

In the Matter of the Commission-Ordered )  
Investigation of Marketing Practices in the ) Case No. 14-568-EL-COI  
Competitive Retail Electric Service Market. )

Noble Americas Energy Solutions LLC (“Noble”) appreciates the opportunity to comment on the questions posed by the Public Utilities Commission of Ohio (“Commission”) in conjunction with its investigation regarding the trade practices of certain CRES providers. Noble acknowledges and agrees with the comments submitted by the Retail Energy Supply Association and so chooses not to restate all of the same points here.

Many CRES providers would say this winter was a challenging winter. With that said, by and large most CRES providers have performed on the obligations they made to their customers who purchased a fixed price product. Unfortunately, a small number of CRES providers are claiming that the events that took place this winter give them the right to pass-through increased costs to customers that purchased energy and/or other related components at a fixed price (Fixed Rate). Based on public and private reaction by customers in response to these assertions, as well as a review of marketing materials and sample contracts made publicly available, there is little doubt that an investigation of the CRES providers that are attempting to pass-through charges to Fixed Rate customers is warranted to determine if these CRES providers are, or have been, engaged in misleading, unfair, deceptive and/or unconscionable marketing practices.

As one of the largest retail suppliers in the country Noble believes this is not an industry-wide problem, but rather a problem with a few CRES providers. The actions taken by the few CRES providers have, and will, negatively impact the consumers, other CRES providers, and the industry as a whole if they engaged in misleading or deceptive marketing. We encourage the Commission to investigate the representations and actions of the few CRES providers attempting to pass through charges to Fixed Rate customers.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Initial Comments was served this 9th day of May 2014 by electronic mail, upon any persons listed below and will be served by electronic mail on all others who file initial comments in Case No. 14-568-EL-COI.

/s/ Stephen M. Howard

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Summary: Comments Initial Comments electronically filed by Mr. Stephen M Howard on behalf of Noble Americas Energy Solutions LLC