

Diamond Williams

100154-EG

From: Rick D. Chamberlain [rdc_law@swbell.net]
Sent: Monday, June 07, 2010 3:11 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 100154-EG
Attachments: Petition to Intervene.pdf

Please accept the attached for filing. Rick D. Chamberlain, JD, CPA Behrens, Taylor, Wheeler & Chamberlain 6 N.E. 63rd, Suite 400 Oklahoma City, OK 73105 Tel.: 405.848.1014 Fax: 405.848.3155
CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE OR (II) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN.

6/7/2010

DOCUMENT NUMBER DATE
04727 JUN-7 2010
FPSC-COMMISSIONER OFFICE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Demand-side Management Plan of Gulf Power Company)
Docket No. 100154-EG)

**PETITION TO INTERVENE OF
WAL-MART STORES EAST, LP, AND SAM'S EAST, INC.**

Pursuant to Rules 25-22.039 and 28-106.205 of the Florida Administrative Code, Wal-Mart Stores East, LP, and Sam's East, Inc., (collectively "Walmart") hereby submit their Petition to Intervene in this proceeding. In support hereof, Walmart states as follows:

1) Name and Address of Agency. The name and address of the agency affected by this petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

2) Name and Address of Petitioner. The names and addresses of the Petitioners are:

Wal-Mart Stores East, LP
Sam M. Walton Development Complex
2001 SE 10th Street
Bentonville, AR 72716-0550

Sam's East, Inc.
Sam M. Walton Development Complex
2001 SE 10th Street
Bentonville, AR 72716-0550

3) Petitioners' Representative. The name and address of counsel for the Petitioners, authorized to receive all notices, pleadings and other communications in this docket is:

DOCUMENT NUMBER-DATE

4727 JUN-7 9

FPSC-COMMISSION CLERK

**PETITION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
DOCKET NO. 100154-EG**

Rick D. Chamberlain
Behrens, Taylor, Wheeler & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
Phone: (405) 848-1014
Fax: (405) 848-3155
Rdc_law@swbell.net

4) Statement of Affected Interest. Walmart operates numerous retail stores in Florida and is a large retail customer of Gulf Power Company ("Gulf Power").

As of April 2010, the presence of Walmart in Florida includes:

a)	Supercenters:	170
b)	Discount Stores:	34
c)	Neighborhood Markets:	27
d)	Sam's Clubs:	43
e)	Distribution Centers:	6

A significant number of these facilities are located in Gulf Power's Florida service territory.

By order dated December 30, 2009, (FPSC Order No. PSC-09-0855-FOF-EG), the Commission adopted, among other things, expanded demand reduction and energy savings goals for Gulf Power and other regulated electric utilities. On March 30, 2010, Gulf Power filed its plan to effectuate these goals. The requested relief, if granted in whole or in part, may have a direct impact on the electric rates and the amounts paid for electricity by Walmart. Walmart, therefore, has an interest that will or may be affected in this proceeding and seeks to intervene in order to protect those interests. Walmart's interest is unique and cannot be represented adequately by any other party.

5) Disputed Issues of Material Fact. Walmart anticipates that any disputed issues of material fact will be identified in the continuing course of these proceedings.

**PETITION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
DOCKET NO. 100154-EG**

6) Disputed Legal Issues. Walmart anticipates that any disputed legal issues will be identified in the continuing course of these proceedings.

7) Statement of Ultimate Facts Alleged. Alleged ultimate facts include, but are not limited to, the following: Should Gulf Power's proposed demand-side management programs be approved as filed?

8) Rules and Statutes Justifying Requested Relief. The rules and statutes that entitle Walmart to intervene and participate in this proceeding include, but are not limited to:

- a) Sections 120.57, 120.569 and 366.80-85(1), Fla. Stat.; and
- b) Rules 25-22.039 and 28-106.205, F.A.C.

9) Requested Relief. Wal-Mart Stores East, LP, and Sam's East, Inc., request that they be permitted to intervene as full parties in this docket.

WHEREFORE, Wal-Mart Stores East, LP, and Sam's East, Inc., respectfully request that the Commission issue an order allowing them to intervene as full parties in this docket, and require that all parties provide the undersigned with all notices, pleadings, testimony, evidence and discovery filed in this docket.

**PETITION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
DOCKET NO. 100154-EG**

Dated this 7th day of June, 2010.

Respectfully submitted,

By s/ Rick D. Chamberlain

Rick D. Chamberlain, Okla. Bar Assoc. # 11255
BEHRENS, TAYLOR, WHEELER
& CHAMBERLAIN
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105-1401
Tel.: (405) 848-1014
Fax: (405) 848-3155
rdc_law@swbell.net

ATTORNEY FOR WAL-MART STORES EAST,
LP, AND SAM'S EAST, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June, 2010, a true and correct copy of the foregoing instrument has been furnished by electronic mail and/or U.S. mail, postage prepaid, to the following:

BEGGS & LANE LAW FIRM
Jeffrey A. Stone
Russell A. Badders
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Solar Energy Industry Association
Bruce Kershner
231 West Bay Avenue
Longwood, FL 32750-4125

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

George Cavros, Esq.
120 E. Oakland Park Blvd., Ste. 105
Oakland Park, FL 33334

Southern Alliance for Clean Energy
P.O. Box 1842
Knoxville, TN 37901

Suzanne Brownless, PA
1975 Buford Blvd.
Tallahassee, FL 32308

**PETITION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
DOCKET NO. 100154-EG**

Katherine Fleming
Jennifer Brubaker
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32395-0850

s/ Rick D. Chamberlain
