

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

IN THE MATTER OF THE APPLICATION)
OF COMMERCIAL UTILITY CONSULTANTS,)
INC. FOR A CERTIFICATE TO PROVIDE) PSC DOCKET NO. 11-311
ELECTRIC SUPPLY SERVICES WITHIN)
THE STATE OF DELAWARE (FILED JULY)
20, 2011 AND AMENDED FEBRUARY 28,)
2013)

ORDER NO. 8317

ELECTRIC SUPPLIER CERTIFICATE

This 19th day of March, 2013, the Commission determines and orders the following:

WHEREAS, on July 20, 2011, Commercial Utility Consultants, Inc. ("CUC" or the "Company") filed an application seeking certification as a retail electric supplier in order to broker the sale or purchase of Electric Supply Service¹ (the "Application"). See 26 Del. C. §§1001(3), 1001(14), 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),² "electric suppliers," which includes brokers, are not "public utilities," and, accordingly, 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);³ and

¹ Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Electric Utilities Restructuring Act of 1999, 26 Del. C. §1001 et seq.

² See 26 Del. C. Ch. 10.

³ Under the Act, a "broker" is an agent or intermediary in the sale or purchase of electricity to or by retail electric customers. Although a broker never takes "title" to the electric supply product, the Act deems a broker an "electric supplier." See 26 Del. C. §§1001(3), 1001(14).

WHEREAS, by Order No. 8008 dated August 9, 2011, the Commission granted the Company's Initial Application, and the Company received an Electric Supplier Certificate; and

WHEREAS, on February 28, 2013 CUC submitted a request for an amended Electric Supplier Certificate to allow it to provide services as a Broker to residential and small commercial customers (the "Amended Application"). In accordance with Section 2.1.1.1 of the Commission's Rules for Certification and Regulation of Electric Suppliers, 26 *Del. Admin C.* §3001 (the "Supplier Rules"), CUC submitted proof that it was authorized and qualified to do business in the State of Delaware; and

WHEREAS, Staff reports that the Company has otherwise satisfied the requirements of the Act and the Supplier Rules and recommends that the Commission approve CUC's Amended Application;

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

1. That Commercial Utility Consultants, Inc.'s existing Electric Supplier Certificate is hereby amended to allow Commercial Utility Consultants, Inc. to broker Electric Supply Service within this State in accordance with 26 *Del. C. Ch.* 10 to residential and small commercial customers in Delaware, in addition to commercial customers in Delaware.

2. That Commercial Utility Consultants, Inc. shall at all times provide its brokerage of Electric Supply Service in accordance with the requirements imposed by 26 *Del. C. Ch.* 10 and the Supplier Rules as presently adopted, or as may be hereafter amended or

supplemented. Commercial Utility Consultants, Inc. 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 §10.2 of the Supplier Rules.

3. That Commercial Utility Consultants, Inc. shall, pursuant to the provisions of 26 Del. C. §1012(c)(2) and §§3.9 and 3.10 of the Supplier Rules, file such reports and pay such fees and assessments as may be required or imposed by 26 Del. C. §§114 and 115.

4. That Commercial Utility Consultants, Inc. 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 Commercial Utility Consultants, Inc. 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/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary