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March 29, 2010

Via Electronic Filing

Ms. Renee Jenkins
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, OH 43215

Re: Case No. 10-388-EL-SSO, In the Matter of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan.

Dear Ms. Jenkins:

Enclosed is the Motion to Intervene filed electronically by EnerNOC, Inc.

Very truly yours,

/s/ Jacqueline Lake Roberts

Jacqueline Lake Roberts, Counsel of Record
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Enclosure
cc: Parties of Record

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 10- 388 -EL-SSO
Edison Company for Authority to Establish)	
a Standard Service Offer Pursuant to)	
R.C. §4928.143 in the Form of an Electric)	
Security Plan)	

ENERNOC, INC.
MOTION TO INTERVENE

EnerNOC, Inc. (EnerNOC) moves to intervene in this case where the standard service offer includes concerns regarding the implementation and terms and conditions of demand response and peak demand reduction programs. EnerNOC provides demand response and energy efficiency programs to many Ohio retail customers. The programs offered by The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company compete with programs offered in Ohio by EnerNOC.

The reasons the Public Utilities Commission of Ohio should grant EnerNOC's Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,
ENERNOC, INC.

/s/ Jacqueline Lake Roberts

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Security Plan)	

MEMORANDUM IN SUPPORT

This case involves the Standard Service Offer (SSO) of The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, Companies or FirstEnergy) which includes terms and conditions of the Demand Response (DR) and Peak Demand Reduction (PDR) Programs, and well as conditions relating to the offering of demand response programs by curtailment service providers (CSPs). EnerNOC will be adversely affected by, and has a direct interest in, the outcome of this case. EnerNOC provides demand response and energy efficiency services to many Ohio retail customers and the programs offered in the SSO directly compete with EnerNOC's offerings. 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 will be adversely affected by this case by

the terms and conditions of the programs proposed by Companies in the SSO. 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 FirstEnergy. 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 DR and PRD 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 barriers to participation or financial incentive for retail customers to participate in FE's programs over others. This position is directly related to the merits of the case pending before the Commission.

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

Fourth, EnerNOC's intervention will significantly contribute to the full development and equitable resolution of the factual issues in this case. EnerNOC has and will develop information that this Commission should consider in equitably and lawfully deciding the case in the public interest.¹

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

Respectfully submitted,
ENERNOC, INC.

/s/ Jacqueline Lake Roberts

Jacqueline Lake Roberts, Counsel of Record
101 Federal Street, Suite 1100
Boston, MA 02110
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¹ 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.

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 29th day of March 2010.

/s/ Jacqueline Lake Roberts
Jacqueline Lake Roberts
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Summary: Motion to Intervene and Memorandum in Support electronically filed by Ms. Jacqueline Lake Roberts on behalf of EnerNOC, Inc.