

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding to : **DOCKET NO. 20210016-EI**
approve 2021 settlement agreement, :
including general base rate increases, by :
Duke Energy Florida : **Filed: April 13, 2021**

**PETITION TO INTERVENE OF
WALMART INC.**

Pursuant to Sections 120.569 and 120.57 of the Florida Statutes and Rule 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, 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. Naum be added to the service list. Walmart may cause to be filed

a motion for Mr. Naum to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Naum be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On January 14, 2021, Duke Energy Florida, LLC ("DEF" or "Company") filed a Petition requesting approval of the 2021 Settlement Agreement between DEF, the Office of Public Counsel ("OPC"), Florida Industrial Power Users Group ("FIPUG"), White Springs Agriculture Chemicals, Inc. d/b/a PCS Phosphate ("White Springs"), and Nucor Steel Florida, Inc. ("Nucor") (collectively, "Signatories") to resolve matters contained in DEF's petition for a rate increase.

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 a retail customer of DEF. Walmart has 73 retail units and one distribution center served by DEF. Walmart purchases more than 290 million kWh annually from DEF. 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.

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

7. Statement of Affected Interests. In the above-referenced proceeding, the Commission will consider whether to approve DEF's Petition and the 2021 Settlement Agreement.

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

The Commission's decision will affect DEF and its customers, including Walmart, in the following ways. If approved, the 2021 Settlement Agreement will resolve significant outstanding electric rate and related issues currently facing DEF and its customers. These include increases to DEF's base electric rates, setting of a Return on Equity, revisions to the rate design of many of DEF's tariffs, closing of the pilot electric vehicle ("EV") program and instituting a permanent EV program, creating a Vision Florida pilot program, and resolving the issues outstanding in two ongoing storm cost recovery dockets related to Hurricanes Michael and Dorian (Docket Numbers 20190110-EI and 20190222-EI, respectively). As a large electric consumer served by DEF, and an active participant in the settlement negotiations that resulted in the pending 2021 Settlement Agreement, Walmart will be substantially affected by the outcome of this proceeding. The proposed terms of the 2021 Settlement Agreement will directly impact the cost of power supplied by DEF to Walmart's facilities located in DEF's territory, thereby affecting its operating costs. After reviewing the 2021 Settlement Agreement, and associated minimum filing requirements ("MFRs") related to Walmart's facilities in DEF's territory, Walmart does not oppose the approval of the 2021 Settlement Agreement as filed with the Commission on January 14, 2021.

8. Statement of Position. Walmart's position as a DEF customer as set forth above provides it standing, and in light of the reasons set out in this Petition to Intervene, Walmart has an interest in ensuring that Commission approval of the 2021 Settlement Agreement will result in rates that are fair, just, and reasonable.

9. Disputed Issues of Material Fact. Walmart does not dispute the material facts stated by DEF.

10. Statement of Ultimate Facts Alleged and at Issue. Ultimate facts alleged and at issue include, but are not limited to, the following:

- a. Whether Commission approval of the 2021 Settlement Agreement will result in rates that are fair, just and reasonable; and
- b. Whether Commission approval of the 2021 Settlement Agreement in its entirety is in the public interest.

Walmart anticipates that other ultimate facts and issues may arise during the course of these proceedings.

11. Rules and Statutes Justifying Relief. As set forth herein, Walmart is entitled to intervene in this docket. 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; and
- c. 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 in light of its interests in this case, which as set forth above establish that Walmart is a large, multi-account customer of DEF.

13. Pursuant to Rule 28-106.204(3) F.A.C., Walmart conferred with the parties regarding Walmart's intervention. No party has indicated an objection to Walmart's intervention.²

² White Springs has indicated it supports Walmart's intervention. DEF, OPC, FIPUG, and Nucor have indicated that they do not object or take no position to 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 13, 2021

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 13th day of April, 2021.

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