

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	Case No. 12-426-EL-SSO
The Dayton Power and Light Company)	
for Approval of Its Market Rate Offer)	
)	
In the Matter of the Application of)	Case No. 12-427-EL-ATA
The Dayton Power and Light Company)	
for Approval of Revised Tariffs)	
)	
In the Matter of the Application of)	Case No. 12-428-EL-AAM
The Dayton Power and Light Company)	
for Approval of Certain Accounting)	
Authority)	
)	
In the Matter of the Application of)	Case No. 12-429-EL-WVR
The Dayton Power and Light Company)	
for Waiver of Certain Commission Rules)	
)	
In the Matter of the Application of)	Case No. 12-672-EL-RDR
The Dayton Power and Light Company to)	
Establish Tariff Riders)	

**MOTION TO INTERVENE
BY
ENERNOC, INC.**

EnerNOC, Inc. (“EnerNOC”) respectfully requests permission to intervene, in the above-captioned cases.¹ EnerNOC provides demand response and energy efficiency programs to Ohio retail customers, including retail customers of the Dayton Power and Light Company (“DP&L”). EnerNOC is participating in these proceedings to ensure DP&L’s customers are permitted to participate in wholesale demand response programs through parties like EnerNOC.

¹ EnerNOC’s request is made pursuant to Ohio Revised Code §4903.221 and Ohio Adm. Code §4901-1-11.

The reasons the Public Utilities Commission of Ohio (“Commission”) should grant EnerNOC’s Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Gregory J. Poulos
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MEMORANDUM IN SUPPORT

EnerNOC is a leading developer and provider of clean and intelligent energy solutions to commercial, institutional, and industrial end-use customers, as well as electric power grid operators and utilities. EnerNOC's technology-enabled demand side response and energy management solutions help both customers and grid operators optimize the balance of electric supply and demand.

EnerNOC manages aggregated demand response resources across numerous commercial, institutional and industrial customer verticals, including, education, government, health care, hospitality, retailing, commercial real estate, agri-business, manufacturing, and more. EnerNOC

currently manages over 7,100 MWs of demand response resources throughout North America, Europe, Australia and New Zealand.²

EnerNOC actively manages aggregated demand response resources participating in broad variety of reliability-based programs, economic price-response programs, and ancillary service markets. EnerNOC is a direct market participant in wholesale electricity markets including ISO-New England, PJM Interconnections, New York ISO, and the Electric Reliability Council of Texas (ERCOT). In addition, EnerNOC provides demand-side management services through bilateral arrangements with utilities throughout North America, in both investor-owned and public power utility systems in the Tennessee Valley Authority Region, Arizona, California, Colorado, Florida, Idaho, Maryland, Vermont, and Washington. EnerNOC also provides demand-response services in open-market programs in Ontario, Canada, Europe, New Zealand and Australia.

These cases may impact the opportunities for DP&L customers to participate through curtailment service providers, like EnerNOC, in wholesale market demand side programs established by PJM Interconnection, LLC (“PJM”). EnerNOC has customers in the DP&L service territory. Therefore, EnerNOC has a direct interest in, and may be adversely affected by, the outcome of these cases. The demand response opportunities offered by DP&L should not provide competitive advantages or competitive disadvantages to any party. 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. EnerNOC’s interests may be adversely affected by these cases because the terms and conditions of the curtailment programs proposed by DP&L. 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

² As of December 31, 2011.

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 EnerNOC's interest is to provide demand response and energy efficiency services to the customers of DP&L. This interest is different from that of any other party and especially different from that of the utility.

Second, EnerNOC's legal position relates to how demand response and energy efficiency 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 financial incentive for retail customers to participate in DP&L's programs over others.

Third, EnerNOC's intervention will not unduly prolong or delay the proceedings. EnerNOC's issues in this proceeding are narrow. In addition, EnerNOC has extensive experience practicing before the state and federal commissions. This will allow for the efficient processing of these cases.

Fourth, EnerNOC's intervention will contribute to the full development and equitable resolution of the factual issues. EnerNOC has and will develop information that this Commission should consider for equitably and lawfully deciding the cases in the public interest.

EnerNOC meets the criteria set forth in Ohio R.C. §4903.221, Ohio Adm. Code §4901-1-11, and the Commission should grant EnerNOC's Motion to Intervene.

Respectfully submitted,

/s/ Gregory J. Poulos
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene was served by e-mail to the persons listed below on this 16th day of April, 2012.

/s/Gregory J. Poulos
Gregory J. Poulos
Manager, Regulatory Affairs

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Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0429-EL-WVR, 12-0672-EL-RDR

Summary: Motion Motion to Intervene and Memorandum in Support electronically filed by Mr. Gregory J. Poulos on behalf of EnerNOC, Inc.