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February 13, 2012

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of a Default Service Program
Docket No. P-2012-2283641

Dear Secretary Chiavetta:

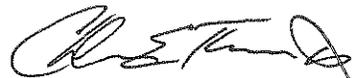
Enclosed for filing on behalf of Noble Americas Energy Solutions LLC is its Petition to Intervene in the above-referenced matter. Copies of the Petition are being served upon the persons and in the manner set forth in the certificate of service attached to it.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By


Charles E. Thomas, III

Encl.

cc: Certificate of Service (w/encl.)
Becky Merola (w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
for Approval of Its Default Service : **Docket No. P-2012-2283641**
Program :

**PETITION TO INTERVENE
OF
NOBLE AMERICAS ENERGY SOLUTIONS LLC**

AND NOW, comes Noble America Energy Solutions LLC (“Noble” or “Petitioner”), by its attorneys, and pursuant to Pursuant to 52 Pa. Code § 5.71 *et seq.*, petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene in the above-captioned proceeding. In support of its intervention, Noble states the following:

I. INTRODUCTION

1. The name and business address of Petitioner and its representative for purposes of this proceeding are:

Noble Americas Energy Solutions LLC
5325 Sheffield Ave
Powell, Ohio 43065

Attention: Becky Merola
Government Affairs East
bmerola@noblesolutions.com

2. Noble is a California Limited Liability Company authorized to conduct business in the Commonwealth of Pennsylvania. Noble is licensed by the Commission as an electric generation supplier (“EGS”) at Docket No. A-2011-2237924 to offer, render, furnish or supply electricity and electric generation supplier services to residential, small commercial (25kW and under), large commercial (over 25kW), industrial, and governmental customers throughout the

Commonwealth, including PECO's service territory.¹ Noble is one of the leading providers of retail energy services in the United States.

3. The name, address, and contact information of Petitioner's counsel are:

Charles E. Thomas III, Esq.
THOMAS, LONG, NIESEN & KENNARD
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500
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4. On or about January 13, 2012, PECO Energy Company ("PECO") filed a petition seeking Commission approval of its second Default Service Program ("Program") to establish terms and conditions under which PECO will acquire and supply default service for the period from June 1, 2013 through May 31, 2015.

5. Notice of the filing of the petition was published in the *Pennsylvania Bulletin* on January 28, 2012. *See* 42 Pa.B. 642. As presented in the published notice, petitions to intervene in the proceeding are to be filed with the Commission on or before February 13, 2012.

6. The Commission's regulations permit intervention by a party that demonstrates an "interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitions may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72(a)(2). Intervention is also allowed where a party's participation is in the public interest. 52 Pa. Code § 5.72(a)(3).

¹ Noble is the successor to Sempra Energy Solutions LLC (f/k/a Sempra Energy Solutions), which previously had been issued an EGS license by the Commission at Docket No. A-110141 on September 13, 2000 to provide electricity and electric generation services to large commercial, industrial, and governmental customers in all electric distribution company service territories within the Commonwealth.

II. NOBLE'S INTERESTS IN THIS PROCEEDING

7. Noble's interests in this proceeding lie in its status as one of the nation's largest *independent* non-residential retailers and marketers of retail energy services. Noble strives to serve the energy supply needs of large and national commercial, industrial and governmental customers, and to some extent small commercial and residential customers, across 14 states, including Pennsylvania, and offers its customers a wide variety of energy-related products and services, including fixed, indexed, and green energy options. Noble also provides energy procurement and risk management solutions designed to meet the individual needs of its customers and capture the benefits of a deregulated utility environment.

8. In addition to its product and service offerings, Noble is unique in that it is one of the only suppliers to use dual billing exclusively for its customers. Noble has a vested interest in ensuring that PECO's Program and, in particular, any of PECO's proposed initiatives to enhance retail competition, including an opt-in EGS offer program and the customer referral programs, are implemented in a competitively neutral and non-discriminatory manner.

III. GROUNDS FOR NOBLE'S INTERVENTION

9. As an EGS, the issues raised and addressed in the PECO Program will impact Noble. As such, Noble has direct and substantial interests in this proceeding that will be affected by any actions taken by the Commission. These interests pertain to large and national commercial, industrial, and governmental customers, and also down to small commercial customers as defined in PECO's current tariff. As an independent EGS, Noble's interests will not be adequately addressed through other existing parties' comments or involvement.²

² While Noble is a member of the Retail Energy Supply Association ("RESA"), a trade association which has also sought intervention in this proceeding, Noble's interests and positions do not necessarily align with those espoused by RESA because RESA's positions are representative of a consensus of a subset of its members.

10. This proceeding will establish, among other things, the rates, terms, conditions, and structure of PECO's default service program against which Noble must compete to serve PECO customers beginning June 1, 2013. Accordingly, Noble's intervention is necessary because its ability to market electricity and energy-related products and services to existing and future retail customers in the PECO service territory could be materially impacted by the outcome of this proceeding.

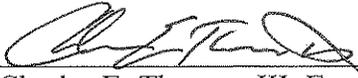
11. Noble's intervention is also in the public interest. Noble possesses significant and unique knowledge, experience, and resources with respect to the marketing of retail energy services in 14 states, which will be helpful in developing a record on the reasonableness of PECO's Program and will serve to better protect the consumers of Pennsylvania. Moreover, without the opportunity to intervene, Noble will be unable to participate in this proceeding, but will nevertheless be bound by the actions taken by the Commission. Such actions may have a material impact on Noble's operations, business activities, and involvement in Pennsylvania and more specifically within the service territory of PECO.

IV. NOBLE'S POSITION REGARDING THE ISSUES

12. Noble continues to review PECO'S Petition and, as yet, has not determined its position on the many matters presented therein. It may support, oppose or propose revisions to the PECO petition as filed. Noble will present its position in accordance with the litigation schedule which will be determined at the initial prehearing conference.

WHEREFORE, Noble Americas Energy Solutions LLC respectfully requests that the Pennsylvania Public Utility Commission grant this Petition and authorize Noble Americas Energy Solutions LLC's intervention and participation in this proceeding as a full and active party.

Respectfully submitted,

By 
Charles E. Thomas, III, Esq. (PA ID # 201014)
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cet3@thomaslonglaw.com

*Attorneys for Petitioner
Noble Americas Energy Solutions LLC*

DATED: February 13, 2012

VERIFICATION

I, Becky Merola, representing government affairs for the eastern United States for Noble Americas Energy Solutions LLC, hereby states that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).


Becky Merola

Dated: February 13, 2012

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of Its Default Service Program : Docket No. P-2012-2283641
:

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of February, 2012, served a true and correct copy of the foregoing Petition to Intervene of Noble Americas Energy Solutions LLC, upon the persons listed below by first class mail, postage prepaid:

Honorable Dennis J. Buckley
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
P.O. Box 3265
Harrisburg, PA 17105-3265

Carrie B. Wright, Esq.
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Charles E. Thomas, III (RA ID # 201014)