

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY POWER COMPANY FOR (1) A)	
GENERAL ADJUSTMENT OF ITS RATES)	CASE NO. 2023-00159
FOR ELECTRIC SERVICE; (2) APPROVAL)	
OF TARIFFS AND RIDERS; (3) APPROVAL)	
OF ACCOUNTING PRACTICES TO)	
ESTABLISH REGULATORY ASSETS AND)	
LIABILITIES; (4) A SECURITIZATION)	
FINANCING ORDER; AND (5) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

WALMART INC.'S MOTION FOR SPECIAL ACCOMMODATIONS FOR COUNSEL

Walmart Inc. ("Walmart"), by counsel, files this Motion seeking entry of an Order from the Kentucky Public Service Commission ("Commission") granting special accommodations for counsel related to conflicts with the hearing scheduled for November 28, 2023, and states as follows:

1. Walmart is a participant in the *Application of Virginia Electric and Power Company, for a 2023 biennial review of the rates, terms and conditions for the provision of generation, distribution, and transmission services pursuant to § 56-585.1 A of the Code of Virginia*, Case No. PUR-2023-00101 ("Dominion Rate Case"), which is presently pending before the Virginia State Corporation Commission.
2. The Dominion Rate Case is scheduled to go to hearing beginning on November 28, 2023, at 10:00 AM EST.
3. A settlement has been reached in the Dominion Rate Case, of which Walmart is a signatory party.

4. The undersigned counsel is representing Walmart in the Dominion Rate Case. Because the hearings in the Dominion Rate Case and the above-referenced matter were both scheduled to commence on November 28, 2023, the undersigned counsel arranged for alternative counsel to appear on Walmart's behalf in the Dominion Rate Case.

5. On Thursday, November 16, 2023, the undersigned counsel learned that the counsel with undersigned counsel's firm scheduled to represent Walmart in the Dominion Rate Case underwent emergency surgery, has been hospitalized for several days, and is expected to be unavailable to represent Walmart on November 28, 2023.

6. Due to the nuanced issues involved in the negotiation of the settlement in the Dominion Rate Case, including the reasons for Walmart's willingness to join the settlement in the Dominion Rate Case as a signatory party, the undersigned counsel is not able to easily secure an alternative counsel to appear on Walmart's behalf in the Dominion Rate Case.¹

7. Due to the above scheduling issues, the undersigned counsel has obtained permission from the Virginia State Corporation Commission to participate in the hearing on the Dominion Rate Case via remote means.

8. As such, Walmart requests permission for the undersigned counsel to step out of the hearing on November 28, 2023, and to attend the hearing on the Dominion Rate Case remotely. The undersigned counsel anticipates that the Dominion Rate Case hearing will last no more than two hours.

9. Due to the terms of the settlement agreement presently pending before the Commission, Walmart will not have any cross for any witnesses. Moreover, Walmart's witness

¹ Among other issues, there are no Virginia licensed attorneys who are familiar with these issues and available to attend the hearing on November 28, 2023. Due to the timing, it is not possible for Walmart to secure admission *pro hac vice* of an out-of-state licensed attorney in time for the hearing on November 28, 2023.

Lisa V. Perry will be in the room throughout the hearing on November 28, 2023.

10. In addition to the issues related to the Dominion Rate Case, the undersigned counsel is also representing Walmart before the Illinois Commerce Commission ("ICC") in the presently pending *Order Requiring Commonwealth Edison Company to file an Initial Multi-Year Integrated Grid Plan and Initiating Proceeding to Determine Whether the Plan is Reasonable and Complies with the Public Utilities Act and the Verified Petition of Commonwealth Edison Company for Approval of a Multi-Year Rate Plan under Section 16-108.18 of the Public Utilities Act*, ICC Case Nos. 22-0486/23-0055 (cons.) ("ComEd MYRP Case"). The undersigned counsel was admitted to represent Walmart in this case on a *pro hac vice* basis and is the only counsel actively representing Walmart in this matter.

11. On Friday, November 17, 2023, the undersigned counsel was notified that the ICC granted Motions for Oral Argument filed by several parties on issues including the return on equity ("ROE") to be awarded to ComEd as part of its MYRP, and scheduled that in-person oral argument for Tuesday, November 28, 2023, at 11:00 AM CST.

12. That same day, the undersigned counsel notified the ICC of the conflicts with that oral argument date in light of the hearing in the above-referenced matter and sought permission to participate in the oral argument via remote means.² On Monday, November 20, 2023, the undersigned counsel was notified that the request to participate remotely was approved.

13. To facilitate the undersigned counsel's participation in the oral argument for the ComEd MYRP Case on November 28, 2023, Walmart requests that the Commission take its lunch break at 12:00 PM EST that day. The undersigned counsel anticipates that it can complete the oral

² Similar to the Dominion Rate Case, Walmart has insufficient time to get another counsel admitted *pro hac vice* in time for the oral argument on November 28, 2023.

argument in the ComEd MYRP Case during the one-hour lunch break such that it will not interfere with the hearing in the above-referenced matter.

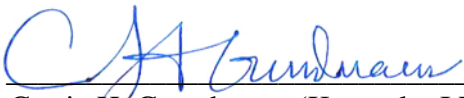
14. Due to the settlement agreement in this case, including the parties' agreement to waive cross on all witnesses, the undersigned counsel's temporary absence from the hearing room to participate remotely in the Dominion Rate Case will not prejudice any party. Similarly, the request for a 12:00 PM EST lunch break on November 28, 2023, to facilitate the undersigned counsel's participation in the oral argument on the ComEd MYRP Case, will not prejudice any party.

15. Walmart appreciates the unique nature of this request and appreciates the Commission's consideration of the special accommodations requested herein.

WHEREFORE, Walmart respectfully requests that the Commission grants its Motion and authorize the undersigned counsel to participate remotely in the Dominion Rate Case on November 28, 2023, and to schedule the lunch break on November 28, 2023, for 12:00-1:00 PM EST to facilitate the undersigned counsel's participation in oral argument on the ComEd MYRP Case.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By 
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Counsel to Walmart Inc.

Dated: November 21, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon parties and/or counsel of record in this proceeding by electronic mail (when available) or by first-class mail, unless otherwise noted, this 21st day of November, 2023, to the following:

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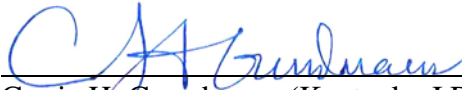
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