

Diamond Williams

100155-EG

From: Rick D. Chamberlain [rdc_law@swbell.net]
Sent: Monday, June 07, 2010 3:43 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 100155-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.

DOCUMENT NUMBER-DATE

04728 JUN-7 2010

FFSC-COMMISSION CLERK

6/7/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Florida Power & Light)
Company's Demand Side Management Plan) Docket No. 100155-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:

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FPSC-COMMISSION CLERK

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WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
DOCKET NO. 100155-EG**

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4) Statement of Affected Interest. Walmart operates numerous retail stores in Florida and is a large retail customer of Florida Power & Light Company ("FP&L"). 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 FP&L'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 FP&L and other regulated electric utilities. On March 30, 2010, FP&L 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 seek to intervene in order to protect their 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.

6) Disputed Legal Issues. Walmart anticipates that any disputed legal

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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 FP&L'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
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DOCKET NO. 100155-EG**

Dated this 7th day of June, 2010.

Respectfully submitted,

By s/ Rick D. Chamberlain

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& CHAMBERLAIN
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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:

Florida Industrial Power Users Group
Vicki G. Kaufman/Jon C. Moyle, Jr.
c/o Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

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

Florida Power & Light Company
Mr. Ken Hoffman
215 South Monroe Street, Ste. 810
Tallahassee, FL 32301-1858

George Cavros, Esq.
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Oakland Park, FL 33334

Florida Power & Light Company
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700 Universe Blvd.
Juno Beach, FL 33408

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

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s/ Rick D. Chamberlain
