

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

STAFF NOTICE OF ALLEGED VIOLATIONS

(December 14, 2012)

Take notice¹ that in two nonpublic preliminary investigations pursuant to 18 CFR Part 1b, the staff of the Office of Enforcement of the Federal Energy Regulatory Commission has preliminarily determined that EnerNOC, Inc. (EnerNOC) violated Section III.B.3.4.4 of ISO New England's Open Access Transmission Tariff (OATT),² and that Celerity Energy Partners San Diego LLC (Celerity), EnerNOC's wholly-owned subsidiary, violated sections 35.7 and 35.37(a)(1) of the Commission's regulations³ and its market-based rate tariff under Federal Power Act Section 205⁴.

EnerNOC is a provider of demand response and demand response services in ISO New England. Celerity is a public utility authorized by the Commission to make wholesale sales at market-based rates.

Staff alleges that EnerNOC violated ISO-NE's OATT by submitting inaccurate and overstated data used for settlement for five demand response assets without exercising due diligence. Staff also alleges that Celerity failed to comply with two Commission filing requirements and its market-based rate tariff in 2010.

This Notice does not confer a right on third parties to intervene in the investigation or any other right with respect to the investigation.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

¹ *Enforcement of Statutes, Regulations, and Orders*, 129 FERC ¶ 61,247 (2009), *order on reh'g*, 134 FERC ¶ 61,054 (2011).

² ISO-NE, Transmission, Markets and Services Tariff, § III.B.3.4.4 (3.0.0).

³ 18 CFR §§ 35.7 and 35.37(a)(1) (2012).

⁴ 16 USC § 824(d) (2006).