

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

IN THE MATTER OF THE APPLICATION     )  
OF AMERICAN POWER PARTNERS, LLC     )  
FOR A CERTIFICATE TO PROVIDE         )     PSC DOCKET NO. 13-215  
ELECTRIC SUPPLY SERVICES WITHIN     )  
THE STATE OF DELAWARE                )  
(FILED MAY 29, 2013)                 )

**ORDER NO. 8426**

**ELECTRIC SUPPLIER CERTIFICATE**

This 30<sup>th</sup> day of July, 2013, the Commission determines and Orders the following:

**WHEREAS**, on May 29, 2013, American Power Partners, LLC ("APP" or "Company") filed an application seeking certification as a retail electric supplier. See 26 Del. C. §§1001(14) and 1012. The application does not request to certify APP as a broker pursuant to 26 Del. C. §1001(3). Under the Electric Utilities Restructuring Act of 1999 (the "Act"),<sup>1</sup> "Electric Suppliers"<sup>2</sup> 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, APP reports that it wants to become an Electric Supplier that will be providing Electric Supply Service to Residential, Commercial, and Industrial Retail Electric Customers in the State of Delaware; and

**WHEREAS**, Staff reports that the Company's application fulfills all the requirements for the Company to obtain an Electric Supplier

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<sup>1</sup> See 26 Del. C. Ch. 10

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

Certificate to act as an Electric Supplier as set forth in the Commission's Rules for Certification and Regulation of Electric Suppliers, 26 *Del. Admin. C.* §3001 (the "Supplier 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 Supplier 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 APP to allow it to offer Electric Supply Service in this State consistent with the scheme adopted by the Act and the Supplier Rules;

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

1. That American Power Partners, LLC is hereby granted, under *Del. C.* §1012(a) and 26 *Del. Admin. C.* §3001, a certificate to do business and operate as an "Electric Supplier" within the State of Delaware. Under this certificate, American Power Partners, LLC is authorized to provide Electric Supply Service within this State in accordance with 26 *Del. C. Ch.* 10.

2. That American Power Partners, LLC 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. American Power Partners, LLC 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 American Power Partners, LLC 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 American Power Partners, 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 American Power Partners, 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:

/s/ Dallas Winslow  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary