

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

IN THE MATTER OF THE APPLICATION )  
OF CAPITAL ENERGY, INC. FOR A )  
CERTIFICATE TO PROVIDE ELECTRIC ) PSC DOCKET NO. 13-334  
SUPPLY SERVICES WITHIN THE STATE )  
OF DELAWARE )  
(FILED AUGUST 9, 2013) )

**ORDER NO. 8446**

This 27<sup>th</sup> day of August 2013, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on August 9, 2013, Capital Energy, Inc. ("Capital Energy," or the "Company") filed an application (the "Application") with the Commission seeking certification to provide Broker<sup>1</sup> services as an Electric Supplier for the sale or purchase of Electric Supply Service pursuant to 26 Del. C. 1012 and the Electric Utilities Restructuring Act of 1999, 26 Del. C. §§1001 - 1020 (the "Act"); and

**WHEREAS**, the Commission has reviewed the Application and the memo dated August 16, 2013 prepared by the Commission Staff (the "Staff") wherein Staff reports that the Application satisfies the requirements set forth in the Commission's Rules for Certification and Regulations of Electric Suppliers, 26 Del. Admin. C. §3001 (the "Supplier Rules"). In particular, Staff reports that the Company possesses the financial, operational, managerial, and technical capabilities to operate as a Broker of Electric Supply Service as required by 26 Del. Admin. C. 3001

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<sup>1</sup> Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in 26 Del. C. §1001 and 26 Del. Admin. C. §3001.

§2.1.1.5. Therefore, Staff recommends that the Commission approve the Application and grant the Company an Electric Supplier Certificate pursuant to 26 Del. C. 1012.

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

1. Capital Energy is hereby granted a certificate to broker sales and purchases of Electric Supply Services as an Electric Supplier within the State of Delaware pursuant to 26 Del. C. 1012.

2. Capital Energy is hereby notified that a violation of any applicable order, statute, regulation, 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. Pursuant to the provisions of 26 Del. C. §1012(c)(2) and 26 Del. Admin. C. §§3001-3.9 and 3.10, Capital Energy shall file such reports and pay such fees and assessments as may be required or imposed by 26 Del. C. §§114 and 115.

4. 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:

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Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary