

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred, by Duke Energy Florida, LLC** : **DOCKET NO. 20230020-EI**  
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**Filed: March 6, 2023**

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**PETITION TO INTERVENE OF  
WALMART INC.**

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Pursuant to Sections 120.569 and 120.57 of the Florida Statutes and Rules 25-22.039, 28-106.201, and 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 proceeding. 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:

Stephanie U. Eaton  
Florida Bar No.: 165610  
SPILMAN THOMAS & BATTLE, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
[seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

Derrick Price Williamson  
Steven W. Lee  
SPILMAN THOMAS & BATTLE, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 795-2741  
Fax: (717) 795-2743  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[slee@spilmanlaw.com](mailto:slee@spilmanlaw.com)

Ms. Eaton is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also requests that Mr. Williamson and Mr. Lee be added jointly to the service list. Walmart may cause to be filed a motion for either Mr. Williamson or Mr. Lee to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Williamson and Mr. Lee be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On January 23, 2023, Duke Energy Florida, LLC ("DEF") filed with the Commission its Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred ("Petition").

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 operates 387 retail units, nine Distribution Centers, two Fulfillment Centers, and employs over 116,000 associates in Florida. In the fiscal year ending 2023, Walmart purchased over \$8.2 billion worth of goods and services from Florida-based suppliers, supporting over 71,000 supplier jobs.<sup>1</sup> Walmart is also a large commercial customer of the Company, owning and operating approximately 73 retail stores, a distribution center, and related facilities in the Company's service territory. Collectively, these facilities consume over 280 million kWh of electricity annually.. 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.

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<sup>1</sup> <https://corporate.walmart.com/about/florida>

6. Walmart has a substantial and vital interests in the outcome of this proceeding that cannot be adequately represented by any other party.

7. Disputed Issues of Material Fact. At this time, Walmart anticipates that disputed issues of material fact in this proceeding may include the following:

- a. Whether costs are reasonably and prudently incurred.
- b. Whether costs are proposed to be recovered from ratepayers in a manner that reflects cost causation in the allocation and design of those rates.
- c. Whether costs for demand-metered customers are being recovered through an energy charge, or on a \$/kWh basis, and not a demand charge, or a \$/kW basis.

8. Disputed Legal Issues. Walmart has not yet identified or confirmed any disputed legal issues, and Walmart has not completed its analysis of DEF's Petition and testimony; however, Walmart reserves its right to do so.

9. Statement of Ultimate Legal Facts Alleged. The interests of Walmart as a large, multi-account customer of the Company that it seeks to protect are sufficient to warrant intervention and include whether DEF's proposed cost recovery is reasonable and in the public interest. Walmart anticipates that it will identify other issues of ultimate legal fact throughout the course of this proceeding.

10. Rules and Statutes Justifying Relief. As set forth within, 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;

- c. Section 366.04 of the Florida Statutes;
- d. Section 366.041 of the Florida Statutes;
- e. Section 366.06 of the Florida Statutes;
- f. Section 366.96 of the Florida Statutes;
- g. Section 25-22.039 of the Florida Administrative Code;
- h. Section 28-106.201 of the Florida Administrative Code; and
- i. Section 28-106.205 of the Florida Administrative Code.

11. Requested Relief. Walmart requests that it be permitted to intervene as a full party in this proceeding.

12. 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.<sup>2</sup>

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<sup>2</sup> DEF has indicated it has no objection with respect to Walmart's intervention. The Office of Public Counsel has indicated it takes no position with respect to Walmart's intervention.

**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

Stephanie U. Eaton (FL State Bar No. 165610)

SPILMAN THOMAS & BATTLE, PLLC

110 Oakwood Drive, Suite 500

Winston-Salem, NC 27103

Phone: (336) 631-1062

Fax: (336) 725-4476

[seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

Derrick Price Williamson

Steven W. Lee

SPILMAN THOMAS & BATTLE, PLLC

1100 Bent Creek Boulevard, Suite 101

Mechanicsburg, PA 17050

Phone: (717) 795-2741

Fax: (717) 795-2743

[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

[slee@spilmanlaw.com](mailto:slee@spilmanlaw.com)

*Counsel to Walmart Inc.*

Dated: March 6, 2023

**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 6<sup>th</sup> day of March, 2023.

Austin Watrous  
Suzanne Brownless  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd., Room 110  
Tallahassee, FL 32399-0850  
[awatrous@psc.state.fl.us](mailto:awatrous@psc.state.fl.us)  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)

Charles J. Rehwinkel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
[Rehwinkel.charles@leg.state.fl.us](mailto:Rehwinkel.charles@leg.state.fl.us)

Dianne M. Triplett  
Duke Energy Florida, LLC  
299 1<sup>st</sup> Avenue North  
St. Petersburg, FL 33701  
[Dianne.triplett@duke-energy.com](mailto:Dianne.triplett@duke-energy.com)

Matthew R. Bernier  
Stephanie Cuello  
Duke Energy Florida, LLC  
106 E. College Avenue, Suite 800  
Tallahassee, FL 32301  
[Matt.bernier@duke-energy.com](mailto:Matt.bernier@duke-energy.com)  
[Stephanie.cuello@duke-energy.com](mailto:Stephanie.cuello@duke-energy.com)  
[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

*/s/ Stephanie U. Eaton*  
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Stephanie U. Eaton