

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

IN THE MATTER OF THE ADOPTION OF)
RULES AND REGULATIONS TO IMPLEMENT)
THE PROVISIONS OF 26 *DEL. C. CH. 10*)
RELATING TO THE CREATION OF A)
COMPETITIVE MARKET FOR RETAIL) PSC REGULATION DOCKET NO. 49
ELECTRIC SUPPLY SERVICE (OPENED)
APRIL 27, 1999; RE-OPENED JANUARY)
7, 2003; RE-OPENED SEPTEMBER 22,)
2009; RE-OPENED SEPTEMBER 7, 2010))

ORDER NO. 8187

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

WHEREAS, the Commission has promulgated certain regulations pertaining to certification of electric suppliers entitled "Rules for Certification and Regulation of Electric Suppliers." See 26 *Del. Admin. C.* §3001 (the "Rules");¹ and

WHEREAS, the signatories to a certain settlement agreement reached in PSC Docket No. 10-2 agreed to consider rule changes to make electric choice more competitive;

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

1. That PSC Regulation Docket 49 is re-opened to consider further revisions to the existing Rules as set forth in 26 *Del. Admin. C.* §3001.

¹ The Rules have been amended several times since their original passage in 1999. See PSC Order Nos. 538 (Oct. 1, 1999), 7023 (Sept. 5, 2006), 7078 (Jan. 1, 2007), 7435 (Sept. 2, 2008) and 7984 (June 7, 2011).

2. That the proposed revisions will concern the "Supplier Rules" set forth in 26 *Del. Admin. C.* §§3001-1.0, 2.0, 3.0, 4.0, 5.0, 6.0, and 7.0. In addition, the purpose of the proposed revisions will be to consider rule changes to ensure electric choice for Customers² is more competitive and in compliance with the terms of the settlement agreement entered into by the parties in PSC Docket 10-2; to provide additional protection for Customers; to require Electric Suppliers to include additional details regarding the rates, terms, and conditions of service in their offers to Customers to provide Electric Supply Services; to clarify sections of the Supplier Rules; to make the certification process for Electric Suppliers more uniform; and to address any other pertinent issues that may arise.

3. That a workgroup will be formed to address the proposed revisions. The workgroup will consist of Commission Staff, the Division of the Public Advocate, Electric Suppliers, Delmarva Power & Light Company, the Retail Energy Supply Association, NRG Energy, Inc., and any other interested party who files a petition for intervention as provided in 26 *Del. Admin. C.* §1001-2.9.

4. That one or more workshops will be held starting within 45 days of the date of this Order, and the Commission Staff will publish notification of the workshop or workshops in The News Journal and the Delaware State News pursuant to 26 *Del. C.* §102A.

5. That the Commission will not now assign a Hearing Examiner to this docket, but will wait to ascertain whether the appointment of

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

a Hearing Examiner is warranted based on the level of participation of other persons in this docket.

6. That pursuant to 26 Del. C. §1012(c)(2), all Electric Suppliers are hereby notified that they will be charged the costs incurred in connection with this proceeding 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/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary