

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

IN THE MATTER OF THE APPLICATION                    )  
OF LIBERTY POWER HOLDINGS, LLC                    )  
FOR A CERTIFICATE TO PROVIDE                        )  
ELECTRIC SUPPLY SERVICES WITHIN                    )       PSC DOCKET NO. 06-380  
THE STATE OF DELAWARE                                )  
(FILED DECEMBER 14, 2006; AMENDED                )  
FEBRUARY 28, 2011)                                    )

**ORDER NO. 8004**

**AND NOW**, this 12<sup>th</sup> day of July, 2011, the Delaware Public Service Commission ("Commission") finds and Orders as follows:

1. On December 16, 2006, Liberty Power Holdings, LLC ("Liberty") filed an application (the "Initial Application") with the Commission, pursuant to Section 1012(a) of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1012(a) (the "Act") and the Commission's Rules for the Certification and Regulation of Electric Suppliers, 26 *Del. Admin. C.* §3001 *et seq.* (the "ES Rules"), seeking a certificate to act as an electric supplier in the State of Delaware. In that Initial Application, Liberty represented that it intended to provide retail electric supply service to large-sized commercial and industrial customers in Delaware. At the time of its Initial Application, Liberty did not intend to provide retail electric supply service to residential and small commercial customers in Delaware and so was not required to provide its Standard Contract for Residential and Small Commercial Customer or a link to that contract on its website, as required by Section 2.1.1.9 of the ES Rules (26 *Del. Admin. Code* §3001.2.1.1.9).

2. By Order No. 7149 dated April 3, 2007, the Commission granted Liberty's Initial Application, and Liberty received an Electric Supplier Certificate.

3. On February 28, 2011, Liberty submitted a request for an amended Electric Supplier Certificate to allow it to provide retail electric supply service to residential and small commercial customers (the "Amended Application"). In accordance with Section 2.1.1.9 of the ES Rules (26 *Del. Admin. Code* §3001.2.1.1.9), Liberty submitted its Customer Terms and Conditions (the "Contract") for Staff review.

4. Staff reviewed the Contract and advised Liberty of certain changes to the Contract that were necessary in order for the Contract to comply with Section 2.1.1.9 of the ES Rules (26 *Del. Admin. Code* §3001.2.1.1.9). Staff reports that on May 25, 2011, Liberty provided a revised Contract, and upon review of that Contract Staff believes it to be consistent with the ES Rules.

5. Staff reports that Liberty has otherwise satisfied the requirements of the Act and the ES Rules, and recommends that the Commission approve Liberty's Amended Application.

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

1. That Liberty Power Holdings, LLC's existing Electric Supplier Certificate is hereby amended to approve Liberty's Amended Application to provide retail electric supply service to residential and small commercial customers in Delaware, in addition to large-sized commercial and industrial customers in Delaware.

2. That Liberty shall at all times provide retail electric supply service in accordance with the requirements imposed by the Act and by 26 *Del. Admin. Code* §3001 *et seq.*, as presently adopted or as may be hereafter amended or supplemented. The Commission reiterates its notice to Liberty that a violation of any applicable statute, rule, or other controlling authority may be enforced by the sanctions permitted by 26 *Del. C.* §1019 and 26 *Del. Admin. Code* §3001.10.2.

3. That Staff's review of the Liberty Contract shall not be construed to be approval of the terms and conditions of said Contract.

4. That Liberty shall, pursuant to the provisions of 26 *Del. C.* §1012(c)(2) and 26 *Del. Admin. Code* §§3001.3.9 and 3001.3., file such reports and pay such fees and assessments as may be required or imposed, by 26 *Del. C.* §§114 and 115.

5. That Liberty 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 Liberty 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).

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:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary