

INTERVENTION



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BEFORE THE ARIZONA CORPORATION C

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COMMISSIONERS

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2012 JUN 11 A 9 16

CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 11 2012

DOCKETED BY *JM.*

IN THE MATTER OF THE APPLICATION OF) DOCKET NO. E-01933A-11-0055
TUCSON ELECTRIC POWER COMPANY FOR)
APPROVAL OF ITS 2011-2012 ENERGY) APPLICATION FOR LEAVE TO
EFFICIENCY IMPLEMENTATION PLAN) INTERVENE

Pursuant to A.A.C. R14-3-105 and the Commission's May 16, 2012 Procedural Order in the above-captioned and above-docketed proceeding ("instant proceeding"), EnerNOC, Inc. ("EnerNOC") submits its Application for Leave to Intervene in the instant proceeding.

I.

NATURE OF ENERNOC'S INTERESTS

EnerNOC will be directly and substantially affected by a final decision in the instant proceeding within the contemplation of A.A.C. R14-3-105. More specifically, EnerNOC is a participant and implementer in Tucson Electric Power Company's ("TEP") Commercial Direct Load Control program, which is a part of TEP's Energy Efficiency ("EE") programs. This program has been negatively impacted by the lack of an approved TEP EE Implementation Plan. As a consequence, EnerNOC is unable to increase enrollment in the program, as was expected, in order to make progress toward the full capacity commitment levels.

The absence of such an approval will force EnerNOC to cease its enrollment efforts and to request those customers that have already consented to participate in the program to delay their participation until such time as TEP receives approval of its EE Plan so as to allow enrollment to resume. This abrupt change in the program enrollment may result in some customers withdrawing their approval, customer confusion and aggravation. The result is also a

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1 loss to EnerNOC in the investment of time and effort in the customer recruitment process and a
2 reduction in the portfolio size from expected levels, resulting in reduced revenues.

3 In view of the foregoing, EnerNOC clearly will be directed and substantially affected by
4 both the nature and timing of a final Commission decision in the instant proceeding. Further,
5 none of the current parties to the instant proceeding are in a position to adequately and fully
6 represent EnerNOC's interest therein.

7 **II.**

8 **ENERNOC'S INTERVENTION WILL**
9 **NOT UNDULY BROADEN THE ISSUES**
10 **TO BE CONSIDERED**

11 As of this juncture, EnerNOC does not anticipate a need to raise any new matters.
12 Rather, it contemplates participating in the proceeding and addressing to the extent necessary (i)
13 those questions and/or issues which may exist at this time as a result of TEP's Application and
14 supporting schedules and supporting testimony, or (ii) which may hereafter be raised by the
15 Commission's Staff and/or other parties. Thus, its intervention will not unduly broaden the
16 issues to be considered.

17 **III.**

18 **CONCLUSION**

19 WHEREFORE, for the reasons discussed above, EnerNOC hereby requests that the
20 Commission issue a Procedural Order in the above-captioned proceeding (i) granting EnerNOC's
21 request for intervention, and (ii) according EnerNOC status and full rights as a party of record.

22
23 Dated this 8th day of June 2012.

24 Respectfully submitted,

25 

26 Lawrence V. Robertson, Jr.
27 Attorney for EnerNOC, Inc.

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1 Original and thirteen (13) copies of the foregoing
will be filed on the 11th day of June 2012 with:

2
3 Docket Control Division
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 A copy of the same will be served by e-mail or first
8 class mail that same date to:

9 Lyn Farmer, Chief Administrative Law Judge
10 Hearing Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Steve Olea, Director
15 Utilities Division
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Janice Alward, Chief Counsel
20 Legal Division
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22 1200 West Washington Street
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