

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF SMARTENERGY HOLDINGS, LLC FOR)
A CERTIFICATE TO PROVIDE ELECTRIC) PSC DOCKET No. 14-64
SUPPLY SERVICES WITHIN THE STATE)
OF DELAWARE)
(FILED FEBRUARY 5, 2014))

ORDER NO. 8559

ELECTRIC SUPPLIER CERTIFICATE

This 13th day of May 2014, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on February 5, 2014, SmartEnergy Holdings, LLC ("SmartEnergy" or the "Company") filed an application (the "Application") pursuant 26 *Del. C.* §1001 - §1020, the Electric Utility Restructuring Act (the "Act"), and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules"),¹ seeking certification as a retail electric supplier in order to broker the sale or purchase of Electric Supply Service. The Application does not request to certify the Company as a broker pursuant to 26 *Del. C.* §1001(3); and

WHEREAS, SmartEnergy states in the Application that it wants to become an Electric Supplier that will provide Electric Supply Service to all classes of customers throughout Delaware; and

WHEREAS, Staff reports that the Application fulfills all of

¹ Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Act and the Supplier Rules.

the requirements for the Company to obtain an Electric Supplier Certificate to act as an Electric Supplier as set forth in the Act and 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. Also, as required by §3001-2.2 of the Supplier Rules, the Company provided the appropriate affidavits of publication of notice of the 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 the Company to allow it to offer Electric Supply Service within the State of Delaware 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. SmartEnergy is hereby granted a certificate to do business and operate as an "Electric Supplier" within the State of Delaware. Under this Electric Supplier Certificate, SmartEnergy is authorized to provide Electric Supply Service within the State of Delaware consistent with and in accordance with the Act and the Supplier Rules.

2. SmartEnergy shall at all times provide its Electric Supply Service in accordance with the requirements imposed by the

Act and the Supplier Rules as presently adopted or as may be hereafter amended or supplemented. SmartEnergy 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 §§1012(a) and 1019 of the Act and §3001-10.2 of the Supplier Rules.

3. SmartEnergy shall file such reports and pay such fees and assessments as may be required or may be imposed by §§114 and 115 of the Act and §§3001-3.9 and 3.10 of the Supplier Rules.

4. SmartEnergy consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of Electric Supply Service in this State.

5. SmartEnergy is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of §114(b) (1) of the Act.

6. 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