



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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May 10, 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 Direct Energy Services, LLC to Expand Retail Market Enhancements  
Docket No. P-2016-2535033

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**

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**Petition of Direct Energy Services, LLC : Docket No. P-2016-2535033**  
**to Expand Retail Market Enhancements :**

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

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AND NOW, comes Noble Americas Energy Solutions LLC (“Noble” or “Petitioner”), by its attorneys, and 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 thereof, Noble states the following:

**I. INTRODUCTION**

1. On March 18, 2016, Direct Energy Services, LLC (“Direct”) filed a Petition to Restart the Retail Opt In Retail Market Enhancement, requesting an order to move forward with a modified version of the Retail Opt-In (“ROI”) Program, which was postponed by the Commission in its *Final Order on Reconsideration* entered April 4, 2013 at Docket Nos. P-2012-2283641 *et al.* The restarted ROI program would consist of a one-time mailing to non-shopping residential and small business (25kW and below) customers with an opt-in offer of: (1) a 24 month electric generation supply contract at a price 5% below the applicable Price to Compare, and (2) a value-added, energy saving or energy management product or service at no additional charge. The restarted ROI program would be implemented initially as a pilot program in the PECO energy and PPL service territories.

2. The name and business address of Petitioner are:

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

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

3. 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 the Met-Ed and Penelec service territories. 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.

4. 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  
Email: cet3@tntlawfirm.com

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

## **II. NOBLE'S INTERVENTION**

5. 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).

6. Noble meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). Noble has a direct and substantial interest in this proceeding as an EGS active in the Pennsylvania retail electric market. This proceeding will establish the terms and structure of the reinstated ROI programs against which Noble must compete to serve non-shopping customers. Accordingly, Noble's ability to market electricity and energy-related products and services to potential customers will be directly affected by the outcome of this proceeding.

7. Noble is committed to actively participating in and promoting competitive energy markets. As such, Noble has a vested interest in ensuring that retail market enhancement programs, including Direct's ROI proposal, are designed and implemented in a competitively neutral and non-discriminatory manner and without charges or costs that would harm the competitive market.

8. As an independent EGS, Noble's interests are unique from and will not be adequately addressed by other existing parties' involvement. Without the opportunity to intervene, Noble will 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 territories of PECO and PPL, where the restarted ROI Program is to be initiated as a pilot program.

9. Noble possesses significant and unique knowledge, experience, and resources with respect to energy procurement and the marketing of energy services in 14 states, which will be helpful in developing a record on the reasonableness of Direct's ROI proposal and will serve to better protect the consumers of Pennsylvania. For these reasons, Noble's intervention is also in the public interest.

### **III. NOBLE'S POSITION REGARDING THE ISSUES**

10. Noble continues to review and evaluate the Direct's Petition and has yet to formulate its position on the ROI proposal and the many important issues related thereto. Noble reserves the right to present its position and address any appropriate issues in accordance with the procedural process adopted for this proceeding.

WHEREFORE, Noble Americas Energy Solutions LLC respectfully requests that the Pennsylvania Public Utility Commission grant this Petition and authorize its intervention and participation in the above-captioned matter as a full and active party.

Respectfully submitted,



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Charles E. Thomas, III, Esq. (PA ID # 201014)  
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Harrisburg, PA 17101  
Tel: 717.255.7611  
cet3@tntlawfirm.com

*Counsel for Petitioner  
Noble Americas Energy Solutions LLC*

DATED: May 10, 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).

  
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Becky Merola

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of Direct Energy Services, LLC : Docket No. P-2016-2535033  
to Expand Retail Market Enhancements :

**CERTIFICATE OF SERVICE**

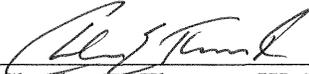
I hereby certify that I have this 10th day of May, 2016, served a true and correct copy of the foregoing document upon the persons listed below by first class mail, postage prepaid:

Daniel Clearfield, Esquire  
Sarah Stoner, Esquire  
Ecker Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
Harrisburg, PA 17101

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – 2<sup>nd</sup> Floor West  
Harrisburg, PA 17105-3265

Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923

Office of Small Business Advocate  
Suite 202, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

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