



Filing Instructions for a Delaware Certified Electric Suppliers/Broker Acquiring Ownership of a Delaware Certified Electric Supplier/Broker

I. Where to File: Applications should be filed in the Commission’s electronic filing system, DelaFile, which can be accessed at <https://delafile.delaware.gov/>

II. What to File: The acquiring Delaware Electric Supplier Certificate holder (“ the Applicant”) must use the attached form to submit the Application. (Please remove this instruction sheet prior to filing). To submit an application please provide the **\$100 non-refundable application fee**, all exhibits, affidavits, and other attachments. All exhibits should be clearly identified. For example, Exhibit A should be marked “Exhibit A – Delaware Certificate of Good Standing.” Each exhibit should be attached as a separate document to the filing in DelaFile.

III. Confidentiality: All information disclosed in this application is considered public information unless specifically labeled confidential. The Applicant has the responsibility to disclose to the Commission Secretary what is privileged or confidential information not otherwise available to the public. The Applicant should **attach in DelaFile one copy of all confidential information, documents should be stamped “CONFIDENTIAL” at the top in clear and conspicuous letters, the security level for this document in DelaFile should be designated “confidential”;** a separate redacted version of all confidential documents should be attached to the filing in DelaFile, and the security level in DelaFile should be designated “public.” If your Application includes confidential information, please complete Attachment C. For more information, see 26 *Del. Admin. C.* § 1001 – Rules of Practice and Procedure of the Delaware Public Service Commission.

IV. Material Changes: Applicants shall inform Staff of any material changes in any information submitted in the application that occur from the time the application is submitted to the time the Commission considers the application. Failure to provide such notice within ten (10) Business Days after any material change may be grounds for rejection of this application.

Questions regarding this application: Please contact Clishona Marshall at (302) 736-7539 or email at Clishona.Marshall@delaware.gov or Islah Causey at (302) 736-7563 or email at islah.causey@delaware.gov.

Incomplete applications or those not including the necessary fees, supporting documentation or information may be rejected and processing delayed. The Applicant must then refile the application with the required information and filing fee.

If the application when submitted and reviewed is found to be deficient, the Applicant will be given the opportunity to provide the additional information; however, an incomplete or abandoned application will be closed four (4) months after the initial filing date, unless such time period is extended by the Commission.

REFER TO 26 Del. Admin. C. § 3001 FOR SPECIFIC INFORMATION REQUIRED. UNLESS OTHERWISE NOTED, CAPITALIZED TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN 26 Del. Admin. C. § 3001. COMMISSION STAFF MAY REQUEST ADDITIONAL INFORMATION IN ORDER TO COMPLETE THE PROCESSING OF THE APPLICATION.



Section I – Applicant Information

Applicant Name: _____

Applicant Mailing Address: _____

Applicant Street Address (if different): _____

Delaware Electric Supplier Certificate (“ESC”):

Docket No: _____

Order No: _____

ESC Type:

- Broker
- Supplier

Certified within the last 12 months?

- Yes
- No

Authority to do Business in Delaware:

- Provide a Certificate of Good Standing issued by the Delaware Secretary of State dated within the past 12 months certifying that the Applicant is in good standing and qualified to do business in Delaware. Provided in **Exhibit** _____
- Provide a copy of the Applicant’s Delaware Business License certifying that the Applicant is registered and/or qualified to do business in Delaware. Provided in **Exhibit** _____

Corporate Structure: Applicant shall provide a description of the Applicant’s corporate structure, including all parent, affiliated, and subsidiary companies.

A graphical depiction of such structure is **required**. Provided in **Exhibit** _____

Regulatory Contact Person: This person will be the Commission’s main point of contact and the initial point of contact regarding this Application. The Commission will also send any correspondence to this person.

Name of Regulatory Contact

Title

Telephone Number

Email Address

Section II – Acquired Company Information

Company Named: _____

ESC Docket No: _____

ESC Order No.: _____

ESC Type:

- Broker
 Supplier

Types of Customers: *Check all that apply*

- Residential Large Commercial
 Industrial Small Commercial

Does the Applicant intend to change the name of the Company? Applicants with a d/b/a must submit a copy of the Registration of Trade, Business & Fictitious Name Certificate for each of the three Delaware counties.

- Yes
 No

New Name: _____

Section II - Any other Information:

- Other material submitted in support of the Application. Provided in Exhibit _____
 No other supporting material is provided

Section III – Verification and Compliance

Verification of Application: The Application must be accompanied by a signed, notarized verification of a principal officer of the Applicant stating that all information in the Application is true and correct as filed to the best of the principal's or officer's belief. Where the Applicant is a corporation or an association, the verification shall be signed by an officer thereof and notarized. (*See Attachment A for an example*)

General Compliance: Please complete the "Affidavit of General Compliance" in Attachment B.

REPORTING REQUIREMENTS FOR ELECTRIC SUPPLIERS

Applicant agrees to provide the following information to the Commission:

- Electric Supplier Annual Report due April 30th of each year
- Required 10-Day notifications provided in 26 *Del. Admin. C.* § 3001 section 12.2
- Required 30-Day notifications provided in 26 *Del. Admin. C.* § 3001 section 12.3
- Green Power Products reports provided for in 26 *Del. Admin. C.* § 3001 section 13.4
- Net Metering reports provided for in 26 *Del. Admin. C.* § 3001 section 15.11
- Annual Gross Revenue Return and Statement of Assessment due March 31st of each year
- Annual Financial Report due April 30th of each year

REPORTING REQUIREMENTS FOR BROKERS

Applicant agrees to provide the following information to the Commission:

- Electric Supplier Annual Report Due April 30th of each year
- Required 10-Day notifications provided in 26 *Del. Admin. C.* § 3001 section 12.2
- Required 30-Day notifications provided in 26 *Del. Admin. C.* § 3001 section 12.3

By (signature)

Typed or Printed Name

Title

Attachment A

VERIFICATION

STATE OF _____)
) SS
COUNTY OF _____)

On this _____ day of _____, 20____, personally came before me, the subscriber, a Notary Public in and for the state and county aforesaid, _____ [name of individual who is signing] as the _____ [authority of individual or title of individual who is signing, e.g., President, Vice President, Sole Member/Manager, Trustee, etc.] of _____ [name of company or entity that is filing], known to me personally to be such or having presented to me satisfactory evidence of identity, and acknowledged this document to be [his or her] act and deed and the act and deed of such _____ [type of filer, e.g. corporation, limited liability company, etc.], that the signature of such individual is in [his or her] own proper handwriting, and that the facts set forth in this _____ [type of filing, e.g., application, petition, etc.] are true and correct to the best of [his or her] knowledge, information, and belief.

Signature of individual
Printed Name: _____

SIGNED AND SWORN (OR AFFIRMED) before me on this ____ day of _____, 20____, by _____ (name of individual who signed above).

SEAL

Signature of Notarial Officer

Title (e.g., Notary Public)

My Commission Expires:
_____, 20____

Attachment B

APPLICATION AFFIDAVIT

STATE OF)
) SS
COUNTY OF)

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He/she is the _____ (Office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That the Applicant herein certifies to the Commission that:

The Applicant agrees to comply with all applicable Federal and state consumer protection and environmental laws and regulations, and Delaware PSC regulations, fees, assessment, and reporting requirements;

The Applicant has obtained all the licenses and permits required to operate the proposed business in the State of Delaware;

That the Applicant has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be certified as an Electric Supplier pursuant to 26 Del. Admin. C. § 3001;

That the Applicant has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required;

That the Applicant acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents;

That the Applicant acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission and/or Commission Staff;

That as a condition of receiving an Electric Supplier Certificate, the Applicant agrees that it must comply with and ensure that its employees, agents, representatives, and independent contractors comply with the customer protections set forth in Commission regulations at 26 Del. Admin. C. § 3001, as well as any future amendments. Further, that Electric Suppliers and Brokers are responsible for any false, fraudulent, deceptive or unlawful marketing or billing acts performed by their Agents in the conduct of marketing or sales activities on behalf of the Electric Supplier or Broker; and

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of individual
Printed Name: _____

SIGNED AND SWORN (OR AFFIRMED) before me on this ____ day of _____, 20__, by _____ (name of individual who signed above).

SEAL

Signature of Notarial Officer

Title (e.g., Notary Public)

My Commission Expires:
_____, 20__

Attachment C

Attestation of Submission of Confidential, Proprietary, and Privileged Material
Per 26 Del. Admin. C. § 1001-1.11

I, [NAME], [TITLE] of [COMPANY/ORGANIZATION], do hereby attest, under penalty of perjury, that [DESCRIPTION OF DOCUMENT / INFORMATION] is 1) not a “public record” as defined by 29 Del. C. § 10002(o) because it is [DESCRIPTION OF REASON AND SPECIFIC EXEMPTION UNDER 29 Del. C. § 10002(o)]; and 2) is not subject to inspection by either the public or by other parties unless an appropriate proprietary agreement is executed.

As such, I request that the Delaware Public Service Commission accord confidential treatment to [DESCRIPTION OF DOCUMENT / INFORMATION] in accordance with 26 Del. Admin. C. § 1001-1.11.

In compliance with 26 Del. Admin. C. § 1001-1.11.3, I have submitted, attached to this Attestation, for filing a copy of the document described above without the confidential information, with an indication that the claimed confidential information has been deleted.

Executed [DATE]

[NAME]

[STATE]

[COUNTY]

Sworn to and subscribed before me on [DATE] by [NAME]

[NOTARY NAME]

[NOTARY SEAL]

My commission expires: _____

Required Items for Ownership Transfer Applications – Application may be rejected if documents are not available at the time of submission.

- Delaware Certificate of Good Standing **Exhibit _____**
- Delaware Business License **Exhibit _____**
- Graphical Depiction of Corporate Structure **Exhibit _____**
- Registration of Trade, Business & Fictitious Name Certificate for each Delaware County where business is expected to be conducted (if D/B/A is used) **Exhibit _____**
- PJM Acknowledgement of name change (if applicable) **Exhibit _____**
- Verification of Application (Attachment A)
- Application Affidavit (Attachment B)
- Affidavit of General Compliance (Attachment C) (if applicable)