

**ORIGINAL INTERVENTION**



0000130383

**BEFORE THE ARIZONA CORPORATION COMMISSION**

2011 OCT 11 A 9:27

Arizona Corporation Commission

**COMMISSIONERS**

**DOCKETED**

**GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS**

AZ CORP COMMISSION  
DOCKET CONTROL

OCT 11 2011

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF )  
ARIZONA PUBLIC SERVICE COMPANY FOR )  
A HEARING TO DETERMINE THE FAIR )  
VALUE OF THE UTILITY PROPERTY OF THE )  
COMPANY FOR RATEMAKING PURPOSES, )  
TO FIX A JUST AND REASONABLE RATE OF )  
RETURN THEREON, TO APPROVE RATE )  
SCHEDULES DESIGNED TO DEVELOP SUCH )  
RETURN )

DOCKET NO. E-01345A-11-0224

**JOINT APPLICATION FOR  
LEAVE TO INTERVENE**

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Pursuant to A.A.C. R14-3-105, Noble Americas Energy Solutions LLC, Constellation NewEnergy, Inc., Direct Energy, LLC and Shell Energy North America (US), L.P. (collectively "Noble/Constellation/Direct/Shell") submit this Joint Application for Leave to Intervene in the above-captioned and above-docketed proceeding. In support of their Joint Application, Noble/Constellation/Direct/Shell submit the following information.

**I.**

**IDENTITY OF APPLICANTS**

Noble Americas Energy Solutions LLC, formerly known as Sempra Energy Solutions, offers commercial and industrial businesses energy commodity products and services that help them successfully manage their energy costs. Noble provides customers with an integrated mix of services such as commodity supply, risk management, portfolio management, energy information management, scheduling, settlements and billing management.

Noble is actively serving retail customers' energy needs in the following locations: California, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Nevada,

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1 New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas,  
2 Washington, the District of Columbia, and Baja California, Mexico.

3 Constellation NewEnergy, Inc. is a retail electricity supplier that provides customized  
4 energy solutions and comprehensive energy services, including demand response products, to  
5 residential, commercial and industrial customers. On October 8, 2010, Constellation acquired  
6 CPower, a leading energy management and demand response provider, managing assets in New  
7 York, New England, the Mid-Atlantic States (PJM), California, Texas and Ontario, Canada.  
8 With the acquisition of CPower, Constellation's portfolio currently includes approximately 1,500  
9 MWs of demand response assets.

10 Direct Energy, LLC is one of North America's largest competitive energy suppliers of  
11 electricity, natural gas and related services. With approximately 6,000 employees, it is active in  
12 both upstream production (electricity and natural gas) and downstream delivery to ensure a  
13 stable, long-term partnership relationship with the millions of customers it serves in both Canada  
14 and the United States. Direct operates in 10 Canadian provinces and 46 US states plus the  
15 District of Columbia, with more than six million customer relationships.

16 Shell Energy North America (US), L.P. is a wholesale marketing and trading company,  
17 as well as an Energy Service Provider. Shell sells natural gas, power and environmental  
18 products, including wind, solar energy and biomethane, to wholesale and retail customers in  
19 North America.

## 20 II.

### 21 NATURE OF APPLICANTS' INTEREST 22 IN THE INSTANT PROCEEDING

23 On June 1, 2011, Arizona Public Service Company ("APS") filed an Application for an  
24 increase in its rates and charges for electric service, together with various supporting schedules  
25 and prepared testimony. Included among APS' proposed rate schedules was one entitled  
26 Experimental Rate Rider Schedule AG-1, Alternative Generation General Service ("Alternative  
27 Generation Schedule"). According to the language of the Alternative Generation Schedule, the  
28 tri-party arrangement(s) contemplated thereunder would allow third-party Generation Service

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1 Providers to contract to provide firm power to qualifying customers of APS, subject to the  
2 indicated terms and conditions of the Alternative Generation Schedule.

3 Based upon (i) the language of the Alternative Generation Schedule, and (ii) the related  
4 prepared Direct Testimony of APS witness Charles Miessner, Noble/Constellation/Direct/Shell  
5 each believe that they would be fully capable of performing the role of a Generation Service  
6 Provider, as contemplated by the Alternative Generation Schedule and Mr. Miessner's testimony.  
7 However, they also desire to acquire more information and detailed insight as to how the  
8 Alternative Generation Schedule would be implemented, if approved by the Commission; and, it  
9 is conceivable that they may wish to offer suggestions in that regard. Furthermore, a  
10 Commission decision on the Alternative Generation Schedule could directly and substantially  
11 affect the respective interests of Noble/Constellation/Direct/Shell as prospective Generation  
12 Service Providers. Accordingly, they believe that intervention and participation as a party of  
13 record in the instant proceeding would be both necessary and appropriate as to their respective  
14 interests.

15 III.

16 **APPLICANTS' INTERVENTION WILL**  
17 **NOT UNDULLY BROADEN THE ISSUES**  
18 **TO BE CONSIDERED**

19 As of this juncture, Noble/Constellation/Direct/Shell do not anticipate a need to raise any  
20 new matters. Rather, they contemplate participating in the proceeding and addressing to the  
21 extent necessary (i) those questions and/or issues which may exist at this time as a result of APS'  
22 Application and supporting schedules and prepared testimony, or (ii) which may hereafter be  
23 raised by the Commission's Staff and/or other parties. Thus, their intervention will not unduly  
24 broaden the issues to be considered.

25 IV.

26 **CONCLUSION**

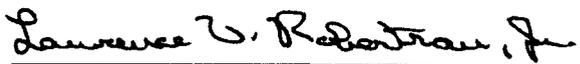
27 WHEREFORE, for the reasons discussed above, Noble/Constellation/Direct/Shell hereby  
28 request that the Commission issue a Procedural Order in the above-captioned proceeding (i)

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1 granting their joint request for intervention, and (ii) according them status and full rights as  
2 parties of record.

3  
4 Dated this 7<sup>th</sup> day of October 2011.

5 Respectfully submitted,

6  
7 

8 Lawrence V. Robertson, Jr.  
9 Attorney for Noble Americas Energy Solutions  
10 LLC, Constellation NewEnergy, Inc., Direct  
11 Energy, LLC and Shell Energy North America  
12 (US), L.P.

13 The original and thirteen (13) copies of the  
14 foregoing will be filed this 7<sup>th</sup> day of October 2011 with:

15 Docket Control Division  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 A copy of the same served by e-mail or first  
20 class mail this same date to:

21 Lyn Farmer, Chief Administrative Law Judge  
22 Hearing Division  
23 Arizona Corporation Commission  
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