

ORIGINAL

INTERVENTION



0000167258

BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

SUSAN BITTER SMITH, CHAIRMAN
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

RECEIVED

2015 DEC 11 A 10: 58

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION)
OF TUCSON ELECTRIC POWER)
COMPANY FOR THE ESTABLISHMENT)
OF JUST AND REASONABLE RATES AND)
CHARGES DESIGNED TO REALIZE A)
REASONABLE RATE OF RETURN ON)
THE FAIR VALUE OF THE PROPERTIES)
OF TUCSON ELECTRIC POWER)
COMPANY DEVOTED TO ITS)
OPERATIONS THROUGHOUT THE)
STATE OF ARIZONA, AND FOR)
RELATED APPROVALS.)

DOCKET NO. E-01933A-15-0322

**NOBLE AMERICAS ENERGY
SOLUTIONS LLC APPLICATION
FOR LEAVE TO INTERVENE**

Arizona Corporation Commission

DOCKETED

DEC 11 2015

DOCKETED BY

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

Pursuant to A.A.C. R14-3-105, Noble Americas Energy Solutions LLC ("Noble Solutions") hereby makes Application for Leave to Intervene ("Application") in the above-captioned and above-docketed proceeding ("Instant proceeding"). In support of its Application, Noble Solutions submits the following information.

I.

DESCRIPTION OF NOBLE SOLUTIONS

Noble Solutions is owned by Noble Group Ltd. ("Noble Group"). Noble Group is a market-leading global supply chain manager of agricultural and energy products, metals and minerals. Noble Group is listed in Singapore (SGX: N21), with headquarters in Hong Kong. Noble Group was ranked number 76 in the 2013 International Fortune 500. Noble Solutions offers a suite of commodity products and commodity services structured to meet the unique needs of energy users and to capture the benefits of choice at the retail level of electricity and natural gas consumption. These commodity products include fixed price, index price and renewable energy, and commodity services include Powerfolio 3D, Online Energy Analyzer and market reports. At

1 present, Noble Solutions serves commercial and industrial customers and institutions of higher
2 learning in the states of California, Connecticut, Delaware, District of Columbia, Illinois, Maine,
3 Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Ohio,
4 Oregon, Pennsylvania, Rhode Island, and Texas, and also in Baja California, Mexico.

5 **II.**

6 **CIRCUMSTANCES OCCASIONING NOBLE SOLUTIONS'**

7 **INTERVENTION REQUEST**

8 Noble Solutions was an Intervener and an active participant in Docket Nos. E-04230A-14-
9 0011 and E-01933A-14-0011, which involved the then proposed Reorganization of UNS Energy
10 Corporation ("Reorganization Proceeding"). Prior to commencement of the evidentiary hearing in
11 the Reorganization Proceeding, a Settlement Agreement was negotiated and executed among
12 parties to that proceeding. Noble Solutions was among the signatories to the Settlement
13 Agreement, which was approved by the Commission in Decision No. 74689.

14 Among the provisions in the Settlement Agreement in the portion relating to "Customer
15 Programs" was Condition 31, which provides as follows:

16 "31. In their next rate case, TEP and UNS Electric will propose a pilot program
17 for a 'buy through' tariff available to Large Light and Power Service and Large
18 Power Service customers, respectively."

19 Noble Solutions participated in both the drafting of the language and the inclusion of Condition 31
20 in the Settlement Agreement; and, because of such language and inclusion, Noble Solutions
21 submitted testimony and briefs urging Commission approval of the Settlement Agreement. In that
22 regard, Decision No. 74689 noted as follows at page 23, lines 4-15:

23 "From the specific perspective of Noble Solutions, the Settlement Agreement
24 addresses Noble Solutions' suggestion that TEP and UNS Electric implement a
25 program that would offer customers a broader array of choices in price and quality
26 of service. Condition 31 provides that "in their next rate cases, TEP and UNS
27 Electric will propose a pilot program for a 'buy through' tariff available to large
28 light and power and large power service customers, respectively." Noble Solutions
states that it appreciates the positive response to this provision by the parties to the
Settlement Agreement. Noble Solutions believes that the willingness of UNS
Energy and Fortis to affirmatively commit to proposing a "buy through" program is
consistent with the "broad public interest." Noble Solutions also believes that
Settlement Condition 41(iii), which provides in part that UNS Energy and its
subsidiaries will support "economic" and "consumer partnerships", supports its

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

1 belief that Noble Solutions and TEP and UNS Electric could “partner” to structure a
2 “buy through” program(s) to meet the needs of some customers.”

3 On November 5, 2015, UNS Electric, Inc. (“Applicant”) filed an Application with the
4 Commission’s Docket Control requesting an increase in Applicant’s rates and charges for electric
5 service. Among the rates proposed by Applicant was a new rate entitled Experimental Rider 14,
6 Alternative Generation Service (“Experimental Rider 14”). Included in the contemporaneously
7 filed November 5, 2015 prepared Direct Testimony of Applicant’s witness Craig A. Jones at page
8 61, line 16 – page 64, line 4 is a description of Experimental Rider 14. In that regard, the
9 following excerpt from that testimony is directly relevant to Noble Solutions’ request for leave to
10 intervene in the Instant Proceeding:

11 **“Q. Why is the Company presenting a buy-through tariff?”**

12 A. As part of the Settlement Agreement in the acquisition of UNS Energy by
13 Fortis. UNS Energy agreed that UNS Electric and TEP would submit an alternative
14 generation service tariff in their next rate case applications.” [Craig A. Jones Direct
15 Testimony at page 61, lines 19-21]

16 **III.**
17 **SATISFACTION OF REQUIREMENTS**
18 **FOR INTERVENTION PRESCRIBED**
19 **BY A.A.C. R14-3-105**

20 Against the background of Sections I and II above, Noble Solutions believes that it has
21 fully satisfied the requirements of A.A.C. R14-3-105 governing requests for intervention in
22 proceedings before the Commission. First, as an established and well-regarded provider of electric
23 generation service of the type contemplated by Experimental Rider 14, Noble Solutions will be
24 “substantially and directly affected” by a Commission decision in the Instant Proceeding as to
25 whether or not to approve Experimental Rider 14 or some variation thereof. Second, Noble
26 Solutions intervention and participation will not delay or broaden issues in the Instant Proceeding
27 because Applicant itself has included the concept of an alternative generation service (or “buy-
28 through”) tariff as a part of its November 5, 2015 filing with the Commission.

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

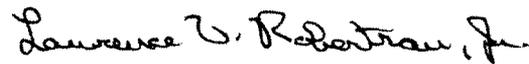
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV.
CONCLUSION

WHEREFORE, Noble Solutions hereby requests that the Commission enter an appropriate form of order granting (i) Noble Solutions' Application for Leave to Intervene in the Instant Proceeding and (ii) Noble Solutions all rights as a party of record therein.

Dated this 09 day of December 2015.

Respectfully submitted,



Lawrence V. Robertson, Jr.
Attorney for Noble Americas Energy Solutions LLC

The original and thirteen (13) copies of the foregoing will be mailed this 9 day of December 2015 with:

Docket Control Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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

Dwight D. Nodes, Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Jane L. Rodda, Administrative Law Judge
Hearing Division
Arizona Corporation Commission
400 West Congress, Suite 218
Tucson, Arizona 85701

Bradley Carroll

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

- 1 UNS Energy Corporation
- 2 88 E. Broadway Blvd
- 3 MS HQE910
- 4 P.O. Box 711
- 5 Tucson, AZ 85702
- 6 and
- 7 Michael W. Patten
- 8 Snell & Wilmer, LLP
- 9 One Arizona Center
- 10 400 East Van Buren Street, Suite 1900
- 11 Phoenix, AZ 85004-2202
- 12 Attorneys for UNS Electric, Inc.
- 13 Daniel W. Pozefsky
- 14 Chief Counsel
- 15 Residential Utility Consumer Office
- 16 1110 West Washington, Suite 220
- 17 Phoenix, AZ 85007
- 18 Janice Alward, Chief Counsel
- 19 Legal Division
- 20 Arizona Corporation Commission
- 21 1200 West Washington Street
- 22 Phoenix, Arizona 85007
- 23 Tom Broderick, Director
- 24 Utilities Division
- 25 Arizona Corporation Commission
- 26 1200 West Washington Street
- 27 Phoenix, Arizona 85007
- 28