

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: March 31, 2008	2. BUREAU AGENDA NO. 1199691-FUS-0002 <i>rvsd</i>
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Energy	5. PUBLIC MEETING DATE: April 9, 2008
6. APPROVED BY: Director: R. Wilson <i>RW</i> 783-6162 Mgr/Spvr: P. Diskin <i>PO</i> 214-5558 Legal Review: <i>[Signature]</i>	
7. PERSONS IN CHARGE: Rametta/Shurskis 7-8763	9. EFFECTIVE DATE OF FILING: N.A.
8. DOCKET NO.: A-110174	

10. (a) **CAPTION** (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) **Recommendation**

(a) License Application of Liberty Power Delaware LLC
(Home Office: Fort Lauderdale, FL)

(b) On July 24, 2007, Liberty Power Delaware LLC (Liberty Power) filed an application for a license to offer, render, furnish or supply electricity or electric generation services as a generator and supplier of electric power to commercial, industrial and governmental customers in the service territories throughout the Commonwealth of Pennsylvania.

The License Application is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

RJP

11. **MOTION BY:** Commissioner Chm. Holland

SECONDED: Commissioner Cawley

Commissioner Christy - Yes
Commissioner Pizzingrilli - Yes
Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 9, 2008

A-110174

DOCUMENT
FOLDER

KAREN ABBOT
LICENSING SPECIALIST
LIBERTY POWER DELAWARE LLC
800 WEST CYPRESS CREEK ROAD
SUITE 410
FORT LAUDERDALE FL 33309

License Application of Liberty Power Delaware LLC for approval to offer, render, furnish or supply electricity or electric generation services as a generator and supplier of electric power.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on April 9, 2008 adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Encls
Cert. Mail
MH

AMY P LEFCHAK
DEPARTMENT OF REVENUE
BUREAU OF CORPORATION TAXES
STRAWBERRY SQUARE 6TH FLOOR
HARRISBURG PA 17128

RJP

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held April 9, 2008

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Tyrone J. Christy
Kim Pizzingrilli

License Application of Liberty Power Delaware LLC
for Approval to Offer, Render, Furnish or
Supply Electricity or Electric Generation Services
as a Generator and Supplier of Electric Power

Docket No.
A-110174

ORDER

BY THE COMMISSION:

On July 24, 2007, Liberty Power Delaware LLC (Liberty Power) filed an application seeking to become a licensed electric generation supplier (EGS) in the service territories throughout the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §§ 54.31-54.43, which became effective on August 8, 1998, and which were established under Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

§2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this

Commonwealth unless the person or corporation holds a license issued by the Commission. 66 Pa. C.S. §2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. 66 Pa. C.S. §2803.

Liberty Power is a foreign limited liability company, organized on June 13, 2006, in the State of Delaware, and registered to do business in the Commonwealth of Pennsylvania. Liberty Power proposes to act as a generator and supplier of electric power to commercial, industrial and governmental customers in the service territories throughout the Commonwealth of Pennsylvania. Currently, Liberty Power does not intend to provide electric generation supplier services to residential customers. Therefore, Chapter 56 residential service regulations do not apply.

However, if Liberty Power chooses to provide electric generation supplier services to residential customers in the future, Liberty Power will notify the Commission Secretary by letter immediately and be required to comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. §2807(d), Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. Code Chapter 56 Pursuant to §2809(e) and (f) and Addressing the Application of Partial Payments (M-00960890 F0011)*. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa Code Chapter 56) is

applicable to residential accounts. An electric generation supplier cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to electric generation suppliers. An electric generation supplier may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or default to utility service at capped rates in accordance with the utility's obligations under Section 2807(e), 66 Pa. C.S. §2807(e). The customer would only be disconnected from the electricity grid pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the electric generation supplier that has been designated by the Commission as the provider of last resort.

Additionally, we take this opportunity to once again remind the licensee that its officers, representatives and employees have agreed to lawfully abide by all Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

Liberty Power has provided proofs of publication in Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission.

Regarding the financial and technical requirements of the license application, Liberty Power, a privately held company, submitted confidential financial statements for Liberty Power Corp., LLC and Subsidiaries, for the years ended December 31, 2005 and December 31, 2006. They include statements of Cash Flows, Operations and Members' Equity and Balance Sheets audited by an independent certified public accounting firm, in accordance with auditing standards generally accepted in the United States of America. Liberty Power Corp., LLC is the parent of Liberty Power.

Liberty Power has supplied information, which indicates that its principal officers have the requisite expertise. Sufficient information has been provided by Liberty Power to demonstrate its financial and technical fitness in order to be licensed as a generator and supplier of electric power in the Commonwealth of Pennsylvania.

Liberty Power has provided a \$250,000 surety bond as required by the license application.

Liberty Power has provided the required Pennsylvania Emergency Management Agency (PEMA) contact information.

As of March 31, 2008, no protests have been filed.

We find that the applicant:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).
2. Has agreed to lawfully abide by all Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

3. That the proposed service, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

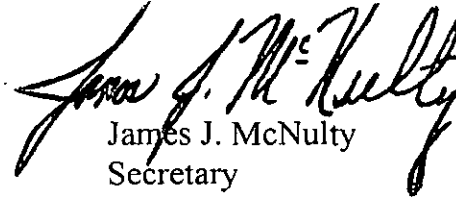
Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED:

1. That the application of Liberty Power Delaware LLC is hereby approved, consistent with this Order.
2. That a license be issued authorizing Liberty Power Delaware LLC to begin to offer, render, furnish or supply electric generation supplier services to the public in the service territories throughout the Commonwealth of Pennsylvania.
3. That a copy of this Order be served on the Department of Revenue, Bureau of Corporation Taxes.

4. That this proceeding at Docket No. A-110174 be closed.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: April 9, 2008

ORDER ENTERED:

APR 09 2008

2. Article Number

Return Receipt Service



7160 3901 9843 2323 9044

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-110174
Karen Abbott

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

4/11/08

C. Signature

X [Handwritten Signature]

Agent
 Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes
 No