

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
TIBIRI ENERGY GROUP LLC FOR A)
CERTIFICATE TO PROVIDE ELECTRIC)
SUPPLY SERVICES WITHIN THE STATE OF) PSC DOCKET NO. 13-501
DELAWARE (FILED DECEMBER 16, 2013;)
AMENDED JANUARY 2, 2014))

ORDER NO. 8696

AND NOW, this 6th day of January, 2015, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, pursuant to 26 *Del. C.* §1012(a) and 26 *Del. Admin. C.* §3001, on December 16, 2013, Tibiri Energy Group LLC (the "Company") filed an application (the "Application") requesting certification as a Retail Electric Supplier¹ in order to broker the sale or purchase of Electric Supply Service;² and

WHEREAS, on January 2, 2014, Company filed an amendment to the Application (the "Amended Application") which contained revised information; and

WHEREAS, 26 *Del. Admin. C.* §3001-2.1.1.5 requires that each Applicant "present **substantial evidence** supporting their financial, operational, managerial and technical ability to render service within the State of Delaware." (emphasis added); and

¹ Under 26 *Del. C.* §1001(14)(c), an "electric supplier" means a person or entity certified by the Commission that sells electricity to retail electric customers utilizing the transmission and/or distribution facilities of a nonaffiliated electric utility, including: Any broker, marketer or other entity (including public utilities and their affiliates).

² Under 26 *Del. Admin. C.* §3001-1.0, "Electric Supply Service" means the provision of electricity or electric generation service.

WHEREAS, the Commission Staff ("Staff") reported to the Commission in its Memorandum dated August 5, 2014, that the Amended Application failed to fulfill all of the requirements for an Electric Supplier Certificate to act as a Broker as set forth in the Supplier Rules and therefore recommended that the Commission not issue an Electric Supplier Certificate to the Company. This Memorandum was sent to the Commission for its review prior to the regularly-scheduled meeting to be held on December 4, 2014; and

WHEREAS, on December 3, 2014, a duly-authorized representative of the Company filed a letter with the Commission and asked for permission to withdraw its Amended Application without prejudice; and

WHEREAS, at its regularly-scheduled meeting held on December 4, 2014, the Commission voted to allow the Company withdraw its Application for certification as an Electric Supplier in the State of Delaware without prejudice (4-0); and

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

1. The Commission allows the Company to withdraw the Amended Application without prejudice.

2. 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Harold B. Gray
Commissioner

ATTEST:

/s/ Donna Nickerson
Acting Secretary