

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
FIRST POINT POWER, LLC FOR A)
CERTIFICATE TO PROVIDE ELECTRIC SUPPLY) PSC DOCKET NO. 11-287
SERVICES WITHIN THE STATE OF DELAWARE)
(FILED JUNE 22, 2011))

ORDER NO. 8081

ELECTRIC SUPPLIER CERTIFICATE

This 20th day of December, 2011, the Commission determines and Orders the following:

1. On June 22, 2011, First Point Power, LLC ("First Point" or "Company") filed an application seeking certification as a retail electric supplier. See 26 Del. C. §§1001(3), 1001(14), 1012. 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).

2. In its application, First Point reports that it is an electric supplier that will be providing retail energy services to residential, industrial and commercial customers.

3. 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

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 its 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 has determined to issue an Electric Supplier Certificate to First Point 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", First Point Power, LLC is hereby granted a certificate to operate as an "Electric Supplier" within this State. Under this certificate, First Point Power, LLC is authorized to provide Electric Supply Service within this State in accordance with 26 *Del. C.* ch. 10.

2. That the Company 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. The Company 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.*

¹ See 26 *Del. C.* ch. 10

§§1012(a) and 1019 and §10.2 of the "Rules for Certification and Regulations of Electric Suppliers".

3. That First Point Power, 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 First Point Power, 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 First Point Power, 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary