

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF GDF SUEZ RETAIL ENERGY)
SOLUTIONS, LLC D/B/A THINK ENERGY) PSC DOCKET NO. 11-482
FOR A CERTIFICATE TO PROVIDE)
ELECTRIC SUPPLY SERVICES WITHIN)
THE STATE OF DELAWARE)
(FILED NOVEMBER 15, 2011))

ORDER NO. 8133

ELECTRIC SUPPLIER CERTIFICATE

This 17th day of April, 2012, the Commission determines and Orders the following:

WHEREAS, on November 15, 2011, GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy ("Think Energy" or "Company") filed an application seeking certification as a retail electric supplier. See 26 *Del. C.* §§1001(3), 1001(14), and 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),¹ "Electric Suppliers"² are not "public utilities" and the resulting sales of Electric Supply Service to Retail Electric Customers are not subject to traditional forms of rate regulation. See 26 *Del. C.* §§ 102(2) and 202(f); and

WHEREAS, in its application, Think Energy reports that it is an Electric Supplier that will be providing Electric Supply Service to Small Commercial Customers; and

WHEREAS, Staff reports that the Company's application fulfills all the requirements for the Company to obtain an Electric Supplier Certificate to act as an Electric Supplier as set forth in the

¹ See 26 *Del. C.* Ch. 10

² Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in 26 *Del. C.* §1001 and 26 *Del. Admin. C.* §3001.

Commission's Rules for Certification and Regulations of Electric Suppliers, 26 *Del. Admin. C.* §3001 (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. Because Staff reports that the Company has fulfilled all of the requirements for an Electric Supplier Certificate, Staff recommends that the Commission issue such an Electric Supplier Certificate to Think Energy to allow it to offer Electric Supply Service 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 GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy is hereby granted, under *Del. C.* § 1012(a) and *Del. Admin. C.* §3001, a certificate to do business and operate as an "Electric Supplier" within the State of Delaware. Under this certificate, GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy 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 26 *Del. Admin. C.* §3001 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.* §§1012(a) and 1019 and 26 *Del. Admin. C.* §3001-10.2.

3. That GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy shall file, pursuant to the provisions of 26 *Del. C.* §1012(c) (2) and §§3001-3.9 and 3.10, 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 GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy 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 GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy 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/ Jaymes B. Lester
Commissioner

/s/ Joann T. Conaway
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary