

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for rate increase by Duke** : **DOCKET NO. 20240025-EI**  
**Energy Florida, LLC** :  
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: **Filed: July 11, 2024**

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**PETITION TO INTERVENE OF  
WALMART INC.**

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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"),<sup>1</sup> 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:

Stephanie U. Eaton  
Florida Bar No.: 165610  
SPILMAN THOMAS & BATTLE, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
[seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

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<sup>1</sup> Walmart is a member of Intervenor Florida Retail Federation ("FRF"), but it is filing this intervention to also advocate for its individual interests and positions.

Steven W. Lee (*as Qualified Representative*)  
SPILMAN THOMAS & BATTLE, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 791-2012  
Fax: (717) 795-2743  
[slee@spilmanlaw.com](mailto:slee@spilmanlaw.com)

Ms. Eaton is authorized to accept service of papers in this proceeding on behalf of Walmart. Further, per Commission Order No. PSC-2024-0140-FOF-OT dated May 2, 2024, Mr. Lee has been admitted as a Qualified Representative for Walmart. Walmart also requests that Mr. Lee also be added to the service list.

3. On April 2, 2024, Duke Energy Florida, LLC ("DEF" or "Company") filed a Petition for an increase in rates ("Petition"). In the Petition, DEF is requesting a general base rate increase of \$593 million in 2025, \$98 million in 2026, and \$129 million in 2024 to become effective the first billing cycle of January 2025, 2026, and 2027. DEF is also requesting approval of a return on equity ("ROE") of 11.50 percent.

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 operates 386 retail units, nine Distribution Centers, two Fulfillment Centers, and employs over 118,000 associates in Florida. In the fiscal year ending 2024, Walmart purchased over \$8.5 billion worth of goods and services from Florida-based suppliers, supporting over 82,000 supplier jobs.<sup>2</sup> Walmart is also a large commercial customer of the Company, owning and operating approximately 73 retail stores, a distribution center, and related facilities in the Company's service territory. Collectively, these

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<sup>2</sup> <https://corporate.walmart.com/about/location-facts/united-states/florida>

facilities consume over 280 million kWh of electricity annually from the Company pursuant to DEF Schedules GS-1, GS-2, GSD-1, GSDT-1, and IST-2.

6. 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. As a large customer with multiple accounts, Walmart has a substantial and vital interest in the outcome of this proceeding that cannot be adequately represented by any other party.

8. Statement of Affected Interests. In the above-referenced proceeding, the Commission will consider whether to approve DEF's Petition. The Commission's decision will affect the Company and its customers, including Walmart, in the following ways. If approved, the Petition will increase the Company's base rates as follows: (a) by \$593 million effective January 1, 2025; (b) by \$98 million effective January 1, 2026; and (c) by \$129 million effective January 1, 2026. In addition, the Company has requested an ROE of 11.5 percent.

9. As a large electric consumer with multiple accounts served by the Company, Walmart will be substantially affected by the outcome of this proceeding. The Company's proposed rate increase will directly impact the cost of power supplied by the Company to Walmart's facilities located in the Company's territory, thereby affecting its operating costs.

10. Statement of Position. Walmart's position as a customer of the Company 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 Company's Petition will result in rates that are fair, just, and reasonable.

11. Disputed Issues of Material Fact. At this time, Walmart has not identified disputed issues of material facts stated by the Company.

12. 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 Company's Petition and proposals will result in rates that are fair, just and reasonable; and
- b. Whether Commission approval of the Company's Petition in its entirety is in the public interest.

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

13. 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. The FRF has indicated that it supports Walmart's intervention.

All other parties<sup>3</sup> have indicated that they either have no objection to or take no position on Walmart's intervention.

**WHEREFORE**, Walmart 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

Stephanie U. Eaton (FL State Bar No. 165610)  
SPILMAN THOMAS & BATTLE, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
[seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

Steven W. Lee (*as Qualified Representative*)  
SPILMAN THOMAS & BATTLE, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 791-2012  
Fax: (717) 795-2743  
[slee@spilmanlaw.com](mailto:slee@spilmanlaw.com)

*Counsel to Walmart Inc.*

Dated: July 11, 2024

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<sup>3</sup> DEF, the Office of Public Counsel ("OPC"), Americans for Affordable Clean Energy, Inc. ("AAACE"), Circle K Stores, Inc. ("Circle K"), RaceTrac Inc. ("RaceTrac"), Wawa, Inc., EVgo Services LLC ("EVgo"), Florida Industrial Power Users Group ("FIPUG"), Florida Solar Energy Industry Association ("FLASEIA"), League of United Latin American Citizens of Florida, also known as LULAC Florida Inc. ("LULAC"), Florida Rising, Inc. ("Florida Rising"), Nucor Steel Florida, Inc. ("Nucor"), Sierra Club, Southern Alliance for Clean Energy ("SACE"), and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs ("PCS Phosphate") have indicated they have no objection or no position with respect to Walmart's intervention.

## **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 11<sup>th</sup> day of July, 2024.

Jennifer Crawford  
Major Thompson  
Shaw Stiller  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[JCrawfor@psc.state.fl.us](mailto:JCrawfor@psc.state.fl.us)  
[MThomps@psc.state.fl.us](mailto:MThomps@psc.state.fl.us)  
[SStiller@psc.state.fl.us](mailto:SStiller@psc.state.fl.us)

Dianne M. Triplett  
Duke Energy Florida, LLC  
299 First Avenue North  
St. Petersburg, FL 33701  
[Dianne.triplett@duke-energy.com](mailto:Dianne.triplett@duke-energy.com)

Matthew R. Bernier  
Stephanie Cuello  
Duke Energy Florida, LLC  
106 E. College Avenue, Suite 800  
Tallahassee, FL 32301  
[Matt.bernier@duke-energy.com](mailto:Matt.bernier@duke-energy.com)  
[Stephanie.cuello@duke-energy.com](mailto:Stephanie.cuello@duke-energy.com)  
[flregulatorylegal@duke-energy.com](mailto:flregulatorylegal@duke-energy.com)

Molly Jagannathan  
Melissa O. New  
Troutman Pepper, LLC  
600 Peachtree Street NE, Suite 3000  
Atlanta, GA 30308  
[Molly.jagannathan@troutman.com](mailto:Molly.jagannathan@troutman.com)  
[Melissa.butler@troutman.com](mailto:Melissa.butler@troutman.com)

Walt Trierweiler  
Charles J. Rehwinkel  
Mary A. Wessling  
Austin A. Watrous  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Suite 812  
Tallahassee, FL 32399-1400  
[trierweiler.walt@leg.state.fl.us](mailto:trierweiler.walt@leg.state.fl.us)  
[Rehwinkel.charles@leg.state.fl.us](mailto:Rehwinkel.charles@leg.state.fl.us)  
[Wessling.mary@leg.state.fl.us](mailto:Wessling.mary@leg.state.fl.us)  
[Watrous.austin@leg.state.fl.us](mailto:Watrous.austin@leg.state.fl.us)

Frederick L. Aschauer, Jr.  
Allan J. Charles  
Lori Killinger  
Lewis, Longman & Walker, P.A.  
106 East College Ave. Ste. 1500  
Tallahassee, FL 32301  
[Faschauer@llw-law.com](mailto:Faschauer@llw-law.com)  
[Acharles@llw-law.com](mailto:Acharles@llw-law.com)  
[Lkillinger@llw-law.com](mailto:Lkillinger@llw-law.com)  
[jmelchior@llw-law.com](mailto:jmelchior@llw-law.com)

Nikhil Vijaykar  
Keyes & Fox LLP  
580 California St., 12th Floor  
San Francisco, CA 94104  
[nvijaykar@keyesfox.com](mailto:nvijaykar@keyesfox.com)

Lindsey Stegall  
EVgo Services LLC  
11835 W. Olympic Blvd., Suite 900E  
Los Angeles, CA 90064  
[Lindsey.stegall@evgo.com](mailto:Lindsey.stegall@evgo.com)

Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Finn, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist, Bowden, Dee, LaVia, Wright,  
Perry & Harper, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

Robert Adler  
Jamey Goldin  
Ben Smith  
Kilpatrick Townsend & Stockton LLP  
4208 Six Forks Drive, Suite 1400  
Raleigh, NC 27609  
[radler@ktslaw.com](mailto:radler@ktslaw.com)  
[jgoldin@ktslaw.com](mailto:jgoldin@ktslaw.com)  
[bwsmith@ktslaw.com](mailto:bwsmith@ktslaw.com)

Bradley Marshall  
Jordan Luebke  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, FL 32301  
[bmarshall@earthjustice.org](mailto:bmarshall@earthjustice.org)  
[jluebke@earthjustice.org](mailto:jluebke@earthjustice.org)

Hema Lochan  
Earthjustice  
48 Wall St., 15th Fl  
New York, NY 10005  
[hlochan@earthjustice.org](mailto:hlochan@earthjustice.org)  
[flcaseupdates@earthjustice.org](mailto:flcaseupdates@earthjustice.org)

Peter J. Mattheis  
Michael K. Lavanga  
Joseph R. Briscar  
Stone Mattheis Xenopoulos & Brew, PC  
1025 Thomas Jefferson Street, NW  
Suite 800 West  
Washington, DC 20007-5201  
[pjm@smxblaw.com](mailto:pjm@smxblaw.com)  
[mkl@smxblaw.com](mailto:mkl@smxblaw.com)  
[jrb@smxblaw.com](mailto:jrb@smxblaw.com)

Tony Mendoza  
Patrick Woolsey  
Sierra Club  
2101 Webster Street Suite 1300  
Oakland, CA 94612  
[tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)  
[patrick.woolsey@sierraclub.org](mailto:patrick.woolsey@sierraclub.org)

Sari Amiel  
Sierra Club  
50 F St. NW, Eighth Floor  
Washington, DC 20001  
[sari.amiel@sierraclub.org](mailto:sari.amiel@sierraclub.org)

William C. Garner  
Law Office of William C. Garner, PLLC  
3425 Bannerman Road  
Unit 105, No. 414  
Tallahassee, FL 32312  
[wgarner@wclawoffice.com](mailto:wgarner@wclawoffice.com)

James W. Brew  
Laura Wynn Baker  
Sarah B. Newman  
Stone Mattheis Xenopoulos & Brew, PC  
1025 Thomas Jefferson Street, NW  
Suite 800 West  
Washington, DC 20007-5201  
[jbrew@smxblaw.com](mailto:jbrew@smxblaw.com)  
[lwb@smxblaw.com](mailto:lwb@smxblaw.com)  
[sbn@smxblaw.com](mailto:sbn@smxblaw.com)

*/s/ Stephanie U. Eaton*  
Stephanie U. Eaton