

REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group.

Docket No. 140226-EI

Filed: June 1, 2015

RECEIVED - FPSC
15 JUN - 1 PM 4: 58
COMMISSION CLERK

**WAL-MART STORES EAST, LP'S AND SAM'S EAST, INC.'S
NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION**

Wal-Mart Stores East, LP and Sam's East, Inc. (collectively referred to as "Walmart"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby files its Notice of Intent to Request Confidential Classification of a certain table produced by Walmart in response to Staff's First Set of Interrogatories (Nos. 1-11), specifically the table identified as Attachment No. 1, which comprises Walmart's Response to Staff's Interrogatory No. 1. (Staff's First Set of Interrogatories is attached hereto as Exhibit A.) The table produced by Walmart identified as confidential (the "Confidential Table") contains proprietary confidential business information, as that term is defined in Section 366.093(3), Florida Statutes, regarding Walmart's electricity usage. The disclosure of this proprietary confidential business information would adversely impact Walmart's competitive business interests.

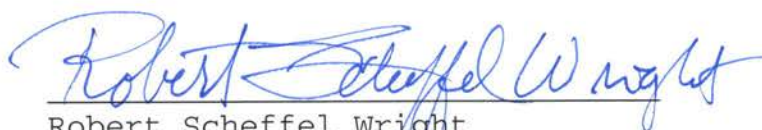
Attached as Exhibit B is a copy of the public version of the Confidential Table, in redacted format. Attached as Exhibit C -

COM
AFD
APA
ECO
ENG
GCL
IDM
TEL
CLK

to the copy of this Notice being filed with the Commission Clerk only - is a copy of the Confidential Table, showing the redacted information highlighted in yellow.

Pursuant to Rule 25-22.006(3)(a)(1), Walmart will file its Request for Confidential Classification for the Confidential Table within twenty-one (21) days of filing this Notice of Intent.

Respectfully submitted this 1st day of June, 2015.



Robert Scheffel Wright
Florida Bar No. 966721
schef@gbwlegal.com
John T. LaVia, III
Florida Bar No. 853666
jlavia@gbwlegal.com
Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
(850) 385-0070 Telephone
(850) 385-5416 Facsimile

Attorneys for Wal-Mart Stores
East, LP and Sam's East, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 1st day of June 2015, to the following:

Lee Eng Tan
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
ltan@psc.state.fl.us

Jeffrey A. Stone/Russell A. Badders
Steven R. Griffin
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com /rab@beggslane.com
srg@beggslane.com

Robert L. McGee, Jr.
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
rlmcgee@southernco.com
lroddy@southernco.com

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
bkeating@gunster.com

James Beasley / J. Wahlen
Ashley Daniels
Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com
adaniels@ausley.com

Cheryl Martin
Florida Public Utilities Company
Regulatory Affairs
1641 Worthington Road
Suite 220
West Palm Beach, FL 33409-6703
cheryl_martin@fpuc.com

Jon C. Moyle, Jr./Karen Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com

Kenneth Hoffman
Florida Power & Light Company 215
South Monroe Street
Suite 810
Tallahassee, FL 32301-1858
Ken.hoffman@fpl.com

Matthew Bernier
Cameron L. Cooper
106 East College Avenue Suite 800
Tallahassee, FL 32301
matthew.bernier@duke-energy.com

John T. Burnett/Dianne M. Triplett
Duke Energy
Post Office Box 14042
St. Petersburg, FL 33733
John.burnett@duke-energy.com
Dianne.triplett@duke-energy.com

Jessica Cano
Florida Power & Light Company 700
Universe Blvd.
Juno Beach, FL 33408
Jessica.Cano@fpl.com


Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group.

DOCKET NO. 140226-EI

DATED: MAY 11, 2015

STAFF'S FIRST SET OF INTERROGATORIES TO
WAL-MART STORES EAST, LP AND SAM'S EAST, INC. (NOS. 1-11)

The Staff of the Florida Public Service Commission, by and through its undersigned attorney, propounds the following interrogatories, pursuant to Rule 1.340, Florida Rules of Civil Procedure, to Wal-Mart Stores East, LP and Sam's East, Inc. (Wal-Mart). These interrogatories shall be answered under oath by you or your agent, who is qualified and who will be identified, with the answers being served as provided by the Rules of Civil Procedure, **and within the time period set out in Order No. PSC-15-0149-PCO-EI filed on April 1, 2015.** As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it.

Give the name, address, and relationship to (Wal-Mart) of those persons providing the answers to each of the following interrogatories.

If an interrogatory contained herein asks for information that has already been provided or is in the process of being provided to the Commission through a Commission audit, please so state, indicating the date provided and the audit document/record request number.

DEFINITIONS

"You", "your", "Company" or "Wal-Mart" refers to Wal-Mart Stores East, LP and Sam's East, Inc., its employees and authorized agents.

STAFF'S FIRST SET OF INTERROGATORIES TO
WAL-MART STORES EAST, LP AND SAM'S EAST, INC. (NOS. 1-11)
DOCKET NO. 140226-EI
PAGE 2

"Document" refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

"Identify" means:

- (a) With respect to a person, to state the person's name, address and business relationship (e.g., "employee") to the Company;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

INTERROGATORIES

1. Please refer to page 3, lines 16-22 of witness Baker's testimony, in which he states that his proposals would apply to Florida's four large investor-owned utilities. He further states that Walmart is a significant customer of each of these utilities, and that in the aggregate, Walmart used approximately 1.5 billion kWh of electricity in Florida in 2013. Please use the chart below to indicate the number of Walmart stores and total annual kWh used by Walmart in each IOU's service territory. Please provide your response in Excel format.

Year	Florida Power & Light		Duke Energy Florida		Tampa Electric Company		Gulf Power Company	
	# of Walmarts	annual kWh usage	# of Walmarts	annual kWh usage	# of Walmarts	annual kWh usage	# of Walmarts	annual kWh usage
2010								
2011								
2012								
2013								
2014								

2. On page 4, lines 4-6, witness Baker states that, "A customer, whether commercial or industrial, that implements DSM and EE measures on its own yields network benefits for all of the Company's other customers."
 - a) Please identify the basis for this statement.

- b) Please identify the results if the reduction in energy sales leads to fixed revenue losses greater than the benefits of deferring or avoiding new capacity additions.
- c) Would it also be true that the energy savings resulting from utility-sponsored demand-side management programs also benefits all of the Company's customers? Please explain.
3. Current demand-side management goals are based on the Rate Impact Measure (RIM) cost-effectiveness test. On page 8 of her testimony, Gulf witness Todd refers to the RIM test as the "no losers" test because it accounts for impacts on both participating and non-participating customers. Each of the utilities have provided testimony that further states that an opt-out provision would shift costs from customers who choose to opt-out of energy efficiency programs, to customers who continue to participate in energy efficiency programs.
- a) Does Walmart agree with the utilities' statement that an opt-out provision would shift costs from customers who choose to opt-out of utility sponsored energy efficiency programs, to customers who continue to participate in energy efficiency programs? Please explain.

- b) Does Walmart believe that it is prudent for a utility's remaining customers who do not participate in the opt-out program, to receive increases in energy efficiency costs as a result of customers opting out of energy efficiency program participation? If yes, please explain in detail.
- c) Since programs that pass the RIM test are beneficial to all customers who participate in a utility's energy efficiency programs as well as non-participants, why does Walmart believe it is being harmed by participating in utility-sponsored energy efficiency programs?
4. Please explain how witness Baker arrived at the proposed 15 million annual kWh threshold for qualifying participants in the proposed opt-out program. In your response, please provide any related documents that were used in the analyses to develop the proposed thresholds.

5. Please refer to page 3, lines 5-14 of witness Baker's testimony. Why does the witness believe it is appropriate to separate energy and demand for those programs that impact both energy and demand? Please explain.

6. Does Walmart as a corporation use different investment evaluations (return on investment, cost-effectiveness, simple payback) in determining what energy efficiency programs are selected to be implemented at individual stores? Please identify what investment evaluation criteria is used by Walmart stores.

7. Regardless of the investment evaluation used by Walmart as a corporate entity or at individual stores, does the implicit discount rate or required return on investment – sometimes referred to as investment hurdle rate – used in the investment evaluation technique vary by state or store level? If not, what is the standard investment criterion that must be met to implement an energy efficiency investment?

STAFF'S FIRST SET OF INTERROGATORIES TO
WAL-MART STORES EAST, LP AND SAM'S EAST, INC. (NOS. 1-11)
DOCKET NO. 140226-EI
PAGE 7

8. Assuming the answer to number 7 varies between one or more stores, how would Walmart recommend the proposal be modified to ensure that ALL stores in Florida use standard investment criteria to ensure that all cost-effective energy investments are undertaken as proposed in the opt-out petition?

9. Does Walmart disagree with the statement that, "a utility rebate or provision of other low cost or no cost technical services by the utility lowers the investment hurdle rate for Walmart to implement energy efficiency investments and therefore increases the potential universe for such investments." Please explain why this is not an accurate statement.

10. Does Walmart have employees that are specifically responsible for energy efficiency investments? If so, please discuss the role of these employees in making these investments. Provide the title or profession of the individual(s) responsible for making energy efficiency investment evaluations and reporting or tracking the savings from these investments.

11. If the utility experiences additional administrative costs due to an opt-out provision, should these administrative costs be borne by the customers who choose to opt-out? Why or why not?

s/ Lee Eng Tan

LEE ENG TAN

Senior Attorney, Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd.

Tallahassee, FL 32399-0850

(850) 413-6199

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF _____)

I hereby certify that on this _____ day of _____, 2015, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) _____ from STAFF'S FIRST SET OF INTERROGATORIES TO WAL-MART STORES EAST, LP AND SAM'S EAST, INC. (NOS. 1-11) in Docket No(s). 140226-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this _____ day of _____, 2015.

Notary Public
State of Florida, at Large

My Commission Expires:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group.	DOCKET NO. 140226-EI DATED: MAY 11, 2015
--	---

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one correct copy of STAFF'S FIRST SET OF INTERROGATORIES TO WAL-MART STORES EAST, LP AND SAM'S EAST, INC. (NOS. 1-11) has been served by electronic mail to Robert Scheffel Wright (schef@gbwlegal.com), ESQUIRE, 1300 Thomaswood Drive, Tallahassee, FL 32308 and that a true copy thereof has been furnished to the following by electronic mail this 11th day of May, 2015:

Jon C. Moyle, Jr.
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street, Suite 601
Tallahassee, FL 32301
bkeating@gunster.com

James Beasley
J.Wahlen
Ashley Daniels
Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com
adaniels@ausley.com

Robert L. McGee, Jr.
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
rlmcgee@southernco.com

Jeffrey A. Stone/Russell A. Badders
Steven R. Griffin
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Ken Rubin
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408
Ken.Rubin@fpl.com

Matthew Bernier/ Cameron L. Cooper
106 East College Avenue Suite 800
Tallahassee, FL 32301
matthew.bernier@duke-energy.com

Cheryl Martin, Director
Florida Public Utilities Company
Regulatory Affairs
1641 Worthington Road
Suite 220
West Palm Beach, FL 33409-6703
cheryl_martin@fpuc.com

Kenneth Hoffman, V.P., Regulatory Relations
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Ken.hoffman@fpl.com

John T. Burnett/Dianne M. Triplett
Duke Energy
Post Office Box 14042
St. Petersburg, FL 33733
John.burnett@duke-energy.com
Dianne.triplett@duke-energy.com

s/ Lee Eng Tan

LEE ENG TAN

Senior Attorney, Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6199

PSC DOCKET NO. 140226-EI, WALMART'S RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES

ATTACHMENT NO. 1

FLORIDA UTILITIES STATISTICS

YEAR	FLORIDA POWER & LIGHT		DUKE ENERGY FLORIDA		TAMPA ELECTRIC COMPANY		GULF POWER	
	No. of WALMARTS	Annual kWh Usage	No. of WALMARTS	Annual kWh Usage	No. of WALMARTS	Annual kWh Usage	No. of WALMARTS	Annual kWh Usage
2010	108	██████████	49	██████████	27	██████████	18	██████████
2011	116	██████████	54	██████████	31	██████████	21	██████████
2012	117	██████████	57	██████████	32	██████████	24	██████████
2013	123	██████████	61	██████████	31	██████████	24	██████████
2014	131	██████████	66	██████████	36	██████████	25	██████████