted. Any criminal disclosure shall include a copy of any order of conviction and restitution. Provided in **Exhibit** _____
- Neither the Applicant nor its affiliated interests, officers or directors have been charged or convicted of any criminal activities.

13. Certified Financial Statements and other indicia of financial capability: Applicants submitting European-style financial statements shall include a statement of similarity.

- Provide copies of certified financial statements (balance sheet, income statement, statement of cash flows current within twelve (12) months of the filing). Provided in **Exhibit** _____ (If publicly traded the Applicant must submit the certified financial statements AND its most recent annual report to the shareholders and SEC Form 10-K, or a link to the report on the SEC website. If not publicly traded, the Applicant must submit the accounting statements, including balance sheet and income statement, audited financial statements, bank account statements, tax returns or other indicia of financial capability, or if applicable, the certified financial statements of a publicly traded parent.)
- Other indicia of financial capability submitted in support of the application (should be current within twelve (12) months of the filing). Provided in **Exhibit** _____

14. Bankruptcy disclosure:

- See **Exhibit** _____ for detailed statement of all bankruptcy proceedings filed by the Applicant in the past 24 months
- Neither the Applicant nor its affiliated interests has filed bankruptcy in the past 24 months

15. Compliance with Regional Requirements:

- Applicant agrees to only work with an entity that complies with PJM's requirements and is a Certified Electric Supplier in Delaware.

Provide a brief a list of Electric Suppliers through which the Applicant intends to arrange for the sale of electricity (**any change to this list must be updated with the Commission within five (5) Business Days of the change**):

16. Description of the nature of the business being conducted: Description of service, types of customers and geographic area to be served.

Description of service:

Types of Customers: *Check all that apply*

- Residential
- Large Commercial
- Industrial
- Small Commercial

Geographic Area: *Applicant should check one or both*

- Delmarva Power & Light Service Territory
- Delaware Electric Cooperative Services Territory

17. Relevant retail experience of each principal officer responsible for Delaware

operations. In order to fulfill the requirements of the Supplier Rules an Applicant must present substantial evidence of technical and managerial competency the Applicant must submit, in an attachment, detailed professional resumes including dates, jobs/ job titles and duties for each principal officer responsible for operations in Delaware.

- Provided in **Exhibit** _____

18. List of states presently selling electric supply/broker services and a list of state with pending applications:

Please provide a list of the states in which the Applicant, or any of its affiliates, is now or has been engaged in the retail sale of electricity, status of the application (approved or pending), type of license, license number (if approved) or commission docket number (if pending):

| | | | | |
|--------------|---------------|------------------------|-------------------|--------------------|
| State: _____ | Status: _____ | Type of License: _____ | License No: _____ | Date Issued: _____ |
| State: _____ | Status: _____ | Type of License: _____ | License No: _____ | Date Issued: _____ |
| State: _____ | Status: _____ | Type of License: _____ | License No: _____ | Date Issued: _____ |
| State: _____ | Status: _____ | Type of License: _____ | License No: _____ | Date Issued: _____ |
| State: _____ | Status: _____ | Type of License: _____ | License No: _____ | Date Issued: _____ |
| State: _____ | Status: _____ | Type of License: _____ | License No: _____ | Date Issued: _____ |

*If more space is required please attach a separate sheet of paper with the above information. **Provided in Exhibit** _____

Applicant shall provide a copy of any order or decision from the state’s public utility commission for each state listed above. **Provided in Exhibit _____

19. List of states in which Applicant has received authority to sell/broker services but is not currently providing services.

Delaware Public Service Commission
Electric Broker Certificate

State: _____ Status: _____ Type of License: _____ License No: _____ Date Issued: _____
 State: _____ Status: _____ Type of License: _____ License No: _____ Date Issued: _____
 State: _____ Status: _____ Type of License: _____ License No: _____ Date Issued: _____
 State: _____ Status: _____ Type of License: _____ License No: _____ Date Issued: _____

*Applicant shall provide a copy of any order or decision from the state's public utility commission for each state listed above. **Provided in Exhibit** _____

20. Other Proceedings - List of states or federal jurisdictions in which Applicant or its Affiliated Interests has been denied approval and/or had authority revoked.

State: _____ Date certified: _____
 State: _____ Date certified: _____

*If the applicant has been denied approval or had its authority revoked by a state Commission please provide a detailed explanation for each state. **Provided in Exhibit** _____

Applicant has never been denied or revoked

21. List of States or Federal jurisdictions in which the Applicant or any of its Affiliated Interests has been found to be in violation of a state's laws, rules or regulations. Provided in Exhibit _____

22. Please provide a copy of any settlement, adjudication, or court order with respect to an action filed by a state Attorney General, the Federal Trade Commission, or U.S. Department of Justice concerning the Applicant's participation in retail and federal electricity, natural gas, or telecommunications markets. Provided in Exhibit _____

23. Pending Proceedings for revocation/suspensions: Applicant shall provide a list of proceedings in which a revocation or suspension of authority to sell or broker electricity is pending or has been adjudicated, and the name case number, venue, final orders and settlement agreements for each case identified.

State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____
 State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____
 State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____

Additional information provided in **Exhibit** _____

24. Security: The Commission may determine that an Applicant requesting to be a Broker is required to post security in the amount of \$10,000 in order to ensure that the Applicant has sufficient financial ability to operate as a Broker in the State. This will be determined on a case-by-case basis.

25. Any other information:

- Other material submitted in support of the Application. Provided in **Exhibit** _____
- No other supporting material is provided

26. Verification of Application: The Application must be accompanied by a signed, notarized verification of a principal officer of the Applicant stating that all information in the application is true and correct as filed to the best of the principal's or officer's belief. Where the Applicant is a corporation or an association, the verification shall be signed by an officer thereof and notarized. *(See Attachment A for an example)*

- Verification is provided in **Exhibit** _____

27. Waiver of certification requirements: Only applicable to Applicants requesting a waiver.

- Applicant requests a waiver of the requirements in Section(s) _____. Please provide a detailed explanation in support of the request for a waiver below: *If additional space is required please attach additional sheets of paper to the Application as necessary.* Provided in **Exhibit** _____

- No waiver requested

28. Marketing Plans and Materials: If the Applicant intends to serve Residential and Small Commercial, the Applicant shall provide the marketing plan and all marketing materials (please see Reg. 49, Supplier Rule - **Sections 2.2.13 – 2.2.14** for a complete list of materials to be submitted).

Please provide a description of the marketing plan(s) and/or methods Applicant plans to use in Delaware, the description should identify whether Door-to-Door, Telemarketing, direct mail, or other marketing channels will be used and, where applicable, the identification of third party vendors that the Applicant will utilize. Additionally, please include the manner in which the Applicant will ensure oversight, training, and compliance with the Supplier Regulations.

- Additional information provided in **Exhibit** _____

Attachment B

Attestation of Submission of Confidential, Proprietary, and Privileged Material**Per 26 Del. Admin. C. § 1001-1.11**

I, [NAME], [TITLE] of [COMPANY/ORGANIZATION], do hereby attest, under penalty of perjury, that [DESCRIPTION OF DOCUMENT / INFORMATION] is 1) not a “public record” as defined by 29 *Del. C.* § 10002(l) because it is [DESCRIPTION OF REASON AND SPECIFIC EXEMPTION UNDER 29 *Del. C.* § 10002(l)]; and 2) is not subject to inspection by either the public or by other parties unless an appropriate proprietary agreement is executed.

As such, I request that the Delaware Public Service Commission accord confidential treatment to [DESCRIPTION OF DOCUMENT / INFORMATION] in accordance with 26 *Del. Admin. C.* § 1001-1.11.

In compliance with 26 *Del. Admin. C.* § 1001-1.11.3, I have submitted, attached to this Attestation, for filing a copy of the document described above without the confidential information, with an indication that the claimed confidential information has been deleted.

Executed [DATE]

[NAME]

[STATE]

[COUNTY]

Sworn to and subscribed before me on [DATE] by [NAME]

[NOTARY SEAL]

[NOTARY NAME]

My commission expires: _____

Checklist of Required Items for Electricity Broker Applications – Applications may be rejected if documents are not available at the time of submission.

- Registration of Trade, Business & Fictitious Name Certificate for each Delaware County where business is expected to be conducted Exhibit _____
- Names under which Applicant or its Affiliated Interests, or any current or previous officer, director, or manager has done business in Delaware Exhibit _____
- Certification Documents from the state of formation or incorporation Exhibit _____
- Delaware Certificate of Good Standing Exhibit _____
- Delaware Business License Exhibit _____
- Leadership Information Exhibit _____
- Graphical Depiction of Corporate Structure Exhibit _____
- Criminal Activities Statement Exhibit _____
- Certified Financial Statements (dated within one year of filing), 10-K and Annual Report to Shareholders (if required) Exhibit _____
- *If filed under confidential seal a redacted version and attestation must be uploaded separately in DelaFile**
- Publicly traded applicants – recent annual report and SEC Form 10-K Exhibit _____
- Bankruptcy disclosure Exhibit _____
- Security Bond (if required by the Commission) Exhibit _____
- Verification of Application Exhibit _____
- Marketing Plans and Materials Exhibit _____
- States presently selling electricity supply/broker services and pending applications (if additional space is required) Exhibit _____
- States in which authority to supply services has been received but not currently providing services Exhibit _____
- State or Federal Jurisdictions where Applicant or affiliate interest has been found in violation of state's laws, rules or regulations Exhibit _____
- Any settlement, adjudication, or court order in reference to any action taken by a state Attorney General, the Federal Trade Commission, the U.S. Department of Justice concerning the Applicants participation in listed markets Exhibit _____

Additional Items for Suppliers:

- List of states in which Applicant has been denied approval and/or had authority revoked (detailed explanation) Exhibit _____
- Pending Proceedings Exhibit _____
- Security Bond (if required) Exhibit _____
- Other materials submitted in support of the Application Exhibit _____