

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of New Clean : DOCKET NO. 20220202-EI
Energy Impact Program, a Renewable :
Energy Certificates (REC) Buying Program : Filed: May 11, 2023

**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. Lee be added jointly to the service list. Walmart may cause to be filed a motion for either Mr. Williamson or Mr. Lee 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. Lee be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On November 15, 2022, Duke Energy Florida, LLC ("DEF" or "Company") filed a Petition requesting approval of DEF's new optional Renewable Energy Certificates ("RECs") program called Clean Energy Impact. The Clean Energy Impact Program will provide customers "the option to purchase renewable attributes from some of the Company's renewable energy resource facilities." Petition at 1. DEF is also requesting approval of the associated Tariff, included as Exhibit A to the Company's Petition.

4. On April 14, 2023, DEF filed an Amended Petition.

5. 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.

6. Statement of Substantial Interest. Walmart operates nine Distribution Centers, two Fulfillment Centers, and 387 retail facilities, including 232 Supercenters, 9 Discount Stores, 98 Neighborhood Markets, 46 Sam's Clubs, and two Other Pharmacy Formats.¹ As of January 31, 2023, Walmart employs over 116,000 associates in Florida.² In the fiscal year ending 2023, Walmart purchased over \$8.2 billion worth of goods and services from Florida-based suppliers, supporting over 71,000 supplier jobs.³ Walmart is also a large commercial customer of the

¹ <https://corporate.walmart.com/about/florida>

² *Id.*

³ *Id.*

Company, owning and operating approximately 72 retail stores, one distribution center, one fulfillment center, and related facilities in the Company's service territory. Collectively, these facilities consume over 300 million kWh of electricity annually. 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.

7. In addition, Walmart has established aggressive and significant renewable energy goals. In 2005, Walmart set an aspirational goal to be supplied 100 percent by renewable energy.⁴ 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.⁵ Finally, on September 21, 2020, Walmart announced that it would be supplied 100 percent by renewable energy by 2035 and zero its emissions from operations by 2040.⁶ 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.⁷ In light of this commitment to renewable energy, Walmart is interested in Renewable Energy Certificates ("RECs") derived from renewable energy resource facilities within DEF's service territory; therefore, Walmart is interested in the structure and design of the proposed Clean Energy Impact Program.

⁴ <http://corporate.walmart.com/global-responsibility/environmental-sustainability>

⁵ <http://news.walmart.com/2016/11/04/walmart-offers-new-vision-for-the-companys-role-in-society>

⁶ <https://corporate.walmart.com/newsroom/2020/09/21/walmart-sets-goal-to-become-a-regenerative-company>

⁷ <http://buyersprinciples.org/principles/>

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

9. Statement of Affected Interests. In the above-referenced proceeding, the Commission will consider whether to approve DEF's Clean Energy Impact Program. The Commission's decision will affect DEF and its customers, including Walmart, as follows:

a. DEF's proposed Clean Energy Impact Program provides customers the option to purchase renewable attributes from some of the Company's renewable resource facilities.

b. As explained above, DEF's filing in this case squarely addresses and will impact critical interests for Walmart with respect to its energy sources and RECs.

10. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

a. Whether DEF's proposed Clean Energy Impact Program is fair, just and reasonable; and

b. Whether DEF's proposed Clean Energy Impact Program is in the public interest.

Walmart reserves its rights to raise additional issues in accordance with the rules governing this proceeding.

11. Statement of Ultimate Legal Facts Alleged and at Issue. Walmart is a large, multi-account customer of DEF with a substantial commitment to renewable energy, which warrants its intervention in this Docket. Ultimate facts alleged and at issue include, but are not limited to, the following:

a. Whether DEF has met its burden of proof in this matter; and

b. Whether DEF's Clean Energy Impact Program is in the public interest.

11. Rules and Statutes Justifying Relief. As set forth within, 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;
- c. Section 366.04 of the Florida Statutes;
- d. Section 366.041 of the Florida Statutes;
- e. Section 366.05 of the Florida Statutes;
- f. Section 366.06 of the Florida Statutes;
- g. Section 28-106.201 of the Florida Administrative Code; and
- h. 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. No party has indicated an objection to Walmart's intervention.⁸

⁸ DEF has indicated that it has no position with respect to Walmart's intervention. Florida Industrial Power Users Group indicated that they have no opposition with respect 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: May 11, 2023

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 11th day of May, 2023.

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