




STATE OF DELAWARE

**PUBLIC SERVICE COMMISSION**  
861 SILVER LAKE BLVD.  
CANNON BUILDING, SUITE 100  
DOVER, DELAWARE 19904

November 25, 2019

**MEMORANDUM**

TO: The Chairman and Members of the Commission

FROM: Shona Marshall, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF TRANSPARENC E ENERGY SERVICES, LLC, FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED AUGUST 22, 2019; FILED OCTOBER 31, 2019) - PSC DOCKET No. 19-0552

**Background**

On August 22, 2019, TransparencE Energy Services, LLC (“TransparencE” or the “Company”) submitted an application (“Application”) with the Delaware Public Service Commission (“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 August 22, 2019, but the submitted Application was deficient in meeting the minimum filing requirements (“MFRs”). In a letter dated September 20, 2019, Commission Staff (“Staff”) requested the Company provide documentation related to its legal name, state of formation certificates, authorization to do business in Delaware, corporate structure, toll-free number, financial capability, retail experience, and marketing plans and materials. The Company’s response dated September 25, 2019 did not satisfy the requirements of the MFR’s and Staff issued two additional letters of deficiency on October 7, 2019 and October 17, 2019. The Company satisfied the requirements of the MFRs on October 31, 2019.

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

## **Review and Analysis**

### **Authority to do Business in Delaware**

TransparencE is a limited liability company formed in the State of Maryland. The Company provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of Delaware. The Delaware Certificate of Good Standing was issued August 16, 2019. The Delaware business license was issued August 16, 2019 and is valid from September 2, 2019 through December 31, 2019.

### **Resident Agent**

The Company supplied the contact information for Tom D'Ambrogi located at 36314 Seagrass Way, Selbyville, DE 19975.

### **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 submitted a quarterly Profit and Loss Summary Statement, Statement of Cash Flows, and Profit and Loss Statement for January 1, 2019 through October 29, 2019. The Company also submitted a Balance Sheet as of October 29, 2019, as indicia of financial capability under Section 2.2.16.2 of the Supplier Rules. Staff has reviewed the financial statements supplied by the Company. The Company has satisfied the financial ability requirements of the Supplier Rules to broker electric supply services in the State of Delaware.

TransparencE anticipates serving small commercial, large commercial, and industrial customers throughout the State of Delaware. The Company is currently licensed to broker electricity in the State of Maryland and the Commonwealth of Pennsylvania.

The Application included a summary of experience and qualifications for key personnel. Brendan P. Hartman is the founder of TransparencE and has served as the President since September of 2018. Mr. Hartman possesses approximately four years of managerial experience and has been in the energy industry for over five years.

### **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 Brendan P. Hartman, President.

### **Consent to Jurisdiction**

The Company consents to the jurisdiction of the Delaware courts.

### **Contracts and Marketing Materials**

The Company has provided a letter of authorization that will be used for customers in the State of Delaware, but the Company does not have any marketing materials that will be used in Delaware at this time. The Company is a broker and is not required to submit contracts for Staff's review.

#### Statement of Criminal Activity

The Company 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 November 25, 2019.

#### 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 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.