



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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

April 19, 2016

Via Electronic Filing

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

Re: Petition of PECO Energy Company for Approval of Its Default
Service Program for the Period June 1, 2017 through May 31, 2019;
Docket No. P-2016-2534980

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, NIESEN & THOMAS, LLC

By

Charles E. Thomas, III

Enclosure

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 Program for : Docket No. P-2016-2534980
the Period June 1, 2017 through May 31, 2019 :

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

AND NOW, comes Noble Americas 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 matter. In support of its intervention, Noble states as follows:

I. INTRODUCTION

1. On March 17, 2016, PECO Energy Company (“PECO”) filed a petition seeking Commission approval of its fourth Default Service Program (“DSP IV”) to establish terms and conditions under which PECO will acquire and supply default service for a two-year period, from June 1, 2017 through May 31, 2019.

2. Notice of the filing of the petition was published in the *Pennsylvania Bulletin* on April 9, 2016. 46 Pa.B. 1873. As presented in the published notice, petitions to intervene in the proceeding are to be filed with the Commission on or before April 19, 2016. Administrative Law Judge Cynthia W. Fordham has been assigned to preside over the matter.

3. The name and business address of Petitioner and its company 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

4. Noble is licensed by the Commission as an electric generation supplier (“EGS”) at Docket No. A-110141 to offer, render, furnish or supply electricity and electric generation supplier services to large commercial (over 25kW), industrial, and governmental customers, and to residential and small commercial (25kW and under) customers (limited to mixed meters), throughout the Commonwealth, including PECO’s service territory. Noble is 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 national and regional commercial, industrial, and governmental customers, and where there are mixed meters some residential meters, across 14 states, including Pennsylvania, and offers its customers a wide variety of energy-related products and services, including fixed, indexed, demand response, 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. In addition to its product and service offerings, Noble has built its own state of the art billing systems and uses dual billing exclusively for its Pennsylvania customers.

5. The name, address, and contact information of Petitioner’s counsel are:

Charles E. Thomas III, Esq.
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101
Tel: (717) 255-7611
cet3@tntlawfirm.com

All pleadings, orders, correspondence, discovery, and other documents filed, served, or issued in this proceeding should be served on the above counsel in both electronic and paper forms.

II. NOBLE'S INTERVENTION

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 petitioner 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).

7. Noble meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). Noble has a direct and substantial interest in ensuring that PECO's DSP IV and, in particular, any of PECO's proposed initiatives to enhance the retail market, including PECO's Standard Offer Program, are implemented in a competitively neutral and non-discriminatory manner. Noble also has a vested interest in PECO's cost recovery proposals and in ensuring that DSP IV does not implement charges or costs that would harm the competitive market.

8. This proceeding will establish, among other things, the rates, terms, conditions, and structure of PECO's DSP IV against which Noble must compete to serve PECO customers beginning June 1, 2017. The proceeding will also directly affect Noble's customers – large and national commercial, industrial, and governmental customers, as well as small commercial customers as defined in the respective PECO tariffs. Accordingly, Noble's intervention is necessary because its ability, as a licensed EGS, to market electricity and energy-related products and services to existing and future retail customers in the PECO service territory will be materially impacted by the outcome of this proceeding.

9. As an independent EGS, Noble's interest will not be adequately addressed through other existing parties' comments or involvement.

10. Noble's intervention is also in the public interest. Noble possesses significant and

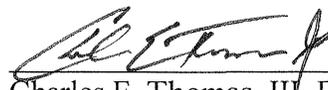
unique knowledge, experience, and resources with respect to the marketing of retail energy services in 14 states, which will be helpful in developing a record on the reasonableness of PECO's DSP IV and will serve to better protect the consumers of Pennsylvania. Moreover, without the opportunity to intervene, 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.

III. NOBLE'S POSITION REGARDING THE ISSUES

11. Noble continues to review PECO's petition and direct testimony and has not yet determined its position on the many matters presented therein. It may support, oppose, or propose revisions to the petition and DSP IV, as filed. Noble will present its position in accordance with the litigation schedule established at the initial prehearing conference.

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

Respectfully submitted,



Charles E. Thomas, III, Esq. (PA ID # 201014)
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101
Tel: (717) 255-7611
cet3@tntlawfirm.com

Counsel for Noble Americas Energy Solutions LLC

DATED: April 19, 2016

VERIFICATION

I, Becky Merola, Government Affairs East of Noble Americas Energy Solutions LLC, hereby state 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

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of April, 2016, served a true and correct copy of the foregoing Petition to Intervene of Noble Americas Energy Solutions LLC, upon the upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA EMAIL AND FIRST CLASS MAIL

Honorable Cynthia W. Fordham
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
cfordham@pa.gov

Phillip C. Kirchner, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
phikirchne@pa.gov

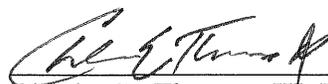
Thomas P. Gadsden, Esquire
Kenneth M. Kulak, Esquire
Brooke E. McGlenn, Esquire
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103
tgadsden@morganlewis.com
kkulak@morganlewis.com
bmcglenn@morganlewis.com

Charis Mincavage, Esquire
Adeolu A. Bakare, Esquire
Alessandra L. Hylander, Esquire
McNees Wallace & Nurick LLC
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com
abakare@mwn.com
ahylander@mwn.com

Romulo L. Diaz, Jr., Esquire
W. Craig Williams, Esquire
Exelon Business Services Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
romulo.diaz@exeloncorp.com
craig.williams@exeloncorp.com

Aron J. Beatty, Esquire
Candis A. Tunilo, Esquire
Office of Consumer Advocate
Forum Place, 5th Floor
555 Walnut Street
Harrisburg, PA 17101-1923
abeatty@paoca.org
ctunilo@paoca.org

Elizabeth Rose Triscari, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 202,
Harrisburg, PA 17101
etriscari@pa.gov



Charles E. Thomas, III (PA ID # 201014)