



STATE OF DELAWARE

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April 17, 2018

**MEMORANDUM**

TO: The Chair and Members of the Commission

FROM: Shona Marshall, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF THE ENERGY LINK, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED SEPTEMBER 19, 2017; FILED APRIL 4, 2018) - PSC DOCKET No. 17-1050

**Background**

On September 19, 2017, The Energy Link, LLC (the "Company") submitted an application (the "Application") with the Delaware Public Service Commission (the "Commission") for an Electric Supplier Certificate ("ESC") to broker electricity in the State of Delaware pursuant to § 1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §§ 1001 - 1020 (the "Act") and 26 *Del. Admin. C.* § 3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").<sup>1</sup>

**Application**

The Company's original filing was submitted on September 19, 2017, but the submitted Application did not meet the minimum filing requirements ("MFR's"). In a letter dated September 27, 2017, Commission Staff ("Staff") requested the Company submit marketing materials, answers to questions 15 and 16 of the Application, and Commission orders for the states of Illinois and Maryland. The Company submitted a response on December 11, 2017, however, the submission did not include a completed statement of verification. On December 12, 2017, Staff submitted a second deficiency letter requesting a statement of verification for the December 11, 2017 submission. The Company submitted the statement of verification on January 11, 2018. At this time, the Company's Delaware business license was no longer active. From January 30, 2018 through April 2018, Staff sent two notices of deficiency and exchanged email communication with the Company in an effort to correct the deficiency. The Company's response dated April 4, 2018 satisfied the requirements of the MFR's.

**Review and Analysis**

**Authority to do Business in Delaware**

The Company is limited liability company formed in the State of Georgia. The Company provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business

<sup>1</sup> Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

in the State of Delaware. The Delaware certificate of good standing was issued August 31, 2017. The current Delaware business license was issued November 27, 2017 and is valid from January 1, 2018 through December 31, 2018.

#### Resident Agent

The Company supplied the contact information for a Delaware Registered Agent listed in the Application as Registered Agent Solutions, Inc., located at 1679 S. DuPont Hwy., Suite 100, Dover, DE 19901.

#### Compliance with Regional Requirements

The Company agreed to only work with an entity that complies with PJM's requirements and is a certified electric supplier in Delaware.

#### **Financial, Operational, Managerial and Technical Ability**

The Company provided a copy of its Balance Sheet, Profit & Loss Statement as of December 31, 2016 as indicia of financial capability under Section 2.2.16.2 of the Supplier Rules in its initial Application. Staff has reviewed the Balance Sheet and Profit & Loss statements and the Company has satisfied the requirements of the Supplier Rules for purposes of brokering electric supply services in the State of Delaware.

The Company anticipates serving Small and Large Commercial customers throughout the State of Delaware. The Company's Application states that it is currently licensed in the states of Illinois, Maryland, and Pennsylvania.

The Application included a summary of experience and qualifications for its officer. Darren M. Novich is the Founding Partner of The Energy Link, LLC. He has been an officer of the Company since 2008. He possesses over 17 years of managerial experience and energy industry experience.

#### Surety Bond

The Company did not post a surety bond because there are no service agreements between the Company and any Delaware Electric Distribution Company.

#### Verification of Application

The Application and subsequent filings to the Application contained a signed sworn verification of application with the signature of Darren M. Novich.

#### Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

#### Contracts

The Company has not submitted copies of customer contracts or marketing materials designed for use in the State of Delaware because it will operate as a broker.

#### Statement of Criminal Activity

The Applicant stated that it has not been charged or convicted of any criminal activity nor have any of its principals or corporation offices. An internet review of the Company and its principals did not return any incidents of criminal activity.

#### **Legal Review**

Staff submitted this Memo for review by the Attorney on April 17, 2018.

### **Staff Recommendation**

Based on Staff's review and analysis of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The completed Application supports the Company's request for certification. Staff's review and analysis of the Application demonstrates substantial evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.