

LAW OFFICES

MILLER, GRIFFIN & MARKS, P.S.C.

271 WEST SHORT STREET
SECURITY TRUST BUILDING, SUITE 600
LEXINGTON, KENTUCKY 40507-1292

TELEPHONE (859) 255-6676
FAX (859) 259-1562

CARROLL M. REDFORD III
CMR@KENTUCKYLAW.COM

WWW.HORSELAW.COM
WWW.KENTUCKYLAW.COM

July 29, 2010

VIA HAND DELIVERY

Mr. Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602

RECEIVED

JUL 29 2010

PUBLIC SERVICE
COMMISSION

RE: Case No. 2010-00146

Dear Mr. Derouen:

Enclosed for filing, please find the original and twelve (12) copies of (1) Petition For Leave to File Out-Of-Time; and (2) Petition to Intervene of Wal-Mart Stores East, LP and Sam's East, Inc. All parties listed on the Certificate of Service have been served.

Also, enclosed are extra copies of each filing. Please stamp each as "received" and return them with the messenger.

Please do not hesitate to contact me should you have questions.

Sincerely,



CARROLL M. REDFORD, III

Enclosure

F:\Share\TR\LTR\Wal-mart-ltr to PSC--7.29.2010.doc

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 29 2010

PUBLIC SERVICE
COMMISSION

In Investigation of the Impact)
Of Federal Policy on Natural Gas) **Administrative Case No. 2010-00146**
To Kentucky Consumers and Suppliers)
)

PETITION FOR LEAVE TO FILE OUT-OF-TIME

Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, moves this Commission to permit Walmart to file its Petition to Intervene out-of-time on the following grounds:

1. On April 19, 2010, this Commission issued an order on its own motion establishing an investigation of natural gas retail competition programs for the purpose of determining if benefits could be derived from these programs, and to determine whether natural gas retail competition programs could be crafted to benefit Kentucky consumers. The Commission set an intervention deadline of May 18, 2010 for entities other than jurisdictional natural gas distribution utilities with more than 15,000 subscribers, who were automatically made parties to the proceeding. The Commission also directed the Executive Director to cause a copy of the order to be sent to the Attorney General, Kentucky natural gas marketers, consumer group representatives, and representatives of all classes of customers that have in the past intervened in proceedings of this nature.

2. Walmart is a national retailer of goods and services throughout the United States. Walmart's energy department is located at 2001 SE 10th Street, Bentonville AR 72716-0550. Walmart has the privilege of providing its retail services in the Commonwealth of Kentucky.

Walmart has approximately one hundred and one (101) facilities in Kentucky that are served by Kentucky utilities. These facilities include distribution centers, Supercenters, discount stores, Sam's Clubs, gas stations, and Neighborhood Markets. Walmart is a large commercial customer and is also a leader in energy efficiency and the deployment of demand-side management technology in its facilities. Since January 2010, Walmart has participated as a party in two electric rate cases before this Commission.

3. Walmart respectfully requests leave to file its motion to intervene out-of-time on the following grounds:

a) While Walmart's participation in proceedings before this Commission commenced early in 2010, Walmart believes that when the Commission instructed that representatives of rate classes receive a copy of the initial notice, that Walmart was the type of ratepayer representative for whom notice was intended.

b) Walmart was not served a copy of the April 19, 2010, and being a relatively new participant in matters before this Commission, Walmart can understand why it may not have been included on the list of noticed recipients. However, had Walmart been notified, it would have caused a timely motion to intervene to have been filed.

c) As the only large commercial customer so far to have requested intervention, albeit late, Walmart's participation could assist this Commission in its decision-making process by supplementing the record with evidence and perspective that might otherwise not materialize. Moreover, by the very nature of this policy docket, the Commission's decision-making process would be improved with greater input from a larger number of participants.

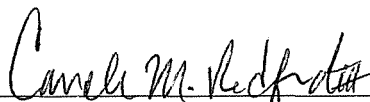
d) Walmart agrees to accept the record and procedural schedule as it stands at the time and in the event that the Commission grants Walmart's out-of-time request to intervene. As such, Walmart's participation shall neither delay the proceeding nor place an undue burden on this Commission or the parties to this proceeding.

For good cause shown, Walmart, hereby moves this Commission to permit it to file out-of-time its Motion to Intervene in this proceeding.

DATED: July 28, 2010

Respectfully submitted,

WAL-MART STORES EAST, LP AND SAM'S EAST, INC.



By: Carroll M. Redford, III (#184069)
Miller, Griffin & Marks, P.S.C.
Security Trust Building
271 W. Short St., Suite 600
Lexington, Kentucky, 40507
Telephone: (859) 255-6676
cmr@kentuckylaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2010, a copy of Walmart's Motion for Leave to File Out-of-Time and Petition to Intervene were each served by mailing a true and correct copy via electronic mail (when available) and by first-class postage prepaid mail to:

Lonnie E Bellar
VP - State Regulation an
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

John B Brown
Chief Financial Officer, Treasurer
Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391

Judy Cooper
Manager, Regulatory Services
Columbia Gas of Kentucky, Inc.
2001 Mercer Road
P. O. Box 14241
Lexington, KY 40512-4241

Rocco D'Ascenzo
Senior Counsel
Duke Energy Kentucky, Inc.
139 East 4th Street, R. 25 At II
P. O. Box 960
Cincinnati, OH 45201

John M Dosker
General Counsel
Stand Energy Corporation
1077 Celestial Street
Building 3, Suite 110
Cincinnati, OH 45202-1629

Trevor L Earl
Reed Weitkamp Schell & Vice PLLC
500 West Jefferson Street
Suite 2400
Louisville, KY 40202-2812

Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602
Michael T Griffith
ProLiance's
111 Monument Circle Suite 2200
Indianapolis, IN 46204

Lisa Kilkelly
Attorney at Law
Legal Aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KY 40202

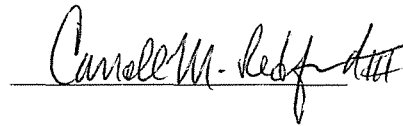
Brooke E Leslie
Columbia Gas of Kentucky, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, OH 43216-0117

Matthew R Malone
Attorney at Law
Hurt, Crosbie & May PLLC The Equus Building
127 West Main Street
Lexington, KY 40507

Mark Martin
VP Rates & Regulatory Affairs
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303

John B Park
Katherine K. Yunker
Yunker & Park, PLC
P.O. Box 21784
Lexington, KY 40522-1784

Iris G Skidmore
415 W. Main Street, Suite 2
Frankfort, KY 40601



A handwritten signature in cursive script, reading "Candace M. Redford", is written over a horizontal line.

F:\Share\TR\PLDG\Smith Holly re KY Gas--intervene final walmart approved.doc