

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

**ELECTRONIC APPLICATION OF)
KENTUCKY UTILITIES COMPANY FOR) CASE NO. 2018-00294
AN ADJUSTMENT OF ITS ELECTRIC RATES)**

MOTION TO INTERVENE OF WALMART INC.

Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 4(11), Walmart Inc. ("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 September 28, 2018, Kentucky Utilities Company ("KU" or "Company") filed an Application seeking approval for adjustment of its electric rates.
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. Under 807 KAR 5:001, Section 4(11)(b), the Commission shall grant leave to intervene if it finds that "a timely motion for intervention" was made, that the party seeking intervention has "a special interest in the case that is not otherwise adequately represented," or that "intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly disrupting the proceedings."
4. Walmart has a special interest in this case and will present issues and develop facts that will assist the Commission without unduly complicating or disrupting the proceedings.

5. Walmart has the privilege of providing its retail services in the Commonwealth of Kentucky and employs over 30,000 individuals in this Commonwealth with average wages nearly twice the minimum wage.¹ Indeed, Walmart is one of the largest employers in the Commonwealth.

6. Walmart is a large commercial customer of the Company. Walmart has 33 retail units in Kentucky that are served by the Company. Walmart purchases more than 117 million kWh annually from the Company, principally pursuant to service under a Time-of-Day Secondary rate schedule. Electricity 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 and personnel in Kentucky.

7. Walmart was an intervening party and active participant in KU's 2016 rate case, Case No. 2016-00370, and its 2014 rate case, Case No. 2014-00371. Walmart has also been an active participant in other KU matters, including its recent demand side management case, Case No. 2017-00441. In all these matters, Walmart has advocated specifically on its own behalf and for other similarly situated customers.

8. While it is true that the Office of the Attorney General has a statutory mandate pursuant to KRS 367.150(8) to represent consumers' interests, it does not have a mandate to represent a subset or a single customer's interests. Testimony that Walmart would present in this proceeding will provide the unique perspective of a commercial customer impacted by KU's requested rate increase, particularly in light of the impact of the recent rate increase that was implemented as a result of the June 22, 2017, Final Order in KU's 2016 base rate, Case No. 2016-00370. Walmart's unique perspective will assist the Commission in adjudicating this case and evaluating the question of whether the rate increase requested by the Company or otherwise

¹ <https://corporate.walmart.com/our-story/our-locations#/united-states/kentucky>

resolved through settlement is just and reasonable for all rate classes. That unique perspective cannot be provided or represented by the Office of the Attorney General or by any other party to these proceedings.

9. Walmart expects to present the testimony of Gregory W. Tillman, Walmart's Senior Manager, Energy Regulatory Analysis, and may choose to present testimony of other witnesses not yet identified.

10. As an active participant in the 2016 base rate proceeding, 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 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.

11. The attorneys representing Walmart in this proceeding are:

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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

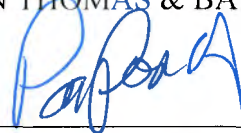
the service list. Walmart plans to cause to be filed motions for Mr. Naum and/or Ms. Harris to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such requests, Walmart requests that Mr. Naum and Ms. Harris be added to the official service list as attorneys authorized 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 Walmart Inc.

Dated: October 16, 2018

CERTIFICATE OF SERVICE

I hereby certify that Walmart's October 16, 2018, electronic filing is a true and accurate copy of the Motion to Intervene to be filed in paper medium; and that on October 16, 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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