



STATE OF DELAWARE

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

August 29, 2023

MEMORANDUM

TO: The Chairman and Members of the Commission

FROM: Samantha B. Kayne, Public Utility Analyst

SUBJECT: IN THE MATTER OF THE APPLICATION FOR A PRELIMINARY CERTIFICATE TO OPERATE FOR SUSSEX CSG 2 LLC COMMUNITY ENERGY FACILITY LOCATED AT 34112 DUPONT BLVD, FRANKFORD, DE 19945, PARCEL #443-06.00-0018.00
(FILED DECEMBER 6, 2022) - PSC DOCKET No. 22-1174

Background

On December 6, 2022 Sussex CSG 2 LLC (the “Company”) submitted an application (the “Application”) with the Delaware Public Service Commission (the “Commission”) for a Preliminary Certificate to Operate (“PCTO”) to provide a solar community-owned energy generating facility in the State of Delaware pursuant to §1014 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, Net Metering, and Community Energy Facilities (the “Community Energy Facility Rules”).¹

Application

The Company filed its Application and supporting documents on December 6, 2022, and filed additional documents on January 4, 2023 and August 24, 2023. The Application met the minimum filing requirements (“MFRs”).

Review and Analysis

Authority to do Business in Delaware

The Company was formed in the State of Delaware. 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 October 28, 2022. The

¹Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Community Energy Facility Rules.

Delaware business license was issued January 4, 2023 and is valid from January 1, 2023 through December 31, 2023.

Resident Agent

The Company supplied the contact information for Cogency Global Inc located at 850 New Burton Rd, Suite 201, Dover, DE 19904.

Compliance with State and Federal Regulatory Commission

The Company agreed to comply with all applicable Federal and State consumer protection and environmental laws and regulations, and the Delaware PSC, fees, assessment, and reporting requirements.

Managerial and Operational Ability

The Company submitted the following as proof that it possesses the managerial and operational ability to adequately serve the public consistent with applicable State laws.

Verification of Application

The Application contained signed sworn verification with the signature of Rafael Dobrzynski.

Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

Proof of Site Control

The Company submitted proof of site control for the parcel where the Community Energy Facility will be located.

Interconnection Feasibility

The Company submitted a copy of the completed interconnection study from Delmarva Power.

Legal Review

This Memo was reviewed by Staff counsel.

Staff Recommendation

Based on Staff's review and analysis of the Application, the Company has satisfied the requirements of the Act and the Community Energy Facility Rules to receive a Preliminary Certificate to Operate a community-owned energy generating facility located at 34112 Dupont Blvd, Frankford, DE 19945, Parcel #433-06.00-0018.00. Therefore, Staff recommends the Commission approve the Application.