

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric : DOCKET NO. 20240017-EG
conservation goals (Orlando Utilities :
Commission). : Filed: June 5, 2024

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

3. On January 23, 2024, the Commission initiated this proceeding 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 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 232 Supercenters, 9 Discount Stores, 97 Neighborhood Markets, 46 Sam's Clubs, 2 Other Pharmacy Formats, 9 Distribution Centers, and 2 Fulfillment Centers.¹ Walmart is also retail customer of all of electric utilities in Florida, including Orlando Utilities Commission ("OUC"). Walmart purchases more than 38 million kWh annually from OUC. 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/about/location-facts/united-states/florida>

6. Walmart also has established aggressive and significant renewable energy goals. Walmart has long had ambitious and significant company-wide renewable energy goals, and on September 21, 2020, Walmart announced new targets as a part of its sustainability goals, including: (1) to be supplied 100 percent by renewable energy by 2035 and (2) zero carbon emissions in its operations, including its transportation fleet vehicles, without the use of offsets, by 2040. Walmart has also set a goal to transition to zero emission buildings by deploying low-impact refrigerants for cooling and electric equipment for heating by 2040.² Additionally, on January 9, 2024, Walmart announced a goal to bring 10 GW of new clean energy projects online by the end of 2030, including 1 GW of new on-site solar plus storage, and enabling 2 GW of new community solar projects.³ 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. 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 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 this proceeding may include the following:

- a. Whether OUC provided a complete assessment of the full technical potential of all available conservation and energy savings measures?

² <https://corporate.walmart.com/newsroom/2020/09/21/walmart-sets-goal-to-become-a-regenerative-company>

³ https://tech.walmart.com/content/dam/walmart-global-tech/documents/Walmart%20CES%20Keynote%20Script%20Transcript_1.9.24.pdf

- b. Whether OUC provided a complete assessment of the economic potential of all available conservation and energy savings measures?
- c. Whether OUC's proposed conservation and energy savings goals appropriately reflect the costs and benefits to customers participating in such measures?
- d. Whether OUC's 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 OUC's proposed conservation goals utilize all cost-effective energy efficiency measures?
- f. Whether OUC's proposed conservation goals properly value demand-side renewables?
- g. What specific residential summer and winter and annual energy savings goals should be established for OUC?
- h. What specific commercial/industrial summer and winter and annual energy savings goals should be established for OUC?
- i. What demand-side renewable energy savings goals should be established for OUC?
- 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 OUC's submission; 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 OUC 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 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 the parties regarding Walmart's intervention. All parties⁴ have indicated that they take no position on Walmart's intervention.

⁴ OUC, Florida Industrial Power Users Group, Southern Alliance for Clean Energy, Florida Rising, League of United Latin American Citizens, and Environmental Confederation of Southwest Florida, have indicated they have no objection or no position with respect to Walmart's intervention. Walmart e-mailed the Florida Department of Agriculture & Consumer Services but did receive any response.

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: June 5, 2024

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 5th day of June, 2024.

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