

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

APPLICATION OF LOUISVILLE GAS AND )  
ELECTRIC COMPANY FOR AN ADJUSTMENT )  
OF ITS ELECTRIC AND GAS RATES )

Case No. 2014-00372

---

**MOTION TO INTERVENE**  
**OF WAL-MART STORES EAST, LP**

Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter. In support of its Motion to Intervene, Walmart submits as follows:

1. On November 26, 2014, Louisville Gas and Electric Company ("LGE" or "Company") filed an Application seeking approval for adjustment of its electric and natural gas rates.

2. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10<sup>th</sup> Street, Bentonville AR 72716-0550.

3. Walmart has the privilege of providing its retail services in the Commonwealth of Kentucky. Walmart is a large commercial customer of the Company. Walmart has multiple facilities in Kentucky that are served by the Company. Walmart purchases more than 50 million kWh annually in electricity from the Company, principally pursuant to service under Time-of-Day Secondary and Primary rate schedules. Walmart purchases approximately 750,000 therms in natural gas from the Company pursuant to service under a firm commercial rate schedule. Energy is one of the single highest operating costs faced by Walmart. As a result, any

modification to the Company's rates has the potential to substantially impact Walmart's operations in Kentucky.

4. Accordingly, Walmart has a direct and substantial interest in the outcome of this proceeding. Further, Walmart is unique in that it is a single commercial customer that purchases substantial amounts of electricity, natural gas, and related services from the Company pursuant to multiple accounts at multiple locations. Thus, Walmart has an interest in this proceeding that is not represented by any other party.

5. The attorneys representing Walmart in this proceeding are:

Don C. A. Parker  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WV 25301  
Phone: (304) 340-3896  
Fax: (304) 340-3801  
E-mail: [dparker@spilmanlaw.com](mailto:dparker@spilmanlaw.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 795-2740  
Fax: (717) 795-2743  
E-mail: [dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Mr. Parker is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Williamson be added jointly to the service list. Walmart plans to cause to be filed a motion for Mr. Williamson to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Williamson be added to the official service list as an attorney authorized to accept service of papers in this proceeding.

**WHEREFORE**, Walmart respectfully requests that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By



Don C. A. Parker (Kentucky I.d. No. 94113)  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WV 25301  
Phone: (304) 340-3896  
Fax: (304) 340-3801  
E-mail: [dparker@spilmanlaw.com](mailto:dparker@spilmanlaw.com)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
Phone: (717) 795-2740  
Fax: (717) 795-2743  
E-mail: [dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)

Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

Dated: December 16, 2014

## CERTIFICATE OF SERVICE

I hereby certify that Walmart's December 16, 2014, electronic filing is a true and accurate copy of the Motion to Intervene to be filed in paper medium; and that on December 16, 2014, the electronic filing has been transmitted to the Commission, and that an original and one copy of the filing will be delivered to the Commission, that no participants have been excused from electronic filing at this time, and served upon the following via First Class Mail and Electronic Mail:

Gregory T. Dutton, Esq.  
Lawrence W. Cook, Esq.  
Angela M. Goad, Esq.  
Office of the Attorney General  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204  
[Gregory.Dutton@ag.ky.gov](mailto:Gregory.Dutton@ag.ky.gov)  
[Larry.Cook@ag.ky.gov](mailto:Larry.Cook@ag.ky.gov)  
[Angela.Goad@ag.ky.gov](mailto:Angela.Goad@ag.ky.gov)

Edwin R. Staton  
Vice President, State Regulation and Rates  
Allyson KI. Sturgeon, Esq.  
Senior Corporate Attorney  
LG&E and KU Energy, LLC  
220 West Main Street  
Louisville, KY 40202  
[Allyson.Sturgeon@lge-ku.com](mailto:Allyson.Sturgeon@lge-ku.com)  
[Ed.Staton@lge-ku.com](mailto:Ed.Staton@lge-ku.com)

Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)  
[Kboehm@BKLawfirm.com](mailto:Kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

Kendrick R. Riggs, Esq.  
Stoll, Keenon & Ogden, PLLC  
1700 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
[kendrick.riggs@skofirm.com](mailto:kendrick.riggs@skofirm.com)


David C. Brown, Esq.  
Stites & Harbison, PLLC  
400 W. Market Street, Suite 1800  
Louisville, KY 40202  
[dbrown@stites.com](mailto:dbrown@stites.com)

Lisa Kilkelly  
Eileen Ordover  
LEGAL AID SOCIETY, INC.  
416 W. Muhammad Ali Blvd., Ste. 300  
Louisville, Kentucky 40202  
[LKilkelly@laslou.org](mailto:LKilkelly@laslou.org)  
[EOrdover@laslou.org](mailto:EOrdover@laslou.org)

Robert Conroy  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202  
[robert.conroy@lge-ku.com](mailto:robert.conroy@lge-ku.com)

Laurence J. Zielke  
Janice M. Theriot  
Zielke Law Firm, PLLC  
1250 Meidinger Tower  
462 South 4<sup>th</sup> Street  
Louisville, KY 40202

Gardner F. Gillespie  
Amanda M. Lanham  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Ave., NW, Suite 100  
Washington, DC 20006-6801  
[ggillespie@sheppardmullin.com](mailto:ggillespie@sheppardmullin.com)  
[alanham@sheppardmullin.com](mailto:alanham@sheppardmullin.com)



---

Don C. A. Parker (Kentucky I.d. No. 94113)