

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Application of The Ohio)
Edison Company, The Cleveland Electric) Case No. 16-0743-EL-POR
Illuminating Company, and the Toledo Edison)
Company For Approval of Their Energy)
Efficiency and Peak Demand Reduction)
Program Portfolio Plans for 2017 through)
2019.

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

EnerNOC, Inc. (“EnerNOC”) respectfully requests permission to intervene in the above-captioned case.¹ EnerNOC provides demand response (“DR”) and energy efficiency (“EE”) programs to Ohio retail customers in the territory of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, “FirstEnergy”). The Public Utilities Commission of Ohio (“Commission”) should grant EnerNOC’s Motion Intervene.

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

Respectfully submitted,

/s/ Joel E. Sechler

Joel E. Sechler (0076320) (Counsel of Record)
Carpenter Lipps & Leland
280 N. High St., Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
Email: Sechler@carpenterlipps.com

Gregory J. Poulos (0070532)
EnerNOC, Inc.
P.O. Box # 29492
Columbus, OH 43229
Phone: (614) 507-7377
E-mail: gpoulos@enernoc.com

Attorneys for EnerNOC, Inc.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Application of The Ohio)
Edison Company, The Cleveland Electric) Case No. 16-0743-EL-POR
Illuminating Company, and the Toledo Edison)
Company For Approval of Their Energy)
Efficiency and Peak Demand Reduction)
Program Portfolio Plans for 2017 through)
2019.

MEMORANDUM IN SUPPORT

EnerNOC is a leading provider of demand response and cloud-based energy intelligence software (“EIS”) and services to thousands of enterprise customers and utilities globally. EnerNOC's EIS solutions for enterprise customers improve energy productivity by optimizing how they buy, how much they use, and when they use energy, and facilitating energy efficiency.

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 is a leading provider of DR and EE programs on behalf of public agencies and 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 – including over 1,000 sites in Ohio

This case may impact DR and EE programs and opportunities for EnerNOC and its customers. EnerNOC clearly provides products and services associated with DR and EE programs in the FirstEnergy service territory. Therefore, EnerNOC has a direct interest in and could be adversely affected by the outcome of this case. In addition, EnerNOC has routinely

participated in the FirstEnergy energy efficiency and peak demand reduction portfolio cases in the past.²

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 this case because of terms and conditions placed by the Commission on the programs and/or agreements proposed by FirstEnergy. This element of the intervention standard in R.C. 4903.221 is therefore 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 DR and EE services to FirstEnergy and its customers. This interest is different from that of any other party.

Second, EnerNOC’s legal position relates to how DR and EE services are provided in FirstEnergy’s territory and the impact it has on its customers. This position is directly related to the merits of this case.

² E.g. See In the Matter of the Application of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company for Approval of their Energy Efficiency and Peak Demand Reduction Portfolio Plans for 2013 through 2015, PUCO Case No. 12-2190-EL-POR through 12-2192-EL-POR, Motion to Intervene (August 20, 2012).

Third, EnerNOC's intervention will not unduly prolong or delay the proceedings, and EnerNOC has extensive experience practicing before state and federal commissions. This will allow for the efficient processing of the case.

Fourth, EnerNOC's intervention and experience 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 case.

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/ Joel E. Sechler

Joel E. Sechler (0076320) (Counsel of Record)
Carpenter Lipps & Leland
280 N. High St., Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
Fax: (614) 365-9145
Email: Sechler@carpenterlipps.com

Gregory J. Poulos (0070532)
EnerNOC, Inc.
P.O. Box #29492
Columbus, OH 43229
Phone: (614) 507-7377
Fax: (614) 855-8096
E-mail: gpoulos@enernoc.com

Attorneys for EnerNOC, Inc.

CERTIFICATE OF SERVICE

I hereby certify that Motion to Intervene of EnerNOC, Inc. was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 14th day of June, 2016. The Commission's e-filing system will electronically serve notice of the filing of this document on counsel for all parties. Further, on this date a courtesy copy has been served upon the parties via electronic mail at the e-mail addresses set forth below.

/s/ Joel E. Sechler

Joel E. Sechler, Esq.

*One of the Attorneys for
EnerNOC, Inc.*

tdougherty@theOEC.org
jfinnigan@edf.org
cmooney@ohiopartners.org
mpritchard@mwncmh.com
bojko@carpenterlipps.com
ghiloni@carpenterlipps.com
oRourke@carpenterlipps.com
callwein@keglerbrown.com
christopher.healey@occ.ohio.gov
kyle.kern@occ.ohio.gov
dstinson@bricker.com
rdove@attorneydove.com
mfleisher@elpc.org
ricks@ohanet.org
mwarnock@bricker.com
dborchers@bricker.com
william.wright@ohioattorneygeneral.gov
natalia.Messenger@ohioattorneygeneral.gov
gpoulos@enernoc.com
cdunn@firstenergycorp.com
kjklaw@yahoo.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/14/2016 4:25:20 PM

in

Case No(s). 16-0743-EL-POR

Summary: Motion TO INTERVENE OF ENERNOC, INC. electronically filed by Mr. Joel E Sechler on behalf of EnerNOC, Inc.