

Diamond Williams

100157-EG

From: Rick D. Chamberlain [rdc_law@swbell.net]
Sent: Monday, June 07, 2010 3:58 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 100157-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

04729 JUN-7 2010

FPSC-COMMISSION CLERK

6/7/2010

**PETITION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
DOCKET NO. 100157-EG**

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4) Statement of Affected Interest. Walmart operates numerous retail stores in Florida and is a large retail customer of JEA. 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 JEA'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 JEA and other regulated electric utilities. On March 30, 2010, JEA 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.

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 JEA'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.

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Dated this 7th day of June, 2010.

Respectfully submitted,

By s/ Rick D. 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:

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s/ Rick D. Chamberlain