



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

---

Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1985 Direct Fax  
File #: 163427

January 11, 2016

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of PPL Electric Utilities Corporation in Objection to the Petition to Intervene of EnerNOC, Inc., in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DR', is written over a horizontal line.

Devin Ryan

DTR/jl  
Enclosures

cc: Honorable Susan D. Colwell  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA E-MAIL & FIRST CLASS MAIL

Elizabeth Rose Triscari, Esquire  
Office of Small Business Advocate  
Commerce Building  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Amy E. Hirakis, Esquire  
Darryl Lawrence, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

Elizabeth R. Marx, Esquire  
Patrick M. Cicero, Esquire  
Joline Price, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17102  
*Coalition for Affordable Utility Services and  
Energy Efficiency in Pennsylvania*

Judith D. Cassel, Esquire  
Micah R. Bucy, Esquire  
Hawke McKeon & Sniscak LLP  
Harrisburg Energy Center  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105-1778  
*Sustainable Energy Fund  
of Central Eastern Pennsylvania*

Derrick P. Williamson, Esquire  
Barry A. Naum, Esquire  
Spilman Thomas & Battle  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
*Wal-Mart Stores East, LP  
and Sam's East, Inc.*

Joseph L. Vullo, Esquire  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
*Commission on Economic Opportunity*

Pamela C. Polacek, Esquire  
Adeolu A. Bakare, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
PO Box 1166  
Harrisburg, PA 17108-1166  
*PP&L Industrial Customer Alliance*

Scott H. DeBroff, Esquire  
2 Lemoyne Drive, Suite 200  
Lemoyne, PA 17043  
*Nest Labs, Inc.*

Daniel Clearfield, Esquire  
Deanne M. O'Dell, Esquire  
Sarah C. Stoner, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
PO Box 1248  
Harrisburg, PA 17101  
*Retail Energy Supply Association*

Robert D. Knecht  
Industrial Economics Incorporated  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
*OSBA*

Christina Mudd  
Stacey Sherwood  
Exeter Associates, Inc.  
10480 Little Patuxent Parkway  
Columbia, MD 21044  
*OCA*

Roger D. Colton  
Fisher, Sheehan and Colton  
34 Warwick Road  
Belmont, MA 02478  
*OCA*

Mitchell Miller  
Mitch Miller Consulting LLC  
60 Geisel Road  
Harrisburg, PA 17112  
*CAUSE-PA*

Scott H. DeBroff, Esquire  
Kevin Hall, Esquire  
2 Lemoyne Drive, Suite 200  
Lemoyne, PA 17043  
*EnerNOC, Inc.*

Date: January 11, 2016



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

---

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION  
IN OBJECTION TO THE PETITION TO INTERVENE OF  
ENERNOC, INC.**

---

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

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby submits this Answer in objection to the Petition to Intervene of EnerNOC, Inc. (“EnerNOC”) in the above-captioned proceeding pursuant to 52 Pa. Code § 5.66. By way of general response, PPL Electric objects to EnerNOC’s Petition because: (1) it is untimely; (2) EnerNOC has failed to provide good cause for its late intervention request; and (3) EnerNOC has failed to allege a sufficient interest to intervene in this proceeding. Therefore, PPL Electric respectfully requests that Administrative Law Judge Susan D. Colwell (the “ALJ”) deny EnerNOC’s Petition. In support of this Answer, PPL Electric states as follows:

**I. ANSWER**

1. Admitted.
2. Paragraph 2 of the Petition identifies EnerNOC’s counsel in this proceeding, to which no response is required. To the extent a response is deemed necessary, PPL Electric denies the same.
3. Denied as stated. The Pennsylvania Public Utility Commission’s (“Commission”) Implementation Order for Phase III was entered on June 19, 2015, not June 11, 2015.

4. Denied. PPL Electric lacks sufficient information to admit or deny EnerNOC's business interests or the extent to which it does business in Pennsylvania and, therefore, denies the same. Further, EnerNOC does not aver that it has any customers in PPL Electric's service territory. EnerNOC only states that it "provides demand response and energy efficiency programs to Pennsylvania retail customers" without specifying whether such customers are in the Company's service territory. Therefore, PPL Electric denies that EnerNOC has alleged a sufficient interest to intervene in this proceeding. *See* 52 Pa. Code §§ 5.72(a), 5.73(a)(1).

5. Denied. EnerNOC's Petition to Intervene should be denied as untimely filed. Under Section 5.74(b)(1) of the Commission's regulations, petitions to intervene must be filed no later than the due date for responsive pleadings outlined in the notice for the proceeding "absent good cause shown." *Id.* § 5.74(b)(1). The notice for this proceeding was published on December 12, 2015, and stated that responsive pleadings were due within 20 days (i.e., by January 4, 2016). *See* 45 Pa.B. 7078. As a result, all protests and petitions to intervene were due to be filed by January 4, 2016. Here, EnerNOC filed its Petition to Intervene on January 8, 2016, which is four days beyond the due date. Nowhere in the Petition does EnerNOC try to provide good cause for its untimely filing. Thus, EnerNOC's Petition should be denied.

In addition, EnerNOC's Petition should be denied because EnerNOC has failed to allege a sufficient interest to intervene in this proceeding. *See id.* §§ 5.72(a), 5.73(a)(1). As in Paragraph 4, EnerNOC does not specify whether it has customers in PPL Electric's service territory. Consequently, EnerNOC has failed to set forth specific facts from which its interest in this proceeding can be determined. *See id.* § 5.73(a)(1). For these reasons, EnerNOC's Petition to Intervene should be denied.

**II. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation objects to the Petition to Intervene of EnerNOC, Inc. in the above-referenced proceeding and respectfully requests that Administrative Law Judge Susan D. Colwell deny the Petition to Intervene.


Respectfully submitted,

Paul E. Russell (ID # 21643)  
Kimberly A. Klock (ID # 89716)  
PPL Services Corporation  
Office of General Counsel  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-4254  
Fax: 610-774-6726  
E-mail: perussell@pplweb.com  
E-mail: kklock@pplweb.com

Of Counsel:

Post & Schell, P.C.

Date: January 11, 2016



David B. MacGregor (ID # 28804)  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Phone: 215-587-1197  
Fax: 215-320-4879  
E-mail: dmacgregor@postschell.com

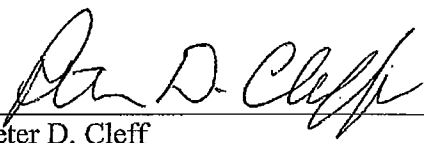
Devin T. Ryan (ID # 316602)  
Post & Schell, P.C.  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: dryan@postschell.com

Attorneys for PPL Electric Utilities Corporation

**VERIFICATION**

I, Peter D. Cleff, being the Manager-Energy Efficiency Evaluation and Performance at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 11, 2016

  
\_\_\_\_\_  
Peter D. Cleff