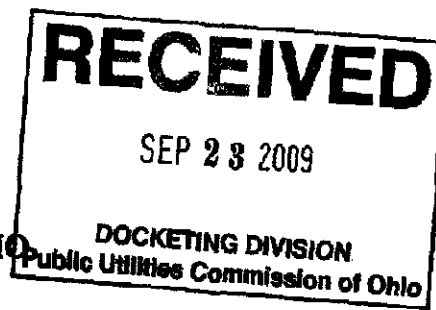


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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Proposal of)
FirstEnergy Service Company to) Case No. 09-778-EL-UNC
Modify Its RTO Participation)

**ENERNOC, INC.
MOTION TO INTERVENE**

EnerNOC, Inc. moves to intervene¹ in this case where FirstEnergy Service Company proposes in its September 4, 2009 filing to modify its RTO participation by withdrawing from the Midwest Independent System Operator and joining PJM Interconnection. EnerNOC, Inc., a leading provider of clean and intelligent energy solutions, provides demand response services to Ohio electricity customers. The Public Utilities Commission of Ohio should grant EnerNOC's Motion to Intervene for reasons more fully discussed in the attached Memorandum in Support.

Respectfully submitted,

Jacqueline Lake Roberts, Counsel of Record
Senior Manager,
Regulatory Affairs and Public Policy

EnerNOC, Inc.
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SEP 23 2009 00:58 ¹ See P.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11

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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Proposal of)	
FirstEnergy Service Company to)	Case No. 09-778-EL-UNC
Modify Its RTO Participation)	

MEMORANDUM IN SUPPORT

This case involves the reasonableness and lawfulness of the modification of the RTO participation by the FirstEnergy Service Company (FirstEnergy). EnerNOC, Inc. (EnerNOC) provides demand response services to Ohio electricity customers and has an economic interest in the outcome of this proceeding. 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 proceeding, satisfying R.C. 4903.221.

The Commission must consider the following criteria in ruling a motion 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.²

² R.C. 4903.221(B).

EnerNOC satisfies each of these criteria. The nature and extent of EnerNOC's interest in this proceeding involves the availability, terms and conditions of demand response services (Services) it provides to Ohio electricity customers. These Services are directly affected by the RTO participation of Ohio's load serving entities, in this case, FirstEnergy. EnerNOC's position is therefore directly related to the merits of this proceeding.

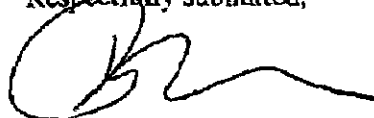
EnerNOC's interest is different from that of the FirstEnergy whose advocacy includes the financial interest of its shareholders. Finally, EnerNOC's intervention will not unduly prolong or delay the proceedings. EnerNOC has extensive regulatory experience before state and federal regulatory commissions allowing for the efficient processing of this proceeding. EnerNOC will contribute to the full development and equitable resolution of this proceeding.

EnerNOC also satisfies the intervention criteria of the Ohio Administrative Code that requires an intervening party to have a "real and substantial interest" in the proceeding.³ As a provider of demand response services to Ohio electricity customers, EnerNOC has a very real and substantial interest in these proceedings where the outcome could have an effect on the services it provides in Ohio.

SEP 23 2009 00:59 ~~ENERNOC~~ meets the criteria set forth above and the Commission should grant

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Respectfully submitted,



Jacqueline Lake Roberts, Counsel of Record
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Intervene was served on the persons listed below via regular U.S. Mail Service, postage prepaid, this 23rd day of September, 2009.



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