

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Proposed : **DOCKET NO. 20200055-EG**
Demand-Side Management Plan, by Gulf :
Power Company. : **Filed: April 29, 2020**

**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 proceeding. In support thereof, Walmart represents to the Commission:

1. Petitioner is Walmart, 2608 SE J Street, Bentonville, AR 72716.
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 February 24, 2020, Gulf Power Company ("Gulf" or "Company") filed a Petition for Approval of its proposed Demand Side Management ("DSM") Plan, pursuant to 366.82, Florida Statutes, Rules 25-17.0021 and 28-106.201, Florida Administrative Code, and Commission in Order No. 2019-0509-FOF-EG, issued November 26, 2019, in Docket Nos. 20190015-EG, *et al.* Gulf is also requesting approval to recover costs related to the implementation of the DSM Plan through the Energy Conservation Cost Recovery ("ECCR") clause.

4. Walmart is a national retailer of goods and services through the United States with its principal office located at 2608 SE J Street, Bentonville, AR 72716.

5. Statement of Substantial Interest. Walmart has the privilege of providing its retail services in the State of Florida through its 231 Supercenters, 9 Discount Stores, 98 Neighborhood Markets, 46 Sam's Clubs, and 8 Distribution Centers.¹ Walmart is also retail customer of Gulf. Walmart purchases more than 110 million kWh annually from Gulf. 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 outcome in this case, thus Walmart has a unique and substantial interest in this matter.

¹ <https://corporate.walmart.com/our-story/locations/united-states/florida>

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.² 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.³ 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.⁴ Accordingly, principal issues to 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. 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 Walmart has not completed its analysis of Gulf's proposed DSM Plan; however, Walmart posits that disputed issues of material fact in this proceeding may include the following:

- a. Whether the proposed DSM Plan reflects costs and projected benefits that are reasonable?
- b. Whether the proposed DSM Plan will result in rates that are just and reasonable for recovery from ratepayers both on a system-wide basis and by class of customer?

² <http://corporate.walmart.com/global-responsibility/environmental-sustainability>

³ <http://news.walmart.com/2016/11/04/walmart-offers-new-vision-for-the-companys-role-in-society>

⁴ <http://buyersprinciples.org/principles/>

- c. Whether any of the projects reflected in the proposed DSM Plan should be modified or rejected?

9. Disputed Legal Issues. Walmart has not yet identified or confirmed any disputed legal issues, and Walmart has not completed its analysis of Gulf's proposed DSM Plan; 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 Company that it seeks to protect are sufficient to warrant intervention. Accordingly, Walmart is entitled to intervene in this docket.

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 Gulf regarding Walmart's intervention. Gulf has indicated that it takes no position on Walmart's intervention.

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 29, 2020

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 29th day of April, 2020.

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/s/ Stephanie U. Eaton

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