



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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October 3, 2014

**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: Pa. P.U.C. v. West Penn Power Company, Docket No. R-2014-2428742  
Pa. P.U.C. v. Pennsylvania Electric Company, Docket No. R-2014-2428743  
Pa. P.U.C. v. Pennsylvania Power Company, Docket No. R-2014-2428744  
Pa. P.U.C. v. Metropolitan Edison Company, Docket No. R-2014-2428745

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Noble Americas Energy Solutions LLC is its Petition to Intervene in the above-referenced rate proceedings. 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

Encl.

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>Pennsylvania Public Utility Commission</b>	:	
<b>v.</b>	:	<b>Docket No. R-2014-2428742</b>
<b>West Penn Power Company</b>	:	
<b>Pennsylvania Public Utility Commission</b>	:	
<b>v.</b>	:	<b>Docket No. R-2014-2428743</b>
<b>Pennsylvania Electric Company</b>	:	
<b>Pennsylvania Public Utility Commission</b>	:	
<b>v.</b>	:	<b>Docket No. R-2014-2428744</b>
<b>Pennsylvania Power Company</b>	:	
<b>Pennsylvania Public Utility Commission</b>	:	
<b>v.</b>	:	<b>Docket No. R-2014-2428745</b>
<b>Metropolitan Edison Company</b>	:	

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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 rate proceedings. In support thereof, Noble states the following:

**I. INTRODUCTION**

1. On August 4, 2014, West Penn Power Company (“West Penn”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and Metropolitan Edison Company (“Met-Ed”) (collectively, “FirstEnergy”) submitted general base rate filings

with the Commission requesting comprehensive distribution rate increases.<sup>1</sup> Specifically, West Penn Tariff Nos. 38 and 40 propose a combined distribution rate increase of \$115.5 million, which represents an average increase of approximately 11.5% over current rates. Penelec Tariff No. 81 requests a distribution rate increase of \$119.8 million, which equates to an average increase of approximately 8.6% over current rates. Penn Power Tariff No. 36 proposes a distribution rate increase of \$28.5 million, which represents an average increase of approximately 8.7% over current rates. Met-Ed Tariff No. 52 requests a distribution rate increase of \$151.9 million, which equates to an average increase of approximately 11.5% over current rates. FirstEnergy is proposing that the new rates become effective on October 3, 2014.

2. By Order entered October 2, 2014, the Commission acted to allow the tariff filings to be suspended by operation of law and instituted an investigation into the lawfulness, justness and reasonableness of FirstEnergy's existing and proposed rates, rules and regulations.

3. 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

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),

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<sup>1</sup> In their respective letters transmitting the general rate filings to the Commission, West Penn, Penelec, Penn Power, and Met-Ed asked the Commission to formally consolidate the general rate filings at the earliest opportunity. Consolidation of the matters is one of the matters to be discussed at the initial prehearing conference scheduled for October 8. Accordingly, Noble is submitting a single Petition to Intervene in these proceedings.

throughout the Commonwealth, including the FirstEnergy 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. 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  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
Tel: 717.255.7611  
Fax: 717.236.8278  
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**

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).

7. 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, particularly with respect to ensuring that the proposals included in the FirstEnergy rate filings promote further unbundling of rates, do not result in cross-subsidization, and do not implement charges or costs that would harm the competitive market.

8. As a licensed EGS, Noble will be directly affected by any charges, costs, procedures, or other terms and conditions imposed on competitive suppliers by FirstEnergy or the Commission as a result of this proceeding. Noble's intervention, therefore, is necessary because its ability to market electricity and energy-related products and services to existing and future retail customers in the FirstEnergy service territories could be materially impacted by the outcome of this proceeding.

9. As an independent EGS, Noble's interests are unique from and will not be adequately addressed by other existing parties' 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 FirstEnergy's rate requests 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 territories of the FirstEnergy companies.

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

11. Due to the initial stage of this proceeding, it is not possible for Noble to present its position on the many matters presented in the FirstEnergy filings. Noble is presently reviewing and analyzing the rate requests and related information and reserves the right to present its position and address any appropriate issues 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 and authorize its intervention and participation in the above-captioned proceedings as a full and active party.

Respectfully submitted,



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

*Counsel for Petitioner  
Noble Americas Energy Solutions LLC*

DATED: October 3, 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).

  
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Becky Merola

Pennsylvania Public Utility Commission : Docket No. R-2014-2428742  
v. West Penn Power Company :

Pennsylvania Public Utility Commission : Docket No. R-2014-2428743  
v. Pennsylvania Electric Company :

Pennsylvania Public Utility Commission : Docket No. R-2014-2428744  
v. Pennsylvania Power Company :

Pennsylvania Public Utility Commission : Docket No. R-2014-2428745  
v. Metropolitan Edison Company :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 3rd day of October, 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 Dennis J. Buckley  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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