

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company) Case No. 10-343 – EL - ATA
to Amend its Emergency Curtailment)
Service Riders)

In the Matter of the Application of)
Ohio Power Company for Approval) Case No. 10-344 – EL - ATA
to Amend its Emergency Curtailment)
Service Riders)

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

EnerNOC, Inc. (EnerNOC) moves to intervene in these cases where Columbus Southern Power Company (CSP) and Ohio Power Company (OP) (collectively AEP) propose amendments to their Emergency Curtailment Service Riders. EnerNOC provides demand response and energy efficiency programs to Ohio retail customers, including to AEP's retail customers. The programs proposed by AEP compete with or restrict programs offered in Ohio by 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,
ENERNOC, INC.

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MEMORANDUM IN SUPPORT

EnerNOC is a leading developer and provider of clean and intelligent energy solutions to commercial, institutional, and industrial (C&I) 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 C&I customer verticals, including, education, government, health care, hospitality, retailing, commercial real estate, agri-business, manufacturing, and more. EnerNOC currently manages over 3,550 MWs of demand response resources throughout North America and in the United Kingdom,¹ and is the largest company of its kind in the world.

¹ As of December 31, 2009.

EnerNOC actively manages aggregated demand response resources participating in a broad variety of reliability-based programs, economic price-response programs, and ancillary services markets. EnerNOC is a direct market participant in wholesale electricity markets including ISO-New England, PJM Interconnection, New York ISO, and the Electric Reliability Council of Texas (ERCOT). 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.

These cases involve the demand response programs of AEP. The Programs requested by AEP compete with or restrict EnerNOC's demand response programs. EnerNOC has a direct interest in, and may be adversely affected by, the outcome of these cases. The Plans offered by Companies may provide competitive advantages to Companies and competitive disadvantages to others, like EnerNOC. 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 curtailment programs proposed by AEP. 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 AEP. 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 financial incentive for retail customers to participate in AEP'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 has extensive experience practicing before state and federal commissions. This will allow for the efficient processing of these cases.

Fourth, EnerNOC's intervention will significantly 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.²

EnerNOC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the Commission should grant EnerNOC's Motion to Intervene.

² EnerNOC also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that EnerNOC satisfies in the Ohio Revised Code). To intervene, a party should have a "real and substantial interest" according to Ohio Adm. Code 4901-1-11(A)(2), which EnerNOC has demonstrated.

Respectfully submitted,
ENERNOC, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Motion to Intervene* was served on the persons identified below, *via electronic service*, this 24th day of March 2010.

/s/ Jacqueline Lake Roberts

Jacqueline Lake Roberts
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Summary: Motion to Intervene of EnerNOC, Inc. electronically filed by Ms. Jacqueline Lake Roberts on behalf of EnerNOC, Inc.