

May 15, 2018

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

VIA ELECTRONIC FILING

**Re: Pennsylvania Public Utility Commission v. Duquesne Light Company;
Docket No. R-2018-3000124**

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/sds

Enclosures

c: Administrative Law Judge Katrina L. Dunderdale (via E-mail and First-Class Mail)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3000124
	:	
Duquesne Light Company	:	

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).

VIA E-MAIL AND/OR FIRST-CLASS MAIL

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Barry A. Naum

Dated: May 15, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2018-3000124
 :
Duquesne Light Company :

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

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. (collectively, "Walmart"), hereby file this Petition to Intervene in the above-captioned proceeding. In support thereof, Walmart states as follows:

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

Derrick Price Williamson
Barry A. Naum
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3. On March 28, 2018, Duquesne Light Company ("Duquesne" or "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") Supplement No. 174 to the Company's Tariff Electric – Pa. P.U.C. No. 24 ("Filing"), representing a request for a general increase in the Company's electric distribution rates of approximately \$133.8 million to be

effective May 29, 2018. The effective date of new rates was suspended until December 29, 2018, by Order of the Commission issued on April 19, 2018.

4. Walmart is a national retailer with 168 facilities in the Commonwealth of Pennsylvania. These facilities include Walmart Supercenters, Discount Stores, Sam's Clubs, distribution centers, and gas stations. Walmart takes service from Duquesne at 11 facilities in the Company's territory primarily pursuant to Rate Schedules GL and GM. Walmart's facilities in the Duquesne service territory consume over 39 million kWh, annually, and the cost of electricity therefore comprises a significant portion of the operating costs of Walmart's various retail and distribution locations.

5. Walmart is still in the process of evaluating whether it will sponsor testimony in this proceeding. In the event Walmart decides to sponsor testimony, Walmart will likely submit testimony from Greg Tillman, Senior Manager, Energy Regulatory Analysis, and will promptly inform the parties and the presiding Administrative Law Judge ("ALJ") if this changes. Regardless, if intervention is granted, Walmart reserves the right to participate in this proceeding and adduce evidence through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions, and reply exceptions, as necessary.

6. Walmart's Petition is timely filed within the time permitted by 52 Pa. Code § 5.74.¹ Walmart's intervention at this stage will not delay or cause prejudice to any current party in this


¹ 52 Pa. Code § 5.74(b) states "Petitions to intervene shall be filed: (1) No later than the date fixed for the filing of responsive pleadings in an order or notice with respect to the proceedings but not less than the notice and protest period established under §§ 5.14 and 5.53 (relating to applications requiring notice; and time of filing) absent good cause shown. (2) No later than the date fixed for filing protests as published in the *Pennsylvania Bulletin* except for good cause shown. (3) In accordance with § 5.53 if no deadline is set in an order or notice with respect to the proceedings." There has not been a date set for responsive pleadings by any order, notice, or publication regarding this proceeding. Additionally, 52 Pa. Code § 5.53 states "[a] protest shall be filed within the time specified in the published notice of the application. If no protest time is specified, the protest shall be filed within 60 days of publication of the notice." Therefore, Petitions to Intervene must be filed within 60 days of the rate filing in this proceeding.

proceeding. Walmart will take the proceeding as it stands and accept the schedule and procedural rules the parties agreed to as set forth in the Prehearing Order issued by the ALJ on May 8, 2018.

7. The Commission's final determination in this proceeding may directly impact the rates, terms, and conditions of the electric service that Walmart receives from the Company. 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., request that the Commission grant this Petition to Intervene and provide Walmart with full party status in this proceeding.

Respectfully submitted,

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

Dated: May 15, 2018

VERIFICATION

I, Barry A. Naum, Counsel to Wal-Mart Stores East, LP and Sam's East, Inc., hereby state that the factors 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: May 15, 2018



Barry A. Naum