



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

April 1, 2014

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of a Default Service
Program for the Period from June 1, 2015 through May 31, 2017
Docket No. P-2014-2409362

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-2014-2409362**
Program for the Period from June 1, 2015 :
Through May 31, 2017 :

**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 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-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 small commercial (25kW and under) customers (limited to mixed meters), throughout the Commonwealth, including PECO's service territory.

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
Tel: (717) 255-7611
Fax: (717) 236-8278
cet3@thomaslonglaw.com

4. On or about March 10, 2014, PECO Energy Company ("PECO") filed a petition seeking Commission approval of its third Default Service Program ("Program") to establish terms and conditions under which PECO will acquire and supply default service for the period from June 1, 2015 through May 31, 2017.

5. Notice of the filing of the petition was published in the *Pennsylvania Bulletin* on March 22, 2014. *See* 44 Pa.B. 1852. As presented in the published notice, petitions to intervene in the proceeding are to be filed with the Commission on or before April 1, 2014.

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).

II. NOBLE'S INTEREST IN THIS PROCEEDING

7. Noble's interest in this proceeding lies 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 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.

8. 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. Noble has a vested interest in ensuring that PECO's Program and, in particular, any of PECO's proposed initiatives to enhance retail competition 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 PECO's Program will impact Noble. As such, Noble has direct and substantial interest in this proceeding that will be affected by any actions taken by the Commission. This interest pertains 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 interest will not be adequately addressed through other existing parties' comments or involvement.¹

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, 2015. Accordingly, Noble's intervention is necessary because its ability to market electricity and energy-related products and services to existing and

¹ 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.

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 PECO's Petition and the Program, 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)
THOMAS, LONG, NIESEN & KENNARD
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500
Tel: (717) 255-7611
cet3@thomaslonglaw.com

Counsel for Petitioner
Noble Americas Energy Solutions LLC

DATED: April 1, 2014

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

Dated: March 31, 2014

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of Its Default Service Program : Docket No. P-2014-2409362
for the Period from June 1, 2015 Through :
May 31, 2017 :

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of April, 2014, 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 Cynthia W. Fordham
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

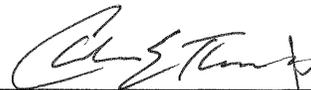
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

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

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

Romulo L. Diaz, Jr. Esq.
Anthony E. Gay, Esq.
W. Craig Williams, Esq.
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699

Thomas P. Gadsden, Esq.
Kenneth M. Kulak, Esq.
Brooke E. McGlenn, Esq.
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-2921



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