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FILE

**P**EREZ & **M**MORRIS LLC  
ATTORNEYS AT LAW

8000 RAVINE'S EDGE COURT, SUITE 300  
COLUMBUS, OHIO 43235  
614-431-1500 • FAX 614-431-3885

Juan Jose Perez  
jperez@perez-morris.com

January 31, 2014

**Via Federal Express Mail**  
**Tracking No. 7977 8288 0950**

PUCO  
Attention: Docketing  
180 E. Broad Street  
11th Floor  
Columbus, OH 43215

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2014 FEB -3 PM 4:34  
PUCO

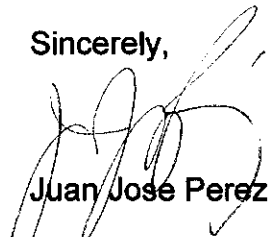
Re: Case No. 14-01-AU-RPT  
In the Matter of the Filing of Annual Reports for Calendar Year 2013 by all  
Regulated Entities

Dear Docketing Clerk:

Enclosed are the original and two copies of Noble Americas Gas & Power Corp.'s Motion for Reduction/Proration of the 2013 Assessment for Maintenance of the Public Utilities Commission and Assessment for Maintenance by the Ohio Consumers' Counsel and Motion for Exemption from Annual Reporting Requirements that was fax-filed on 1/31/2014. Please return a time stamped copy to our office in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter. Should you have any questions, please feel free to call or email me.

Sincerely,

  
Juan Jose Perez  
JJP/rlr

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician   rlr   Date Processed   FEB 03 2014

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**FAX TRANSMITTAL SHEET  
CONFIDENTIAL INFORMATION**

**PLEASE DELIVER AS SOON AS POSSIBLE**

**TO: PUCO DOCKETING**  
**FAX: 614-466-0313**  
**FROM: Juan Jose Perez/Rhonda L. Rosen, Legal Assistant**  
**DATE: January 31, 2014**  
**RE: Case No. 14-01-AU-RPT**  
**In the Matter of the Filing of Annual Reports for Calendar Year 2013**  
**by all Regulated Entities**

**Total pages including cover sheet: 8**

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**Attached for filing is Noble Americas Gas & Power Corp.'s Motion for Reduction/Proration of the 2013 Assessment for Maintenance of the Public Utilities Commission and Assessment for Maintenance by the Ohio Consumers' Counsel and Motion for Exemption from Annual Reporting Requirements. The original and one copy will be sent via regular U.S. mail.**

**Please contact our office if you have questions or need additional information.**

**Thank you for your assistance.**

**THIS FAX CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE NAMED ADDRESSEE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FAX, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS FAX IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL FAX TO US AT THE ABOVE ADDRESS VIA U.S. MAIL. THANK YOU.**

FILE

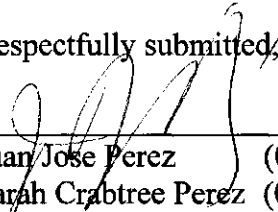
BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Filing of Annual :  
Reports for Calendar Year 2013 by all : Case No. 14-01-AU-RPT  
Regulated Entities. :

**NOBLE AMERICAS GAS & POWER CORP.'S MOTION FOR  
REDUCTION/PRORATION OF THE 2013 ASSESSMENT FOR MAINTENANCE OF  
THE PUBLIC UTILITIES COMMISSION AND ASSESSMENT FOR MAINTENANCE  
BY THE OHIO CONSUMERS' COUNSEL AND MOTION FOR EXEMPTION FROM  
ANNUAL REPORTING REQUIREMENTS**

Pursuant to Ohio Revised Code ("R.C.") 4905.10 and the Finding and Order (the "Order") of the Public Utilities Commission (the "Commission") entered on this docket on January 22, 2014, Noble Americas Gas & Power Corp. ("NAGP") respectfully requests the Commission grant its motion for reduction of its 2013 Assessment for the Maintenance of the Public Utilities of Ohio (the "Assessment") based on NAGP's exit from the Ohio natural gas retail services market on March 31, 2013. Additionally, NAGP requests the Ohio Consumers' Counsel's ("OCC") annual maintenance assessment be similarly prorated and reduced. Finally, NAGP requests an exemption from the 2013 annual reporting requirement and future reporting requirements based on its exit from the Ohio natural gas retail services market. The reasons supporting this motion are contained in the attached Memorandum in Support.

Respectfully submitted,

  
\_\_\_\_\_  
Juan Jose Perez (0030400)  
Sarah Crabtree Perez (0086844)  
PEREZ & MORRIS LLC  
8000 Ravine's Edge Court, Suite 300  
Columbus, Ohio 43235  
T: (614) 431-1500; F: (614) 431-3885  
*Attorneys for Noble Americas Gas & Power Corp.*

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Filing of Annual           :**  
**Reports for Calendar Year 2013 by all       :**       **Case No. 14-01-AU-RPT**  
**Regulated Entities.                           :**

**MEMORANDUM IN SUPPORT**

**I.       INTRODUCTION AND BACKGROUND**

NAGP is a Delaware corporation, with its primary office located at 107 Elm Street, Stamford, CT 06902. NAGP, a wholly owned subsidiary of Noble Group Limited, is an energy company transacting in physical and financial electricity and natural gas markets in the United States and Canada. NAGP was registered under Certificate No. 12-237G(1) to provide retail natural gas marketer services under the name “Emerald Energy Retail” in the state of Ohio, effective January 21, 2012.

NAGP was party to an Energy Choice Pooling Service Agreement with Dominion East Ohio (“Dominion”) under which it was obligated to supply Dominion with a portion of the natural gas Dominion required to serve its customers for the period April 2012 to March 2013. Effective March 31, 2013, NAGP ceased its participation in any of the Ohio retail natural gas markets. In addition, NAGP’s Ohio Competitive Retail Natural Gas Marketer Certificate has expired.

**II.      NAGP’S ASSESSMENT BY THE COMMISSION SHOULD BE PRORATED**

On December 5, 2013, the Commission issued the Assessment to NAGP of \$44,403.58 in annual maintenance fees. A true and accurate copy of the invoice for the 2013 Assessment is attached hereto as Exhibit B. However, the Assessment was made as if NAGP operated as a natural gas service provider for the entire year, rather than being prorated or reduced based on

NAGP's March 31, 2013 exit as a retail natural gas supplier in Ohio. On December 30, 2013, NAGP sent the Commission a letter detailing the timing of its exit from the market and its calculation of the prorated amount that should be charged (the "Letter"). A true and accurate copy of the Letter NAGP sent the Commission on December 30, 2013 is attached hereto as Exhibit A.

On January 22, 2014, the Commission issued a Finding and Order (the "Order") in this case listing NAGP as a reporting entity that had failed to pay its 2013 Assessment and, pursuant to paragraph 14 of the Order, required NAGP to file a motion on this docket substantiating the contents of the Letter and renewing its request for reduction or proration of the Assessment.

Based upon the foregoing, NAGP requests the Commission reduce or prorate the Assessment to \$11,900.90 to reflect NAGP's exit from the Ohio retail natural gas market on March 31, 2013. The calculation used to arrive at the prorated amount is shown in Exhibit A, attached hereto.

### **III. NAGP'S ASSESSMENT BY THE OHIO CONSUMERS' COUNSEL SHOULD BE SIMILARLY PRORATED**

NAGP similarly requests proration for its 2013 annual maintenance assessment to the OCC (the "OCC Assessment"). A true and accurate copy of an invoice for the 2013 OCC Assessment (the "Invoice") is attached hereto as Exhibit C. According to the Invoice, the OCC based its calculation of the OCC Assessment upon the incorrect assumption that NAGP provided natural gas services for the entire year of 2013. However, NAGP ceased operations in the Ohio natural gas market on March 31, 2013, and the OCC Assessment should have been prorated accordingly. Therefore, NAGP requests proration of the OCC Assessment to reduce the amount

due and owing to \$1,945.53. The calculation used to arrive at the prorated amount is shown in Exhibit A, attached hereto.

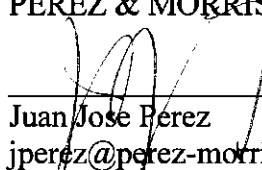
**IV. NAGP SHOULD BE EXEMPT FROM THE 2013 REPORTING REQUIREMENT AND FUTURE REPORTING REQUIREMENTS**

Based upon NAGP's complete exit from the Ohio natural gas retail services market on March 31, 2013, and expired Ohio Competitive Retail Natural Gas Marketer Certificate, NAGP should be removed from the "2013 Master Reporting List," attached as Appendix A of the Order. NAGP requests an exemption from the 2013 annual reporting requirement as well as annual reporting requirements in the future based upon the fact that NAGP ceased supplying natural gas in the Ohio natural gas retail services market as of March 31, 2013. NAGP should not be required to report annual revenue or be assessed fees for years in which it did not provide any such natural gas services.

**V. CONCLUSION**

For the reasons set forth above, NAGP respectfully requests its motion for reduction or proration of the 2013 Commission Assessment and the OCC Assessment be granted. NAGP also requests the Commission find it exempt from the 2013 annual reporting requirement as well as future annual reporting requirements and remove NAGP from Appendix A to the Order.

PEREZ & MORRIS LLC

  
\_\_\_\_\_  
Juan Jose Perez (0030400)  
jper@perez-morris.com  
Sarah Crabtree Perez (0086844)  
sperez@perez-morris.com  
8000 Ravine's Edge Court, Suite 300  
Columbus, Ohio 43235  
T: (614) 431-1500; F: (614) 431-3885  
*Attorneys for Noble Americas Gas & Power Corp.*



**Exhibit A**

**From:** Monique Rowtham-Kennedy [mailto:MRowtham-Kennedy@thisisnoble.com]  
**Sent:** Monday, December 30, 2013 10:31 AM  
**To:** PUCO AnnualReports  
**Subject:** 2013 Annual Assessment - Noble Americas Gas and Power Corp. (Certificate No. 12-237G(1))

Dear Sir/Madame:

Effective March 31, 2013, Noble Americas Gas & Power Corp (Noble) completed its term as Standard Choice Offer (SCO) supplier, and at that time, elected to not continue as a SCO nor choice supplier going forward. Noble was party to an Energy Choice Pooling Service Agreement with Dominion East Ohio ("Dominion") under which it was obligated to supply Dominion with a portion of the natural gas Dominion required to serve its customers for the period April 2012 to March 2013. Once this contract terminated, Noble was not awarded any new tranches by Dominion nor any other Ohio local natural gas company. As demonstrated by the Natural Gas Apples to Apples Charts for Ohio local natural gas companies maintained by the Public Utilities Commission of Ohio, Noble is not listed as a retail natural gas supplier actively soliciting new customers in Ohio and has not been awarded any tranches for 2013-2014.

Given Noble only participated for the first three months of calendar year 2013, Noble hereby requests that its 2013 assessment for PUCO costs be pro-rated as follows:

Annual maintenance assessment 2013 (attached)	\$44,403.58
Pro-rated to applicable period (3 of 12 months)	$\times \quad 25\%$
Adjusted maintenance assessment 2013 (payment enclosed)	\$11,100.90

Noble further requests that its 2013 assessment for OCC costs be pro-rated as follows:

Annual maintenance assessment 2013 (attached)	\$7,782.13
Pro-rated to applicable period (3 of 12 months)	$\times \quad 25\%$
Adjusted maintenance assessment 2013	\$1,945.53

Please direct any questions concerning this request to me. My contact information is listed below.

Thanks and best regards,

Monique Rowtham-Kennedy



**Monique Rowtham-Kennedy, Esq. | Legal Counsel, Compliance**  
Four Stamford Plaza | 107 Elm Street 7th Floor | Stamford CT 06902, USA  
Tel: 203.326.6571 | Mobile: 203.914.5378  
[MRowtham-Kennedy@thisisnoble.com](mailto:MRowtham-Kennedy@thisisnoble.com) | [www.thisisnoble.com](http://www.thisisnoble.com)



**Ohio** | **Public Utilities Commission**  
 John R. Kasich, Governor  
 Todd A. Snitchler, Chairman

Exhibit B

Commissioners  
 Steven D. Lesser  
 Asim Z. Haque  
 Lynn Slaby  
 M. Beth Trombold

**Noble Americas Gas & Power Corp**  
**Monique Rowtham-Kennedy, Legal Counsel**  
**4 Stamford Plaza**  
**Stamford, CT 06902**

**2013 Assessment for the Maintenance of the PUCO**

December 5, 2013

In accordance with Section 4905.10, Ohio Revised Code, the 2013 Assessment for the Maintenance of the Public Utilities Commission of Ohio based on reported Intrastate Gross Revenues of: \$35,916,427

Due from the above listed firm (PUCO) File #1072 is \$44,403.58

Less Spring Assessment Paid: \$0.00

Net Amount Due: \$44,403.58

Please make checks payable to: **PUBLIC UTILITIES COMMISSION OF OHIO**

And mail to: Treasurer State of Ohio  
 L-3603  
 Columbus, OH 43260-3603

Due Date: **UPON RECEIPT**

Questions concerning this assessment should be addressed to the Fiscal Division at the address below or you may call Tina Watkins at (614) 387-1010.

.....  
 Please detach and return with check

Noble Americas Gas & Power Corp  
 4 Stamford Plaza  
 Stamford, CT 06902  
 PUCO File #1072

**AMOUNT DUE .... \$44,403.58**  
**Check Number \_\_\_\_\_**

Speed Code	Deposit Unit	GL Unit	Fund	Account	ALI	Department	Program	Agency Use	ISTV Xref
PUC ASSHSS	PUC01	STATE	SF60	425035	N/A	PUC100100	N/A	N/A	N/A

180 East Broad Street  
 Columbus, Ohio 43215-3793

(614) 466-3016  
 www.PUCO.ohio.gov

*An equal opportunity employer and service provider*





Exhibit C



# INVOICE

**Bill to:** Noble Americas Gas & Power Corp  
**Attention:** Monique Rowtham-Kennedy  
4 Stamford Plaza  
Stamford, CT 06902

**Date:** December 10, 2013

**Record No.** 1025

In accordance with Section 4911.18, Ohio Revised Code, your 2013 assessment for the maintenance of the Office of the Ohio Consumers' Counsel (OCC) due from the above listed firm is as follows:	
Intrastate Gross Receipts (IGR) reported for calendar year 2012	\$ 35,916,427
Total Assessment for 2013	\$ 7,782.13
<b>Amount Due</b>	<b>\$ 7,782.13</b>

**DATE DUE**

**January 10, 2014**

Make checks payable to: **OFFICE OF THE OHIO CONSUMERS' COUNSEL**  
Mailing address: **Attention: Assessments**  
**10 W. Broad Street, Suite 1800**  
**Columbus, OH 43215-3485**

**IT IS IMPORTANT TO:**

- Include a *copy of this invoice* along with your check.
- Include the *OCC Record No.* (located above) on your check.
- List the *name of the company(ies)* on whose behalf payment is being made.

***Section 131.02 of the Ohio Revised Code requires the Office of the Ohio Consumers' Counsel to forward delinquent claims to the Ohio Attorney General's Office for amounts not paid within 45 days of the due date.***

Questions concerning this refund should be addressed to  
Lindsey Lewis at [lewis@occ.state.oh.us](mailto:lewis@occ.state.oh.us) or at (614) 466-9495.