



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

CHARLES E. THOMAS, III  
Direct Dial: 717.255.7611  
cet3@tntlawfirm.com

November 23, 2015

*Via Electronic Filing*

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

Re: *Electric Generation Supplier License Cancellations of Companies  
with an Expired Financial Security*, Docket No. M-2015-2490383,  
Tentative Order entered November 19, 2015;  
Inclusion of Noble Americas Energy Solutions LLC (A-110141)

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Noble Americas Energy Solutions LLC ("Noble Solutions") are comments concerning its inclusion in the Pennsylvania Public Utility Commission's ("Commission") Tentative Order entered November 19, 2015 in the above-referenced matter. **Noble Solutions respectfully requests expedited Commission consideration of and action with respect to these comments.**

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

Very truly yours,

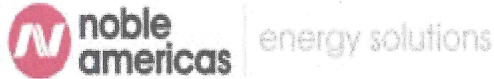
THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, III

Enclosure

cc: Tony Rametta, Energy Supervisor (TUS) (w/encl. via email)  
Stephen Jakab (TUS) (w/encl. via email)  
Becky Merola (w/encl. via email)



November 23, 2015

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

Re: *Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Docket No. M-2015-2490383; Inclusion of Noble Americas Energy Solutions LLC (A-110141) in Tentative Order entered November 19, 2015*

Dear Secretary Chiavetta:

Noble Americas Energy Solutions LLC (Noble Solutions) offers the following information and comment to the Pennsylvania Public Utility Commission (PAPUC) regarding our timely provision of requested financial security documentation in compliance with the Commission's regulations at 52 Pa. Code §54.40.

Specifically, Noble Solutions received two Security Renewal Notice Letters from the Commission's Bureau of Technical Utility Services (TUS) stating our Financial Assurance was expiring Nov 1, 2015.<sup>1</sup> On October 28, 2015 Noble Solutions timely sent, via FedEx Overnight, our renewed bond. Attached is a copy of the FedEx receipt that was signed by N. Chikotas as well as a copy of the email with the electronic copy (PDF) of the bond sent to Stephen Jakab of the PAPUC staff. As evidenced by the supporting documentation, Noble Solutions provided the required financial security well before the requested November 9, 2015 deadline.

On November 18, 2015, Noble Solutions became aware of two issues regarding our financial security and EGS license. First, PAPUC staff contacted Bryan White at Noble Solutions at 6:30 am PST/9:30 EST advising that our EGS license was going to be canceled because of a lack of a bond. Second, we were advised that, for some unknown reason, Noble Solutions had two separate utility codes – viz. # A-110141 which is the original docket that all EGS licensing activity had been issued and # A-2011-2237924 which was the docket number assigned when Noble Solutions filed to have its license expanded to include incidental residential accounts. PAPUC staff later confirmed to us that the second entry appeared to be an internal filing error.

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<sup>1</sup> Notices were received on June 17 and August 16, 2015.

Rosemary Chiavetta, Secretary

November 23, 2015

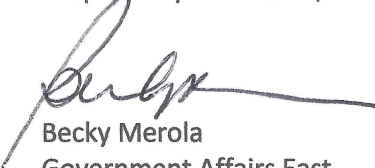
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Noble Solutions was subsequently notified by email on the morning of November 19<sup>th</sup> that it was erroneously listed as one of the EGSs failing to submit the required financial security on the PAPUC's Tentative Order at Docket No. M-2015-2490383, which was to be considered at the Commission's public meeting that day. While assuring Noble Solutions that its EGS license was in no danger of being cancelled, PAPUC staff advised that it was too late to remove Noble Solutions from the supplier table in the Tentative Order. Following public meeting, the PAPUC entered its Tentative Order which identified Noble Solutions as failing to have provided the required financial security and tentatively ordering that its EGS license be cancelled

Since Noble Solutions timely furnished evidence of the appropriate financial security, Noble Solutions respectfully requests that the PAPUC take **expedited action** to rectify the foregoing issues in a manner that removes Noble Solutions from the supplier table in the Tentative Order and makes clear that Noble Solutions was always in compliance with its financial security obligations. Expedited action is necessary so as to minimize the potential harm to Noble Solutions and the confusion these issues have already caused with our customers, business relationships, and potential consumers in the Pennsylvania and national retail electric markets.

Please contact me immediately should you have any questions. Thank you for your cooperation and assistance with this matter.

Respectfully Submitted,



Becky Merola  
Government Affairs East  
Noble Americas Energy Solutions LLC  
bmerola@noblesolutions.com

**From:** trackingupdates@fedex.com  
**Sent:** Thursday, October 29, 2015 10:37 AM  
**To:** Bryan White  
**Subject:** FedEx Shipment 774850593991 Delivered

## Your package has been delivered

Tracking # 774850593991

Ship date:  
Wed, 10/28/2015

**Bryan White**

Noble Americas Energy  
Solutions LLC  
San Diego, CA 92101  
US

Delivery date:  
Thu, 10/29/2015  
10:26 am

**Rosemary Chiavetta,  
Secretary**

Pennsylvania Public  
Utility Comm  
400 NORTH ST  
COMMONWEALTH  
KEYSTONE BUILDING  
HARRISBURG, PA  
17120  
US



Delivered

**FedEx**

### Shipment Facts

Our records indicate that the following package has been delivered.

**Tracking number:** 774850593991  
**Status:** Delivered: 10/29/2015  
10:26 AM Signed for  
By: N.CHIKOTAS  
**Department number:** 14620  
**Reference:** Updated Bond  
**Signed for by:** N.CHIKOTAS  
**Delivery location:** HARRISBURG, PA  
**Delivered to:** Shipping/Receiving  
**Service type:** FedEx Standard  
Overnight  
**Packaging type:** FedEx Envelope  
**Number of pieces:** 1

<b>Weight:</b>	0.50 lb.
<b>Special handling/Services:</b>	Deliver Weekday

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 9:37 AM CDT on 10/29/2015.

To learn more about FedEx Express, please go to [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.

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**From:** Bryan White <bwhite@NobleSolutions.com>  
**Sent:** Wednesday, October 28, 2015 7:11 PM  
**To:** 'sjakab@pa.gov'  
**Subject:** Increased Bond for Noble Americas Energy Solutions LLC  
**Attachments:** 404002627 Continuation with Increase Rider\_2015.pdf

Hi Stephen,

Here is a PDF copy of the bond that we are sending via FedEx today. This bond is in support of our electric supplier license.

Thank you

**Bryan White**  
Regulatory Compliance Analyst  
401 West A Street, Suite 500, 05-015, San Diego, CA 92101  
Phone: 619.684.8200 | Fax: 619.684.8355  
[bwhite@noblesolutions.com](mailto:bwhite@noblesolutions.com)





**CONTINUATION  
CERTIFICATE**

**Liberty Mutual Insurance Company** (hereinafter called the Surety) hereby continues in force its  
**Bond No. 101000100** in the sum of [REDACTED]

On behalf of **Noble Americas Energy Solutions, LLC** (the "Principal")

In favor of **Pennsylvania Public Utility Commission** (the "Obligee").

subject to all the conditions and terms thereof through **November 1, 2016** at location of risk.

This Continuation is executed upon the express condition that the Surety's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

IN WITNESS WHEREOF, the Surety has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its corporate seal to be hereto affixed this **23<sup>rd</sup>** day of **October, 2015**.

**Liberty Mutual Insurance Company** (Seal)

By: T. Deffley  
T. Deffley, Attorney-in-Fact

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7003999

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Craig H. Meeker; Nicole M. Plourde; Patrick D. Walsh; T. Deffley; W. Krystopa

all of the city of Hartford, state of CT each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 2nd day of June, 2015.

American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary



STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 2nd day of June, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2017  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 23rd day of October, 2015.



By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.





**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7003998

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Craig H. Meeker; Nicole M. Plourde; Patrick D. Walsh; T. Deffley; W. Krystopa

all of the city of Hartford, state of CT each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 2nd day of June, 2015.

American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary



STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 2nd day of June, 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2017  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

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I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 23rd day of October, 2015.



By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

**VERIFICATION**

I, Greg Bass, Director Retail Commodity Operations of Noble Americas Energy Solutions LLC, hereby state that the facts set forth in the foregoing letter 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).

  
\_\_\_\_\_  
Greg Bass, Director Retail Commodity Ops.

Dated: November 23, 2015