

November 14, 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 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:

Enclosed on behalf of Noble Americas Energy Solutions LLC please find its Exception to the Recommended Decision of Administrative Law Katrina L. Dunderdale in the above-captioned matter. Copies of the Exception are being served upon the persons and in the manner set forth on the attached certificate of service.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Charles E. Thomas, III

Encl.

cc: Honorable Katrina L. Dunderdale (w/encl.)
Certificate of Service (w/encl.)
Becky Merola (w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 :

**EXCEPTION OF NOBLE AMERICAS ENERGY SOLUTIONS LLC
TO THE RECOMMENDED DECISION OF
ADMINISTRATIVE LAW KATRINA L. DUNDERDALE**

AND NOW, comes Noble Americas Energy Solutions LLC (“Noble”), by its attorneys, and submits the following Exception to the Recommended Decision of Administrative Law Judge Katrina L. Dunderdale in the above-captioned matter.

I. INTRODUCTION

This proceeding concerns the petition of Duquesne Light Company (“Duquesne”) filed on April 24, 2014 with the Pennsylvania Public Utility Commission (“Commission”) seeking approval of its seventh Default Service Program (“DSP”) 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 DSP.

By Recommended Decision dated October 28, 2014, and issued pursuant to Secretarial Letter dated October 31, 2014, Administrative Law Judge Katrina L. Dunderdale recommended that the Public Utility Commission approve the DSP proposed by Duquesne, as modified by the Settlement Stipulation filed on September 15, 2014 by certain parties to the proceeding.

Noble is licensed by the Commission as an electric generation supplier 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 Duquesne's service territory. Noble participated in the proceeding as an active party, submitting a Main Brief addressing the issue of cost recovery of certain PJM charges in connection with the rate design and cost recovery proposed by Duquesne's DSP. Noble was not a signatory to the Settlement Stipulation.

II. EXCEPTION

EXCEPTION NO. 1 Noble excepts to the characterization of its position in regard to the Settlement Stipulation as one of non-opposition. The Recommended Decision should be modified to correctly note that Noble took no position on the issues resolved by the Settlement Stipulation. Recommended Decision at 8, n. 3.

In the first paragraph of Section IV, the Recommended Decision summarizes the Settlement Stipulation as follows:

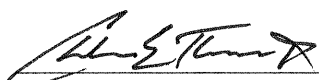
The following parties entered into a Settlement Stipulation: Duquesne Light, BIE, OCA, CAUSE-PA, ExGen, NextEra, and RESA. ***All parties in this proceeding either agreed to the Settlement or did not oppose it.*** The Settlement resolved issues regarding the residential default service procurement plan, the Standard Offer Program, the Time-of-Use Program, the Supply Master Agreement, and unbundling of default service procurement costs. The Settlement reserved for litigation issues regarding the Small C&I procurement plan, the Medium C&I procurement plan, the Large C&I procurement plan, procurement of alternative energy credits, and the methodology for recovering certain PJM transmission charges. The issues that have been resolved by the Settlement Stipulation are addressed in the parties' Statements in Support. The issues that have been reserved for litigation were addressed in the parties' Main and Reply Briefs.¹

¹ Recommended Decision at 8-9 (footnotes omitted) (emphasis added).

In a footnote to the second sentence in the paragraph reproduced above, the Recommended Decision characterizes Noble as a party that did not oppose the Settlement Stipulation: “The Stipulation is not opposed by OSBA, PennFuture, Duquesne Industrial Intervenors, FirstEnergy Solutions and Noble Americas Energy Solutions.”² This characterization misrepresents Noble’s actual stated position concerning the Settlement Stipulation. On September 30, 2014, Noble filed a letter with the Commission, advising that it “takes no position on the issues resolved by the Stipulation.” It would be incorrect, therefore, to identify Noble as a party that did not oppose the Settlement Stipulation. The Recommended Decision should be modified accordingly.

WHEREFORE, Noble Americas Energy Solutions LLC respectfully requests that the Public Utility Commission grant the foregoing Exception and modify the Recommended Decision as aforesaid.

Respectfully submitted,



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DATED: November 14, 2014

² Recommended Decision at 8 n.3.

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 14th day of November, 2014, served a true and correct copy of the foregoing document upon the persons and in the manner set forth below:

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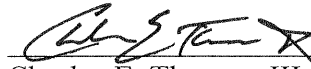
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