



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 as confidential. The Applicant has the responsibility to disclose to the Commission Secretary what is privileged or confidential information and not otherwise available to the public. The Applicant should **attach in DelaFile one version of the application that includes all confidential information and one version of the application which has all of the confidential information redacted from it. The confidential version should be stamped "CONFIDENTIAL" at the top in clear and conspicuous letters. Also, the security level for this confidential version should be designated as "confidential." The redacted version of the application should list "confidential information redacted under Commission's rules" in each place of the application where confidential information was removed from the version. Also, the security level for the redacted version should be designated as "public."** For more information, see 26 *Del. Admin. C.* §1001-1.11 – Rules of Practice and Procedure of the Delaware Public Service Commission, Submission of Confidential, Proprietary, and Privileged Material. These Rules can be found at this website address:
<http://regulations.delaware.gov/AdminCode/title26/1000/1001.shtml#TopOfPage>.

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

Incomplete applications or those not including the necessary fees, supporting documentation or information may be rejected, and the processing time will be delayed. The Applicant will be given an opportunity to provide the necessary information to complete the certification; however, an incomplete or abandoned application will be closed four (4) months after the original date the application is submitted, unless such time frame is extended by the Commission.

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



1. Authority to do Business:

Each Applicant must provide a copy of the following documents:

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

- A copy of the Applicant's Delaware Business License certifying that the Applicant is registered and/or qualified to do business in Delaware.
Provided in Exhibit _____

2. Delaware Registered Agent:

Each Applicant must provide a written designation of the name and address of a person who resides 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

3. Compliance with Regional Requirements:

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

Financial, Operational, Managerial and Technical Ability. Each Applicant must present substantial evidence supporting their financial, operational, managerial and technical ability to render service within the State of Delaware.

4. Certified Financial Statements or other indicia of financial capability:

Provide copies of certified financial statements (such as a balance sheet, income statement, and statement of cash flows). These certified financial statements should be dated within twelve (12) months of the date of filing the application.

Provided in Exhibit _____

Other indicia of financial capability submitted in support of the application. These other documents should be dated within twelve (12) months of the date of filing the application.

Provided in Exhibit _____

5. 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

6. States in which the Applicant is presently selling electric supply services or providing broker services: Please provide a list of all states in which the Applicant (or any of its affiliated interests) is presently selling electric supply service to Retail Electric customers, the type of license, and the license number.

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

7. States in which the Applicant has any pending applications: Please provide a list of all states in which the Applicant (or any of its affiliated interests) has pending applications to sell

electric supply service to Retail Customers, the status of the application, and the commission docket number (if available):

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

**If additional space is required, please attach additional sheets of paper to the application as necessary.*

Provided in Exhibit _____

8. List of states in which Applicant has been denied approval and/or had authority revoked. Please provide a list of all state in which the Applicant (or any of its affiliated interests) has been denied approval by a state Commission to sell electricity to Retail Electric Customers or has had its authority revoked.

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

*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 approval or had its license revoked

9. List of states in which Applicant has withdrawn the application. Please provide a list of all states in which the Applicant (or any of its affiliated interests) has withdrawn an application for certification.

*If the Applicant has withdrawn an application please provide a detailed explanation for the withdrawal for each state.

Provided in Exhibit _____

Applicant has not withdrawn any applications

10. Relevant operational experience of each principal officer or managing member responsible for Delaware operations. In order to fulfill the requirements of the Supplier

Rules, an Applicant must present substantial evidence of technical and managerial ability by submitting, in an attachment, detailed resumes of each principal officer or managing member responsible for operations in Delaware.

Provided in Exhibit _____

11. Bankruptcy disclosure:

Neither the Applicant nor any of its affiliated interests has filed for bankruptcy in the past 24 months.

Exhibit _____ for an explanation of any bankruptcy proceedings filed by the Applicant or any of its affiliated interests in the past 24 months.

12. Any other information:

Other material submitted in support of the application.
Provided in Exhibit _____

No other supporting material is provided.

13. Verification of Application: The application must be verified by a principal or officer of the Applicant. *(See Attachment A for an example)*

Verification is provided in Exhibit _____

14. Consent to Jurisdiction: All Electric Suppliers shall consent to the jurisdiction of the Delaware courts for acts or omissions arising from their activities in the State.

BY (signature):

TYPED /PRINTED NAME:

TITLE:

15. Legal name of Applicant and any fictitious name under which the Applicant proposes to do business in Delaware.

Full legal name of Applicant

Any fictitious name or “doing business as” (a/k/a) name:

Applicants with a fictitious name must submit a copy of the Registration of Trade, Business & Fictitious Name Certificate for each of the three Delaware counties in which the Applicant proposes to do business.

Provided in Exhibit _____

16. Home state of Applicant and contact information.

State of Incorporation or Formation of Applicant

Physical Business Address

Name and Address of Principal Officer or Managing Member

17. 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 are any changes.

Name of Regulatory Contact

Title

Telephone Number

Email Address

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

Toll-free customer service telephone number

19. Criminal activities statement:

- A statement detailing any criminal activities of which the Applicant or any of its affiliated interests has been charged or convicted, or which the principal or corporate officers of the Applicant or any of its affiliated interests has been charged or convicted. **Provided in Exhibit _____**
- Neither the Applicant nor its affiliated interests has been charged or convicted of any criminal activities.

20. Waiver of certification requirements: This section is applicable only to Applicants who request a waiver of any of the regulatory requirements.

* Please note that not all regulatory requirements can be legally waived.

- Applicant requests a waiver of the requirements in Section(s) _____ of this application. Please provide a detailed explanation in support of the request for a waiver below:

- No waiver requested.

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

- Delaware Certificate of Good Standing - **Exhibit** _____
- Delaware Business License - **Exhibit** _____
- Certified Financial Statements (dated within one year of filing)
Exhibit _____
*If filed under confidential seal a redacted version and attestation must be uploaded separately in DelaFile - **Exhibit** _____
- Professional resumes of each principal officer responsible for Delaware operations - **Exhibit** _____
- Bankruptcy disclosure - **Exhibit** _____
- Verification of Application - **Exhibit** _____
- Consent to Jurisdiction
- Criminal Activities Statement - **Exhibit** _____
- States in which Applicant is presently selling electricity supply or providing broker services
- States in which Applicant has any pending applications (if additional space is required) - **Exhibit** _____
- List of states in which Applicant has been denied approval as a broker and/or had its authority or license revoked (with detailed explanation) - **Exhibit** _____
- Other materials submitted in support of the application - **Exhibit** _____
- Registration of Trade, Business & Fictitious Name Certificate for each Delaware County where business will be conducted (if required)
Exhibit _____