



Filing Instructions for Community Energy Facilities – Final Certificate to Operate

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: Applicant should file a new Docket Filing and should type the following docket caption when filing the application in DelaFile:

IN THE MATTER OF THE APPLICATION FOR A FINAL CERTIFICATE TO OPERATE FOR
[NAME OF FACILITY IF APPLICABLE] COMMUNITY ENERGY FACILITY WHICH WAS
ISSUED A PRELIMINARY CERTIFICATE TO OPERATE IN DOCKET NO [DKT #] AND IS
LOCATED AT [NUMBER STREET, CITY, STATE, ZIP] PARCEL #[NUMBER] (FILED
[MONTH DAY, YEAR])

Applicant must use the Final Certificate to Operate application posted at <https://dep.sc.delaware.gov/community-energy-facilities/>. (Please remove this instruction sheet prior to filing). There is no filing fee for the Application for a Final Certificate to Operate. Please provide all exhibits, affidavits, and other attachments. All exhibits should be clearly identified. For example, Exhibit A should be marked “Exhibit A – Registration of Trade, Business & Fictitious Name.” 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 it asserts may qualify as 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. Incomplete or Deficient Applications: Incomplete applications or those not including the necessary supporting documentation or information may be rejected and/or processing may be delayed. The Applicant must then refile the application with the required information.

If the submitted application 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.

Questions, contact patricia.gannon@delaware.gov and samanatha.kayne@delaware.gov

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 PROCESS THE APPLICATION.



Application for Community Energy Facility
Final Certificate to Operate

A. **Preliminary Certificate to Operate Docket No.:** _____

B. **Company Name:** _____

C. **Changes to the Preliminary Certificate to Operate:** Have the answers to questions 1 through 8, listed below, changed since the submission of the Preliminary Certificate to Operate Application?

- ☐ No, there have been no changes and the answers below match the information submitted in the Preliminary Certificate to Operate.
- ☐ Yes, there have been changes to the information. Please summarize the reason for the changes (including any change in ownership of the CEF):

D. **Prior to filing an Application for a Final Certificate to Operate with the PSC**, the CEF must provide Delmarva Power with 1) a description of the energy generating facility and 2) a complete interconnection application.

- ☐ No, the required information has not been provided to Delmarva Power
- ☐ Yes, the required information has been provided to Delmarva Power

1. **Legal name of Applicant and the name under which the Applicant proposes to do business in Delaware¹.**

1a. Applicant _____

1b. Parent Company (if applicable) _____

d/b/a name (if applicable) _____

- ☐ 1d. If applicable, **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 in which it operates. Provided in **Exhibit** ____.
- ☐ 1e. Provide a list of names under which the Applicant, its Affiliated Interests, or any current or previous officer, director, or manager has previously done business in Delaware. Provided in **Exhibit** ____.

¹ If facility is sold or transferred (either before or during operation) to a different legal entity, the owner of the new legal entity must promptly provide updated billing and payment information to Delmarva.

1f. Tax Identification or Employer Identification Number: _____

1g. Company Mailing Address: _____

1h. Physical Address, including parcel number, of Community Energy Facility:

1i. Identify the functions that the Applicant will undertake on its own behalf.

Develop	<input type="radio"/>	Own	<input type="radio"/>	Operate	<input type="radio"/>
Finance	<input type="radio"/>	Solicit Subscribers	<input type="radio"/>		
Build	<input type="radio"/>	Manage Subscriptions	<input type="radio"/>		

2. State of Formation Certifications:

State of Formation: _____

- ☐ 2a. Provide a Certificate of Good Standing issued by the Secretary of State of the state of formation or incorporation (if different from the State of Delaware) dated within the past 12 months certifying that the Applicant is in good standing and qualified to do business in the state of formation or applied for a waiver of this requirement. Provided in **Exhibit** _____.
- ☐ 2b. Provide a copy of the Applicant's Business License certifying that the Applicant is registered and/or qualified to do business in the state of formation or incorporation (if different from the State of Delaware) or applied for a waiver of this requirement. Provided in **Exhibit** _____.

3. Authority to do Business in Delaware:

- ☐ 3a. 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** _____.
- ☐ 3b. Provide the **permanent** 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** _____.

4. Delaware Registered Agent: Each Applicant shall provide a designation in writing of the name and address of a person resident within the State of Delaware upon which service of any notice, order or process may be made. This information must be updated if changed.

Name

Address

Phone

Email Address

5. **Leadership:** Provide the names, titles, addresses, and telephone numbers of the Applicants' principal officers, directors, partners, or other similar officials. Provided in **Exhibit** _____.

6. **Corporate Structure:**

6a. Each Applicant shall provide a description of the Applicant's corporate structure, including any Affiliated Interests engaged in operations in the United States related to energy.

If additional space needed, Provide in **Exhibit** _____.

6b. A graphical depiction of such structure is required. Provided in **Exhibit** _____.

7. **Regulatory Contact Person:** This person is responsible for the Community Energy Facility's Delaware operations and 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

Address

Phone

Email Address

8. **Website Address** _____

9. **Subscriber Complaint Contact Person:** The contact information for a Subscriber complaint person, if different from the Regulatory Contact Person.

Name

Address

Phone

Email Address

10. **Applicant's Attorney:** This person may be the secondary contact for resolving complaints filed with the Commission. The Commission may also send any correspondence to this person. This information is required to be updated if there is a change.

Name of Attorney

Title

Firm

Phone

Email Address

☐ **No Attorney**

11. **Customer Service number:** A telephone number to the Applicant's Subscriber service center where Subscribers may call with questions about the Community Energy Facility's services, including Contract and Contract Summary.

Telephone Number

12. **Consent to Jurisdiction:**

Applicant consents to the jurisdiction of the Delaware courts for acts or omissions arising from the Community Energy Facility's and its Agent's activities in the State of Delaware.

By (signature)

Typed or Printed Name

Title

13. **Criminal Activities Statement:**

- ☐ Provide a statement by the Applicant detailing any criminal activities related to fraud or financial misconduct of which the Applicant, any of its Affiliated Interests, officers, and directors (and prior officers and directors who left the Applicant's employ less than three (3) months before the filing of the application) have been convicted. Any criminal disclosure shall include a copy of any order of conviction and restitution. Provided in **Exhibit** ____.
- ☐ Neither the Applicant nor its affiliated interests, officers or directors have been charged or convicted of any felonies.

14. **Criminal Background Checks:** Provide a statement that the Applicant (or its Agent) will run criminal background checks on any person engaged to conduct Door-to-Door Sales on its behalf, obtaining and reviewing the criminal history results for crimes committed against a person as outlined in Sections 16.2.4.1.7.2.1 - 16.2.4.1.7.2.4 in 3001 Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities.
Provided in **Exhibit** ____.

15. **Contracts and Contract Summary:** At the time of the filing, the Applicant shall provide its Standard Contract and Contract Summary for Residential and Small Commercial Customers. Such contract is subject to review by the Commission Staff and, if Staff determines that such contract is not consistent with the Community Energy Facility rules, Staff shall have the authority to require changes in order to make it consistent with the Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities, or the Applicant faces denial of its Final Certificate to Operate by the Commission after a hearing. **Such contract shall be in clear and plain language and include explicit terms and conditions which at a minimum contain all the requirements from Section 16.5 in 3001 of the Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities.**
Provided in **Exhibit** ____.

16. **Marketing Materials:** Provide a statement by the Applicant that it (or its Agent) will retain copies of all print, broadcast, electronic media, telecommunication, direct mail or in-person written marketing materials, including but not limited to scripts for Telemarketing, advertisements, website presentations, social media posts or advertisements, and any other material of a similar nature, that the Applicant (or its Agent) will use to market and promote its products to Delaware Residential and Small Commercial Customers, and will furnish them to the Commission, DPA, and Consumer Protection Unit upon request. Marketing conducted by a lead generation firm is not exempt from this requirement.

Provided in **Exhibit** _____.

17. **Surety Bonds:** Provide a Community Energy Facility bond executed by a company authorized to transact surety business in the State of Delaware by the Department of Insurance. The amount of the bond shall be \$10,000 plus \$25,000 per each megawatt of capacity (AC) in excess of 1 megawatt. Total capacity must be rounded up to the nearest whole MW to arrive at bonding amount. The bond should be payable to Delaware Public Service Commission and must comply with **the requirements from Section 16.2.4.1.10 in 3001 of the Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities.**

Provided in **Exhibit** _____.

Name of Authorized Company

Phone

Email Address

Bond Amount

18. **Bankruptcy Disclosure:**

☐ See **Exhibit** _____ for detailed statement of all bankruptcy proceedings filed by the Applicant in the past 60 months.

☐ Neither the Applicant nor its affiliated interests has filed bankruptcy in the past 60 months.

19. **Description of the Nature of the Business Being Conducted:** Provide a statement by the Applicant with a description of the services it plans to offer in the State, including the types of Subscribers to be served and services provided. If more space is required, please attach a separate sheet of paper with the above information. Provided in **Exhibit** _____.

Description of service:

Types of Customers: *Check all that apply*

☐ Residential

☐ Small Commercial

☐ Large Commercial

☐ Industrial

20. **Relevant Community Energy Facility Experience of Each Principal Officer Responsible for Delaware Operations.** In order to fulfill the requirements of the Rules for Certification and Regulation of Electric Suppliers, Net Metering, and Community Energy Facilities, an Applicant must present substantial evidence of managerial and operational capabilities. The Applicant must submit, in an attachment, detailed professional resumes including dates, jobs/job titles and duties for each principal officer responsible for operations in Delaware. **If no such experience is applicable, the Applicant shall identify the means by which the Applicant proposes to support its managerial and operational capabilities for the sale of subscriptions in the State.**
Provided in **Exhibit** _____.

21. **List of states or federal jurisdictions in which the Applicant or any of its Affiliated Interests has been granted approval to sell subscriptions or act as a Community Energy Facility or similar structure.** Please include states where a license or approval is not required but where the Applicant has sold subscriptions or acted as a Community Energy Facility or similar structure.

☐ 21a. If more space is required, please attach a separate sheet of paper with the above information.
Provided in **Exhibit** _____

State: _____	Status: _____	Type of License: _____	License/Certificate No: _____	Date Issued: _____
State: _____	Status: _____	Type of License: _____	License/Certificate No: _____	Date Issued: _____
State: _____	Status: _____	Type of License: _____	License/Certificate No: _____	Date Issued: _____
State: _____	Status: _____	Type of License: _____	License/Certificate No: _____	Date Issued: _____
State: _____	Status: _____	Type of License: _____	License/Certificate No: _____	Date Issued: _____
State: _____	Status: _____	Type of License: _____	License/Certificate No: _____	Date Issued: _____

☐ 21b. Applicant is required to provide a copy of any document, order, or decree for each state.
Provided in **Exhibit** _____.

☐ 21c. Applicant or any of its Affiliated Interests has not been granted approval in other states.

22. **List of states or federal jurisdictions in which the Applicant or its Affiliated Interests has been denied approval to sell subscriptions or act as a Community Energy Facility.** Please include the case number, venue, and final orders and settlement agreements for each case identified.

☐ 22a. If more space is required, please attach a separate sheet of paper with the above information.
Provided in **Exhibit** _____

State: _____	Case Number: _____	Venue: _____	Final Order No: _____	Date Issued: _____
State: _____	Case Number: _____	Venue: _____	Final Order No: _____	Date Issued: _____

☐ 22b. If the Applicant has been denied approval by a state Commission, please provide a detailed explanation for each state Provided in **Exhibit** _____

☐ 22c. Applicant is required to provide a copy of any document, order, or decree for each state.
Provided in **Exhibit** _____.

☐ 22c. Applicant has never been denied approval to sell subscriptions or act as a Community Energy Facility.

23. **List of states or federal jurisdictions in which the Applicant or its Affiliated Interests has had its authority revoked, modified, or suspended or been found in violation of, or is the subject of pending investigation regarding a state's laws, rules, or regulations relating to Community Energy Facility or similar structures.** Please include the case number, venue, and final orders and settlement agreements for each case identified

- ☐ 23a. If more space is required, please attach a separate sheet of paper with the above information. Provided in **Exhibit** _____

State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____

State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____

- ☐ 23b. If applicable, please provide a detailed explanation for each state. Provided in **Exhibit** _____.

- ☐ 23c. Applicant is required to provide a copy of any document, order, or decree for each state or jurisdiction. Provided in **Exhibit** _____.

- ☐ 23d. This is not applicable to Applicant.

24. **List of states or federal jurisdictions in which the Applicant, any of its Affiliated Interests, or any current or prior officer, principal or director has had any other adverse judicial or regulatory action pertaining to the provision Community Energy Facility services or the violation of state or federal consumer protection laws, including any formal docketed complaints.** Please include the case number, venue, and final orders and settlement agreements for each case identified.

- ☐ 24a. If more space is required, please attach a separate sheet of paper with the above information. Provided in **Exhibit** _____

State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____

State: _____ Case Number: _____ Venue: _____ Final Order No: _____ Date Issued: _____

- ☐ 24b. If applicable, please provide a detailed explanation for each state or jurisdiction. Provided in **Exhibit** _____

- ☐ 24c. Applicant is required to provide a copy of any document, order, or decree for each state or jurisdiction. Provided in **Exhibit** _____.

- ☐ 24d. This is not applicable to Applicant.

25. **Please provide a list of states or federal jurisdictions in which the Applicant or any of its Affiliated Interests has entered into a stipulation or consent decree in a formal docketed proceeding in the past five years concerning its provision of Community Energy Facility Services or the alleged violation of state or federal consumer protection laws in which the Community Energy Facility agreed to pay a civil penalty, provide customer restitution, or make changes to its marketing, sales, billing, or collections practices.**
- ☐ 25a. List Provided in **Exhibit** ____.
- ☐ 25b. Applicant is required to provide a copy of any document, order, or decree for each state. Provided in **Exhibit** ____.
26. **Please provide a copy of any settlement, adjudication, or court order with respect to an action filed by a state Attorney General, the Federal Trade Commission, or U.S. Department of Justice concerning the Applicant's participation in retail or wholesale energy markets. Provided in Exhibit ____.**
27. **Any other Information:**
- ☐ Other material submitted in support of the Application. Provided in **Exhibit** ____.
- ☐ No other supporting material is provided.
28. **Waiver of Certification Requirements:** Only applicable to Applicants requesting a waiver for good cause.
- ☐ Applicant requests a waiver of the requirements in Section(s) ____ of the Community Energy Facilities' rules. Please provide a detailed explanation and supporting documentation in support of the request. Provided in **Exhibit** ____.
- ☐ No waiver requested.
29. **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*). Verification is provided in **Exhibit** ____.
30. **General Compliance:** Please complete the "Application Affidavit" in *Attachment B*. Provided in **Exhibit** ____.

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).

Signature of Notarial Officer

SEAL

Title (e.g., Notary Public)

My Commission Expires:

_____, 20____

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).

Signature of Notarial Officer

SEAL

Title (e.g., Notary Public)

My Commission Expires:

_____, 20__

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) (l) because it is [DESCRIPTION OF REASON AND SPECIFIC EXEMPTION UNDER 29 Del. C. § 10002(l)]; 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 SEAL]

[NOTARY NAME]

My commission expires: _____

Checklist of Required Items for Final Certificate to Operate.

Numbers below refer to the Question # on the Application.

See Application for detailed requirements.

- | | | |
|--------------------------|--|----------------------|
| <input type="checkbox"/> | 1d. Registration of Trade, Business & Fictitious Name Certificate for each Delaware County where business is expected to be conducted | Exhibit _____ |
| <input type="checkbox"/> | 1e. Identity of Applicant-previously done business in Delaware | Exhibit _____ |
| <input type="checkbox"/> | 2a. Certification Documents from the state of formation or incorporation | Exhibit _____ |
| <input type="checkbox"/> | 2b. Business License if different from Delaware | Exhibit _____ |
| <input type="checkbox"/> | 3a. Delaware Certificate of Good Standing | Exhibit _____ |
| <input type="checkbox"/> | 3b. Delaware Business License | Exhibit _____ |
| <input type="checkbox"/> | 5. Leadership Information | Exhibit _____ |
| <input type="checkbox"/> | 6a. Description of Corporate Structure/Affiliated Interests in Energy | Exhibit _____ |
| <input type="checkbox"/> | 6b. Graphical Depiction of Corporate Structure | Exhibit _____ |
| <input type="checkbox"/> | 13. Criminal Activities Statement | Exhibit _____ |
| <input type="checkbox"/> | 14. Criminal Background Checks | Exhibit _____ |
| <input type="checkbox"/> | 15. Contracts and Contract Summary | Exhibit _____ |
| <input type="checkbox"/> | 16. Marketing Plans and Materials | Exhibit _____ |
| <input type="checkbox"/> | 17. Surety Bond | Exhibit _____ |
| <input type="checkbox"/> | 18. Bankruptcy Disclosure | Exhibit _____ |
| <input type="checkbox"/> | 19. Description of the Nature of Business Being Conducted | Exhibit _____ |
| <input type="checkbox"/> | 20. Relevant Retail Experience | Exhibit _____ |
| | <i>*If filed under confidential seal a redacted version and attestation (see Attachment C) must be uploaded separately in DelaFile</i> | |
| <input type="checkbox"/> | 21a. List of states or federal jurisdictions in which the Applicant or any of its Affiliated Interests has been granted approval to sell subscriptions | Exhibit _____ |
| <input type="checkbox"/> | 21b. Copy of orders/decision issues from each state utility commission | Exhibit _____ |
| <input type="checkbox"/> | 22a. List of states or federal jurisdictions in which the Applicant or its Affiliated Interests has been denied approval to sell subscriptions | Exhibit _____ |
| <input type="checkbox"/> | 22b. If applicable, provide a detailed explanation for each state | Exhibit _____ |
| <input type="checkbox"/> | 22c. If applicable, provide a copy of any document, order or decree for each state or jurisdiction. | Exhibit _____ |
| <input type="checkbox"/> | 23a. List of states or federal jurisdictions in which the Applicant or its Affiliated Interests has had its authority revoked | Exhibit _____ |
| <input type="checkbox"/> | 23b. If applicable, provide a detailed explanation for each state | Exhibit _____ |
| <input type="checkbox"/> | 23c. If applicable, provide a copy of any document, order or decree for each state or jurisdiction | Exhibit _____ |
| <input type="checkbox"/> | 24a. List of states or federal jurisdictions in which the Applicant, its Affiliated Interests, or any prior officer, principal or director had adverse judicial or regulatory action or violation of state or federal consumer protection laws, including any formal docketed complaints | Exhibit _____ |
| <input type="checkbox"/> | 24b. If applicable, provide a detailed explanation for each state | Exhibit _____ |
| <input type="checkbox"/> | 24c. If applicable, provide a copy of any document, order or decree for each state or jurisdiction | Exhibit _____ |
| <input type="checkbox"/> | 25a. List of states where applicant has entered into a stipulation or consent decree in the past five years. | Exhibit _____ |
| <input type="checkbox"/> | 25b. If applicable, provide a copy of any document, order or decree for each state or jurisdiction | Exhibit _____ |

- | | | |
|--------------------------|---|----------------------|
| <input type="checkbox"/> | 26. Other materials submitted in support of the Application | Exhibit _____ |
| <input type="checkbox"/> | 27. Any Other Information | Exhibit _____ |
| <input type="checkbox"/> | 28. Waiver Request | Exhibit _____ |
| <input type="checkbox"/> | 29. Verification of Application (Attachment A) | Exhibit _____ |
| <input type="checkbox"/> | 30. Application Affidavit (Attachment B) | Exhibit _____ |