

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |   |                         |
|--|---|-------------------------|
| In the Matter of the Application of Ohio | ) |                         |
| Edison Company, the Cleveland Electric   | ) | Case No. 12-2190-EL-POR |
| Illuminating Company, and the Toledo     | ) | Case No. 12-2191-EL-POR |
| Edison Company for Approval of Their     | ) | Case No. 12-2192-EL-POR |
| Energy Efficiency and Peak Demand        | ) |                         |
| Reduction Program Portfolio Plans for    | ) |                         |
| 2013 through 2015.                       | ) |                         |

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

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EnerNOC, Inc. (“EnerNOC”) respectfully requests permission to intervene in the above-captioned case.<sup>1</sup> EnerNOC provides demand response and energy efficiency programs to Ohio retail customers, including retail customers of the Cleveland Electric Illuminating Company, the Ohio Edison Company, and the Toledo Edison Company (collectively “FirstEnergy Companies”). EnerNOC is an active participant in PJM Reliability Pricing Model Auctions and actively manages demand response resources in those auctions for customers throughout PJM including customers in the FirstEnergy Companies’ footprint.

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

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<sup>1</sup> EnerNOC’s request is made pursuant to Ohio R.C. §4903.221 and Ohio Adm. Code §4901-1-11

Respectfully submitted,

/s/ Gregory J. Poulos

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**MEMORANDUM IN SUPPORT**

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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 8,300 MWs of demand response resources throughout North America, Europe, Australia, and New Zealand.<sup>2</sup>

EnerNOC actively manages aggregated demand response resources participating in broad variety of reliability-based programs, economic price-response programs, and ancillary service

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<sup>2</sup> As of June 1, 2012.

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. 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 and in the United Kingdom.

Earlier this year, the Commission ordered the FirstEnergy Companies to submit energy efficiency and peak demand reduction program portfolio plans that implement all cost-effective steps to promptly off-set the retirement of recently retired coal-fired generation by the FirstEnergy Corporation.<sup>3</sup> As a PJM Reliability Pricing Model market participant that provided demand response resources in the last American Transmission Systems, Inc., (“ATSI”) auction EnerNOC has substantial experience in procuring demand response in this region. In addition, EnerNOC has a direct interest in, and may be adversely affected by, the outcome of this case.

The demand response opportunities adopted by the Commission should not provide competitive advantages or competitive disadvantages to any party. Ohio 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 programs adopted by the Commission. Therefore, this element of the intervention standard in Ohio R.C. 4903.221 is satisfied.

Ohio R.C. 4903.221(B) requires the Commission to consider the following criteria in

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<sup>3</sup> See In the Matter of the Commission’s Review of the Participation of the Cleveland Electric Illuminating Company, the Ohio Edison Company, and the Toledo Edison Company in the May 2012 PJM Reliability Pricing Model Auction, PUCO Case No. 12-814-EL-UNC, Entry at paragraph 10 (February 29, 2012).

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 EnerNOC's interest is to provide demand response and energy efficiency services to the customers of the FirstEnergy Companies. 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 ensuring that the FirstEnergy Companies demand response and energy efficiency programs comply with Ohio Revised Code §4928.66. As part of the Companies compliance with Ohio Revised Code §4928.66, the Companies should implement programs that are both cost-effective and allow customers to receive the appropriate incentives to participate. These positions are directly related to the merits of the cases pending before the Commission.

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 20th day of August, 2012.

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

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 12-2190-EL-POR**

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