

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC JOINT APPLICATION OF)
LOUISVILLE GAS AND ELECTRIC)
COMPANY AND KENTUCKY UTILITIES)
COMPANY FOR REVIEW, MODIFICATION,) CASE NO. 2017-00441
AND CONTINUATION OF CERTAIN)
EXISTING DEMAND-SIDE MANAGEMENT)
AND ENERGY EFFICIENCY PROGRAMS)

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

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 Kentucky Public Service Commission ("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 December 6, 2017, Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") (collectively, "Companies") filed with the Commission a Joint Application seeking approval of their proposed 2019-2025 Demand-Side Management and Energy Efficiency programs ("DSM/EE Program Plan") and proposed tariffs.

2. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10th 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 Companies. Walmart has multiple facilities in Kentucky that are served by the Companies and purchases more than 150 million kWh annually from the Companies, principally pursuant to service under Time-of-Day Secondary and

Primary rate schedules and the Power Service Primary rate schedule. Walmart is a single commercial customer that purchases substantial amounts of electricity and related services from the Companies pursuant to multiple accounts at multiple locations. As such, energy is one of the single highest operating costs faced by Walmart. Therefore, the proposed modifications to the Companies' DSM/EE Program Plan has the potential to substantially impact Walmart's operations in Kentucky.

4. Walmart was also an active party in the Companies' last DSM/EE Program Plan proceeding at Case No. 2014-00003. As a result of that proceeding, Walmart was an active participant in the Companies' DSM Advisory Group and attended the various meetings conducted by the Companies in 2016 and 2017 in advance of their filing of the Joint Application in this proceeding.

5. In addition, and as acknowledged by the Companies,¹ Walmart is committed to investment in its own energy efficiency and demand-side management in the Companies' service territories as well as on a national and global scale. Walmart is concerned that the Companies' proposed DSM/EE Program Plan may negatively impact Walmart's ability to cost-effectively pursue its own DSM/EE initiatives in the Companies' service territory, particularly in light of the way that the Companies have defined eligibility for the industrial opt-out measure included in their DSM/EE Program Plan.

6. As an active participant in the DSM Advisory Group, Walmart provided recommendations to address its concerns with the industrial opt-out measure, but these concerns were not alleviated by the Companies' proposals in this case. Walmart believes that these issues and recommendations should be presented to the Commission for its review in fully considering

¹ Direct Testimony of Companies' Witness David E. Huff, p. 11.

the Companies' Joint Application.

7. Therefore, Walmart has a direct, substantial, and unique interest in the outcome of this proceeding that is not represented by any other party. Furthermore, Walmart's participation in this proceeding will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The attorneys representing Walmart in this proceeding are:

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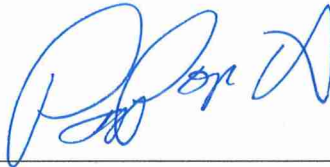
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Mr. Parker and Mr. Heath are authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Naum and Ms. Harris be added jointly to the service list. Walmart plans to cause to be filed motions for Mr. Naum and/or Ms. Harris to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such requests, Walmart requests that Mr. Naum and Ms. Harris be added to the official service list as attorneys 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 

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

Dated: January 10, 2018

CERTIFICATE OF SERVICE

I hereby certify that Walmart's January 10, 2018, electronic filing is a true and accurate copy of the Motion to Intervene to be filed in paper medium; and that on January 10, 2018, 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 Electronic Mail:

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