

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company). : **DOCKET NO. 20240012-EG**
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In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC). : **DOCKET NO. 20240013-EG**
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In re: Commission review of numeric conservation goals (Tampa Electric Company). : **DOCKET NO. 20240014-EG**
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In re: Commission review of numeric conservation goals (Florida Public Utilities Company). : **DOCKET NO. 20240015-EG**
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In re: Commission review of numeric conservation goals (JEA). : **DOCKET NO. 20240016-EG**
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In re: Commission review of numeric conservation goals (Orlando Utilities Commission). : **DOCKET NO. 20240017-EG**
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: **Filed: July 24, 2024**

**AMENDED PREHEARING STATEMENT OF
WALMART INC.**

Pursuant to Florida Public Service Commission's ("Commission") Order No. PSC-2024-0022-PHO-EG, issued January 23, 2024, as amended by Order No. PSC-2024-0159-PCO-EG, issued May 17, 2024, Walmart Inc. ("Walmart") files its Amended Prehearing Statement in the above-referenced Docket Nos. 20240012-EG, 20240013-EG, 20240014-EG, 20240015-EG, 20240016-EG, and 20240017-EG (the "Consolidated Dockets").

I. APPEARANCES

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II. WITNESSES

<u>Witness</u>	<u>Subject</u>	<u>Issue No.</u>
Steve W. Chriss	Mr. Chriss's testimony addresses the Utilities ¹ Demand-Side Management ("DSM") Goals Filings. Specifically, Mr. Chriss addresses FPL's proposed goals for commercial and industrial ("C&I") programs, DEF's proposed change to the credits for Interruptible General Service (IS-2 and IST-2), Curtailable General Service (CS-2, CS-3, CST-2, and CST-3), and General Service – Load Management – Standby Generation (GSLM-2), and TECO's proposed goals for C&I programs.	Issue Nos. 3, 4, 8(a), and 8(b), 12

¹ "Utilities" collectively refers to Florida Power & Light Company ("FPL"), Duke Energy Florida, LLC ("DEF"), Tampa Electric Company ("TECO"), Florida Public Utilities Company ("FPUC"), JEA, and Orlando Utilities Commission ("OUC").

III. EXHIBITS

<u>Exhibit</u>	<u>Description</u>
SWC-1	Witness Qualifications Statement
SWC-2	U.S. Energy Information Administration, "Capital Cost and Performance Characteristics for Utility-Scale Electric Power Generating Technologies," Table 1-2

IV. WALMART'S STATEMENT OF BASIC POSITION

Walmart has ambitious and significant company-wide renewable energy goals as set forth in the Direct Testimony of Steve W. Chriss filed in the Consolidated Dockets on June 5, 2024. In general, these renewable energy goals are met through a combination of self-funded initiatives and projects and participation in relevant utility-led DSM, energy efficiency ("EE") and renewable energy programs, as well as through third-party contracts such as power purchase agreements ("PPAs"). Walmart is participating in the Consolidated Dockets to both inform the Commission of its current company-wide renewable energy goals, and to provide recommendations to assist the Commission in its thorough and careful consideration of the customer impacts of each Utility's requests in the Consolidated Dockets.

In light of the number of facilities in each Utility's respective service territory, Walmart is focused on the proposals put forth by FPL, DEF, and TECO as those proposals pertain to C&I customers, having no opinion on proposed goals or programs for residential customers. Walmart takes no position as to the as-filed, proposed goals of FPL and TECO, and does not oppose the C&I programs of either FPL or TECO. In DEF's Docket, Walmart's position on Issues 8(b) and 12 are as stipulated in the *Joint Notice of Necessary Stipulations to Issues 8(b) and 12 by DEF, FIPUG, Nucor, PCS Phosphate, Walmart, Florida Rising, and LULAC* filed on July 15, 2024. Otherwise, Walmart takes no position on DEF's goals for its C&I customers and otherwise does not oppose DEF's C&I programs.

V. **ISSUES**

Issue 1: Are the utility's proposed goals based on an adequate assessment of the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems?

Position: Walmart takes no position.

Issue 2: Are the utility's proposed goals based on savings reasonably achievable through demand-side management programs over a ten year period?

Position: Walmart takes no position.

Issue 3: Do the utility's proposed goals adequately reflect the costs and benefits to customers participating?

Position: Walmart takes no position as to any of the utility's positions except for DEF's litigation position, which has now been resolved pursuant to the Stipulation referenced in Section VII. below.

Issue 4: Do the utility's proposed goals adequately reflect the costs and benefits to the general body of rate payers as a whole, including utility incentives and participant contributions?

Position: Walmart takes no position as to any of the utility's positions except for DEF's litigation position, which has now been resolved pursuant to the Stipulation referenced in Section VII. below.

Issue 5: Do the utility'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?

Position: Walmart takes no position.

Issue 6: Do the utility's proposed goals adequately reflect the costs imposed by state and federal regulations on the emissions of greenhouse gases?

Position: Walmart takes no position.

Issue 7: Do the utility's proposed goals appropriately reflect consideration of free riders?

Position: Walmart takes no position.

Issue 8(a): Should demand credit rates for interruptible service, curtailable service, stand-by generation, or similar potential demand response programs be addressed in this proceeding or in the base rate proceedings for the rate regulated FEECA Utilities?

Position: This is a legal issue which should be handled the same way for each of the rate-regulated Florida Energy Efficiency and Conservation Act ("FEECA") Utilities: FPL, DEF, and TECO. Demand credit rates for interruptible service, curtailable service, stand-by generation, or similar potential demand response programs (collectively, "credits") should be set in base rate proceedings for FPL, DEF, and TECO for the following reasons:

1. For consistency with the Commission's and rate-regulated FEECA Utilities' addressing and adjusting credits in prior base rate proceedings for each of the rate-regulated FEECA Utilities;
2. For compliance with Settlement Agreements in base rate proceedings wherein agreements on the credits have been addressed and resolved, such as the approved 2021 TECO Base Rate Case Settlement Agreement in Docket 20210034-EI, approved 2021 FPL Base Rate Case Settlement Agreement in Docket 20210015-EI, and filed 2024 DEF Settlement Agreement in Docket 20240025-EI, for which review by the Commission is forthcoming;
3. For consistency with the rate-regulated FEECA Utilities' tariff-filing requirements per Fla. Admin. Code. Rules 25-9.007, R. 9.031, and R. 9.068;
4. For consistency with FEECA, which is not a base rate proceeding but a forward-looking, conservation goal setting process to address technical and economic potential to achieve efficiency, but where the benefits for the interruptible and curtailable services programs are understated, which could potentially impact customer deployment of dispatchable DER to support grid reliability and resilience; and
5. For process efficiency, so this issue is handled in only one Docket for each of the rate-regulated FEECA Utilities and participating parties, not both.

Issue 8(b): If in this proceeding, what demand credit rates are appropriate for purposes of establishing the utilities' goals?

Position: For FPL, this issue is moot because of FPL's 2021 Base Rate Case Settlement Agreement, which was approved by the Commission in Order Nos. PSC-2021-0446-S-EI, PSC-2021-0446A-S-EI and PSC-2024-0078-FOF-EI. Paragraph 4(e) of the FPL 2021 Base Rate Case Settlement Agreement provides that the Commercial Industrial Load Control ("CILC") and Commercial/Industrial

Demand Reduction ("CDR") credits are to be reset in a general base rate proceeding.

For TECO, this issue is moot because of TECO's 2021 Base Rate Case Settlement Agreement, which was approved by the Commission in Order No. Order No. PSC-2021-0423-S-EI, establishes standby generator credit and commercial demand response credit rates. TECO proposes to maintain these credit values in this proceeding.

For DEF, this issue is moot because of the Joint Notice of Necessary Stipulations to Issues 8(b) and 12 by DEF, Florida Industrial Power Users Group ("FIPUG"), Nucor Steel Florida, Inc. ("Nucor"), White Springs Agricultural Chemical, Inc. d/b/a PCS Phosphate – White Springs ("PCS Phosphate"), Walmart, Florida Rising, Inc. ("Florida Rising"), and LULAC Florida, Inc. ("LULAC") filed in Docket 20240013-EG on July 15, 2024.

FPL-Specific Issues

Issue 9: Should the savings associated with FPL's Residential Low Income Renter Pilot program be included in its conservation goals?

Position: Walmart takes no position

Issue 10: Is FPL's proposed HVAC On-Bill option for its existing Residential On-Call program with its associated HVAC Services Agreement (proposed Tariff sheets 9.858 through 9.866) a regulated activity within the jurisdiction of the Commission? If not, should the savings associated with FPL's HVAC On-Bill option and HVAC Services Agreement be removed from its conservation goals?

Position: Walmart takes no position.

Issue 11: Should the Commission approve FPL's proposed plan to cap participation for non-RIM Test passing programs once sector-level goals are achieved?

Position: Walmart takes no position.

All FEECA Electric Utilities Issues

Issue 12: What residential and commercial/industrial summer and winter megawatt (MW) and annual Gigawatt-hour (GWh) goals should be established for the period 2025-2034?

Position: Walmart takes no position.

Issue 13: What goals are appropriate for increasing the development of demand-side renewable energy systems?

Position: Walmart takes no position.

VI. CONTESTED ISSUES

For Issues on which Walmart takes a position, Issue 8(a) appears to be contested among some of the parties.

VII. STIPULATED ISSUES

In Docket 20240013-EG, Issues 8(b) and 12 are stipulated as set forth in the *Joint Notice of Necessary Stipulations to Issues 8(b) and 12* by DEF, FIPUG, Nucor, PCS Phosphate, Walmart, Florida Rising, and LULAC filed on July 15, 2024. If the Commission approves the Stipulations on Issues 8(b) and 12, then Walmart is willing to enter into Type 2 stipulations on remaining issues for which Walmart has no position. If the Commission does not approve the Stipulations on Issues 8(b) and 12, then Walmart reserves its right to contest these issues as set forth in its original Prehearing Statement and Testimony.

In Docket 20240015-EG, witness testimony and exhibits have been stipulated. Walmart is willing to enter into Type 2 stipulations on issues for which Walmart has no position.

VIII. PENDING MOTIONS OR OTHER ACTIONABLE MATTERS

Walmart has no pending Motions at this time.

IX. PENDING CONFIDENTIALITY REQUESTS OR CLAIMS

Walmart has no pending confidentiality requests or claims.


X. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT

Walmart does not object to any witness's qualifications as an expert.

XI. COMPLIANCE WITH ORDER NO. PSC-2024-0022-PGO-EG and ORDER NO. PSC-2024-0159-PCO-EG

There are no requirements of Order No. Order No. PSC-2024-0022-PHO-EG and Order No. PSC-2024-0159-PCO-EG with which Walmart cannot comply.

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By 
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Counsel to Walmart Inc.

Dated: July 24, 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 24th day of July, 2024.

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