

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company). : **DOCKET NO. 20190015-EG**
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In re: Commission review of numeric conservation goals (Gulf Power Company). : **DOCKET NO. 20190016-EG**
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In re: Commission review of numeric conservation goals (Florida Public Utilities Company). : **DOCKET NO. 20190017-EG**
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In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC). : **DOCKET NO. 20190018-EG**
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In re: Commission review of numeric conservation goals (Orlando Utilities Commission). : **DOCKET NO. 20190019-EG**
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In re: Commission review of numeric conservation goals (JEA). : **DOCKET NO. 20190020-EG**
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In re: Commission review of numeric conservation goals (Tampa Electric Company). : **DOCKET NO. 20190021-EG**
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: **Filed: April 26, 2019**

**PETITION TO INTERVENE OF
WALMART INC.**

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, consolidated proceedings. In support thereof, Walmart represents to the Commission:

1. Petitioner is Walmart, 2001 SE 10th Street, Bentonville, AR 72716-5530.
2. The name and address of Petitioner's attorneys are:

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Ms. Eaton is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also requests that Mr. Williamson and Mr. Naum be added jointly to the service list. Walmart may cause to be filed a motion for either Mr. Williamson or Mr. Naum 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. Naum be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On January 15, 2019, the Commission initiated these proceedings to address the Florida Energy Efficiency and Conservation Act ("FEECA"). Section 366.82 of the Florida Statutes requires the Commission to increase the efficiency of energy consumption, increase the development of demand-side renewable energy systems, reduce and control the growth rates of electric consumption and weather-sensitive peak demand, and encourage development of demand-side renewable energy resources.

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 72716-5530.

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 is also retail customer of all of electric utilities in Florida, including Florida Power & Light Company ("FPL"), Gulf Power Company ("Gulf"), Florida Public Utilities Company ("FPUC"), Duke Energy Florida, LLC ("Duke"), Orlando Utilities Commission ("OUC"), JEA, and Tampa Electric Company ("TECO") (collectively, "FL Electric Utilities" or "Utilities"). Walmart collectively purchases more than 1.5 billion kWh annually from the FL Electric Utilities. 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 outcomes in these consolidated cases, thus Walmart has a unique and substantial interest in this matter.

6. Walmart also has established aggressive and significant renewable energy goals. In 2005, Walmart set an aspirational goal to be supplied 100 percent by renewable energy.¹ On November 4, 2016, Walmart announced new sustainability goals for 2025 that build on its existing energy goals and include sourcing half of its global energy needs from renewable sources and, through a combination of renewable energy and energy efficiency, reducing emissions in its operations by 18 percent.² The Corporate Renewable Energy Buyer's Principles, published by World Resources Institute and World Wildlife Fund, and to which Walmart is a signatory, provides more detail around corporate customer renewable energy needs.³ Accordingly, principal issues to

¹ <http://corporate.walmart.com/global-responsibility/environmental-sustainability>

² <http://news.walmart.com/2016/11/04/walmart-offers-new-vision-for-the-companys-role-in-society>

³ <http://buyersprinciples.org/principles/>

be addressed in this case fall squarely within Walmart's corporation goals and interests. In light of this commitment, Walmart has a unique and substantial interest in this case.

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

8. Disputed Issues of Material Fact. At this time, Walmart has not yet confirmed disputed issues of material fact as the utilities only recently submitted their filings in this proceeding, and Walmart has not completed its analysis of those multiple submissions; however, Walmart anticipates that disputed issues of material fact in these proceedings may include the following:

- a. Whether the FL Electric Utilities provided a complete assessment of the full technical potential of all available conservation and energy savings measures?
- b. Whether the FL Electric Utilities provided a complete assessment of the economic potential of all available conservation and energy savings measures?
- c. Whether the FL Electric Utilities' proposed conservation and energy savings goals appropriately reflect the costs and benefits to customers participating in such measures?
- d. Whether the FL Electric Utilities' proposed goals adequately reflect the need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems?
- e. Whether the FL Electric Utilities' proposed conservation goals utilize all cost-effective energy efficiency measures?

- f. Whether the Utilities' proposed conservation goals properly value demand-side renewables?
- g. What specific residential summer and winter and annual energy savings goals should be established for each Utility?
- h. What specific commercial/industrial summer and winter and annual energy savings goals should be established for each FL Electric Utility?
- i. What demand-side renewable energy savings goals should be established for each of the FL Electric Utilities?
- j. Whether beneficial electrification technologies should be accounted for in utility savings goals?

9. Disputed Legal Issues. Walmart has not yet identified or confirmed any disputed legal issues, and Walmart has not completed its analysis of the utilities' submissions; however, Walmart reserves its right to do so.

10. Statement of Ultimate Legal Facts Alleged. The interests of Walmart as a large, multi-account customer of the FL Electric Utilities that it seeks to protect are sufficient to warrant intervention. The nature of Walmart's interest in having the Commission set reasonable, appropriate, and cost-effective numeric conservation goals and in having the Commission determine other reasonable and appropriate provisions relating to the achievement of those goals, are exactly the interests that this proceeding is designed to protect. Accordingly, Walmart is entitled to intervene in these dockets.

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.

13. Pursuant to Rule 28-106.204(3) F.A.C., Walmart conferred with the parties regarding Walmart's intervention. All parties⁴ have indicated that they take no position on Walmart's intervention.

⁴ Florida Power & Light Company, Gulf Power Company, Florida Public Utilities Company, Duke Energy Florida, LLC, Orlando Utilities Commission, JEA, Tampa Electric Company, Office of Public Counsel, Southern Alliance for Clean Energy, and Florida Department of Agriculture & Consumer Services.

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

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Counsel to Walmart Inc.

Dated: April 26, 2019

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 26th day of April, 2019.

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