

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To Enhance
the Role of Demand Response in Meeting
the State's Resource Planning Needs and
Operational Requirements.

Rulemaking 13-09-011
(Filed September 19, 2013)

NOTICE OF EX PARTE COMMUNICATIONS

Pursuant to Rule 8.4 of the Commission's Rules of Practice and Procedure, EnerNOC, Inc. ("EnerNOC") hereby gives notice of the following three (3) ex parte communications.

All three (3) communications occurred on Wednesday, March 26, 2014, and involved the same information. The communications were oral by telephone calls to the Commission's Offices at 505 Van Ness Avenue, San Francisco, California 94102.

The first communication occurred at 10:50 a.m. by telephone call and was initiated by Audrey Lee, Energy Advisor for Commission President Michael Peevey, and Rachel Peterson, Energy Advisor for Commissioner Michael Florio, to Mona Tierney-Lloyd, Director of Western Regulatory Affairs for EnerNOC, and lasted approximately 10 minutes. The second communication occurred at 1:30 p.m. by telephone call initiated by Ms. Tierney-Lloyd to Amy Baker, Energy Advisor for Commissioner Catherine Sandoval, and lasted approximately 15 minutes. The third communication occurred at 2:30 p.m. by telephone call initiated by Ms. Tierney-Lloyd to Melicia Charles, Electricity Advisor for Commissioner Carla Peterman, and lasted approximately 10 minutes.

The purpose of the telephone calls was to discuss the Revised Proposed Decision of Administrative Law Judge (ALJ) Hymes Addressing Foundational Issue of the Bifurcation of Demand Response Programs ("Revised Proposed Decision") in R.13-09-011. Ms. Tierney-

Lloyd expressed her gratitude, and the gratitude of the DR Collaborative,¹ with respect to the significant changes that were made to the Revised Proposed Decision in addressing the concerns of a large number of parties to the proceeding.

Ms. Tierney-Lloyd suggested, however, that the Revised Proposed Decision's Findings of Fact, Conclusions of Law and Ordering Paragraphs be further modified to include the term "conceptual" so as to be consistent with the body of the decision. Ms. Tierney-Lloyd also noted that the terms "capacity" and "energy" seem to be used interchangeably in the Revised Proposed Decision with respect to DR participation in the wholesale markets and should be corrected to reflect the fact that, technically, DR participation in the California Independent System Operator would be in the energy and not the capacity market.

Ms. Tierney-Lloyd also stated that, with the removal of Ordering Paragraph 4 of the Revised Proposed Decision, the inclusion of Table 2 may not be necessary, although, it is described as a "Proposed" Table. Lastly, Ms. Tierney-Lloyd recommended that the Revised Proposed Decision's Finding of Fact 16, which states that no party flatly opposed bifurcation, should be qualified to state that no party flatly opposed bifurcation "if cost effective."

¹ The DR Collaborative is made up of the APX; California Large Energy Consumers Association; Colorpower; Converge; Energy Connect by Johnson Controls; EnerNOC; North America Power Partners, LLC; Pacific Gas & Electric; San Diego Gas & Electric; Southern California Edison; and Viridity Energy. On the issue of bifurcation, the DR Collaborative was supported by the Center for Energy Efficiency and Renewable Technologies, Clean Coalition, Olivine and Sierra Club.

To obtain a copy of this notice, please contact:

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Respectfully submitted by:

April 1, 2014 /s/ MEGAN M. MYERS _____
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On behalf of EnerNOC

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