

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

111 North 6th Street  
Reading, PA 19601  
(610) 478-2000 Fax (610) 376-5610  
[www.stevenslee.com](http://www.stevenslee.com)

Direct Dial: (610) 478-2216  
Email: [drw@stevenslee.com](mailto:drw@stevenslee.com)  
Direct Fax: (610) 988-0846

May 3, 2018

***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: Pennsylvania Public Utility Commission v. PECO Energy Company**  
**Docket No. R-2018-3000164**

Dear Secretary Chiavetta:

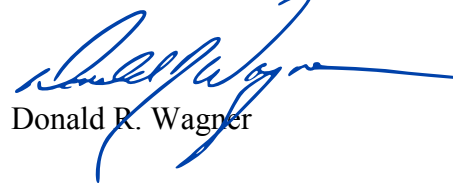
On behalf of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), please find enclosed for filing with the Pennsylvania Public Utility Commission ("PaPUC" or "Commission") the Petition to Intervene of Wal-Mart Stores East, LP and Sam's East, Inc. in the above-captioned matter.

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.

Very truly yours,

STEVENS & LEE



Donald R. Wagner

Enclosures

cc: Certificate of Service

Philadelphia • Reading • Valley Forge • Allentown • Harrisburg • Lancaster • Scranton  
Wilkes-Barre • Princeton • Charleston • New York • Wilmington

A PROFESSIONAL CORPORATION

SL1 1521145v1 106840.00022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket No.
v.	:	
	:	R-2018-3000164
PECO Energy Company	:	

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

Pursuant to 52 Pa. Code Sections 5.71 through 5.74, Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart" or "Petitioner"), hereby respectfully files this Petition to Intervene in the above-captioned proceedings. In support thereof, Walmart states as follows:

1. On March 29, 2018, PECO Energy Company ("PECO") filed with the Pennsylvania Public Utility Commission ("PaPUC" or "Commission") a proposed Tariff Electric-Pa. P.U.C. No. 6 to become effective May 28, 2018. Tariff No. 6 sets forth proposed rates designed to produce an increase in PECO's annual distribution revenue of approximately \$82 million, or 2.2% on the basis of total Pennsylvania jurisdictional operating revenue pursuant to Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d).

2. By Order entered April 19, 2018, the Commission acted to allow the tariff filings to be suspended by operation of law and instituted an investigation into the lawfulness, justness and reasonableness of PECO's proposed rate increase.

3. The Commission's regulations at 52 Pa. Code § 5.72(a) provide that "A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(a) A right conferred by statute of the United States or of the Commonwealth;

(b) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding; or

(c) Another interest of such nature that participation of the petitioner may be in the public interest.”

4. Walmart is a national retailer with 168 facilities in the Commonwealth of Pennsylvania. Approximately 26 stores and related facilities are in PECO’s service territory. These facilities include Walmart stores, Sam’s Clubs, distribution centers, and gas stations. Walmart is a large commercial customer of the PECO, taking delivery of over 77 million kWh annually from the PECO on High-Tension Power (“HT”) and General Service (“GS”) rate classes. The cost of electricity is one of the highest single components of Walmart’s cost of operating its commercial business in PECO’s service territory. The matters to be decided by the Commission in this case may have a direct and substantial impact on the rates Walmart pays for electricity.

5. Walmart anticipates addressing issues related to, but not limited to, cost of equity, revenue requirement, cost of service, revenue allocation, rate design and how changes to the federal income tax rate will be reflected in PECO’s proposed Tariff No. 6. Walmart will cooperate with the Presiding Administrative Law Judges (“ALJs”) and the parties regarding the procedural schedule, discovery rules and any directive issued by the ALJs in accordance with the Commission’s regulations. Walmart has a direct and substantial interest in this proceeding and no other entity can represent Walmart’s interests. Walmart expects to sponsor testimony and its proposed witness will be:

Gregory W. Tillman  
Senior Manager, Energy Regulatory Analysis  
Walmart Inc.  
2001 Southeast 10<sup>th</sup> Street  
Bentonville, AR 72716-5530  
Phone: (479) 204-7933  
Fax: (479) 899-5877  
Email: [greg.tillman@walmart.com](mailto:greg.tillman@walmart.com)

6. As provided in 52 Pa. Code § 1.54(b)(3), counsel consents to the service of documents by electronic mail. For purposes of service in the above-captioned proceedings, please direct all communications to:

Donald R. Wagner, Esq (Attorney ID No. 80280)  
Linda R. Evers, Esq. (Attorney ID No. 81428)  
Michael A. Gruin, Esq. (Attorney ID No. 78625)  
Stevens & Lee  
111 N. Sixth Street  
Reading, PA 19601  
Phone: (610) 478-2216  
[drw@stevenslee.com](mailto:drw@stevenslee.com)  
[lre@stevenslee.com](mailto:lre@stevenslee.com)  
[mag@stevenslee.com](mailto:mag@stevenslee.com)

7. Petitioner respectfully requests the parties provide an electronic copy of communications to Walmart, in care of:

Greg Tillman  
Walmart Inc.  
2001 Southeast 10<sup>th</sup> Street  
Bentonville, AR 72716-5530  
Phone: (479) 204-7993  
Email: [greg.tillman@walmart.com](mailto:greg.tillman@walmart.com)

**WHEREFORE**, Walmart respectfully requests that its Petition to Intervene be granted and that it be accorded full party status in the above-captioned proceedings.

Respectfully submitted,

STEVENS & LEE



---

Donald R. Wagner  
Attorney ID No. 80280  
111 N. Sixth Street  
Reading, PA 19601  
Phone: (610) 478-2216  
Fax: (610) 988-0846  
email: [drw@stevenslee.com](mailto:drw@stevenslee.com)

Linda R. Evers  
Attorney ID No. 81428  
111 N. Sixth Street  
Reading, PA 19601  
Phone: (610) 478-2265  
Fax: (610) 988-0855  
email: [lre@stevenslee.com](mailto:lre@stevenslee.com)

Michael A. Gruin, Esq.  
Attorney I.D. No. 78625  
17 N. 2<sup>nd</sup> Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
Phone: 717-255-7365  
Fax: (610) 988-0852  
email: [mag@stevenslee.com](mailto:mag@stevenslee.com)

*Attorneys for Wal-Mart Stores East, LP and Sam's East, Inc.*


Dated: May 3, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket No.
v.	:	
	:	R-2018-3000164
PECO Energy Company	:	

**VERIFICATION**

I, Gregory W. Tillman, Senior Manager Energy Regulatory Analysis for Walmart Inc., hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that we expect to be able to prove the same at the hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
\_\_\_\_\_  
Gregory W. Tillman  
Sr. Manager Energy Regulatory Analysis  
Walmart Inc. 2001 Southeast 10<sup>th</sup> Street  
Bentonville, AR 72716-5530

Date: 5/2/18

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket No.
v.	:	
	:	R-2018-3000164
PECO Energy Company	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the Petition to Intervene on behalf of Wal-Mart Stores East, LP and Sam’s East, Inc. (collectively, “Walmart”), on the following parties by electronic mail in accordance with the requirements of 52 Pa. Code § 1.54:

**SERVICE LIST**

---

**Administrative Law Judges:**

Commonwealth of Pennsylvania  
Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

Christopher P. Pell  
Deputy Chief Administrative Law Judge  
[CPell@pa.gov](mailto:CPell@pa.gov)

F. Joseph Brady  
Administrative Law Judge  
[FBrady@pa.gov](mailto:FBrady@pa.gov)

**Bureau of Investigation & Enforcement:**

Carrie B. Wright, Esq.  
Commonwealth of Pennsylvania  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[cawright@pa.gov](mailto:cawright@pa.gov)

**Office of Small Business Advocate:**

Elizabeth Rose Triscari, Esquire  
300 North Second Street - Suite 202  
Harrisburg, PA 17101  
[etriscari@pa.gov](mailto:etriscari@pa.gov)

**Office of Consumer Advocate:**

555 Walnut Street, 5<sup>th</sup> Fl, Forum Place  
Harrisburg, PA 17101-1923

Christy M. Appleby, Esquire  
[CApplby@paoca.org](mailto:CApplby@paoca.org)

Hayley Dunn, Esquire  
[HDunn@paoca.org](mailto:HDunn@paoca.org)

Aron J. Beatty, Esquire  
[ABeatty@paoca.org](mailto:ABeatty@paoca.org)

**PECO Energy Company:**

2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101

Romulo L. Diaz, Jr. Esquire  
[romulo.diaz@exeloncorp.com](mailto:romulo.diaz@exeloncorp.com)

Jack R. Garfinkle, Esquire  
[jack.garfinkle@exeloncorp.com](mailto:jack.garfinkle@exeloncorp.com)

SERVICE LIST

Continued – Page 2 of 2

W. Craig Williams, Esquire  
[craig.williams@exeloncorp.com](mailto:craig.williams@exeloncorp.com)

Michael S. Swerling  
[michael.swerling@exeloncorp.com](mailto:michael.swerling@exeloncorp.com)

**Morgan, Lewis & Bockius LLP:**  
1701 Market Street  
Philadelphia, PA 19103

Kenneth M. Kulak, Esq.  
[ken.kulak@morganlewis.com](mailto:ken.kulak@morganlewis.com)

Anthony C. DeCusatis, Esquire  
[Anthony.decusatis@morganlewis.com](mailto:Anthony.decusatis@morganlewis.com)

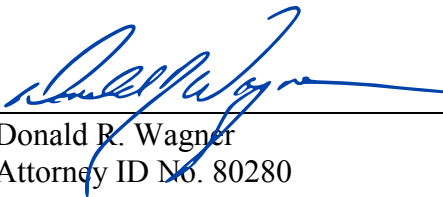
**CAUSE-PA:**  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
Patrick M. Cicero, Esquire  
Elixabeth R. Marx, Esquire  
Kadeem G. Morris, Esquire  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

**IBEW Local 614:**  
Scott J. Rubin, Esquire  
333 Oak Lane  
Bloomsburg, PA 17815  
[Scott.j.rubin@gmail.com](mailto:Scott.j.rubin@gmail.com)

Charles T. Joyce, Esquire  
Spear Wilderman, P.C.  
230 South Broad Street, Suite 140  
Philadelphia, PA 19102  
[ctjoyce@spearwilderman.com](mailto:ctjoyce@spearwilderman.com)

**Community Action Association of Pennsylvania (CAAP):**  
Joseph L. Vullo, Esquire  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
[jlvullo@bvrrlaw.com](mailto:jlvullo@bvrrlaw.com)

**Delaware Valley Regional Planning Commission (DVRPC):**  
Roger E. Clark, Esquire  
905 Denston Drive  
Ambler, PA 19002  
[roger@rogerclarkconsulting.com](mailto:roger@rogerclarkconsulting.com)



---

Donald R. Wagner  
Attorney ID No. 80280  
Stevens & Lee  
111 N. Sixth Street  
Reading, PA 19601  
Phone: (610) 478-2216  
Fax: (610) 988-0846  
email: [drw@stevenslee.com](mailto:drw@stevenslee.com)

*Attorneys for Wal-Mart Stores East, LP and Sam's East, Inc.*

Dated: May 3, 2018