



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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May 23, 2014

**VIA ELECTRONIC FILING**

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

Re: Petition of Duquesne Light Company for Approval of Default  
Service Plan for the Period June 1, 2015 through May 31, 2017  
Docket No. P-2014-2418242

Dear Secretary Chiavetta:

At the direction of the Commission, enclosed for filing on behalf of Noble Americas Energy Solutions LLC is its Petition to Intervene in the above-referenced matter with the corrected docket number on the transmittal letter. 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, Jr.

Encl.

cc: Certificate of Service (w/encl.)  
Becky Merola (w/encl.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Petition of Duquesne Light Company for        :**  
**Approval of Default Service Plan for the       :**        **Docket No. P-2014-2418242**  
**Period June 1, 2015 through May 31, 2017    :**

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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 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 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

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 Duquesne Light Company's ("Duquesne") 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, NIESEN & THOMAS, LLC  
212 Locust Street, Suite 600  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
Tel: (717) 255-7611  
Fax: (717) 236-8278  
cet3@tntlawfirm.com

4. On or about April 24, 2014, Duquesne filed a petition seeking Commission approval of its seventh Default Service Plan ("Plan") to establish terms and conditions under which Duquesne will acquire and supply default service for the period from June 1, 2015 through May 31, 2017. The petition also seeks approval of a Time-of-Use Program and other approvals required for the implementation of the Plan.

5. Notice of the filing of the petition was published in the *Pennsylvania Bulletin* on May 10, 2014. *See* 44 Pa.B. 2831. As presented in the published notice, petitions to intervene in the proceeding are to be filed with the Commission on or before May 27, 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 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).

## **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 system and uses dual billing exclusively for its Pennsylvania customers. Noble has a vested interest in ensuring that Duquesne's Plan and, in particular, any of Duquesne'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 Duquesne's Plan 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 Duquesne's current tariff. As an independent EGS, Noble's interest will not be adequately addressed through other existing parties' comments or involvement.<sup>1</sup>

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<sup>1</sup> While Noble is a member of the Retail Energy Supply Association ("RESA"), a trade association which is expected to also seek 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 Duquesne's default service program against which Noble must compete to serve Duquesne 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 future retail customers in the Duquesne service territory could be materially impacted by the outcome of this proceeding.

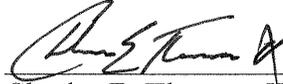
11. Noble's intervention is also in the public interest. Noble possesses significant and unique knowledge, experience, and resources with respect to the marketing of retail energy services in 14 states, which will be helpful in developing a record on the reasonableness of Duquesne's Plan and will serve 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 Duquesne.

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

12. Noble continues to review Duquesne's petition and direct testimony and, as yet, has not determined its position on the many matters presented therein. It may support, oppose, or propose revisions to Duquesne's petition and the Plan, 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 to Intervene and authorize Noble Americas Energy Solutions LLC's intervention and participation in this proceeding as a full and active party.

Respectfully submitted,



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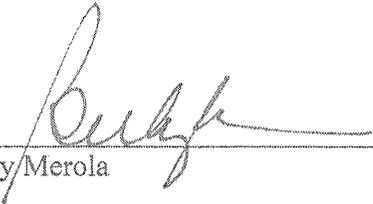
Charles E. Thomas, III, Esq. (PA ID # 201014)  
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Harrisburg, PA 17108-9500  
Tel: (717) 255-7611  
cet3@tntlawfirm.com

*Counsel for Petitioner  
Noble Americas Energy Solutions LLC*

DATED: May 22, 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: May 22, 2014

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of Duquesne Light Company for :  
Approval of Default Service Plan for the : Docket No. P-2014-2418242  
Period June 1, 2015 through May 31, 2017 :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 23rd day of May, 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 Katrina L. Dunderdale  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 5th Avenue  
Pittsburgh, PA 15222

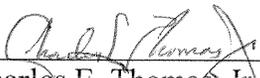
Aron J. Beatty, Esq.  
David T. Evrard, Esq.  
Kristine E. Robinson, Esq.  
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Harrisburg, PA 17101-1601

Robert H. Hoaglund, II, Esq.  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219

Charles Daniel Shields, Esq.  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Sharon E. Webb, Esq.  
Office of Small Business Advocate  
300 North Second Street, Suite 1102  
Harrisburg, PA 17101

  
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Charles E. Thomas, Jr.