

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

OPOWER, INC.

Plaintiff,

v.

EFFICIENCY 2.0, LLC

Defendant.

Civil Action No. _____

DECLARATION OF JUSTIN RODGERS IN SUPPORT OF
OPOWER INC.'S MOTION FOR PRELIMINARY INJUNCTION

I, Justin Rodgers, declare and state as follows:

- 1. Except where otherwise indicated, I submit this declaration to the best of my personal knowledge in support of Opower, Inc.'s Motion for Preliminary Injunction.
2. I am an employee of Opower, Inc. My current title is Proposal Writer.
3. On September 29, 2011, as part of my regular job responsibilities, I listened in on a monthly conference call run by the Bonneville Power Administration (known as "BPA") discussing behavioral energy efficiency. The targeted attendees are primarily utility companies.
4. I understand that BPA is a public service organization focused on various issues relating to the Pacific Northwest region's power supply.
5. On that call, Tony Fornuto of Western Massachusetts Electric Company ("WMECO") gave a presentation entitled "'Western Mass Saves' Program Overview". The presentation discussed WMECO's Western Mass Saves program.

6. During the delivery of that presentation, I learned for the first time that the Western Mass Saves program involves the regular mailing of paper home energy comparison reports. I noticed that the paper reports shown in the presentation looked just like Opower's Home Energy Reports. To the best of my knowledge, this is the first time anyone at Opower knew that such reports were being mailed out as part the Western Mass Saves program.

7. A true correct copy of the slides circulated in connection with that presentation is attached as Exhibit 16 of the Appendix of Exhibits.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Arlington, VA, on November 11, 2011.

/s/ 
Justin Rodgers

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CERTIFICATE OF SERVICE

I hereby certify that the above document is being filed contemporaneously with Complaint in this action, and a true and correct copy of the above document will be served by hand upon Efficiency 2.0 along with service of the Complaint on November 15, 2011.

/s/ Peter J. Karol/
Peter J. Karol