

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

IN THE MATTER OF:

**ELECTRONIC APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY FOR AN) CASE NO. 2018-00295
ADJUSTMENT OF ITS ELECTRIC AND GAS RATES)**

MOTION TO INTERVENE OF WALMART INC.

Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), 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, 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 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 19 retail facilities in Kentucky that are served by the Company. Walmart purchases more than 61 million kWh annually in electricity from the Company, principally pursuant to service under Time-of-Day Secondary and Primary rate schedules and the Power Service Primary rate schedule. Walmart purchases approximately 1.1 million 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 and personnel in Kentucky.

7. Walmart was an intervening party and active participant in LGE's 2016 rate case, Case No. 2016-00371, and its 2014 rate case, Case No. 2014-00372. Walmart has also been an active participant in other LGE 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 LGE'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 LGE's 2016 base rate, Case No. 2016-

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

00371. 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 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, 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.

11. The attorneys representing Walmart in this proceeding are:

Don C. A. Parker
Mark E. Heath
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WV 25301
Phone: (304) 340-3800
Fax: (304) 340-3801
E-mail: dparker@spilmanlaw.com
mheath@spilmanlaw.com

Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2742
Fax: (717) 795-2743
E-mail: bnaum@spilmanlaw.com


Carrie M. Harris
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
Phone: (336) 631-1051
Fax: (336) 725-4476
Email: charris@spilmanlaw.com

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 
Don C. A. Parker (Kentucky I.D. No. 94113)
Mark E. Heath (Kentucky I.D. No. 81783)
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WV 25301
Phone: (304) 340-3800
Fax: (304) 340-3801
E-mail: dparker@spilmanlaw.com
mheath@spilmanlaw.com

Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2742
Fax: (717) 795-2743
E-mail: bnaum@spilmanlaw.com

Carrie M. Harris
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103

Phone: (336) 631-1051
Fax: (336) 725-4476
Email: charris@spilmanlaw.com

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:

Robert M. Conroy
Vice President – State Regulation and Rates
LG&E and KU Services Company
220 West Main Street
Louisville, KY 40202
robert.conroy@lge-ku.com

Allyson K. Sturgeon, Esq.
Sara V. Judd, Esq.
LG&E and KU Services Company
220 West Main Street
Louisville, KY 40202
Allyson.Sturgeon@lge-ku.com
sara.judd@lge-ku.com

Rick E. Lovekamp
Manager – Regulatory Strategy/Policy
LG&E and KU Services Company
220 West Main Street
Louisville, KY 40202
rick.lovekamp@lge-ku.com

Kendrick R. Riggs, Esq.
W. Duncan Crosby, III, Esq.
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202-2828
kendrick.riggs@skofirm.com
duncan.crosby@skofirm.com

Lindsey W. Ingram, III, Esq.
Monica H. Braun, Esq.
Gerald E. Wuetcher, Esq.
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, KY 40507-1801
l.ingram@skofirm.com
monica.braun@skofirm.com
gerald.wuetcher@skofirm.com

Kent A. Chandler, Esq.
Rebecca W. Goodman, Esq.
Lawrence W. Cook, Esq.
Office of the Attorney General
Capitol Building, Suite 118
700 Capitol Avenue
Frankfort, KY 40601
Kent.Chandler@ky.gov
Rebecca.Goodman@ky.gov
Larry.Cook@ky.gov

Robert C. Moore, Esq.
Stites & Harbison, PLLC
421 W. Main Street
P.O. Box 634
Frankfort, KY 40602-0634
rmoore@stites.com

Tom FitzGerald, Esq.
Kentucky Resources Council, Inc.
P.O. Box 1070
Frankfort, KY 40602
FitzKRC@aol.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@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com

Emily W. Medlyn, Esq.
U.S. Army Legal Services Agency
Regulatory Law Office (JALS-RL/IP)
9275 Gunston Road
Fort Belvoir, VA 22060-4446
emily.w.medlyn.civ@mail.mil

G. Houston Parrish, Esq.
Office of the Staff Judge Advocate
Building 1310, Room 218
50 3rd Avenue
Fort Knox, KY 40121-5230
glenn.h.parrish.civ@mail.mil

Laurence J. Zielke, Esq.
Janice M. Theriot, Esquire
Zielke Law Firm, PLLC
1250 Meidinger Tower
462 South 4th Street
Louisville, KY 40202
lzielke@zielkefirm.com
jtheriot@zielkefirm.com



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