

THOMAS, LONG,  
NIESEN & KENNARD

*Attorneys and Counsellors at Law*

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

May 30, 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 PPL Electric Utilities Corporation for Approval of a Default Service  
Program and Procurement Plan for the Period of June 1, 2013 through May 31, 2015  
Docket No. P-2012-2302074

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**

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**Petition of PPL Electric Utilities** :  
**Corporation for Approval of a Default** :  
**Service Program and Procurement Plan** : **Docket No. P-2012-2302074**  
**for the Period of June 1, 2013 through** :  
**May 31, 2015** :

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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 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 PPL Electric Utilities Corporation's service territory.<sup>1</sup> 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.  
Norman J. Kennard, Esq.  
THOMAS, LONG, NIESEN & KENNARD  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
Tel: (717) 255-7600  
Fax: (717) 236-8278  
[cet3@thomaslonglaw.com](mailto:cet3@thomaslonglaw.com)  
[nkennard@thomaslonglaw.com](mailto:nkennard@thomaslonglaw.com)

4. On or about May 1, 2012, PPL Electric Utilities Corporation ("PPL") filed a petition seeking Commission approval of its second Default Service Program and Procurement Plan ("Program") to establish terms and conditions under which PPL 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 May 19, 2012. *See* 42 Pa.B. 2871. As presented in the published notice, petitions to intervene in the proceeding are to be filed with the Commission on or before June 4, 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).

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<sup>1</sup> 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 PPL's Program and, in particular, any of PPL's proposed initiatives to enhance retail competition, including an opt-in auction and other 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 PPL 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 PPL's current tariff. As an independent EGS, Noble's interests will not be adequately addressed through other existing parties' comments or involvement.<sup>2</sup>

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<sup>2</sup> 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 PPL's default service program against which Noble must compete to serve PPL 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 PPL service territory could be materially impacted by the outcome of this proceeding.

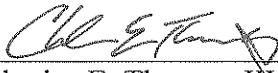
11. Noble's intervention is also in the public interest. Noble possesses significant and unique knowledge, experience, and resources with respect to the marketing of retail energy services in fourteen states, which will be helpful in developing a record on the reasonableness of PPL's Program and will 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 PPL.

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

12. Noble continues to review PPL'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 PPL 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,

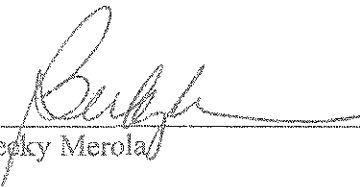
By   
\_\_\_\_\_  
Charles E. Thomas, III, Esq. (PA ID # 201014)  
Norman J. Kennard, Esq. (PA ID # 29921)  
THOMAS, LONG, NIESEN & KENNARD  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
Tel: (717) 255-7600  
[cet3@thomaslonglaw.com](mailto:cet3@thomaslonglaw.com)  
[nkennard@thomaslonglaw.com](mailto:nkennard@thomaslonglaw.com)

*Attorneys for Petitioner  
Noble Americas Energy Solutions LLC*

DATED: May 30, 2012

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

Dated: May 29, 2012

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of PPL Electric Utilities Corporation :  
for Approval of a Default Service Program : Docket No. P-2012-2302074  
and Procurement Plan for the Period of June :  
1, 2013 through May 31, 2015 :

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CERTIFICATE OF SERVICE

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I hereby certify that I have this 30<sup>th</sup> day of May, 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 Susan D. Colwell  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Regina L. Matz, Esq.  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

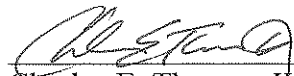
James A. Mullins, Esq.  
Erin L. Gannon, Esq.  
Tanya J. McCloskey, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923

Elizabeth Rose Triscari, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Paul E. Russell, Esq.  
Associate General Counsel  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101

David B. MacGregor  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808

Michael W. Hassell, Esq.  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

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