

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

IN THE MATTER OF THE APPLICATION)
OF PBF POWER MARKETING LLC FOR A)
CERTIFICATION TO PROVIDE ELECTRIC) PSC DOCKET NO. 10-162
SUPPLY SERVICES WITHIN THE STATE)
OF DELAWARE (FILED APRIL 30, 2010))

ORDER NO. 7797

AND NOW, this 6th day of July, 2010:

WHEREAS, on April 30, 2010, PBF Power Marketing LLC ("PBF" or "Company"), filed an application seeking certification as a retail electric supplier. See 26 Del. C. §§1001(2), 1001(11), 1012(a). 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, PBF reports that it is an electric supplier that will be purchasing and generating energy only for its Delaware City Refinery facility. The Company has been advised that should it ever retail energy to other customers it must advise the Commission of such change.

WHEREAS, 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").

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).

In particular, Staff reports that the Company appears to possess the 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 issues an Electric Supplier Certificate to PBF 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", PBF Power Marketing LLC, is hereby granted a certificate to operate as an "Electric Supplier" within this State. Under this certificate, PBF Power Marketing LLC is authorized to provide Electric Supply Service within this State in accord with 26 *Del. C.* ch. 10.

2. That PBF Power Marketing 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. PBF Power Marketing 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 PBF Power Marketing 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 PBF Power Marketing 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 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/ Dallas Winslow
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary