

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	Case No. 11-5568-EL-POR
Columbus Southern Power Company for)	
Approval of its Program Portfolio Plan)	
and Request for Expedited Consideration)	
)	
In the Matter of the Application of the)	Case No. 11-5569-EL-POR
Ohio Power Company for Approval of its)	
Program Portfolio Plan and Request for)	
Expedited Consideration)	

**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, including retail customers of Columbus Southern Power Company (“CSP”) and Ohio Power Company (“OPC”) (collectively “AEP Ohio”) and has an interest in the programs that AEP is proposing.

The reasons the Public Utilities Commission of Ohio (“Commission”) should grant EnerNOC’s Motion are further set forth in the attached Memorandum in Support.

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

Respectfully submitted,

/s/ Gregory J. Poulos

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MEMORANDUM IN SUPPORT

These cases address AEP Ohio's proposed three-year Energy Efficiency/Peak Demand Reduction Program Portfolio Plan. EnerNOC seeks to participate to advocate for cost-effective commercial and Industrial energy efficiency and demand response programs. EnerNOC has a direct interest in, and may be adversely affected by, the outcome of these cases.

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.

EnerNOC manages aggregated demand response resources across numerous commercial, institutional and industrial customer verticals, including, education, government, health care, hospitality, retailing, commercial real estate, agri-business, manufacturing, and more. EnerNOC currently manages over 7,000 MWs of demand response resources throughout North America,

the United Kingdom, Australia and New Zealand.²

EnerNOC actively manages aggregated demand response resources participating in a broad variety of reliability-based programs, economic price-response programs, and ancillary service markets. EnerNOC is a direct market participant in wholesale electricity markets including ISO-New England, PJM Interconnections, 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, Pennsylvania, Colorado, Florida, Idaho, Maryland, Vermont, and Washington.

EnerNOC is also a trusted leader in planning and implementing reliable and cost-effective energy efficiency programs for utilities and grid operators in North America, focusing exclusively on the commercial, institutional, and industrial end-use segments. EnerNOC’s combination of retro-commissioning and monitoring-based commissioning activities are enhanced by the use of real-time building data to ensure continued optimization of building operations and persistence of energy savings over time. This data is used by customers to create benchmarks for optimal building operations and to continuously track building operation and performance. Finally, EnerNOC is a leading provider of energy efficiency implementation services specializing in industrial process efficiency improvements. In this context, EnerNOC designs and implements turn-key programs that deliver guaranteed and cost-effective energy savings to utility clients.

A proposed stipulation was submitted for the Commission’s consideration on the same date that AEP Ohio’s application was filed, November 29, 2011. The Signatory Parties to that

² As of December 31, 2011.

stipulation “request that the Commission act in an expedited manner and adopt the Stipulation.”³

The stipulation further states that “AEP Ohio invited all members of the “Collaborative to provide input to the development of the proposed 2012-2014 EE/PDR Program Portfolio Plan in a series of seven Collaborative meetings beginning in February, 2011.”⁴ EnerNOC is not a member of the Collaborative and was not aware that the development of the 2012-2014 EE/PDR program process was taking place until the documents were filed in this docket. While it appears that this docket fits the definition of an “open and shut” case, with the Commission’s approval EnerNOC would like an opportunity to review the application and address the application.

EnerNOC seeks to participate to advocate for AEP Ohio “Business Programs” that provide the most cost-efficient and effective opportunities for commercial, industrial, and institutional customers in AEP Ohio’s service territory. EnerNOC has a direct interest in some of the proposed “Business Programs”, including the Continuous Improvement Program,⁵ Retro-commissioning,⁶ and the Energy Efficiency Auction,⁷ and may be adversely affected by, the outcome of these cases. In addition, the energy efficiency and demand response opportunities offered by AEP Ohio 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 of the terms and conditions of the “Business Programs” proposed by AEP Ohio and/or commitments made in the stipulation. 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

³ Stipulation and Recommendation, at 2. (November 29, 2011).

⁴ Id.

⁵ Application Exhibit A, Volume 1: 2012 to 2014 Energy Efficiency/Peak Demand Reduction (EE/PDR) Action Plan, 109-114 (November 29, 2011).

⁶ Id. at 103-108.

⁷ Id. at 115-120.

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 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. AEP Ohio should take the time to review all opportunities and Ohio retail customers should be offered programs that are the most cost-effective. 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 is willing to work with AEP Ohio and the other "Signatory Parties" to the stipulation to develop a thorough but expedited review of the limited aspects of the application where EnerNOC has an interest. 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,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene was served filed and served electronically to the persons listed below on this 16th day of December, 2011.

/s/ Gregory J. Poulos
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Summary: Motion Motion to Intervene by EnerNOC, Inc. electronically filed by Mr. Gregory J. Poulos on behalf of EnerNOC, Inc.