

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

IN THE MATTER OF THE APPLICATION OF)
GEARY ENERGY, LLC FOR A CERTIFICATE)
TO PROVIDE ELECTRIC SUPPLY SERVICES) PSC DOCKET NO. 10-89
WITHIN THE STATE OF DELAWARE (FILED)
MARCH 2, 2010 AND AMENDED MARCH 8,)
2010))

ORDER NO. 7759

AND NOW, this 20TH day of April 2010:

WHEREAS, On March 2, 2010, Geary Energy, LLC ("Geary" or "Company"), filed an application seeking certification as a retail electric supplier. See 26 Del. C. §§1001(2), 1001(11), 1012(a). Geary amended their application on March 8, 2010. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),¹ "electric suppliers" are not "public utilities" and the resulting sales of electric supply service to retail customers are not subject to traditional forms of rate-regulation. See 26 Del. C. §§102(2), 202(f).

WHEREAS, In its application, the Company reports that it is an electric supplier that will utilize appropriate energy procurement strategies to meet the needs of its large commercial and industrial customers in Delaware. Staff reports that the Company's application fulfills all the requirements for an Electric Supplier Certificate to act as an electric supplier as set forth in the Commission's Rules for Certification and Regulations of Electric Suppliers (the "ES Rules"). In particular, Staff reports that the Company appears to possess the

¹ See 26 Del. C. ch. 10 (2004 Supp.), as amended by the "Electric Utility Retail Customer Supply Act of 2006," 75 Del. Laws Ch. 242 (2006).

financial, operational, managerial, and technical capabilities to operate as an electric supplier. As required by Section 2.2 of the ES Rules, the Company provided the appropriate affidavits of publication of notice of their application in the Delaware State News and The News Journal. Staff confirms that there were no comments, interventions, or protests filed in the instant docket within the required 20-day notice period. Based on Staff's report, the Commission hereby issues an Electric Supplier Certificate to Geary allowing it to offer electric supply services in this State consistent with the scheme adopted by the Act and the ES Rules.

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

1. That, pursuant to 26 *Del. C.* §1012(a) and the Commission's "Rules for Certification and Regulations of Electric Suppliers," Geary Energy, LLC is hereby granted a certificate to operate as an "Electric Supplier" within this State. Under this certificate, Geary Energy, LLC is authorized to provide Electric Supply Service within this State in accord with 26 *Del. C.* ch. 10.

2. That Geary Energy, LLC shall at all times provide its Electric Supply Service in accordance with the requirements imposed by 26 *Del. C.* ch. 10 and the Commission's "Rules for Certification and Regulations of Electric Suppliers" as presently adopted, or as may be hereafter amended or supplemented. Geary Energy, LLC is hereby notified 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 §10.2 of the "Rules for Certification and Regulations of Electric Suppliers".

3. That Geary Energy, LLC shall, pursuant to the provisions of 26 Del. C. §1012(c)(2) and §§3.9 and 3.10 of the "Rules for Certification and Regulations of Electric Suppliers," file such reports and pay such fees and assessments as may be required, or may be imposed, by 26 Del. C. §§114 and 115.

4. That Geary Energy, LLC 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. That Geary Energy, LLC 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).

6. 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