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November 28, 2012

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Petition of PECO Energy Company For Approval of its Act 129 Phase II  
Energy Efficiency and Conservation Plan; Docket No. M-2012-2333992**

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the Petition to Intervene of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart") in the above-referenced matter.

This document was filed electronically with the Commission on this date. All parties are being served a copy of this document in accordance with the enclosed Certificate of Service.

Please contact me if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By

Derrick Price Williamson  
Barry A. Naum

BAN/lhi  
Enclosures

c: Administrative Law Judge Dennis J. Buckley (via Electronic and First Class Mail)  
Certificate of Service

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West Virginia      North Carolina      Pennsylvania      Virginia

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY :  
COMPANY FOR APPROVAL OF ITS ACT :  
129 PHASE II ENERGY EFFICIENCY AND : DOCKET NO. M-2012-2333992  
CONSERVATION PLAN :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the following parties to this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by participant).

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Certificate of Service

November 28, 2012

Page 2

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Barry A. Naum

Dated: November 28, 2012

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of Its Act 129 Phase II Energy : Docket Nos. M-2012-2289411  
Energy Efficiency and Conservation Plan : M-2009-2093215

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**PETITION TO INTERVENE OF  
WAL-MART STORES EAST, LP AND SAM'S EAST, INC.**

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TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code Sections 5.71 through 5.74, Wal-Mart Stores East, LP and Sam's East, Inc. ("Walmart") hereby files this Petition to Intervene in the above-captioned proceeding.

In support thereof, Walmart states as follows:

1. Petitioner is Walmart, 2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716-0550.
2. The name and address of Petitioner's attorneys are:

Derrick Price Williamson  
Barry A. Naum  
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3. On November 1, 2012, PECO Energy Company ("PECO") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") its Phase II Energy Efficiency and Conservation ("EE&C") Plan ("Phase II Plan" or "Plan"), pursuant to the requirements of Act 129 of 2008, 66 Pa. C.S. § 2806.1 ("Act 129") and the PUC's

Implementation Order entered on August 3, 2012, at Docket Nos. M-2008-2069887 and M-2012-2289411.

4. Walmart is a national retailer with 158 facilities in the Commonwealth of Pennsylvania, including a large number of facilities in the PECO service territory. These facilities include Walmart Supercenters, Discount Stores, Sam's Clubs, distribution centers, and gas stations. In addition to being a large customer of PECO, taking delivery hundreds of thousands of kWh annually from the utility, Walmart is also heavily invested in energy efficiency ("EE") and demand side management ("DSM") technology.

5. The cost of electricity is one of the highest single components of Walmart's cost of operating its commercial business in the PECO service territory. As a result, any modification to PECO's electric rates, rate structure, and other service offerings, including EE and DSM, has the potential to substantially impact Walmart's operations in the PECO territory. The Commission's final determination in this proceeding may directly impact the electricity rates that Walmart pays for electric service from PECO, as well as the terms and conditions of this service. Walmart therefore has a direct, substantial, and unique interest in the outcome of this proceeding that is not represented by any other party. See 52 Pa. Code § 5.72(a)(2).

**WHEREFORE**, Wal-Mart Stores East, LP and Sam's East, Inc. requests that the Commission grant this Petition to Intervene and provide Walmart with full party status in this proceeding.

Respectfully submitted,

By 

Derrick Price Williamson (I.D. No. 69274)  
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Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

Dated: November 28, 2012



**VERIFICATION**

I, Barry A. Naum, Counsel to Wal-Mart Stores East, LP and Sam's East, Inc., hereby state that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are made subject to 18 Pa.C.S. § 4904 (pertaining to unsworn falsification to authorities).

Date: November 28, 2012



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Barry A. Naum