

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	Case No. 13-833-EL-POR
The Dayton Power and Light Company	)	Case No. 13-837-EL-WVR
for Approval of Its Energy Efficiency and	)	
Peak Demand Reduction Program	)	
Portfolio Plan 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 cases.<sup>1</sup> EnerNOC recognizes that the intervention deadline has passed. We are also aware that most of the procedural schedule has been pushed back to provide for settlement discussions. EnerNOC’s business model is continually evolving and the decision to intervene in this case was deemed necessary over the last few days. Our interests in this case are very narrow and we can commit to adhering to the schedule set forth by the hearing examiner going forward.

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 opportunities to provide Energy Efficiency services are competitively procured by DP&L and that DP&L’s customers are permitted to participate in energy efficiency programs and wholesale demand response programs

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

through parties like EnerNOC.

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**

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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. We are a leading provider of third-party demand response (“DR”) and energy efficiency (“EE”) programs on behalf of public agencies, electric and gas utilities. EnerNOC is currently managing over 24 GW of load sourced from over 14,000 commercial and industrial sites across markets in North America, the UK, Australia, and New Zealand, offering much of this load into energy, capacity, and ancillary services markets of varied designs.

EnerNOC also provides EE turnkey solutions as a third-party contractor to public agencies and utilities delivering building commissioning services for commercial and institutional facilities and customized EE projects for all types of manufacturing industries. Our EE programs have produced more than a 500 million kWh of savings for commercial, institutional and industrial customers throughout the United States.

These cases may impact the opportunities for EnerNOC and 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 provides EE and DR programs for utilities and we have 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 opportunities offered by DP&L as part of the portfolio plan 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 placed on the 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 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 DP&L and 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. The programs proposed by DP&L should

be competitively procured 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 is requesting intervention after the intervention deadline but we are not asking for any modifications to the procedural schedule. 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 21st day of August, 2013.

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

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

**Commission of Ohio Docketing Information System on**

**8/21/2013 4:29:52 PM**

**in**

**Case No(s). 13-0833-EL-POR, 13-0837-EL-WVR**

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