

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida : **Docket No. 160021-EI**
Power & Light Company : **Filed: March 28, 2016**

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

Pursuant to Sections 120.569, 120.57 of the Florida Statutes and Rules 25-22.039, 28-106.201, and 28-106.205 of the Florida Administrative Code, Wal-Mart Stores East, LP and Sam's East, Inc. (collectively "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, 2001 SE 10th Street, Bentonville, AR 72716-0550.
2. The name and address of Petitioner's attorneys are:

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

3. On March 15, 2016, Florida Power & Light Company ("FP&L") filed a Petition requesting a general base rate increase of approximately \$1.337 billion. In its Petition, FP&L also proposes a return on equity of 11.50 percent.

4. Walmart is a national retailer of goods and services through the United States with its principal office located at 2001 SE 10th Street, Bentonville AR 72716-0550.

5. Statement of Substantial Interest. Walmart has the privilege of providing its retail services in the State of Florida through its 223 Supercenters, 10 Discount Stores, 75 Neighborhood Markets, 48 Sam's Clubs, and 8 Distribution Centers. Walmart purchases more than 650 million kWh annually from FP&L pursuant to Schedules GSLDT-1, GSDT-1, SDTR, GSD-1, and HLFT.

6. The cost of electric utility service is a significant element in the cost of operation for Walmart. FP&L's filing in this case presents the potential for a significant rate increase for Walmart.

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

8. Disputed Issues of Material Fact. Walmart believes that the disputed issues of material fact in this docket will include, but will not be limited to:

- a. Whether the requested rate increase proposed by FP&L is just and reasonable.
- b. Whether the proposed return on equity proposed by FP&L is reasonable.
- c. Identifying an appropriate return on equity for FP&L.
- d. Whether FP&L's proposed and existing rates properly reflect cost causation.

Walmart reserves all rights to raise additional issues of material fact in accordance with the Commission's rules and the Order Establishing Procedure that was issued in this case on March 25, 2016.

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to:

- a. Whether FP&L has proven that it is entitled to the requested revenue requirement relief that it seeks.
- b. Whether FP&L's proposed rates meet the just and reasonable standard.
- c. Whether FP&L can fulfill its burden of proof regarding its proposed return on equity.

Walmart reserves all rights to raise additional legal issues in accordance with the Commission's rules and the Order Establishing Procedure that was issued in this case on March 25, 2016.

10. Statement of Ultimate Legal Facts Alleged. Alleged ultimate facts include, but are not limited to, the following:

- a. The rate relief requested by FP&L, and proposals set forth by FP&L in support thereof, should not be approved by the Commission because they are unjust and unreasonable, as proposed.

11. Rules and Statutes Justifying Relief. 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 25-22.039 of the Florida Administrative Code;
- d. Section 28-106.201 of the Florida Administrative Code; and
- e. Section 28-106.205 of the Florida Administrative Code.

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

WHEREFORE, Wal-Mart Stores East, LP and Sam's East, 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. Roberts

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Counsel to Walmart Stores East, LP and Sam's East, Inc.

Dated: March 28, 2016

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Petition to Intervene of Wal-Mart Stores East, LP and Sam's East, Inc., has been furnished by electronic mail to the following parties this 28th day of March, 2016.

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/s/ Stephanie U. Roberts

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