

April 5, 2010

Via Electronic Filing

Ms. Renee Jenkins
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, OH 43215

Re: Case No. 10-388-EL-SSO, In the Matter of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan.

Dear Ms. Jenkins:

Enclosed is the Motion to Intervene of CPower, Inc., Viridity Energy, Inc., EnergyConnect Inc., Comverge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc. and the Motion for Admission Pro Hac Vice of Allen Freifeld and Samuel A. Wolfe, filed electronically.

Very truly yours,

/s/ Jacqueline Lake Roberts

Jacqueline Lake Roberts, Local Counsel
13212 Havens Corner Road SW
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jroberts@enernoc.com

Enclosures
cc: Parties of Record

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 10- 388 -EL-SSO
Edison Company for Authority to Establish)	
a Standard Service Offer Pursuant to)	
R.C. §4928.143 in the Form of an Electric)	
Security Plan)	

**MOTION TO INTERVENE OF
CPOWER, INC., VIRIDITY ENERGY, INC., ENERGYCONNECT, INC., COMVERGE
INC., ENERWISE GLOBAL TECHNOLOGIES, INC., AND ENERGY CURTAILMENT
SPECIALISTS, INC**

CPower, Inc., Viridity Energy, Inc., EnergyConnect, Inc., Comverge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc., (collectively Demand Response Coalition) individually and collectively move to intervene in this case where the standard service offer includes terms and conditions regarding the implementation of demand response and peak demand reduction programs. Demand Response Coalition members each provide demand response and other programs to many Ohio retail customers. The programs offered by The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company compete with programs or are potentially prohibited from being offered in Ohio by the Demand Response Coalition.

The reasons the Public Utilities Commission of Ohio should grant the Motion of the Demand Response Coalition are further set forth in the attached Memorandum in Support.

Respectfully submitted,

CPOWER, INC.
VIRIDITY ENERGY, INC.
ENERGYCONNECT, INC.
COMVERGE INC.
ENERWISE GLOBAL TECHNOLOGIES, INC.
ENERGY CURTAILMENT SPECIALISTS, INC.

/s/ Jacqueline Lake Roberts

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April 5, 2010

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 10- 388 -EL-SSO
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MEMORANDUM IN SUPPORT

This case involves the Standard Service Offer (SSO) of The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, Companies or FirstEnergy) which includes terms and conditions of the Demand Response (DR) and Peak Demand Reduction (PDR) Programs, and well as conditions relating to the offering of demand response programs by curtailment service providers (CSPs). CPower, Inc., Viridity Energy, Inc., EnergyConnect, Inc., Converge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc., (collectively Demand Response Coalition) will each be adversely affected by, and has a direct interest in, the outcome of this case. The Demand Response Coalition provides demand response and other services to many Ohio retail customers and the programs offered in the SSO directly compete with those of the Demand Response Coalition’s individual offerings. R.C. 4903.221 provides, in part, that any person “who may be

adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding.

The Demand Response Coalition’s individual interests will be adversely affected by this case by the terms and conditions of the programs proposed by Companies in the SSO. Therefore, this element of the intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the Commission to consider the following criteria in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

First, the nature and extent of the Demand Response Coalition’s interest is to provide demand response and other services to the customers of FirstEnergy. This interest is different from that of any other party and especially different from that of the utility.

Second, the Demand Response Coalition’s legal position relates to how DR and PRD services should be provided to Ohio retail customers. Ohio retail customers should be allowed to participate in any programs offered in Ohio and there should be no barriers to participation or financial incentive for retail customers to participate in FE’s programs over others. This position is directly related to the merits of the case pending before the Commission.

Third, the demand Response Coalition’s intervention will not unduly prolong or delay the proceedings. Members of the Demand Response Coalition have extensive experience and

expertise practicing before state and federal commissions and in some cases are former state commission members. The Demand Response Coalition's intervention will allow for the efficient processing of this case.

Fourth, the Demand Response Coalition's intervention will significantly contribute to the full development and equitable resolution of the factual issues in this case. The Demand Response Coalition has and will develop information that this Commission should consider in equitably and lawfully deciding the case in the public interest.¹

The individual and collective members of the Demand Response Coalition meet the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the Commission should respectfully grant this Motion to Intervene.

Respectfully submitted,

CPOWER, INC.
VIRIDITY ENERGY, INC.
ENERGYCONNECT, INC.
COMVERGE INC.
ENERWISE GLOBAL TECHNOLOGIES, INC.
ENERGY CURTAILMENT SPECIALISTS, INC.

/s/ Jacqueline Lake Roberts

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¹ The Demand Response Coalition also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that the Demand Response Coalition satisfies in the Ohio Revised Code). To intervene, a party should have a "real and substantial interest" according to Ohio Adm. Code 4901-1-11(A)(2), which the Demand Response Coalition has demonstrated.

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Edison Company for Authority to Establish)	
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**MOTION FOR ADMISSION PRO HAC VICE
OF ALLEN FREIFELD AND SAMUEL A. WOLFE**

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Jacqueline Lake Roberts, an attorney licensed to practice in the State of Ohio, respectfully moves that Allen Freifeld and Samuel A. Wolfe be admitted *pro hac vice* to practice before the Public Utilities Commission of Ohio (Commission) for the purpose of representing CPower, Inc., Viridity Energy, Inc., EnergyConnect, Inc., Converge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc., (collectively Demand Response Coalition) in the instant matters, and in support thereof states as follows:

1. Allen Freifeld is Senior Vice President, External Affairs for Viridity Energy Inc. Mr. Freifeld has been a member in good standing of the Maryland bar since 1977. Mr. Freifeld is an experienced practitioner in the field of utility regulation who has served the Maryland Public Service Commission as a Hearing Examiner from 1978 through 1986, as Chief Staff Counsel from 1986 until 1996, and as a Commissioner from 2004 until 2009. Mr. Freifeld has

appeared in numerous proceedings before state and federal regulatory bodies. Mr. Freifeld is familiar with the issues in the above-identified cases. His experience and expertise in electric utility regulation will greatly assist the Demand Response Coalition in its participation in the case at bar.

2. Contact information for Mr. Freifeld is as follows:

Allen Freifeld
Viridity Energy, Inc.
100 West Elm Street, Suite 410
Conshohocken, PA 19428
484-534-2191
afreifeld@viridityenergy.com

3. Samuel Wolfe is Director, Legal & Regulatory Affairs for Viridity Energy Inc.

Mr. Wolfe has been a member in good standing of the bar of the State of New Jersey since 1986. Mr. Wolfe is an experienced practitioner in the field of utility regulation who has participated in numerous proceedings before state and federal energy and environmental regulatory bodies, and has served the New Jersey Board of Public Utilities as its Chief Counsel from 2006 until 2010. Mr. Wolfe is familiar with the issues in the above-identified cases. His experience and expertise in electric utility regulation will greatly assist the Demand Response Coalition in its participation in the case at bar.

4. Contact information for Mr. Wolf is as follows:

Samuel A. Wolfe
Viridity Energy, Inc.
100 West Elm Street, Suite 410
Conshohocken, PA 19428
609-785-1005
swolfe@viridityenergy.com

WHEREFORE, Jacqueline Lake Roberts respectfully requests that Allen Freifeld and Samuel Wolf be permitted to practice before the Commission in this case.

Respectfully submitted,

/s/ Jacqueline Lake Roberts

Jacqueline Lake Roberts (No. 0026806)

13212 Havens Corner Road SW

Pataskala, OH 43062

740.927.3344

jroberts@enernoc.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Motion to Intervene and Motion for Admission Pro Hac Vice* were served on the persons identified below, via *Electronic Service*, this 5th day of April 2010.

/s/ Jacqueline Lake Roberts
Jacqueline Lake Roberts

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Case No(s). 10-0388-EL-SSO

Summary: Motion to Intervene of CPower, Inc., Viridity Energy, Inc., EnergyConnect Inc., Comverge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc. and Memorandum in Support; Motion for Admission Pro Hac Vice of Allen Freifeld and Samuel A. Wolfe electronically filed by Ms. Jacqueline Lake Roberts on behalf of CPower, Inc. and Viridity Energy, Inc. and EnergyConnect Inc. and Comverge Inc. and Enerwise Global Technologies, Inc. and Energy Curtailment Specialists, Inc.