

September 21, 2009

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Docket Nos. M-2009-2092222, M-2009-2112952, M-2009-2112956 – Petition for Approval of Energy Efficiency and Conservation Plans of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company

Dear Mr. McNulty:

Enclosed herewith please find an original copy of the “**Reply Brief on Behalf of EnerNOC, Inc.**” in the above captioned proceeding. This document has been electronically filed through the PUC’s efilng system. Please enter this into the docket and timestamp the additional five (5) copies. A copy of the Brief will also be served to the parties on the service list.

Should you have any questions, please do not hesitate to contact me at (717) 237-6716.

Sincerely,

RHOADS & SINON LLP

By: 
Scott H. DeBroff, Esq.

Enclosures

cc: Certificate of Service

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION FOR CONSOLIDATION OF
PROCEEDINGS AND APPROVAL OF
ENERGY EFFICIENCY AND
CONSERVATION PLANS OF
METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY,
AND PENNSYLVANIA POWER COMPANY

DOCKET NO. M-2009-2092222

DOCKET NO. M-2009-2112952

DOCKET NO. M-2009-2112956

REPLY BRIEF ON BEHALF OF ENERNOC, INC.

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I. INTRODUCTION

EnerNOC, Inc. ("EnerNOC"), a leading demand response ("DR") and energy management services provider throughout the United States, appreciates the opportunity to offer comments on Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company's ("FirstEnergy" or "Company") Energy-Efficiency and Conservation Plan ("EE&C Plan").

EnerNOC currently manages over 3,150 MW of demand response resource capability from over 2,400 customers across 5,450 sites nationwide. As an active demand response provider across three Independent System Operators ("ISOs") or Regional Transmission Organizations ("RTOs") (*i.e.*, New York Independent System Operator, Inc., ISO New England, Inc., and PJM) and numerous states with various statutory and regulatory regimes, EnerNOC has a broad base of experience on which to draw and, as a result, has a unique perspective to offer in this proceeding. EnerNOC also has signed contracts with a variety of utilities to provide demand response services, including Allegheny Power, Baltimore Gas and Electric, Delmarva Power and PEPCO, Southern California Edison, Pacific Gas & Electric, San Diego Gas & Electric, the Tennessee Valley Authority, Tampa Electric Company, Public Service Company of New Mexico, Xcel Energy (Colorado), Salt River Project and Idaho Power.

EnerNOC's demand response activities are implemented via automated, aggregated, and intelligent management of end-user lighting, HVAC, distributed generation, and industrial process equipment. Every one of EnerNOC's thousands of sites is connected to its Network Operations Center (the "NOC" in EnerNOC) and communicates real-time load data over a secure Internet connection, allowing its operations staff to monitor and verify facility load reductions in real time. This customer visibility allows EnerNOC to ensure that customers are delivering their

contracted reductions and where they are not, to take efforts to "coach" them, or to dispatch technicians to take corrective action. As a result, EnerNOC dispatched emergency demand response resources in its network over 100 times during 2008 and delivered performance that averaged over 100% during the year, based on nominated versus delivered capacity.

II. PROCEDURAL HISTORY

Governor Rendell signed into law House Bill 2200, or Act 129 of 2008 ("Act 129" or "Act"), on October 15, 2008. Consistent with the Act's requirements, on July 1, 2009, all Pennsylvania EDCs filed with the Commission proposed energy efficiency and conservation plans ("EE&C Plan") that seek to meet the Act's energy efficiency and conservation requirements.

By letter issued July 2, 2009, the PUC also approved EnerNOC's Application to Register as a Conservation Service Provider.¹ On July 29, 2009 the Prehearing Conference was held. On August 3, 2009, EnerNOC filed a Petition to Intervene in this proceeding. On August 7, 2009, EnerNOC filed its initial comments in this proceeding. On August 31, 2009 an Evidentiary Hearing was held. On September 11, 2009, EnerNOC filed its Main Brief.

Consistent with the procedural schedule for this proceeding, EnerNOC is submitting this Reply Brief in order to address its positions and concerns regarding party positions taken in their Main Briefs.

¹ See generally Docket No. A-2009-2102368.

III. DESCRIPTION OF FIRSTENERGY'S PLAN

On July 1, 2009, Met-Ed, Penelec and Penn Power submitted a Joint Petition for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans ("Joint Petition").² The Companies' EE&C Plan proposes to fulfill the requirements of Act 129 through the implementation of 19 energy efficiency and demand reduction programs for Residential, Commercial, Industrial, and Governmental/Institutional customers.³ Specifically, the Companies have targeted eight programs for Residential customers; four programs for Governmental/Institutional customers; and seven programs for Commercial and Industrial ("C&I") customers.⁴

IV. SUMMARY OF ARGUMENT

EnerNOC supports many of the key program implementation details for FirstEnergy's "Commercial Industrial Demand Response Program-CSP Mandatory and Voluntary Curtailment Program" (Met-Ed/ Penelec Curtailment Program and the Penn Power Curtailment Program). However, EnerNOC also believes that the Commission should make several changes to their proposed demand response programs.

² The Companies requested consolidation of the individual docket numbers assigned to each Company in light of the general similarity of the EE&C Plans developed by FirstEnergy Corp. ("FirstEnergy") on their behalf. The Companies' individual EE&C Plans were attached to the Joint Petition. The Companies' EE&C Plans are collectively referred to throughout these Comments as the "EE&C Plan." Where necessary, EnerNOC will distinguish between the individual EE&C Plans.

³ See Joint Petition, p. 10.

⁴ See *id.*

EnerNOC disagrees that FirstEnergy can act as a CSP for its PJM “Commercial Industrial Demand Response Program – Customer Mandatory Curtailment Program” (Met-Ed/Penelec PJM Program). EnerNOC believes that Act 129 clearly excludes EDCs from acting as CSPs. Further, EnerNOC would recommend that the Commission require FirstEnergy to issue a competitive RFP and choose one qualified CSP to manage their curtailment program rather than assign CSPs load to curtail on a “first-come, first-served” basis.

EnerNOC disagrees with the Industrial Customers’ and ClearChoice’s argument regarding access to multiple CSPs and instead supports the single CSP structure for FirstEnergy’s Met-Ed/Penelec Large C&I Curtailment Program. EnerNOC also supports the concept that the approved CSP for the Companies’ program would be the one that all large C&I customers in the service territories would work through, whether or not they had an existing relationship with another PJM CSP or were acting as their own CSP.

EnerNOC disagrees with ClearChoice’s argument that the Commission needs to protect against “undue discrimination” and market power issues by establishing a set-aside for unreliable and unqualified providers. It disagrees that marketing materials must be competitively neutral. It disagrees with ClearChoice that there be a cap of 50% on the amount of demand reduction that a single CSP can be awarded. It disagrees with ClearChoice’s attempt at being recognized as a “disadvantaged business” and being given a 25% set aside for program participation. It also disagrees with ClearChoice’s position that FirstEnergy’s credit requirements for CSPs be eliminated.

EnerNOC disagrees with the Department of Environmental Protection’s recommendation that distributed generation to reduce peak demand should be prohibited.

Finally, EnerNOC agrees with OTS that programs that extend beyond May 31, 2013 should be reviewed annually. However, EnerNOC recommends that the Commission allow FirstEnergy to have its Curtailment Program and its EE&C rider rate remain constant while the Commission conducts its review of the programs.

V. ARGUMENT

A. FirstEnergy

EnerNOC supports many of the key program implementation details for FirstEnergy's demand response programs, including a program that leverages existing PJM Demand Response Programs and focusing on reductions in at least 50 peak hours, rather than across the entire top 100 peak hours.

EnerNOC also supports FirstEnergy's position on page 50, of their Main Brief, that they will not put a cap on the amount of demand reduction that any one CSP can be awarded. EnerNOC agrees with FirstEnergy and opposes the concept of placing any "cap" on the amount of demand reduction that any one CSP can be awarded under FirstEnergy's plan. Our position against the promotion of a "cap" on the amount of demand reduction is that it would encourage a situation in which multiple CSPs would be crowding the market and attempting to implement the same program. Having a number of CSPs attempting to market to the same customer group will drive the customer acquisition costs higher and the resources will be less reliable for the aggregation reasons noted previously in our Main Brief on pages 11-12.

EnerNOC does have specific recommendations regarding FirstEnergy's EE&C Plan and contends that the Commission should make these changes in order to support a successful program implementation.

On page 21 of FirstEnergy's Main Brief, where the Companies' discuss their "Overall Demand Reduction Requirements", they list the specific target peak load reduction numbers and go on to state that "Each of the Companies' Plans is expected to exceed these targets". EnerNOC would like to point out that the demand reduction goals are only that, and projections are projections. We would contend that the Commission needs to take careful consideration of our recommendations, as we believe that there are program changes that need to be made by the utility in order to insure that the utility will be successful.

On pages 48-50 of FirstEnergy's Main Brief, the utility cites to the Rebuttal Testimony of Mr. Parrish. He attempts to explain why Met-Ed and Penelec will be acting as a CSP in PJM, in a demand reduction program, in addition to the utility sponsored CSP demand reduction program in their service territories. The companies' indicate that Mr. Parrish testified that the Met-Ed and Penelec Curtailment Programs are offered as an alternative to the development of a competitive CSP demand response program, essentially as a contingency plan, to ensure that Met-Ed and Penelec are able to secure the level of demand reduction needed.

In our Main Brief, at pages 6-7, EnerNOC explains why it believes that Act 129 does not allow Met-Ed, Penelec, or any other EDC for that matter, to act as a Conservation Service Provider. EnerNOC would like to reiterate that 66 Pa.C.S. § 2806.1(M) defines a Conservation Service Provider as "An entity that provides information and technical assistance on measures to enable a person to increase energy efficiency or reduce energy consumption and that **has no direct or indirect ownership, partnership or other affiliated interest with an Electric Distribution Company.**" An EDC clearly has "ownership, partnership and affiliation" with itself and therefore can clearly not act in the capacity of a CSP for any of the programs in its EE&C plan. Therefore, Met-Ed and Penelec should not be allowed to run an alternative program

such as their Met-Ed/Penelec PJM Program where they act as the CSP to meet the requirements under the Act.

On Page 51 of its Main Brief, FirstEnergy continues to support its “first-come, first-served” approach for securing load reduction. It references Mr. Parrish’s Rebuttal Testimony where it explained that Met-Ed and Penelec will issue a notice to all PJM registered CSPs requesting the number of MWs that could be provided in the 2011/2012 and 2012/2013 planning years. FirstEnergy plans to implement their process by using date stamped responses dated no earlier than three days after the date on which the notices were mailed to the CSPs. If the registered MWs with the same date stamp exceed the MWs required, the Companies will offer such a “pro-rata share of MWs so offered and date stamped on the same day.”

EnerNOC opposes this process and set out its argument against this methodology in our Main Brief at pages 10-11. In our Main Brief, on pages 11-12, EnerNOC explained in detail why it believes the Commission should require FirstEnergy to issue RFPs and not allow the “first-come, first-served” approach for the large C&I Curtailment Programs. EnerNOC would like to reiterate that the “first-come, first-serve” approach provides no assurance that Met-Ed and Penelec are securing the most reliable, cost-effective resources and that this approach will make it more difficult for a CSP to justify investing in the relevant service territory. Unlike other approaches, the “first-come, first-served” approach lacks transparency, thereby rendering it difficult for a CSP to determine whether building capacity will provide the necessary returns to support the investment. Finally, because timing is essentially the only selection criterion under FirstEnergy’s approach, it will be very difficult for a CSP to aggregate load and effectively manage risk across a portfolio. Thus, FirstEnergy’s approach presents a number of serious

challenges that threaten the successful implementation of the C&I DR Program and realizing Act 129's objectives and we recommend that the Commission not adopt such an approach.

Instead, EnerNOC recommends that the Companies use a competitive RFP approach such as that proposed by PPL and PECO in their EE&C filings for similar programs. A competitive RFP will give an "equal opportunity" for CSPs to apply to run FirstEnergy's Curtailment Program. As previously stated, EnerNOC recommends that FirstEnergy issue an RFP and then select the CSP that provides the most reliable, efficient, and economic services for its demand response program for large Commercial and Industrial customers.

B. ClearChoice

On page 11 of ClearChoice's Main Brief, they argue for the importance of preventing "undue discrimination and the exercise of market power within Act 129 demand response programs." They cite to 66 Pa.C.S. §2811(a), which states that the Commission can take steps to prevent discriminatory conduct or unlawful exercise of market power.

EnerNOC strongly disagrees with their representation that the Companies' C&I Curtailment Program is somehow discriminatory in nature and requires correction. This is not the case, as EnerNOC would contend that FirstEnergy's program design is just the opposite. This argument is purely an attempt to position ClearChoice to be able to participate in a process that it may not be financially or practically able to handle at this time.

ClearChoice also goes on to indicate, in its Main Brief at page 11, that Footnote 23 of the Commission's Implementation Order (p.38), states that "it may not be appropriate to subsidize or assign costs for various utility-offered curtailment or pricing programs across all customers if any such subsidies or incentives are not offered to competitive providers of service, or are used

exclusively for or to support utility curtailment or generation supply programs.” EnerNOC contends that ClearChoice has taken the meaning of this footnote and what it refers to completely out of context. This footnote refers to a phrase in the Implementation Order that indicates that when EE&C plans are offered by EDCs, those programs will benefit customer choice and default customers equally. The footnote only tries to alert us to the fact that some customer programs may not be subsidized if they only impact certain classes of customers. ClearChoice’s argument that it has some pre-established right to participate in every DR program, no matter what the requirements are, has nothing to do with this section.

In ClearChoice’s Main Brief, at pages 12-13, it explains why it wants FirstEnergy to give consideration to allowing multiple CSPs to participate in the Companies’ C&I Curtailment Program and the marketing of the programs to ensure that their program is “nondiscriminatory and competitively neutral.” Specifically, ClearChoice recommends that any marketing material by FirstEnergy must not “prefer the use of one curtailment service provider over another...and all information provided to CSPs participating in the Companies’ program, should also be provided to third-party CSPs offering the PJM program.” (Main Brief at p. 12).

EnerNOC disagrees with ClearChoice’s marketing recommendation. It is imperative to present customers with easy to read and understandable marketing materials that will create less confusion to the customer. As stated above, EnerNOC believes that FirstEnergy should pursue a strategy that includes issuing a competitive RFP that selects the most qualified demand response provider. It would only cause confusion in program implementation and stability in running the program if the marketing materials also promoted CSPs that were not selected as the most qualified demand response provider for the service territory.

In its Main Brief, on page 12, ClearChoice further argues that the Commission should place a cap on the amount that a single CSP can be awarded so that no CSP can be awarded more than “50% of the demand reduction required by the plan.” ClearChoice seemingly makes this recommendation to ensure that multiple providers can participate in the Demand Response program.

EnerNOC strongly disagrees and opposes the concept of placing any “cap” on the amount of demand reduction that any one CSP can be awarded under FirstEnergy’s plan. Our position on the promotion of a “cap” on the amount of demand reduction awarded is that it would create a situation in which multiple CSPs would be crowding the market and attempting to implement the same program. Having a number of CSPs attempting to market to the same customer group will drive the customer acquisition costs higher and the resource will be less reliable for the aggregation reasons noted previously. Instead, EnerNOC recommends that FirstEnergy issue an RFP and then select the CSP that provides the most reliable, efficient, and economic services for the large C&I Curtailment Program.

Also in its Main Brief, on pages 13-14, ClearChoice proclaims that FirstEnergy should make several allowances for “disadvantaged businesses” such as itself. ClearChoice claims that EDCs should not be allowed to ask CSPs to post collateral as a guarantee of performance of the demand side resources participating in the program. (Main Brief at p. 13). ClearChoice goes on to state that since it is a “disadvantaged business,” it lacks the capital to post collateral as a performance guarantee in the EDC curtailment programs.

ClearChoice cites to page 26 of the Commission’s Implementation Order, which states that part of the minimum criteria for reviewing and approving the CSP bidding process is that EDCs should “encourage efforts to acquire bids from a ‘disadvantaged business’ (i.e., minority

owned, women-owned, persons with disability-owned, small companies, companies located in Enterprise Zones, and similar entities- consistent with the Commission’s Policy Statements at 52 Pa. Code §§ 69.804, 69.807 and 69.808.” ClearChoice states that the “essence of what makes a disadvantaged business “disadvantaged” is the limited capital to fund its operations. In its alternative argument, ClearChoice states that if FirstEnergy’s program includes posting collateral as a performance guarantee, then it must set aside 25 percent of its demand response program for disadvantaged businesses with the proviso that the disadvantaged business would not have to post collateral in the program. (pg 14).

EnerNOC strongly disagrees with ClearChoice’s recommendation and interpretation of the Implementation Order and the Pennsylvania Code. To begin with, the section in the Implementation Order and the provisions of the Code require that a “disadvantaged business” be given “an equal opportunity to compete.” Also a disadvantaged business is defined in the Order and the Code as “minority/women/person with disabilities-owned.” Nowhere in the Code or the Order does it define “disadvantaged business” as one with “limited capital.”

EnerNOC believes that the rationale behind the Commission’s citing to Policy Statements at 52 Pa. Code §§ 69.804, 69.807 and 69.808 on page 26 of its Implementation Order was to ensure that no inherent discrimination between two equally **qualified** businesses takes place. All RFPs given out for any EDC program should be awarded to the most **qualified** CSP that meets the requirements of the program. The Code and Implementation Order simply align with national policy concerns against discrimination. Utilities should not be forced to rely on unreliable DR providers when the program successes are so critical.

EnerNOC promotes and fully supports an open and competitive RFP and welcomes the challenge of equally qualified opponents in the bid to be chosen as the most qualified and

effective CSP to implement a program for FirstEnergy to meet its Act 129 mandate for peak demand reduction.

Further, ClearChoice supports the setting aside of a 25 percent piece of the demand response program for disadvantaged businesses without the requirement of posting collateral or providing third party guarantees. In EnerNOC's opinion, setting aside any percentage of a program to a company that ultimately admits it will not be able to make payment on penalties for non-performance would not be a "prudent or reasonable" business decision on the EDC's behalf. Under Act 129, FirstEnergy has a duty to make "prudent and reasonable" decisions and to protect its ratepayers. (66 Pa. C.S. §2806.1). It would **not** be prudent or reasonable for an EDC to award a program bid to a company that lacked the experience and capital to back up its performance guarantee.

EnerNOC requests that the Commission require FirstEnergy to submit competitive RFPs and to choose one CSP that is the most qualified to implement and run the demand response program that is needed for the EDC to meet its requirements under Act 129.

C. Met-Ed Industrial Users Group/Penelec Industrial Customer Alliance/Penn Power Users Group (Industrial Customers)

The Industrial Customers state on pages 4-5 of their Main Brief that they support the FirstEnergy C&I Demand Response Program for Met-Ed and Penelec but require the Companies to explicitly implement measures to accommodate all Large C&I customers who wish to participate in the program, either independently or through their PJM Curtailment Services Provider, and not limit participation in the program to one or two PJM CSPs." On page 12 of their Main Brief, the Industrial Customers state that they want the Companies to clarify that all

PJM CSPs that meet the program requirements will be afforded an opportunity to participate in the program.

As we stated earlier, relating to our position in the PPL case, by diluting the load and splitting up the program responsibilities, the utility creates more risk of program failure. EnerNOC supports a program design that will provide confidence to the utility as well as to the Commission and offers the best chance for success. We oppose the Industrial Customers' argument and support the concept that other CSPs and customers could participate through the CSP that would be selected in the RFP process by the Companies.

D. Department of Environmental Protection (DEP)

In the Department of Environmental Protection's Main Brief, on pages 8-10, it argues that the use of emergency or backup generators to reduce peak demand should be prohibited. DEP states that using distributed generation to reduce peak demand is not permitted under Act 129 and that the only acceptable strategies to reduce peak demand are to reduce overall consumption or shift consumption to non-peak hours.

DEP continues by stating that reducing consumption of electricity during the highest specified period simply cannot occur by generating electricity with a behind the meter source other than solar energy. They state that grid demand reduction that is merely replaced by higher emitting distributed generation has negative air impacts, and is an unacceptable strategy for Pennsylvania.

EnerNOC believes that backup generators can be an effective type of demand response programming for FirstEnergy. Backup generation is a low cost piece of the DR solution set which CSPs should be allowed to use to meet their commitments in the Large C&I Curtailment

Program, provided that such generation is permitted to allow such participation and that the operation of such units fully comports with their permits.

EnerNOC supports a strategy in targeting eligible commercial and industrial customers in their service territory who have existing backup generation resources or are interested in having grid-connected generating units installed at their facilities in order to realize energy savings and peak demand reductions.

E. Office of Trial Staff (OTS)

On pages 9, 11 and 32 of the Office of Trial Staff's Main Brief, it makes the following recommendation:

While the Companies identified EE&C rider rate and the proposal to have the rate remain constant for the duration of the plan period ending May 31, 2013, is appropriate, any such rate for programs extended beyond that date should be reviewed and adjusted annually based upon the projected program costs and experienced revenue recovery.

As stated in its Main Brief on pages 8-10, EnerNOC fully supports the Commission requiring FirstEnergy to create a Curtailment Program that will extend beyond May 13, 2013. EnerNOC supports OTS' statement that the plan should be reviewed annually after May 31, 2013 to see what improvements can be made to the program based on past experience.

In its Main Brief, on page 9, EnerNOC cited 66 Pa.C.S. § 2806.1(d)(1) and (2) of Act 129.⁵ These sections of the Act outline the peak demand reduction requirements that must be met

⁵ (1) By May 31, 2013, the weather-normalized demand of the retail customers of each electric distribution company shall be reduced by a minimum of 4.5% of annual system peak demand in the 100 hours of highest demand. The reduction shall be measured against the electric distribution company's peak demand for June 1, 2007, through May 31, 2008; and

by May 31, 2013 and also allows the Commission to re-examine the demand reduction program in November 2013 in order to set “additional incremental requirements.” EnerNOC believes that the words “additional incremental requirements” refers to peak demand reduction requirements beyond those already obtained.

EnerNOC believes that the Legislature intended to have the EDCs maintain the status quo with the DR program, while the potential for “additional incremental” (not “existing”) reductions was being assessed by the Commission. Unlike energy efficiency investments, demand response programs will only work if the EDCs provide continuing support. It would be prudent and most beneficial to the ratepayers if the EDCs maintained the current demand response and peak load reduction programming during that time of the Commission review. If these programs are not maintained during that interim period, the EDCs will have to incur more costs to meet any new requirements beyond the 4.5% peak demand reduction goal for 2013.

EnerNOC recommends that the Commission allow FirstEnergy to have its Curtailment Program and its EE&C rider rate remain constant while the Commission conducts its review of the program.

(2) By November 20, 2013, the Commission shall compare the total costs of energy efficiency and conservation plans and capacity costs to retail customers in this Commonwealth or other costs determined by the Commission. If the Commission determines that the benefits of the plans exceed the costs, the commission shall set **additional incremental requirements** for reduction in peak demand for the 100 hours of great demand or an alternative reduction approved by the Commission. Reductions from demand shall be measured from the Electric Distribution Company's peak demand for the period from June 1, 2011, through May 31, 2012. The reduction in consumption required by the Commission shall be accomplished no later than May 31, 2017. (Emphasis added)

VI. CONCLUSION

For all of the foregoing reasons as well as the reasons expressed in EnerNOC's earlier filings, EnerNOC respectfully requests that the Commission adopt its proposed recommendations to FirstEnergy's EE&C Plan.

VII. PROPOSED ORDERING PARAGRAPHS

IT IS ORDERED:

1. That FirstEnergy's Commercial & Industrial Demand Response Program- CSP Mandatory and Voluntary Curtailment Program be structured in a way in which it can continue to operate successfully after the statutory deadline of May 31, 2013.

2. That FirstEnergy's Commercial & Industrial Demand Response Program- CSP Mandatory and Voluntary Curtailment Program have a longer Ramp-Up period that will start before the third quarter of 2010.

3. That FirstEnergy issue a competitive RFP for its Commercial Industrial Demand Response Program- CSP Mandatory and Voluntary Curtailment Program.

4. That FirstEnergy be allowed to use the Backup Generation program in their plan for Demand Response.

Respectfully submitted,

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DATED: SEPTEMBER 21, 2009

COUNSEL FOR ENERNOC, INC.

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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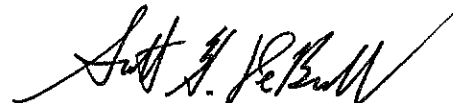
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the parties, listed on the next page, in accordance with the requirements of §1.54 (relating to service by a party).

Dated: **September 21, 2009**

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