

Ghoms, Noumvi

Subject: FW: ARC/RTO/ISO "ISSUES" Workshop Notes - Final Revision
Attachments: ARC-RTO-ISO-DR ISSUES WORKSHOP NOTES TEMPLATE FINAL REVISION.docx

From: Ghoms, Noumvi

Sent: Tuesday, October 25, 2011 4:50 PM

To: 'Ajay Arora'; 'Alden Hathaway'; 'Aldie Warnock'; 'Ali Vojdani'; 'Allen Dennis'; 'Andrew Meyer'; 'Andy Fry'; 'Barry Dicker'; 'Barry Matchett'; 'Bary Warren'; 'Beth Burka'; 'Beth Soholt'; 'Bill Barbieri'; 'Bill Davis'; 'Bill Loesch'; 'Bill Malcom'; 'Blake Mertens'; 'Bob Miller'; 'Boone, Robert'; 'Brad Klein'; 'Brad Lutz'; 'Brent Ross'; 'Brett McLean'; 'Brown, Doyle'; 'Bruce Campbell'; 'Burton Crawford'; 'Cara Shaefer'; 'Carl Lumley'; 'Carlson, Bob'; 'Charles Locke'; 'Charles Peoples'; 'Pappas, Charles'; 'Dan Danahy'; 'Dat Ngo'; 'David Oswald'; 'Gaye Suggett'; 'George McCollister'; 'Jim Okenfuss'; 'Jim Sanderson'; 'John Coffman'; 'John Ervin'; 'Joseph O'Donnell'; 'Josh Phillips'; 'Judd Moritz'; 'Julie Simon'; 'Ken Schisler'; 'Kieth Hock'; 'Larry Dority'; 'Laura Becker'; 'Laura Wolfe'; 'Liechti Lois'; 'Margo McNeil'; 'Mark Peters'; 'Mendl, Jerry'; 'Michael Barber'; 'Mike Carella'; 'Mike Revak'; 'Mike Whitmore'; 'Mills, Lewis'; 'Nathan Jones'; 'Rebecca Atkins'; 'Rebecca Stanfield'; 'Rick D. Chamberlain'; 'Rob Land'; 'Robert Willen'; 'Roger Clark'; 'Ron McLinden'; 'Russ Mitten'; 'Kind, Ryan'; 'Sandeep Menon'; 'Scott Coe'; 'Scott Miller'; 'Sierra Club Missouri Chapter'; 'Stephen Kidwell'; 'Steve Gaw'; 'Stuart Conrad'; 'Tim Michels'; 'Tim Rush'; 'Tim Wilson'; 'Todd Tarter'; 'Tony Robyn'; 'Travis Creswell'; 'Vaughn Prost'; 'Virgil Jones'; 'Wade Miller'; 'Warren Wood'; 'Wenbin Li'; 'Wendy Tatro'; 'Wil Cooper'; 'Yuri Horwitz'; 'Zeina El-Azzi'; 'Zeke Fairbank'; 'Angela Beehler'; 'B. Maire Pieniazek'; 'bwalker@ecsny.com'; 'Chris Burnett'; 'D. J. Linton'; 'Damon E. Xenopoulos'; 'Dan Laurent'; 'Dane Glueck'; 'Dave Kreimer'; 'David Weisman'; 'David Ellis'; 'David Overfelt'; 'Dianna M. Vuylsteke'; 'Donald Johnstone'; 'Doug Healy'; 'Duane Highley'; 'Ed Downey'; 'Ed Hedges'; 'Ed Matthews'; 'Eric Swillinger'; 'Frank Lewon'; 'Greg Lovett (glovett@ameren.com)'; 'Greg Meyer'; 'Greg Poulos'; 'Hank Stelzer'; 'Heather Starnes'; 'Henry Rentz'; 'Henry Robertson'; 'Jay Hasheider'; 'Jayna Long'; 'Jeff Arnold'; 'Jeff Knottek'; 'Jeff Lewis'; 'Jim Fischer'; 'Jim Lowery'; 'Jones, Jason'; 'Juan Gutierrez'; 'Kamaria Martin (kamaria.martin@ferc.gov)'; 'Karl Zobrist'; 'Kathleen Henry'; 'Kathleen Logan Smith'; 'Keith Beall'; 'Kelly Walters'; 'Ken Baker'; 'Lars Kvale'; 'Lisa Langeneckert'; 'LuAnn Madsen'; 'Marvin Rollison'; 'Matt Michels'; 'Matthew Brown'; 'Maurice Brubaker'; 'Mendl, Jerry'; 'Michael McCabe'; 'Michelle Harris'; 'Mike Bollenbach'; 'Noller, John'; 'Mantle, Lena'; 'Paul M. Pietsch'; 'Paula Haskin'; 'Pete Curtice'; 'PJ Wilson'; 'Randy Hughes'; 'Rex Jenkins'; 'Richard Voytas'; 'Richard Wright'; 'Rob Freeman'; 'Tom Rutigliano'; 'Tom Simchak'; 'Troid Edwards'; 'Wilbers, Brenda'; 'Harden, Joshua'; 'Hughes, Mark'; 'Keevil, Jeff'; 'Wheeler, Janet'; 'Barnes, Matthew'; 'Beck, Dan'; 'Bender, Leon'; 'Borgmeyer, John'; 'Cecil, Walter'; 'Davis, Jeff'; 'Gunn, Kevin'; 'Jarrett, Terry'; 'Kenney, Robert'; 'Dietrich, Natelle'; 'Dottheim, Steve'; 'Eichelberger, Pam'; 'Eiken, Shelley'; 'Gregory, Sheryl'; 'Hurt, Erica'; 'Neuner, Joyce'; 'Eaves, Dana'; 'Elliott, David'; 'Ghoms, Noumvi'; 'Gross, Randy'; 'Hernandez, Jennifer'; 'Holsman, Laura'; 'Kang, Hojong'; 'Maloney, Erin'; 'Mckinnie, Adam'; 'Moore, Amy'; 'Oligschlaeger, Mark'; 'Reed, Steven'; 'Rogers, John'; 'Roos, David'; 'Sundermeyer, Susan'; 'Thompson, Kevin'; 'Tompkins, Goldie'; 'Voss, Cherlyn'; 'Wankum, Martha'; 'Williams, Nathan'

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Attached please find the revised notes from our October 4th, 2011 ARC/RTO/ISO DR "ISSUES" Workshop.

Thanks,

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ARC/ISO/RTO Demand Response Issues Workshop; EW-2010-0187
October 4th, 2011; 10:00 AM - 3:30 PM
Room 470 Governor Office Building
200 Madison Street, Jefferson City, MO. 65102

ISSUES for Discussion:

1. Partnerships between Utilities and ARC's

- a. Ryan Kind (OPC): KCP&L has participated in a Demand Response Program with an ARC that has been beneficial to them. A 2 to 3 year program.
- b. Charles Locke (KCP&L): That's correct that KCP&L has teamed up with an ARC.
- c. Adam McKinnie (MOPSC): KCP&L established a contract regarding demand response with ECS no external forces involved. Is ECS viewed as a partnership?
- d. Charles Locke (KCP&L): Yes it can be viewed as a partnership/contract
- e. Adam McKinnie (MOPSC): Is ECS going to continue to recruit customers if KCP&L seeks more demand response?
- f. Dana Eaves (MOPSC): Has no knowledge if that relationship will continue. Program has been capped at a specific level. Not sure if they are seeking applicants or not.
- g. Ryan Kind (OPC): Main purpose of the program was to build up participation in demand response, going from 10 to 20 MW of Demand-Side Management to maybe 100MW. Was doing this program with no knowledge of future Capacity Markets. Change in markets could drive KCP&L to reinitiate something.
- h. Charles Locke (KCP&L): Under old Peak Load Curtailment KCP&L had problems getting above 25 MW. However, with the involvement of an ARCs curtailment, it has approached the 100MW mark.
- i. Adam McKinnie (MOPSC): Has the program been a success?
- j. Charles Locke (KCP&L): Yes so far.
- k. Adam McKinnie (MOPSC): To Greg Poulos, do you have any interest builder with any companies and markets?
- l. Greg Poulos (EnerNOC): EnerNOC works with utilities in every jurisdiction. We do subcontract with utilities in California and a little in Pennsylvania who are very responsive. We also subcontract with utilities in Canada.
- m. Adam McKinnie (MOPSC): What are the highlights to your partnerships?
- n. Greg Poulos (EnerNOC): Overall good for society, it reduces peaking plants and is good for the customer. If your opportunity is not great and the risk is too high, Customers won't get the benefit out of it. If you make the opportunity great like grocery store curtailment then they will participate. Have to make sure customers get the information they need. Also have to make sure that all the ARCs can produce what they said they would to make these partnerships beneficial.
- o. Adam McKinnie (MOPSC): Generally Categorize Partnerships.
- p. Greg Poulos (EnerNOC): Third party administrator. Worked cooperatively with AEP Ohio, who had decided not to participate in demand response. AEP will get credit for some of the Demand Response generated by EnerNOC.

- q. Adam Mckinnie (MOPSC): Is there a contact or Tariff with AEP Ohio?
- r. Greg Poulos (EnerNOC): AEP initially proposed a tariff where you can sign up with AEP or sign up with ARC but could get penalized if you didn't meet curtailment goals. Settled that CSP could sign up in their territory.
- s. Adam Mckinnie (MOPSC): Please provide personal preference regarding partnerships in tariff or contract form?
- t. Greg Poulos (EnerNOC): Have it in a contract versus a tariff. This arrangement has worked with AEP Ohio. AEP Ohio is completely content with the process which has met EnerNOCs expectation.
- u. Adam Mckinnie (MOPSC): Any experience where more than one ARC is working with one Utility?
- v. Greg Poulos (EnerNOC): Yes, for example AEP. They have to make sure that ARC's are not simultaneously providing curtailment services for the customer.
- w. Adam Mckinnie (MOPSC): Are you aware of a situation where more than one ARC is curtailing in an umbrella fashion?
- x. Greg Poulos (EnerNOC): No I am not. Maybe Pennsylvania. I see preferences like Comverge who deals mainly with residential. Makes sense to allow multiple ARCs to work in the same service territory.
- y. Adam Mckinnie: So it would make sense to have ARCs not necessarily compete against each other but curtail services in the same area?
- z. Greg Poulos (EnerNOC): In AEP there is an ARC whose main focus is on small neighborhoods.
- aa. Adam Mckinnie (MOPSC): Wants to know if there are any ARCs that compete for the same customers under the same LSE?
- bb. Greg Poulos (EnerNOC): Not sure but I will look into it.
- cc. Adam Mckinnie (MOPSC): Any utilities want to comment on what an optimal partnership model?
- dd. Greg Lovett (Ameren MO): Demand response is very slim in their territory based on their IRP. Wants to make sure that the customer is taken care of. Wants to provide the opportunity if the need exists. Wants to make sure that the cost is shared equally. Wants to use tariffs to capture all the risks Ameren MO is exposed to while allowing the ARCs to take care of their customers and provide a curtailment service. They are open to going down that path.
- ee. Mark Peters (Ameren MO): On one end the historical utility program tariff is very rigid which is tailored to customers. Perhaps there is a situation, entrance to the envelope, where all the data runs through the utility as the market participant, which drives the government to cover all types of issues, treatment of customer data and company protocols. Whereas if the tariff were not involved the ARC could easily contract their services which would be fairly long and lengthy.
- ff. Adam Mckinnie (MOPSC): I agree with you as a spectrum of participation. The prescriptive tariff that KCP&L has is a good example.
- gg. Dat Ngo (Ameren MO): Looking at the MEEIA filing. I want to know if the ARC issue should be addressed inside or outside of the MEEIA filing?
- hh. Ryan Kind (OPC): It would be advisable to get someone who is experienced in demand response to help guide them through their MEEIA filing.

- ii. Steve Dottheim (MOPSC): Certainly welcome their dialogue during the MEEIA discussion in advance and encourage that as long as we are able to work in a cooperative manner. People feel that the more we talk the more we see each other's viewpoints differently. We welcome contact through email or phone calls.
- jj. Keith Hock (Ameren MO): On point with Multiple ARCs working with utilities. Doesn't see an obstacle to more than one ARC working with utilities. Based on my experience with Illinois retail choice I would recommend against bifurcating an individual retail customer's load. That is, only one ARC at a time should be allowed to serve an individual retail customer. Purely from a mechanic standpoint, his experience doesn't see any obstacle to multiple ARC partnerships.
- kk. Adam Mckinnie (MOPSC): What are your partnership preferences, tariff or contract involvement?
- ll. Keith Hock (Ameren MO): With my experience with any workshop development it usually tends to move into a tariff filing.
- mm. Mark Peters (Ameren MO): Has expressed concerns before with curtailment communication and data sharing. This type of partnership curtailment would allow that those protections are warranted.
- nn. Greg Poulos (EnerNOC): Hard to look at ARC participation in MISO because it is not being addressed in the MISO Business Practice Manuals. Draft is on the website for MISO.
- oo. Steve Dottheim (MOPSC): Are those BPM open to the public?
- pp. Mike Barber (MISO): The BPM is in their library on the MISO website.
- qq. Mark Peters (Ameren MO): MISOs BPM doesn't support contracts which are causing communication issues. I believe that contracts would solve the communication problems.
- rr. Keith Hock (Ameren MO): MISO BPM doesn't do anything because the tariff hasn't been approved. Ameren has reviewed them and agrees with Greg Poulos, EnerNOC, and Mike Barber, MISO that operations are highlighted in BPM but isn't sure when that practice will become finalized.
- ss. Charles Locke (KCP&L): No specific recommendations, expressed from day one that there needs to be a defined structure between the ARC and the utility, defined economics of tariff arrangement, costs, no detailed description but a broad framework on how they would operate to protect the retail rate interest.
- tt. Adam Mckinnie (MOPSC): Tariff or Contract?
- uu. Charles Locke (KCP&L): Bilateral Contracts cannot be passed up but a Tariff would be preferred.
- vv. Adam Mckinnie (MOPSC): Any more issues?
- ww. Charles Locke (KCP&L): Can ARCs sign up without the Commission's permission? Who can be classified as a Market Participant? Need for more definition, provided by The Commission.
- xx. Ken Baker (Wal-Mart): Has to be a partnership between customers that provides tremendous benefit to customer who provides Demand Response. More participation equals more societal benefit to taking pressure off the grid. As a third party administrator transparency would be important regarding the contracts.
- yy. Adam Mckinnie (MOPSC): What is a successful contract?
- zz. Ryan Kind (OPC): People mentioned structure issues which are important. People haven't really focused on in it in a rulemaking like addressing rate making issues, IRP

issues, and MEEIA issues. Commission doesn't want to look at all these issues individually that are tariff filing based between ARCs and Utilities.

- aaa. Adam Mckinnie (MOPSC): What are you recommending?
- bbb. Ryan Kind (OPC): We shouldn't be trying to identify who is going to be the Market Participant at the RTO; it should be decided in a rule not a tariff filing. Rules can also address additional provisions in tariff filings that are beyond the MISO BPM and Tariffs.

2. Compensation Issues-

- a. Adam Mckinnie (MOPSC): Understands that a funnel process may affect market participants if an ARC participates directly in the market vs. going through the Utility.
- b. Mark Peters (Ameren MO): Under context of Partnership, it will be a contract issue or function.
- c. Adam Mckinnie (MOPSC): A distribution of money between the IOU and ARC is a potential compensation issue. Another issue would be retail customer compensation regarding a partnership. Would you prefer a tariff or contract between the IOU and the ARC?
- d. Mark Peters (Ameren MO): Contract between ARC and Customer, ARC and RTO, and Tariff between RTO and LSE.
- e. Adam Mckinnie (MOPSC): Is a filing needed to follow a contract between a Utility and an ARC?
- f. Keith Hock (Ameren MO): ARES (Alternative Retail Electric Supplier) in Illinois for example. Enforceability is related to the eligibility of the customer to participate. It essentially allows a customer to be an ARC if they want to be. Unless these conditions are satisfied then the program is null based on the Tariff. Therefore the Tariff governs the program.
- g. Adam Mckinnie (MOPSC): How would we enforce rules regarding relationships between ARCs and IOUs if not through a tariff?
- h. Keith Hock (Ameren MO): Again referring to the ARES model in Illinois, Ameren has a Supplier hand book that they file at the commission. The Supplier Handbook is analogous to the MISO BPM. It describes in detail all of the business processes and practices related to the Supplier (i.e. ARC) – Utility relationship.
- i. Greg Poulos (EnerNOC): There have been several issues when you look at the tariff. Tariff needs to be between the customer and the utility. This issue caused problems for AEP in Ohio, who had to make sure that they did not discriminate in price and flexibility. Putting flexibility in there tariff didn't work. An order from the Commission or a contract between the ARC and Utility is sometimes a better option. A contract should be

approved by commission. Orders can also be used. Different circumstances for different things.

- j. Keith Hock (Ameren MO): A report would keep the commission up to date as far as who is participating and how.
- k. Adam Mckinnie (MOPSC): Proper EMV under partnership scenario hasn't been discussed. Trying to figure out how to make it the best issue for both parties.
- l. Mike Barber (MISO): If market participant issue is resolved then a lot of the money issues in the contract will be resolved. A Pro form contract being filed would detail who gets what data on what dates for tracking purposes.
- m. Adam Mckinnie (MOPSC): Who would you essentially prefer to be a Market Participant?
- n. Mike Barber (MISO): Having the ARC as the Market Participant would be the most efficient method to financial settlements.
- o. Adam Mckinnie (MOPSC): Please go back and talk to people about who are preferred Market Participants and file your comments.
- p. Greg Lovett (Ameren MO): EMV is also based on ARCs being Market Participant.
- q. Janet Wheeler (MOPSC): We need to make sure that we don't structure something that the Commission doesn't regulate, especially for the customers. Make sure we don't fashion a solution that the council won't adhere to. Telling customers how to behave would be a threshold.
- r. Adam Mckinnie (MOPSC): Please explain.
- s. Janet Wheeler (MOPSC): Like certain class of customers cannot sign up without the Utilities approval versus.... Does the commission have jurisdiction to tell anyone who wants to take electricity from a proper source not to?
- t. Adam Mckinnie (MOPSC): Not intending to draft a rule on the ability to provide demand response. Partnership with ECS didn't eliminate other DR that KCPL can pursue?
- u. Charles Locke: No it didn't preclude a program that could shun other class of customers.
- v. Adam Mckinnie (MOPSC): Ameren involvement with ARCs.
- w. Adam Mckinnie (MOPSC): Goal is not to define an electric utility as an ARC or an ARC as a Utility. Keep that distinction in any rule that we draft. We would have to craft a definition or term for any draft rule going forward.
- x. Greg Lovett (Ameren MO): One thing to consider is load that is reduced through an ARC how does the utility then incorporate that into their IRP? Can they count it as meeting their goals? Don't want to double dip and make unreasonable goals. Don't want ARCs to get all the benefits from load reduction.
- y. Adam Mckinnie (MOPSC): If an ARC was purely stand alone and not going through a partnership, it would not have to be said in MEEIA rule. But KCPL ECS program doing administrative work would possibly count.
- z. Natelle Dietrich (MOPSC): Generally Commission would like to address issues here versus a rate case.
- aa. Dana Eaves (MOPSC): There are benefits at looking at energy efficiency goals and who gets the credit and how do you count the savings and who gets the savings.
- bb. Greg Poulos (EnerNOC): Do utilities recover lost revenues?
- cc. Martha Wankum (MOPSC): It is my understanding that KCP&L intends for the MPower program to count towards savings goals in MEEIA and could possibly recoup lost revenues, if the applicable criteria are met, through MEEIA rules.

- dd. Adam Mckinnie (MOPSC): Is it better to handle it in a rule vs a case by case or tariff by tariff basis?
- ee. Martha Wankum (MOPSC): What argument would make it not count towards MEEIA rules?
- ff. Janet Wheeler (MOPSC): It's not the least cost program.
- gg. Martha Wankum (MOPSC): Assuming that the programs meet the MEEIA goal of all cost effective demand-side savings, what would the argument be against not counting savings towards MEEIA goals?
- hh. Adam Mckinnie (MOPSC): If a tariff governed ARC and utility operations then wouldn't that affect MEEIA rules?
- ii. Martha Wankum (MOPSC): I don't think so. The rules discuss utility-provided demand-side programs. If the ARC is working under the umbrella of the utility, I don't think there would be a conflict, but I am not an attorney.
- jj. Greg Poulos (EnerNOC): Thinks that encouraging parties to work together versus being at odds with each other is important
- kk. Mark Peters (Ameren MO): If it ends up that the Demand Response (DR) goal doesn't count under the MEEIA rule, it makes it harder and harder to determine cost effective measures because ARC has to go out and curtail more DR.
- ll. Randy Gross (MOPSC): Different resources are available to accomplish goals. IOU uses intellectual property or contract to sign people up or use infrastructure it should be viewed in the same light. It's just another tool to meet your goals.
- mm. Erin Maloney (MOPSC): Can we get a lawyers opinion on the definition on Cost Effective Measures?
- nn. Greg Poulos (EnerNOC): Order 745 will define cost effective measures once it has been passed.
- oo. Adam Mckinnie (MOPSC): The idea of Missouri having too much DR would be great, but it is not ideal. Agrees that Order 745 will benefit certain regions as far as LMP compensations are concerned.
- pp. Charles Locke (KCP&L): Order 745 will solve LMP compensation. One issue is DR can crowd out capacity resources that are in M-Power resources if they have to go out and secure generation resources.
- qq. Adam Mckinnie (MOPSC): Firm or non-firm. If an ARC creates a Firm Demand response?
- rr. Charles Locke (KCP&L): Energy will be price responsive. No plans for future capacity market. Only control when and how a load is dispatched.
- ss. Adam Mckinnie (MOPSC): Load Modifying Resources.
- tt. Mike Barber (MISO): Currently must be able to perform for 4 hours at minimum and 5 times for the summer. Incorporated emergency into reasons for calling.
- uu. Adam Mckinnie (MOPSC): What can I do with load modifying resource (LMR) once it qualifies?
- vv. Mike Barber (MISO): Can get capacity credits for it to offset load forecasts. Energy market, you can get capacity credit if preferred as well.
- ww. Charles Locke (KCP&L): Have a reserve requirement; have to have 12% Capacity Reserves total and daily above their load. So they use DR to meet load requirements.
- xx. Josh Phillips (SPP): Don't see demand response in SPP.

- yy. Dave Linton (SPP): FERC rules say that anybody can participate in the market place. Now whether or not KCPL sees it and can take credit for that is up to the Missouri Commission.
- zz. Charles Locke (KCP&L): It's the RTO who dispatches the resource. If SPP doesn't dispatch the resource then their load won't go down.
- aaa. Mike Barber (MISO): Resource in Energy Market gets capacity credits, which can be used against their forecasted loads plus their planning reserves. Can play in Energy Market or in Capacity Market as an LMR.
- bbb. Mark Peters (Ameren MO): In MISO if it's an Emergency Demand Resource (EDR) someone will get the capacity credit.
- ccc. Mike Barber (MISO): EDRs don't get capacity credits. LMRs that are dually registered get the credits.
- ddd. Mark Peters (Ameren MO): If ARCs are allowed unfettered does the Missouri Public Service Commission have any authority over them? **<uncertain about comment>**
- eee. Greg Lovett (Ameren MO): Evaluation of DR, if it's part of their DSM portfolios there are rules out there that highlight cost effectiveness. All their DSM programs go through a process and impact evaluation.
- fff. John Rogers (MOPSC): We already have MEEIA rules, when the commission approves the program, they will approve Energy saving targets and Demand Response targets.
- ggg. Adam Mckinnie (MOPSC): No intention to massive standards to EMV. If it's the M-Power partnership then that's the standard to use in guiding us with the DR. Only pilot project to reference.
- hhh. Adam Mckinnie (MOPSC): 5 minute huddle; how do you all feel on the Stakeholder input that we could draft a rule or are there more issues that we haven't dealt with today that you all could address with comments? It would require a workshop before a CCN.
- iii. Ken Baker (Wal-Mart): There are a couple more comments that they would want to submit before drafting a rule.
- jjj. Greg Poulos (EnerNOC): We would like to further address the Market Participants issue.
- kkk. Adam Mckinnie (MISO): Asks stakeholders to file a comment on who should be market participants and why?
- lll. Natelle Dietrich (MOPSC): Comments due October 18, 2011.
- mmm. Adam Mckinnie (MOPSC): Please respond to Market Participants issue with examples and rationale.
- nnn. Janet Wheeler (MOPSC): Examples should capture factors such as deregulated states and how what they are doing compare with Missouri.
- ooo. Charles Locke (KCP&L): Have we walked through the Issues list?
- ppp. Adam Mckinnie (MOPSC): No. Only made it to issue number 2. Compensation. Well then that would lead us down the path of getting more stakeholder opinions with the help of a Workshop.
- qqq. Natelle Dietrich (MOPSC): Draft rule to describe how the partnership would look between IOU and ARC. Would give us framework for next workshop.
- rrr. Adam Mckinnie (MOPSC): Time line receives comments by the 18, 2011. Develop framework internally for the next workshop a month later.
- sss. Keith Hock (Ameren MO): So the next workshop would be possibly in the next 5 weeks?
- ttt. Adam Mckinnie (MOPSC): Thinks that is a reasonable goal, schedules permitting.

- uuu. Keith Hock (Ameren MO): Not that we shouldn't continue to make progress and work on Market Participant issue but remember that FERC still needs to approve MISO tariff.
- vvv. Dave Linton (SPP): I believe that FERC needs to approve tariffs for ARCs to become market participants.
- www. Adam Mckinnie (MOPSC): Any weigh in on what needs to be worked on to move partnership terms along.
- xxx. Randy Gross (MOPSC): What kind of partnership would work, what has worked before, what's a show stopper? If Stakeholders can address that it would help in our guidance. What models have worked successfully and what restrictions won't work.
- yyy. Adam Mckinnie (MOPSC): Loose framework that can encompass multiple partnerships
- zzz. Janet Wheeler (MOPSC): Materials that have floated around that haven't been placed in a docket, for future commissioners.
- aaaa. Adam Mckinnie (MOPSC): Commit to getting out the notes no later than October 11, 2011 and ask for revisions by October 18, 2011. Expect that previous concerns still hold. Do parties want to address any other issues or input they would like to give?
- bbbb. Janet Wheeler (MOPSC): Commissioner Jarrett would like to thank everybody for attending.
- cccc. Greg Poulos (EnerNOC): Has spoken with Energy Connect, Energy Curtailment Service, and Converge. Something in PJM today prevented them from coming but they are thankful for us conducting this workshop today.
- dddd. Angie Beehler (Wal-Mart, who was traveling and not able to participate on the call): "As consumers, we would prefer choice of different options in Missouri. The choice of participating with the MISO, an aggregator or the utility in ancillary or demand response programs should be available to all consumers to encourage all efficiencies possible within the MISO to deliver additional dollars to Missouri ratepayers."

a. Shift of Income Off-System Sales

b. Interruptible Rates

3. Issues concerning Interstate Commerce

4. Potential effect of issues on Rate Payers.

5. Potential impact of ARC sales on Utilities Long Range Planning (LRP's)

6. Pilot Projects

Ghoms, Noumvi

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Attachments: DR Supporters Workshop comments 10 25 2011.pdf

-----Original Message-----

From: Greg Poulos [mailto:gpoulos@enernoc.com]
Sent: Tuesday, October 25, 2011 11:26 PM
To: Gross, Randy; Mckinnie, Adam; Ghoms, Noumvi; Dietrich, Natelle*
Subject: RE: ARC/RTO/ISO "ISSUES" Workshop Notes - Final Revision

Natelle, Adam, Randy, and Noumvi,

Good evening, attached you will find the Post Workshop Comments of the DR Supporters. These comments are submitted on behalf of: Comverge, Inc., EnergyConnect by Johnson Controls ("ECI/JCI"), EnerNOC, Inc., Energy Curtailment Specialists, Inc. ("ECS"), Environmental Law & Policy Center of the Midwest, and Wal-Mart Stores East, L.P. and Sam's East, Inc. If you have any questions regarding these comments please let me know.

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EnerNOC - get more from energy

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Sent: Tuesday, October 25, 2011 5:49 PM
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Subject: ARC/RTO/ISO "ISSUES" Workshop Notes - Final Revision

Attached please find the revised notes from our October 4th, 2011 ARC/RTO/ISO DR "ISSUES" Workshop.

Thanks,

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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of an Investigation into the)	
Coordination of State and Federal Regulatory)	File No. EW-2010-0187
Policies for Facilitating the Deployment of all)	
Cost-Effective Demand-Side Savings to)	
Electric Customers of All Classes Consistent)	
with the Public Interest.)	

COMMENTS

**ADDRESSING STAFF'S ARC/RTO/ISO DEMAND RESPONSE ISSUES WORKSHOP
BY COMVERGE, INC., ENERGYCONNECT BY JOHNSON CONTROLS, ENERNOC,
INC., ENERGY CURTAILMENT SPECIALISTS, INC., THE ENVIRONMENTAL LAW
& POLICY CENTER OF THE MIDWEST, AND WAL-MART**

I. INTRODUCTION

Comverge, Inc., EnergyConnect by Johnson Controls ("ECI/JCI"), EnerNOC, Inc., Energy Curtailment Specialists, Inc. ("ECS"), Environmental Law & Policy Center of the Midwest, and Wal-Mart Stores East, L.P. and Sam's East, Inc. (Collectively "Wal-Mart") (Collectively "DR Supporters") jointly respectfully submit the following comments addressing the October 4, 2011 proposed ARC/RTO/ISO Demand Response Workshop that the Staff of the Missouri Public Service Commission ("Commission Staff" or "Staff") coordinated. The DR Supporters again thank the Commission and its Staff for organizing the Workshop and considering the benefits that permitting customer choice when deciding to perform Demand Response ("DR") with the utility, Aggregators of Retail Customers ("ARCs"), or directly with the MISO can bring to the state of Missouri and its citizens.

The DR Supporters appreciate the Commission Staff's efforts to develop a sensible DR policy that encourages demand response activity in Missouri, and welcome the opportunity to

comment. The DR Supporters provide the following comments for the Commission Staff to consider.

In Section II, the DR Supporters will address the two follow-up questions presented to all of the parties during the October 4 Workshop: first, “Who should be the Market Participant (MP)” and second, “What is the ideal partnership for ARC’s and utilities.” All of these comments should be considered a supplement to the comments made during the October 4 Workshop (and in response to the January and April Workshops.) With that in mind the DR Supporters attempted to minimize repeating the comments we made to the original draft of the rule, with the understanding that we maintain our same position on those comments.

II. DR SUPPORTERS’ RESPONSE TO STAFF REQUEST FOR INPUT

A. The DR Supporters recommend that the Commission allow customers to choose whether to participate in DR with the utility, ARCs, or directly with the MISO as the Market Participant.

At the conclusion of the October 4 Workshop, the Commission Staff asked the parties to address the “Market Participant” issue. The question, or “issue”, is who should be permitted to act as a MISO Market Participant (“MP”). The discussion on this issue consumed a significant portion of the October 4 Workshop -- and for good reason -- there are a number of complications.

DR Supporters recommend that the Commission permit customers to choose whether or not to participate in DR programs through the utility, ARC -- as the MP, or directly with the MISO. Allowing customer choice, as opposed to a utility subcontractor, will be the most efficient and effective model. It places the “risks” and the ownership of each opportunity squarely on the backs of the ARCs or the customer -- where it should be -- and will provide the most incentives and rate payer benefits for DR participation to customers.

It must be noted that presently there are a number of obstacles that foreclose customer choice as to participation in MISO's markets that the Commission needs to resolve even if the Commission approved direct ARC or customer participation. In particular, MISO's proposed rules for DR participation have not yet been approved by the Federal Energy Regulatory Commission (FERC). However, the DR Supporters are hopeful that FERC's decision will come in a reasonable amount of time and that the result will include strong procedures that provide the appropriate (and consistent) oversight and communication expectations for the DR provider throughout MISO's footprint. It is in everyone's best interest to make sure MISO's tariff and business practice manual are comprehensive and inclusive.

There are three distinct aspects of the MP issue that the Commission should consider as it makes a decision on whether to accept or deny customer choice as to who an MP will be. The three components are critical to oversight of and enticing customers to make the necessary sacrifices to encourage participation in DR programs. The issues are: First, are the costs and risks for the customer reasonable for the sacrifices that the customer must make to participate; second, what is the best way to address the "risk" that a customer will not perform when called upon; and finally, what information is necessary for the utility to know, if any, about a customer's DR participation to ensure safe, and reliable service to all of its customers.

1. Are the costs and risks for the customer reasonable for the sacrifices that the customer must make to participate in MISO DR Programs.

As stated during the workshop by Ken Baker of Wal-Mart, customers must make sacrifices to participate in these programs and those sacrifices need to be recognized and rewarded. Demand Response is a resource that is beneficial to all ratepayers, the utility and the MISO and should be encouraged. Clearly the going market rates for energy and, potentially in the near

future, capacity will play a significant role in determining whether the monetary “incentive” for participation is worth it. Moreover, that threshold amount will vary by customer and the level of sacrifice needed by their business or residence. The administrative, personnel, equipment investment, or back office costs must also be considered in the incentive analysis.

If any, or a combination of the costs are prohibitive, then the opportunity will no longer be attractive – or in some cases realistic – for customers. Of course, “prohibitive administrative costs” is a relative phrase. The costs or investments may be prohibitive because the wholesale energy or capacity prices are low or because the customer only has a small amount of demand response to offer. In any event, the goal should be to maximize the opportunities that are available by minimizing the costs to participate. Allowing customer choice in deciding whether to perform DR through the utility, ARCs (as the MP), or directly with the MISO will help to achieve this goal.

Permitting whatever entity the customer chooses to participate as the MP could eliminate an extra layer of administrative costs that the utility, as MP, would expect should the customer make the choice to perform DR through the ARC or directly with the MISO. Also, usually a “DR” line item to the customer will be eliminated on the utility bill. If the opportunity is good, competition between utilities, ARCs, and MISO will be fostered and the offers will be to the advantage of the customers. .

The approved demand response tariffs in Indiana provide a good example of how an extra layer of administrative oversight will quickly diminish the opportunities available to customers. While ARCs may sign customers up under Indiana’s proposed tariffs, the ARC may not be the MP and must operate through the utility. Examples of additional costs include in some cases significant registration fee, fees for modifications to the registration, and bid-entry fees. The DR

Supporters do not dispute the legitimacy of these costs. Rather, we point out that these additional utility costs added on top of the ARCs administrative costs diminish the revenue available for customers and add more unnecessary costs for all ratepayers.

2. What is the best way to address the “risk” that a customer will not perform when called upon?

A Market Participant that fails to provide the demand response capacity that it has committed to provide will be penalized by the RTO. It is understandable for utilities to pass this “risk” of underperformance back to the customers in its DR programs thereby adding unnecessary costs to ratepayers. For example the tariffs approved in for the investor owned utilities in the Indiana hold each customer reasonable for any failure to perform – whether that customer is signed up through an ARC or through the utility program.. Utilities are not in the business of taking on the risk that customers will not meet their obligations.

ARCs have developed a way to manage the “risk” associated with non-performance by DR customers. If the ARCs are the MP, they typically will insulate the customers, to some extent, by developing a portfolio of customers and customer locations that will be used to meet the ARCs demand response obligations. The aggregation model allows ARCs to address the failure of one customer location by using multiple customers (or multiple customer locations) to meet the expected need. By reducing the “risk” for customers the portfolio approach creates more opportunities for customers – particularly those that are fearful of significant financial or productivity risks that are required to participate in the DR programs. It is also critical to remember that the aggregation model is presently, and successfully, implemented in RTOs and ISO throughout North America.

There is always some risk that a DR participant will not be available when called upon. Just like there is some risk that any generation resource will not be available when called upon. For example, on February 2 and 3 of 2011, over 9,000 MW of generation were not available in ERCOT during a surprise deep freeze demand response was activated for a record 27 hour to help diminish the unavoidable blackouts from the lack of generation in such large quantities. While it may be more likely that a DR participant will not perform as expected than a massive power plan, the impact will also be much smaller or not felt at all. Regardless, the mechanism to address the “risk” of non-performance is a key difference between of opportunity that ARCs can provide as a MP and the opportunities that utilities have historically provided.

3. What information does the utility need about a customer’s DR participation to ensure safe, and reliable service to all of its customers?

First and foremost, ensuring that the utility receives the information needed, if any is needed, to ensure safe, and reliable service to all of its customers is important to all parties in this case. At this point, the specific information necessary by the relevant utility is not known. We believe that the parties can – and must -- work together to make to determine what information is needed and to make sure it is available. To ensure consistency across the MISO footprint, the DR Supporters would prefer to address the information through compliance with MISO’s DR tariff and business practice manual --- when those documents are approved and operational. However, the DR Supporters are willing to explore additional measures that may be specific to needs of the utilities in Missouri.

The DR Supporters have worked with many utilities, in all types of circumstances, to create successful ongoing communication channels with regional ISO DR programs. In addition,

MISO is participating in these workshops and the parties can benefit from the expertise of MISO's Staff and those that participate in the MISO Demand Response Working Group.

B. DR Supporters recommend that the ideal partnership between ARCs and utilities must be flexible.

Ironically, the key to a successful relationship between an ARC and the utilities is dependent on the satisfaction of the other parties that are directly affected by that relationship. The ideal partnership must be considered from three perspectives: (1) an ARC and the utility; (2) the customers perspective – both participating and non-participating; and (3) the Commission's perspective – the role of providing safe, reliable and electricity and services at a reasonable price.

Partnerships between an ARC and utilities are not new and they run the gambit. Theoretically, the ideal partnership allows both parties to leverage their strengths and provide the best opportunities for customers. Wal-Mart stressed during the Workshop that a successful partnership will be one that provides superior benefits to the customer and a variety of options. A model that is flexible and allows customer choice of participating in DR with a utility, ARC, or directly with the MISO to compete as a MISO market participant will create competition and results in benefits to customers and non-customers as well. At the same time, opportunities for ARCs to work on behalf of utilities – like the contract ECS had with KCP&L may also make sense, though it is important to remember that opportunities for customer choice should also be considered.

For example, it was pointed out that recently ECS had a contract with KCP&L to administer customer enrollments and program education for KCP&L's DR program. This partnership increased customer participation in KCP&L's program so it was successful -- under

the current parameters and restrictions on ARC opportunities in place. This type of arrangement, where the ARC works on behalf of the utility, should always be available. However, limiting customer opportunities to just one option may not provide customers with the best opportunities or incentives to participate in demand response programs as would be the case if there were competing and different programs available— see the discussion above.

With the right framework, participation in the demand response programs by Missouri businesses provides benefits to the entire State through improved grid reliability and improved efficiency of the market due to competition. In addition, the businesses of Missouri should be provided all available opportunities to develop additional revenue sources, reduce demand, conserve energy, and invest in conservation equipment.

One partnership example that DR Supporters suggest provides customers with the proper opportunities to participate in DR programs is the ARCs partnership with American Electric Power in Ohio (“AEP-Ohio”). Even though AEP-Ohio is in PJM it is a good example because it is a Fixed Resource Requirement (“FRR”) entity and as recently as three years ago AEP-Ohio wanted to ban ARCs from operating in that market. As an FRR entity, the AEP-Ohio model is more a kin to a vertical utility than a market-based utility. FRR entities in PJM, currently AEP and Duke Energy Ohio are the only FRR entities in PJM, meet their capacity obligations through either self-supply or long-term contracts.

One of the valuable lessons from the AEP-Ohio case that should be considered in Missouri is that the ARC guidelines in the AEP Ohio footprint have been established through a Commission Order, as opposed to tariffs or the development of rules. In the AEP-Ohio case, the Public Utilities Commission of Ohio (“PUCO”) had repeatedly addressed the activities of ARCs

through Commission orders. DR Supporters recommend this approach because it provides the maximum flexibility to the Commission.

In 2008, AEP-Ohio initially proposed a tariff that would ban ARCs from operating within its footprint and funnel all wholesale demand response participation in its territory through the utility AEP-Ohio.¹ AEP-Ohio's proposed tariff was part of a larger proceeding that addressed the utilities procurement of energy and retail prices.

The PUCO received lengthy testimony and pleading addressing the ARC issue. On March 18, 2009, the PUCO concluded that the evidence against ARC participation in AEP-Ohio was inconclusive.² In addition, the Commission determined that it would be detrimental to the AEP-Ohio customers to ban ARC participation and allowed ARCs to operate as the MP (in PJM) on a temporary basis -- until a separate proceeding could take place. This type of arrangement allowed the utility, the Commission Staff, or any other party the ability to act quickly if an issue arose with ARC activities in the AEP-Ohio footprint.

After almost a three-year trial period, AEP-Ohio has recently agreed to extend the current arrangement -- ARCs operating as MPs -- another three years.³ The agreement is again a part of a larger case (and this time a settlement) and a number of interested parties are still reviewing and debating other aspects of that agreement.

¹ *In the Matter of the Application of AEP-Ohio for Approval of an Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generating Assets*, Case No. 08-917-EL-SSO *et al.* Energy Price Curtailment Service Rider and Emergency Curtailment Service Rider (July 31, 2008). ("AEP-Ohio Initial Electric Security Plan").

² *AEP-Ohio Initial Electric Security Plan Case*, Case No. 08-917-EL-SSO *et. al.*, Opinion and Order at 53-58 (March 18, 2009).

³ *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to §4928.143, Ohio Rev. Code in the Form of an Electric Security Plan*, Case No. 11-346-EL-SSO *et. al.*, Stipulation and Recommendation at 24-25 (September 7, 2011). (This Stipulation is still pending before the Commission and there are issues in dispute that are unrelated to the status of ARCs (or Curtailment Service Providers) in the AEP-Ohio territory)

The participation of ARCs in the MISO Market is presently in a state of uncertainty. Finding a mechanism, like a Commission Order, that allows the Commission the flexibility to adjust to MISO's market conditions while still providing opportunities that are in the best interests of the State's businesses and ratepayers will provide the most benefit.

However, the whole effort fails if customers are not willing to participate. The opportunity must be worth the effort and the risk and procedures should not scare them off. As pointed out during the workshop by Wal-Mart, customers are the ones that must make the sacrifice and evaluate the opportunity costs for their business.

III. CONCLUSION

The DR Supporters appreciate this opportunity to submit comments concerning the issues that were raised during the October 4, 2011 ARC Workshop as well as the Commission Staff's efforts to consider all viewpoints in this process. We look forward to continuing the dialogue in the future months.

Respectfully submitted,

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