

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF RESCOM ENERGY, LLC FOR A)
CERTIFICATE TO PROVIDE ELECTRIC) PSC DOCKET NO. 13-226
SUPPLY SERVICES WITHIN THE STATE)
OF DELAWARE (FILED JUNE 6, 2013))

ORDER NO. 8439

ELECTRIC SUPPLIER CERTIFICATE

This 13th day of August, 2013, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on June 6, 2013, ResCom Energy, LLC ("ResCom" or "Company") filed an application (the "Application") seeking certification as a retail electric supplier. See 26 Del. C. §§1001(14) and 1012. The Application does not request to certify ResCom as a broker pursuant to 26 Del. C. §1001(3). 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 the Application, ResCom requests authority under Del. C. §1012(a) and 26 Del. Admin. C. §3001 to do business and operate as an "Electric Supplier" within the State of Delaware and to provide Electric Supply Service to Residential and Commercial Customers in the State of Delaware; and

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.

WHEREAS, Staff reports that the 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 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 has provided sufficient information evidencing its financial, operational, managerial, and technical capabilities to operate as an Electric Supplier. As required by Section 2.2 of the Supplier Rules, the Company also 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 ResCom 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 under 26 *Del. C.* §1012(a) and 26 *Del. Admin. C.* §3001, ResCom Energy, LLC ("ResCom") is hereby granted a certificate to do business and operate as an "Electric Supplier" within the State of Delaware. Under this certificate, ResCom is authorized to provide Electric Supply Service within this State in accordance with 26 *Del. C. Ch.* 10.

2. That ResCom 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. ResCom 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 ResCom shall file, pursuant to the provisions of 26 *Del. C. §1012(c)(2)* and 26 *Del. Admin. C. §§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 ResCom 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 ResCom 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

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary