

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Establish a)	
Standard Service Offer Pursuant to)	
Section 4928.143, Revised Code, in the)	Case No. 14-841-EL-SSO
Form of an Electric Security Plan,)	
Accounting Modifications and Tariffs for)	
Generation Service.)	

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Amend its)	Case No. 14-842-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20)	

**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. EnerNOC has an interest in advocating for equal opportunities for demand response providers to participate in the procurement of electric services in southwest Ohio.

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
Gregory J. Poulos
EnerNOC, Inc.
471 E. Broad St., Suite 1520
Columbus, OH 43054
E-mail: gpoulos@enernoc.com
Phone: (614) 507-7377
Facsimile: (614) 855-8096

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

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Establish a)	
Standard Service Offer Pursuant to)	
Section 4928.143, Revised Code, in the)	Case No. 14-0841-EL-SSO
Form of an Electric Security Plan,)	
Accounting Modifications and Tariffs for)	
Generation Service.)	

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Amend its)	Case No. 14-842-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20)	

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. 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, Asia, Europe, 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 Duke Energy Ohio 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 Duke Energy Ohio service territory. Therefore, EnerNOC has a direct interest in, and may be adversely affected by, the outcome of these cases. The opportunities offered by Duke Energy Ohio 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 Duke Energy Ohio. 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 the customers of Duke Energy Ohio. 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 additional financial incentive for retail customers to participate in Duke Energy Ohio's programs over others. This position is 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
Gregory J. Poulos
EnerNOC, Inc.
471 E. Broad St., Suite 1520
Columbus, OH 43215
E-mail: gpoulos@enernoc.com
Phone: (614) 507-7377
Facsimile: (614) 855-8096

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum in Support was served by electronic mail, upon the following Parties of Record, this 8th day of July, 2014.

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

SERVICE LIST

Amy Spiller
Jeanne Kingery
Elizabeth Watts
Rocco O. D'Ascenzo
Duke Energy Ohio
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
Rocco.DAscenzo@duke-energy.com
Amy.Spiller@duke-energy.com
Jeanne.Kingery@duke-energy.com
Elizabeth.Watts@duke-energy.com

Maureen R. Grady
Joseph P. Serio
Edmund "Tad" Berger
Office of the Ohio Consumers' Counsel
10 W. Broad St., 18th Fl.
Columbus OH 43215
Phone: 614-466-1311
Fax: 614-466-9475
grady@occ.state.oh.us
serio@occ.state.oh.us
berger@occ.state.oh.us

Judi L. Sobecki
The Dayton Power and Light Company
1065 Woodman Dr.
Dayton OH 45432
Phone: 937-259-7184

Steven Beeler
Thomas Lindgren
Ryan O'Rourke
Staff of the Public Utilities
Commission of Ohio
Attorney General's Section
Public Utilities Commission of Ohio
180 E. Broad St., 6th Floor
Columbus, OH 43215
steven.beeler@puc.state.oh.us
thomas.lindgren@puc.state.oh.us
ryan.orourke@puc.state.oh.us

Michael L. Kurtz
Jody Kyler Cohn
Ohio Energy Group
Boehm Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
mkurtz@bkllawfirm.com
jkyler@bkllawfirm.com

Joseph Olikier
Matthew White
INTERSTATE GAS SUPPLY, INC.
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com
mwhite@igsenergy.com

Judi.sobecki@aes.com

Joseph Clark
Direct Energy Services and Direct
Energy Business
21 E. State Street, 19th Floor
Columbus, OH 43215
Phone: 614-220-4369
Fax: 614-220-4674
joseph.clark@directenergy.com

Jacob A. McDermott
Mark A. Hayden
Scott J. Casto
FirstEnergy Solutions
76 S. Main St
Akron OH 44313
Phone: (330)384-5038
Fax: (330)384-3875
jmcdermott@firstenergycorp.com
haydenm@firstenergycorp.com
scasto@firstenergy.com

Matthew R. Pritchard
Frank P. Darr
Samuel C. Randazzo
McNees Wallace & Nurick
21 East State Street #1700
Columbus OH 43215
Phone: 614-469-8000
Fax: 614-469-4653
mpritchard@mwncmh.com
fdarr@mwncmh.com
sam@mwncmh.com

Nicholas McDaniel
Environmental Law & Policy Center
1207 Grandview Ave., Ste. 201
Columbus, OH 43212
NMcDaniel@elpc.org

Trent A Dougherty
Ohio Environmental Council
1207 Grandview Ave. Suite 201
Columbus OH 43212

Kimberly W. Bojko
Mallory M. Mohler
Ohio Manufacturers' Association
Carpenter Lipps & Leland LLP
280 North High Street 280 Plaza Suite
1300
Columbus OH 43215
Phone: 614-365-4100
Fax: 614-365-9145
Bojko@CarpenterLipps.com
Mohler@CarpenterLipps.com

Kevin R. Schmidt
The Energy Professionals of Ohio
88 East Broad Street, Suite 1770
Columbus, OH 43215
Schmidt@sppgrp.com

Colleen L. Mooney
Cathryn Loucas
OPAE
231 West Lima Street
Findlay OH 45840
Phone: 614-488-5739
cmooney@ohiopartners.org
cloucas@ohiopartners.org

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus OH 43215
Phone: (614) 716-1608
Fax: (614) 716-2950
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com

Andrew J. Sonderman
Margeaux Kimbrough
People Working Cooperatively, Inc.
Kegler Brown Hill & Ritter LPA
65 East State Street
Columbus, Ohio 43215-4294

Phone: 614-487-7506
Fax: 614-487-7510
TDougherty@theoec.org

David I. Fein
Constellation NewEnergy and Exelon
Generation Company
Exelon Corporation
10 South Dearborn Street, 47th Floor
Chicago, IL 60603
david.fein@exeloncorp.com

Cynthia Fonner Brady
Exelon Business Services Company
4300 Winfield Road
Warrenville, IL 60555
cynthia.brady@constellation.com

Lael Campbell
Exelon
101 Constitution Avenue, NW
Washington, DC 20001
Lael.Campbell@constellation.com

M. Howard Petricoff
University of Cincinnati
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43216-1008
Tel. (614) 464-5414 / Fax (614) 719-4904
mhpetricoff@vorys.com

asonderman@keglerbrown.com
mkinbrough@keglerbrown.com

Christopher J. Allwein
Todd M. Williams
Sierra Club
Williams Allwein and Moser, LLC
1500 West Third Ave, Suite 330
Columbus, Ohio 43212
callwein@wamenergylaw.com
toddm@wamenergylaw.com

Rebecca L. Hussey
The Kroger Company
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus OH 43215
hussey@carpenterlipps.com

Christine M.T. Pirik
Attorney Examiner for the Public Utilities
Commission of Ohio
180 E. Broad St., 6th Floor
Columbus, OH 43215
christine.pirik@puc.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/8/2014 2:06:16 PM

in

Case No(s). 14-0841-EL-SSO

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