

January 12, 2016

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Petition of PPL Electric Utilities Corporation for Approval of its Act 129  
Phase 111 Energy Efficiency and Conservation Plan;  
Docket No: M-2015-2515642**

Dear Secretary Chiavetta:

Enclosed is EnerNoc's Reply to Answer/Objections of PPL for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") in the above-referenced matter.

This document was filed electronically with the Commission on this date. All parties are being served a copy of this document in accordance with the enclosed Certificate of Service.

Please contact me if you have any questions concerning this filing.

Sincerely,

TUCKER ARENSBERG, PC

By:  \_\_\_\_\_  
Kevin L. Hall, Esquire  
Scott H. DeBroff, Esquire

KLH/sed  
Enclosure

cc: Administrative Law Judge Susan D. Colwell (via E-mail and First Class Mail)  
Certificate of Service

HBGDB:155189-1 030489-169654

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities  
Corporation For Approval of its Act 129  
Phase III Energy Efficiency and  
Conservation Plan**

**DOCKET NO. M-2015-2515642**

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**EnerNOC, INC.'S REPLY TO ANSWER OF PPL ELECTRIC UTILITIES  
CORPORATION IN OBJECTION TO THE PETITION TO INTERVENE**

**TO ADMINISTRATIVE LAW JUDGE SUSAN D. COLWELL:**

EnerNOC, Inc. (EnerNOC), by and through its counsel, Tucker Arensberg, P.C., hereby submits this Reply to Answer of PPL Electric Utilities Corporation in Objection to the Petition to Intervene (“Answer”), pursuant to 52 Pa. Code § 5.91 (*amendments to pleadings*) and § 5.101(*answer to objections*). By way of general reply, as noted by Administrative Law Judge Susan D. Colwell in the Prehearing Conference Order, this matter is being litigated at an extremely expedited basis. Petitions to Intervene were due by January 4, 2016, the Monday after a holiday weekend. A prehearing conference was only held on January 5, 2016, one day after Petitions to Intervene were due. *See Answer*, at ¶ 5. EnerNOC filed a Petition to Intervene on January 8, 2016, only four days after the due date. PPL has not alleged any prejudice due to the filing of EnerNOC. *See generally*, *Answer*. Therefore, EnerNOC respectfully requests that the ALJ grant EnerNOC’s Petition to Intervene, and in support thereof replies as follows:

1. PPL admitted the aversion regarding EnerNOC’s address. By way of further reply, PPL asserts that EnerNOC failed to aver that it has any interest in “PPL Electric’s service territory.” *See Answer* at ¶ 4. This assertion is not accurate. As stated in EnerNOC’s Petition to Intervene, EnerNOC provides demand response and energy efficiency programs, and thus has an interest in

advocating for equal opportunities **in the service territory of PPL**. *See* Petition at ¶4. PPL’s contention is also contradicted by EnerNOC’s averments regarding the impact of these proceedings on the business of EnerNOC, **specifically in the PPL service territory**. *See* Petition at ¶5. In addition, EnerNOC noted in their Prehearing Memorandum, that “EnerNOC provides EE and DR programs for utilities and **has customers in the PPL service territory**.” EnerNOC further averred that a direct, substantial, and unique interest in the outcome of the proceedings existed in accordance with 52 Pa. Code § 5.72(a). *See* Petition at ¶5. Therefore, EnerNOC has averred a sufficient interest in these proceedings, and PPL’s claims to the contrary are baseless.

2. PPL denied the name and address of counsel for Petitioner. No responsive pleading is required, as counsel has been expressly indicated in the Petition.

3. It is admitted that the Pennsylvania Public Utility Commission’s (Commission) Implementation Order for Phase III was adopted by the Commission on June 11, 2015, and entered on June 19, 2015.

4. PPL acknowledges that they **lack sufficient information** to admit or deny EnerNOC’s claims regarding business interests, or the extent to which EnerNOC does business in Pennsylvania. PPL does not contest the fact that EnerNOC does business in Pennsylvania, or in the PPL service territory. It is specifically denied that EnerNOC has failed to allege a sufficient interest in this proceeding. EnerNOC’s Petition to Intervene demonstrates EnerNOC’s interest in the case, in which it is averred that EnerNOC provides demand response and energy efficiency programs, and thus has an interest in advocating for equal opportunities **in the service territory of PPL**. *See* Petition at ¶4. PPL’s contention is also contradicted by EnerNOC’s averments regarding the impact of these proceedings on the business of EnerNOC, **specifically in the PPL service territory**. *See* Petition at ¶5. In addition, EnerNOC noted in their Prehearing

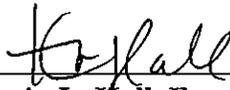
Memorandum, that “EnerNOC provides EE and DR programs for utilities and has customers in the PPL service territory.” EnerNOC further averred that a direct, substantial, and unique interest in the outcome of the proceedings existed in accordance with 52 Pa. Code § 5.72(a). *See* Petition at ¶5. Therefore, EnerNOC has averred a sufficient interest in these proceedings, and PPL’s claims to the contrary are inaccurate.

5. EnerNOC’s Petition to Intervene should not be denied as untimely filed. As noted by the ALJ in the Prehearing Conference Order, this matter is being litigated at an **extremely expedited** basis. Petitions to Intervene were due by January 4, 2016, the Monday after a holiday weekend. A prehearing conference was only held on January 5, 2016, one day after Petitions to Intervene were due. *See* Answer, at ¶ 5. EnerNOC filed a Petition to Intervene on January 8, 2016, only four days after the deadline. PPL has not alleged, any prejudice due to the filing of EnerNOC. *See generally*, Answer. Rather, PPL claims that EnerNOC failed to aver good cause. The extremely expedited basis upon which these proceedings are being litigated establishes sufficient cause. EnerNOC additionally avers that when it filed its Petition to Intervene, EnerNOC acknowledged that it would take the case in its current procedural status. In addition, EnerNOC has a direct interest in this proceeding. First, the nature and extent of EnerNOC's interest is to engage customers to encourage demand response and energy efficiency services to the commercial and industrial customers of PPL. 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 cloud based energy management solutions should be provided to Pennsylvania customers. Pennsylvania customers should be allowed to participate in any programs offered in Pennsylvania and there should be no additional financial incentive for customers to participate in PPL's programs over others. This position is directly related to the Phase III Plan, pending before

the Commission. Third, EnerNOC's intervention will not unduly prolong or delay the proceedings. EnerNOC's issues in this proceeding are narrow. In addition, EnerNOC, and undersigned counsel, have extensive experience practicing before the Public Utility Commission. This will allow for the efficient processing of the case. 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 reviewing the Petition and making determinations in the public interest. Therefore, EnerNOC has averred a sufficient interest in these proceedings, and PPL's claims to the contrary are inaccurate.

**WHEREFORE**, Petitioner, EnerNOC, Inc., respectfully requests that PPL Electric Utilities Corporation's objections be denied, and that Administrative Law Judge Susan D. Cowell grant the Petition to Intervene.

Respectfully submitted,



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Dated: January 12, 2016

HBGDB:155182-1 030489-169654

**VERIFICATION**

I, Gregory Poulos, of EnerNOC, Inc., hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are made subject to 18 Pa.C.S. § 4904 (pertaining to unsworn falsification to authorities).

  
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Gregory Poulos

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities  
Corporation For Approval of its Act 129  
Phase III Energy Efficiency and  
Conservation Plan**

**DOCKET NO. M-2015-2515642**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the following parties to this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by participant).

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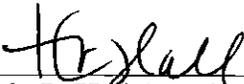
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Respectfully Submitted,

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Dated: January 12, 2016