

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

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<b>IN THE MATTER OF THE APPLICATION</b>	<b>)</b>	
<b>OF PUBLIC SERVICE COMPANY OF</b>	<b>)</b>	
<b>COLORADO FOR APPROVAL OF ITS</b>	<b>)</b>	
<b>ELECTRIC AND NATURAL GAS</b>	<b>)</b>	
<b>DEMAND-SIDE MANAGEMENT (DSM)</b>	<b>)</b>	<b>DOCKET NO. 13A-0773EG</b>
<b>PLAN FOR CALENDAR YEAR 2014 AND</b>	<b>)</b>	
<b>TO CHANGE ITS ELECTRIC AND GAS</b>	<b>)</b>	
<b>DSM COST ADJUSTMENT RATES</b>	<b>)</b>	
<b>EFFECTIVE JANUARY 1, 2014</b>	<b>)</b>	

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**STIPULATION AND SETTLEMENT AGREEMENT**

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**I. INTRODUCTION**

Public Service Company of Colorado (“Public Service” or “the Company”) for itself and on behalf of the Staff of the Commission (“Trial Staff”), the Office of Consumer Counsel (“OCC”), the Colorado Energy Consumers Group (“CEC”), the Southwest Energy Efficiency Project (“SWEEP”), the City of Boulder, the County of Boulder, the City and County of Denver (“Denver”), Energy Outreach Colorado (“EOC”), the Energy Efficiency Business Coalition (“EEBC”), and EnerNoc, Inc. (“EnerNoc”) collectively referred to as the “Settling Parties”, hereby enter into this Stipulation and Settlement Agreement (“Stipulation”) resolving, as between these Parties, all issues that have been raised in the Company’s 2014 DSM Plan filing in Docket No. 13A-0773EG. This Stipulation sets forth all the terms and conditions of such settlement. The following parties agree not to oppose the Stipulation: Climax Molybdenum Company (“Climax”), CF&I Steel L.P. doing business as Evraz Rocky Mountain Steel (“CF&I”), Noble Energy,

Inc. ("Noble"), and EnCana Oil & Gas (USA) ("EnCana"). The Colorado Energy Office ("CEO") which is participating in this docket as *amicus curiae* also supports this Stipulation.

The Settling Parties state that the results of the compromises reflected herein are a just and reasonable resolution of the issues raised in Docket No. 13A-0773EG, and that reaching agreement as set forth herein by means of a negotiated settlement is in the public interest. Each Party hereto pledges its support of this Stipulation and states that each will defend the settlement reached. The Parties respectfully request that the Public Utilities Commission of the State of Colorado ("Commission" or "CPUC") approve this Stipulation.

## II. BACKGROUND

On July 1, 2013, Public Service filed its Application For Approval Of Its Electric And Natural Gas Demand-Side Management Plan For Calendar Year 2014 And To Change Its Electric And Gas DSM Cost Adjustment Rates Effective January 1, 2014. On September 27, 2013, the ALJ issued Decision No. R13-1204-I, adopting a procedural schedule and extending the Company's 2013 natural gas and electric DSM plan on an interim basis in the event the Commission was not able to issue a final decision on the Company's Application prior to the end of 2013. The ALJ set this case for one day of hearing commencing on December 20, 2013.

Public Service's proposed 2014 DSM Plan is a combined electric and natural gas DSM plan under which the Company proposes to offer a variety of direct and indirect impact DSM programs targeted for residential, business, and low-income customer classes. Consistent with prior plans approved by this Commission, the Company's plan

also includes a Planning and Research component consisting of: DSM Market Research; DSM Planning and Administration; DSM Product Development; and Evaluation, Measurement and Verification. As originally filed, the Company's proposed 2014 DSM Plan was designed to achieve approximately 384 GWh in electric energy savings, and 86.4 MW in demand reduction resulting from energy efficiency products and additional Saver's Switch® installations during the plan year, within a proposed budget of \$87,763,495 million. The Company also proposed to obtain 285 MW of controllable load through the combination of its Interruptible Service Option Credit (ISOC) program and the Third-party Demand Response program provided by EnerNoc. The Company also filed a gas DSM savings plan designed to save 623,543 dekatherms in 2014 within a proposed budget of \$12.3 million.

The Settling Parties recommend that the Commission approve the Company's 2014 natural gas and electric DSM Plan together with the specific modifications to that plan that have been agreed to by the Settling Parties as more fully described below.

### **III. TERMS OF SETTLEMENT**

The Settling Parties hereby stipulate and agree as follows:

1. **The 2014 DSM Plan.** The Settling Parties believe that Public Service's 2014 Electric and Natural Gas DSM Plan ("the 2014 DSM Plan"), as modified by the terms of this Stipulation, is consistent with §§ 40-3.2-103 and 40-3.2-104, C.R.S. and the Commission's Gas DSM Rules, 4 C.C.R. 723-4-4750 through 4760, except to the extent such rules have been waived in accordance with Decision No. C11-0645 issued in Docket No. 10A-554EG. The Settling Parties also believe that the 2014 DSM Plan, as amended by this Stipulation, is consistent with the Commission's directive that the

Company should strive to meet or exceed the Commission approved electric energy savings goals for each year that it implements a new DSM Plan. The 2014 DSM Plan, as amended, has been designed to meet the Commission approved electric energy savings goal for 2014 of 384 GWh annually.

The Settling Parties agree that Public Service has the discretion and the responsibility to manage the proposed gas and electric DSM Plan to meet and attempt to exceed the electric energy savings goals established by the Commission in Docket No. 10A-554EG and the demand response and natural gas savings goals established in this proceeding. In implementing the 2014 DSM Plan, Public Service agrees to launch and or continue in effect all of the programs and pilots identified and described in the 2014 DSM Plan, as amended by this Stipulation, and not to discontinue such programs and pilots except after 90-Day Notice, as authorized in Paragraph 89 of Decision No. C11-0442.

The Settling Parties recommend that the Commission authorize the Company to continue in effect or implement each of the programs and pilots described in the 2014 DSM Plan, together with the amendments and additions to such programs and pilots that are described in this Stipulation.

The Company may in its discretion file an application seeking pre-approval of the technical assumptions associated with any new program or pilot offerings. The Company shall file an application seeking pre-approval to incur costs in excess of 107.5 percent of the approved budget for its electric DSM portfolio or 125 percent of the approved budget for its natural gas DSM portfolio. The 2014 budgets agreed to in this

Stipulation for the Company's natural gas and electric DSM programs are set forth in Paragraph 8, *infra*.

2. **Modifications to the 2014 DSM Plan.** In the course of negotiations, the Settling Parties have discussed with Public Service various details of the Company's proposed programs and pilots. As a result of these discussions, Public Service has agreed to make changes to certain aspects of certain of the DSM programs originally filed in the 2014 DSM Plan Application, to consider launching certain pilots and other programs during the course of the 2014 Plan year and to consider certain other programs for inclusion in the 2015-16 Biennial DSM expected to be filed on July 1, 2014.

Paragraph 5 describes the specific program changes to the 2014 DSM Plan to which the Company has agreed. Paragraph 6 describes specific program changes that the Company will consider in 2014 and that may be implemented during the course of the 2014 DSM Plan year. Paragraph 7 addresses the Company's commitment to evaluate specific program changes, detailed in Appendix A, for possible inclusion in its proposed 2015-16 Biennial DSM Plan, and expected to be filed on July 1, 2014. The Company has agreed that none of the changes and additions discussed in this Stipulation will affect the 2014 electric and gas DSM budgets as originally proposed. To the extent that changes discussed in Paragraphs 5 and 6 of this Stipulation increase the level of DSM spending during 2014 above the level of the proposed electric and gas budgets for 2014, the Company agrees to accommodate such additional spending within the 7.5 and 25 percent budget flexibility provided for in this Stipulation with regard to the Company's electric and natural gas portfolios, respectively.

3. **Participation by All Classes of Customers.** The Settling Parties believe that the Company's proposed 2014 DSM Plan, as amended by this Stipulation is designed to afford all classes of customers an opportunity to participate as required by §§ 40-3.2-103 and 40-3.2-104, C.R.S.

4. **2014 Energy and Demand Savings.** The Settling Parties agree that Public Service shall use its best efforts to achieve at least 384.4 GWh in electric energy savings and at least 86.3 MW in incremental demand reduction in 2014, from the combined effect of its proposed electric energy efficiency and Saver's Switch programs. The Company will also work to obtain controllable load of 285 MW from the combination of its ISOC and Third-Party Demand Response programs. The Settling Parties request that the Commission approve these levels of demand reduction as the Company's electric demand reduction goals for 2014. As ordered by the Commission in Decision No. C11-0442, the Company has addressed the market potential for demand reduction from load management, demand response, and interruptible services and demand reduction goals for the period 2015 through 2020 in the pending 2013 Strategic Issues docket (Docket No. 13A-0686EG).

The Settling Parties further agree that the Company shall use its best efforts to achieve natural gas savings of at least 623,543 dekatherms in 2014. The Settling Parties request that the Commission approve this level of gas savings, in combination with actual gas program expenditures to calculate dekatherms saved per dollar expended, as the energy savings target that shall be used in 2014 for purposes of calculating a bonus under Rules 4754 and 4760.

5. **Plan Modifications for 2014.**

- a. **Residential–Home Lighting and Recycling.** The Settling Parties agree that the Company will reduce the net-to-gross (“NTG”) ratio applicable to the Residential Home Lighting and Recycling Program from the proposed 0.75 to 0.70 which is expected to result in an additional cost of \$201,786 in order to achieve the same level of targeted energy savings (76,523,904 kWh). The additional cost to implement this program in 2014 will be accommodated within the 107.5 percent budget flexibility provided for in this Stipulation in Paragraph 8, *infra*. The Company will reduce the capital cost of LEDs to reflect market conditions and to reduce rate-payer impacts, and will make corresponding redline changes to the 2014 DSM Plan Technical Assumptions that will be submitted separately from this Agreement.
- b. **School Education Kits.** The Company agrees to update the contents of school education kits to include 5 CFLs and 1 LED bulb. It is expected that this update will result in additional electric energy savings of 191,057 kWh and an additional cost of \$526,028 in 2014 which cost shall be accommodated within the 107.5 percent budget flexibility provided for in this Stipulation in Paragraph 8, *infra*.
- c. **Business–Lighting Efficiency and Small Business Lighting.** The Company agrees to increase rebates for T8 lamps to \$1.00 for 28-watt and \$2.00 for 25-watt bulbs. This change is expected to

yield additional energy savings of approximately 1,333,853 kWh in 2014 and is estimated to increase the Company's DSM spend during 2014 by \$222,768, all of which will be accommodated within the 107.5 percent budget flexibility provided for in this Stipulation in Section 8, *infra*.

- d. **Residential-Heating System Rebate Program.** The Company agrees to add a NATE Certification requirement for gas contractors installing heating systems under this program.
- e. **Residential-ENERGY STAR® New Homes and Home Performance with ENERGY STAR®.** The Company agrees to exercise its discretion, as needed, in managing the 2014 gas DSM portfolio budget, shifting dollars among gas DSM products throughout 2014, up to the approved budget for the gas portfolio, in order to ensure that customers continue to be able to participate in ENERGY STAR® New Homes and Home Performance with ENERGY STAR® throughout the duration of Q4. The Company agrees to provide an update on participation and budget expenditure for these two programs during each Quarterly Colorado DSM Roundtable meeting in 2014.

6. **Program Changes that will be Considered by Company During 2014.**

- a. **Multi-Family Housing Pilot.** The Company agrees it will work with interested stakeholders between now and June 1, 2014 to develop a multi-family housing pilot to be launched in 2014 by means of a

60-Day Notice. The Company further agrees to keep such stakeholders apprised of the progress of the pilot until its completion.

- b. **Western Cooling Control Device.** The Company agrees that the Western Cooling Control Device shall be added to the High Efficiency Air Conditioning product by means of a 60-Day Notice within three months following a final order issued by the Commission approving this Stipulation without any modification that causes a Settling Party to withdraw from the Stipulation as permitted in Section IV, supra.
- c. **Smart Thermostat Market Study Group.** The Company agrees to form a study group, consisting of trade representatives and other interested stakeholders, to design and implement a pilot to evaluate the capabilities of Wi-Fi connected thermostats based on the following timeframes and guidelines:
  - i. The study group shall work together to develop and design a smart thermostat pilot program to be launched by means of a 60-Day Notice issued within three months of a final order issued by the Commission approving this Stipulation without any modification that causes a Settling Party to withdraw from the Stipulation as permitted in Section IV, infra.
  - ii. The purpose of the pilot shall be to investigate and evaluate program elements including, but not limited to, load shed,

energy savings, customer motivators, marketing channels (retail vs. trade), and retail channel rebates.

7. **Program Changes under Consideration for Inclusion in the 2015/2016 DSM Plan.** During the course of negotiations the Settling Parties have also discussed a number of program, product and market research ideas to be considered for inclusion in the Company's 2015/2016 Biennial DSM Plan expected to be filed on July 1, 2014. Appendix A is a list of those concepts that the Company has agreed to consider including in its 2015/16 Biennial DSM Plan, if found to be cost-effective. By agreeing to this Stipulation, no party is necessarily endorsing the inclusion of any such concept in the 2015/2016 Biennial DSM Plan and all Settling Parties reserve their rights to take any position such party wishes to take regarding such concepts as may be included by the Company in its 2015/2016 Biennial DSM Plan as a result of its consideration in accordance with this Paragraph.

8. **2014 DSM Budgets.** With the exception of OCC, the Settling Parties agree to recommend to the Commission that it approve the Company's electric and gas DSM budgets as initially proposed by the Company in its Application. Accordingly the Settling Parties recommend that the Commission approve a total DSM portfolio budget for 2014 of \$100,069,452, including \$87,763,495 for electric DSM programs and \$12,305,957 for natural gas. The Settling Parties agree that the DSM Plan budgets, as proposed by the Company, are intended to give due consideration to the impact of the DSM Plan on non-participants and low-income customers, as required by C.R.S. §40-3.2-104(4). The OCC will file testimony recommending that the DSM portfolio 2014 electric budget should be reduced.

Notwithstanding the electric and gas DSM budgets agreed to as part of this Stipulation, the Settling Parties understand and acknowledge that the Company has the right to file and, in some circumstances under Decision No. C11-0442, is required to file, a formal application for approval to implement DSM programs that are currently not part of the 2014 DSM Plan that is extended by this Stipulation. The Settling Parties agree that the Company retains discretion to include in such an application a request for the additional budget dollars needed to implement such new programs and that such a request may exceed the 107.5 percent budget flexibility for the electric program agreed to in this Stipulation for 2014 and the 125 percent budget flexibility afforded for the gas DSM program. In the event the Company files a formal application for approval to implement DSM programs beyond what is currently included in the 2014 DSM Plan, as modified by this Stipulation, including request to approve budgetary dollars in excess of the 107.5 and 25 percent budget flexibility for the electric and gas DSM programs, respectively, all Settling Parties reserve their rights to take any position such party wishes to take regarding such requests for approval.

9. **Updated Avoided Costs and Technical Assumptions.** With the exception of Trial Staff, OCC, CEC and the City of Boulder, the Settling Parties agree that the Commission should approve the Company's proposed updated avoided costs as contained in Appendix C to the 2014 DSM Plan and technical assumptions set forth in the Technical Reference Manual appended to the 2014 DSM Plan as Appendix G. These include the deemed savings and net-to-gross ratios used for purposes of developing the 2014 gas and electric DSM plans. With the exception of the specific change referenced in Section 5, *infra*, the net-to-gross ratios, for which the Settling

Parties recommend approval, are set forth in the Planning Assumptions section of the 2014 DSM Plan. Commission Trial Staff, CEC and the City of Boulder do not oppose the approval of the avoided costs referenced above for the limited purpose of calculating cost-effectiveness and net economic benefits in connection with the 2014 DSM Plan. Although the OCC believes that the avoided costs should be addressed in this proceeding, the OCC recognizes that this issue will be addressed in the strategic issues proceeding.

The Settling Parties agree that for purposes of calculating the gross savings associated with each of the prescriptive gas or electric DSM product measures offered as part of the gas and electric DSM portfolios, Public Service shall use the technical assumptions relating to the energy savings calculations for such measures actually installed during calendar year 2014. Such savings shall be referred to as “deemed savings.”

The Settling Parties further agree, that the Company shall use the net-to-gross ratios set forth in the Planning Assumptions section of the 2014 DSM Plan, as modified by this Stipulation, and the technical assumptions set forth in the Company’s Technical Reference Manual (Appendix G to the 2014 DSM Plan) relating to incremental customer O&M savings (for prescriptive measures only), customer O&M costs (for prescriptive measures only), incremental customer capital costs (for prescriptive measures only), and the deemed savings formulas and other technical assumptions set forth in the Manual, for purposes of determining program and portfolio cost-effectiveness and for calculating annual portfolio net economic benefits based on measures actually installed during calendar year 2014.

The Settling Parties agree that the Company shall use the above-referenced avoided costs and other technical assumptions (unless such have been modified through a 60-Day Notice) to calculate the savings and net economic benefits associated with DSM products actually installed during 2014.

10. **DSMCA Tariffs.** The Settling Parties agree to recommend to the Commission that it authorize the Company to implement changes in the electric and gas DSMCA rates to become effective on January 1, 2014, as necessary to recover the approved gas and electric DSM budgets set forth in Section 8 and the Company's 2014 forecast of expenditures for its ISOC and Third-Party Demand Response programs

#### **IV. GENERAL PROVISIONS**

The Settling Parties agree to join in a motion that requests the Commission to approve this Stipulation and agree to support this Stipulation.

This Stipulation is a negotiated compromise of issues raised in this proceeding relating to the Company's proposed gas and electric DSM plan for calendar year 2014 and the proposed changes to the electric and gas DSMCA to become effective January 1, 2014. By signing this Stipulation and by joining the motion to adopt the Stipulation filed with the Commission, the Settling Parties acknowledge that they pledge support for Commission approval and subsequent implementation of these provisions.

Nothing in this Stipulation shall bind any of the Settling Parties with respect to any position such party may take in any subsequent or pending proceeding before this Commission in which the Company's DSM programs or plans are at issue, including Docket No. 13A-0686EG currently pending before the Commission. The Settling Parties

agree that nothing in this Stipulation shall constitute precedent for purposes of any future proceeding.

This Stipulation shall not become effective until the issuance of a final Commission Order approving the Stipulation, which Order does not contain any modification of its terms and conditions that is unacceptable to any of the Settling Parties. In the event the Commission modifies this Stipulation in a manner unacceptable to any Party, that Party shall have the right to withdraw from this Stipulation and proceed to hearing on the issues that may be appropriately raised by that party in Docket No. 13A-0773EG. The withdrawing Party shall notify the Commission and the Parties to this Stipulation by e-mail within five business days of the Commission's final order modifying the Stipulation that the Party is withdrawing from the Stipulation and that the Party is ready to proceed to hearing; the e-mail notice shall designate the precise issue or issues on which the Party desires to proceed to hearing (the "Hearing Notice").

The withdrawal of a Party shall not automatically terminate this Stipulation as to the withdrawing Party or any other Party. However, within five business days of the date of the Hearing Notice from the first withdrawing Party, all Settling Parties shall confer to arrive at a comprehensive list of issues that shall proceed to hearing and a list of issues that remain settled as a result of the first Party's withdrawal from this Stipulation. Within five business days of the date of the Hearing Notice, the Settling Parties shall file with the Commission a formal notice containing the list of issues that shall proceed to hearing and the list of issues that remain settled. The Parties who proceed to hearing shall have and be entitled to exercise all rights with respect to the issues that are heard

that they would have had in the absence of this Stipulation. Hearing shall be scheduled on all of the issues designated in the formal notice filed with the Commission as soon as practicable.

The Settling Parties agree that the negotiations or discussions undertaken in conjunction with the Stipulation shall not be admissible into evidence in this or any other proceeding, except as may be necessary in any proceeding to enforce this Stipulation.

Approval by the Commission of this Stipulation shall constitute a determination that the Stipulation represents a just, equitable and reasonable resolution of all issues that were or could have been contested among the Settling Parties in the above-captioned proceeding. The Settling Parties state that reaching Stipulation in this docket by means of a negotiated settlement is in the public interest and that the results of the compromises and settlements reflected by this Stipulation are just, reasonable and in the public interest.

All Settling Parties have had the opportunity to participate in the drafting of this Stipulation. There shall be no legal presumption that any specific Settling Party was the drafter of this Stipulation.

This Stipulation may be executed in counterparts, all of which when taken together shall constitute the entire agreement with respect to the issues addressed by this Stipulation.

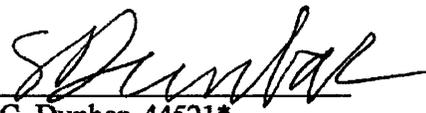


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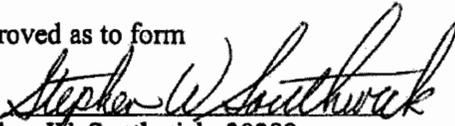
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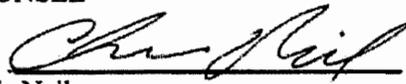
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Respectfully submitted,

CITY OF BOULDER

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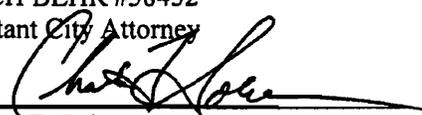
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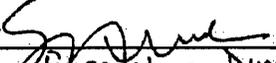
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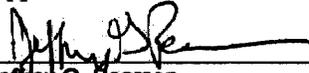
DOCKET NO. 13A-0773EG

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