

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida Power & Light Company : **DOCKET NO. 20210015-EI**
:
:
: **Filed: May 11, 2021**

**PETITION TO INTERVENE OF
WALMART INC.**

Pursuant to Sections 120.569 and 120.57 of the Florida Statutes and Rule 28-106.205 of the Florida Administrative Code, Walmart Inc. ("Walmart"), by its attorneys, respectfully petitions the Florida Public Service Commission ("Commission") for permission to intervene in the above-captioned, consolidated proceedings. In support thereof, Walmart represents to the Commission:

1. Petitioner is Walmart, 2608 SE J Street, Bentonville, AR 72716.
2. The name and address of Petitioner's attorneys are:

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Ms. Eaton is authorized to accept service of papers in this proceeding on behalf of Walmart.

Walmart also requests that Mr. Naum be added to the service list. Walmart may cause to be filed

a motion for Mr. Naum to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Naum be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On March 12, 2021, Florida Power & Light Company ("FPL") and Gulf Power Company ("Gulf") (collectively, "Companies") filed a Petition for Base Rate Increase and Rate Unification ("Petition"). In the Petition, the Companies are requesting a general base rate increase of \$1.108 billion to be effective January 1, 2022 and an additional increase of \$607 million to be effective January 1, 2023. The Companies are also seeking approval of an increase to Solar Base Rate Adjustments ("SoBRAs") of approximately \$140 million for both 2024 and 2025. In total, the Companies are requesting a base rate increase of \$1,995 billion. The Companies are also requesting approval of a return on equity ("ROE") of 11.50 percent, which includes a 50 basis point ROE performance adder. Additionally, as a result of FPL's acquisition and merger of Gulf in January 2021, the Companies are proposing to transition all Gulf retail customers to FPL's rate structure, terms and conditions.

4. Walmart is a national retailer of goods and services through the United States with its principal office located at 2608 SE J Street, Bentonville, AR 72716.

5. Statement of Substantial Interest. Walmart has the privilege of providing its retail services in the State of Florida through its 231 Supercenters, 9 Discount Stores, 98 Neighborhood Markets, 46 Sam's Clubs, and 8 Distribution Centers.¹ Walmart is also a retail customer of the Companies. Walmart has 177 retail units and four distribution center(s) served by the Companies. Walmart purchases more than 750 million kWh annually from the Companies, pursuant to FPL

¹ <https://corporate.walmart.com/our-story/locations/united-states/florida>

Schedules General Service Large Demand - Time of Use and General Service Demand - Time of Use and Gulf Schedules Real Time Pricing and General Service – Demand.

6. The cost of electric utility service is a significant element in the cost of operation for Walmart at multiple locations throughout the state, which could be impacted by the outcome in this case, thus Walmart has a unique and substantial interest in this matter.

7. As a large customer with multiple accounts, Walmart has a substantial and vital interest in the outcome of this proceeding that cannot be adequately represented by any other party.

8. Statement of Affected Interests. In the above-referenced proceeding, the Commission will consider whether to approve the Companies' Petition. The Commission's decision will affect the Companies and its customers, including Walmart, in the following ways. If approved, the Petition will increase the Companies' base rates as follows: (a) by \$1.108 billion effective January 1, 2022; (b) by \$607 million effective January 1, 2023; and (c) by \$140 million for both 2024 and 2025 through a SoBRA mechanism. In addition, the Companies have requested an ROE of 11.5 percent. In the Petition, the Companies also indicated that they will propose to transition all of Gulf's retail customers, including Walmart, to FPL's rate structure and terms.

9. As a large electric consumer with multiple accounts served by the Companies, Walmart will be substantially affected by the outcome of this proceeding. The Companies' proposed rate increase will directly impact the cost of power supplied by the Companies to Walmart's facilities located in the Companies' territory, thereby affecting its operating costs.

10. Statement of Position. Walmart's position as a customer of the Companies as set forth above provides it standing, and in light of the reasons set out in this Petition to Intervene, Walmart has an interest in ensuring that Commission approval of the Companies' Petition will result in rates that are fair, just, and reasonable.

11. Disputed Issues of Material Fact. At this time, Walmart has not identified disputed issues of material facts stated by the Companies.

12. Statement of Ultimate Facts Alleged and at Issue. Ultimate facts alleged and at issue include, but are not limited to, the following:

- a. Whether Commission approval of the Companies' Petition and proposals will result in rates that are fair, just and reasonable; and
- b. Whether Commission approval of the Companies' Petition in its entirety is in the public interest.

Walmart anticipates that other ultimate facts and issues may arise during the course of these proceedings.

13. Rules and Statutes Justifying Relief. As set forth herein, Walmart is entitled to intervene in this Docket. The rules and statutes that entitle Walmart to intervene and participate in this case include, but are not limited to, the following:

- a. Section 120.569 of the Florida Statutes;
- b. Section 120.57 of the Florida Statutes; and
- c. Section 28-106.205 of the Florida Administrative Code.

14. Requested Relief. Walmart requests that it be permitted to intervene as a full party in this proceeding in light of its interests in this case, which as set forth above establish that Walmart is a large, multi-account customer of the Companies.

15. Pursuant to Rule 28-106.204(3) F.A.C., Walmart conferred with the parties regarding Walmart's intervention. No party has indicated an objection to Walmart's intervention.²

WHEREFORE, Walmart Inc. respectfully requests that the Commission grant this Petition to Intervene and be provided with full party status in this proceeding.

Respectfully submitted,

By /s/ Stephanie U. Eaton

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Dated: May 11, 2021

² The Companies, Office of Public Counsel, Southern Alliance for Clean Energy, Florida Industrial Power Users Group, Federal Executive Agencies, Florida Rising, Inc., League of United Latin American Citizens of Florida, Environmental Confederation of Southwest Florida, Inc., Mr. and Mrs. Daniel R. Larson, Vote Solar, and Cleo Institute Inc. have indicated that they do not object or take no position to Walmart's intervention. The Federal Retail Federation has indicated that it supports Walmart's intervention.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to the following parties this 11th day of May, 2021.

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/s/ Stephanie U. Eaton

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