

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY UTILITIES COMPANY FOR)	
AN ADJUSTMENT OF ITS ELECTRIC)	CASE NO. 2025-00113
RATES AND APPROVAL OF CERTAIN)	
REGULATORY AND ACCOUNTING)	
TREATMENTS)	

MOTION TO INTERVENE OF WALMART INC.

Pursuant to 807 KAR 5:001 Section 4(11) and K.R.S. §§ 278.310, 278.040(2), Walmart Inc. ("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 states as follows:

1. On April 4, 2025, Kentucky Utilities Company ("KU" or "Company") filed a Notice of Intent to file an Application for an adjustment in its electric rates, and approval of certain regulatory and accounting treatments ("Application").
2. The Company subsequently filed its Application on May 30, 2025.
3. Thereafter, via Order entered June 18, 2025, the Commission accepted KU's Application for filing for meeting the minimum filing requirements and set June 25, 2025, as the last day for intervention requests to be accepted.
4. This Motion to Intervene is timely because it precedes the June 25, 2025, date set by the Commission's June 18, 2025, Order.
5. 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."

6. Walmart's request for leave to intervene is timely filed as it precedes any deadline for intervention being set by the Commission.

7. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2608 SE J Street, Bentonville, AR 72716. Walmart has the privilege of providing its retail services in the Commonwealth of Kentucky, directly employing over 31,000 associates and indirectly supporting another 46,400 supplier jobs within this Commonwealth.¹

8. Walmart is a large commercial customer of the Company. Walmart has 31 retail facilities in Kentucky that are served by KU. Walmart purchased more than 102.7 million kWh in 2024 from KU, principally under the Time-of-Day Secondary Service Rate Schedule ("Rate TODS"). In light of the significant amount of electricity purchased by Walmart, any modification to the Company's rates has the potential to substantially impact Walmart's operations and personnel in Kentucky.

9. Walmart's electricity needs – and the impact of the Company's Application on Walmart's facilities within the Company's service territory – are unique both as compared to other commercial customers and to customers who take service from the Company under Rate TODS. First, Walmart is a single customer that purchases substantial amounts of energy for numerous accounts across multiple locations within the Company's service territory. Other customers purchasing similar amounts of energy often do so for a single or only a handful of locations whereas Walmart's energy needs are for nine different facilities. Second, Walmart's load profile differs significantly from other customers in its rate class because it typically operates more hours

¹ <https://corporate.walmart.com/about/location-facts/united-states/Kentucky>.

per day and does not have the load fluctuations often seen from other customers in its rate class who may see spikes or declines in energy usage due to manufacturing or production processes that vary with changes in economic conditions. Each of these factors make Walmart's interest in this case unique and special.

10. Walmart's interests in this case cannot be adequately represented by any other party. While KRS 367.150(8) – a part of Kentucky's Consumer Protection Act² – imposes a statutory duty on the Kentucky Attorney General's Office of Rate Intervention to represent the interests of "consumers," that duty relates primarily to residential customers as a group. Consistent with the mandate set forth in KRS 361.150(8) and the Kentucky Consumer Protection Act's focus on the individual consumer, the Attorney General has historically focused most closely on issues impacting residential consumers in cases of this nature.³ Walmart is not a residential customer and, in any event, its interest is as a single, large commercial customer that takes service on different rate schedules than residential customers. Thus, the Kentucky Attorney General's Office of Rate Intervention will not represent Walmart's interests in this proceeding.

11. Testimony that Walmart is likely to present in this proceeding will provide the unique perspective of a commercial customer impacted by KU's requested rate increase. Walmart's testimony will also be informed by its experience as a customer that maintains operations on a national basis and is attuned to regional and national issues and trends. Walmart's unique understanding and input 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

² See KRS 361.120(2).

³ Indeed, in *In the Matter of Application of Big Rivers Electric Corporation for Approval to Modify MRSB Tariff, Cease Deferring Depreciation Expenses, Establish Regulatory Assets, Amortize Regulatory Assets, and Other Appropriate Relief*, Case No. 2020-00064 at Post-Hearing Brief of Attorney General, pp. 2-3, the Attorney General advocated for a "per customer" as opposed to a "per kWh" bill credit mechanism, which favored residential customers over other types of customers (e.g., commercial and industrial).

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

12. Walmart was an intervening party and active participant in the Company's 2020 rate case, Case No. 2020-00349, its 2018 rate case, Case No. 2018-00294, its 2016 rate case, Case No. 2016-00370, its 2014 rate case, Case No. 2014-00371, and its 2009 rate case, Case No. 2009-00548.⁴ Aside from rate cases, Walmart has also actively participated in other filings made by the Company.⁵

13. Walmart has also participated in numerous proceedings before this Commission involving Kentucky Power Company ("KPCo")⁶ and Duke Energy Kentucky, Inc. ("Duke Energy Kentucky")⁷. In all of these matters, Walmart has advocated specifically on its own behalf and for other similarly situated customers, offering testimony that provided a perspective different from all other parties participating in those proceedings. Moreover, Walmart did so in a way that provided a more complete record for Commission consideration and without disrupting the

⁴ Walmart has also been an intervening party and active participant before this Commission in matters filed by Louisville Gas and Electric Company ("LGE"), including its 2020 rate case, Case No. 2020-00350, its 2018 rate case, Case No. 2018-00295, its 2016 rate case, Case No. 2016-00371, and its 2014 rate case, Case No. 2014-00372. These cases were consolidated with the corresponding KU rate cases.

⁵ For example, Walmart was an active participant in three of KU/LGE's Demand-Side Management and Energy Efficiency Programs Cases. *Joint Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Review, Modification, and Continuation of Existing, and Addition of New, Demand-Side Management and Energy-Efficiency Programs*, Case No. 2014-00003; *Electronic Joint Application of Louisville Gas and Electric Company and Kentucky Utilities Company for Review, Modification, and Continuation of Certain Existing Demand-Side Management and Energy Efficiency Programs*, Case No. 2017-00441; *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of Demand Side Management Plan*, Case No. 2022-00402.

⁶ Walmart is an active participant in KPCo's rate investigation, Case No. 2021-00370. Walmart was also an intervening party and active participant in the KPCo's 2023 rate case, Case No. 2023-00159, KPCo's and Liberty Utilities Company's merger case, Case No. 2021-00481, KPCo's 2020 rate case, Case No. 2020-00174, KPCo's 2017 rate case, Case No. 2017-00179, KPCo's 2014 rate case, Case No. 2014-00396, and KPCo's 2013 rate case, Case No. 2013-00197.

⁷ Walmart has also been an active participant before this Commission in matters filed by Duke Energy Kentucky, including its 2022 rate case, Case No. 2022-00372, and is currently an active participant in its 2024 rate case, Case No. 2024-00354.

proceedings. Indeed, the Commission relied, in part, on testimony provided by Walmart in awarding KPCo a 9.70 percent return on equity in its 2017 rate case.⁸

14. Walmart expects to present the testimony of Lisa Perry, Director, Utility Partnerships – Regulatory at Walmart, and may choose to present the testimony of other witnesses not yet identified.

15. The attorneys representing Walmart in this proceeding are:

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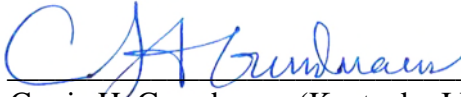
Ms. Grundmann is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Lee be added to the service list. Walmart may file a Motion for Mr. Lee to be admitted *pro hac vice* before this Commission, and subsequent to the Commission granting such request, Walmart requests that Mr. Lee be added to the official service list as an attorney authorized to accept service of papers in this proceeding.

⁸ *In the Matter of Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric Service; (2) An Order Approving its 2017 Environmental Compliance Plan; (3) An Order Approving its Tariffs and Riders; (4) An Order Approving Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) An Order Granting All other Requested Approvals and Relief*, Case No. 2017-00179 ("KPCo 2017 Base Rate Case"), Final Order (entered Jan. 18, 2018), pp. 29-30, the Commission cited to specifically to Walmart Witness Greg Tillman's testimony regarding nationwide trends on ROE in awarding KPCo a 9.70 percent ROE and rejecting the 9.75 percent ROE proposed in a settlement agreement.

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

Respectfully submitted,

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By 

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Counsel to Walmart Inc.

Dated: June 20, 2025

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 20th day of June, 2025, to the following:

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