

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for a limited proceeding to : **DOCKET NO. 20200176-EI**
approve clean energy connection program :
and tariff and stipulation, by Duke Energy :
Florida, LLC. : **Filed: September 25, 2020**

**PETITION TO INTERVENE OF
WALMART INC.**

Pursuant to Sections 120.569 and 120.57 of the Florida Statutes and Rules 25-22.039, 28-106.201, and 28-106.205 of the Florida Administrative Code, Walmart Inc. ("Walmart"), by its attorneys, respectfully petitions the Florida Public Service Commission ("Commission") for permission to intervene in the above-captioned proceeding. In support thereof, Walmart represents to the Commission:

1. Petitioner is Walmart, 2608 SE J Street, Bentonville, AR 72716.
2. The name and address of Petitioner's attorneys are:

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Ms. Eaton is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also requests that Mr. Williamson and Mr. Naum be added jointly to the service list. Walmart may cause to be filed a motion for either Mr. Williamson or Mr. Naum to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Williamson and Mr. Naum be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On July 1, 2020, Duke Energy Florida, LLC ("DEF" or "Company") filed a Petition requesting approval of DEF's new Clean Energy Connection Program ("CEC Program"), in the above-referenced proceeding ("Petition"). The CEC Program is a "voluntary community solar program that will allow customers to pay a subscription fee in exchange for receiving bill credits related to the solar generation produced by the CEC Program facilities." Petition at 2. DEF is also requesting approval of the associated Tariff, included as an Exhibit to Mr. Lon Huber's testimony, and Stipulation, included as Exhibit A to DEF's Petition.

4. Walmart is a national retailer of goods and services through the United States with its principal office located at 2608 SE J Street, Bentonville, AR 72716.

5. Statement of Substantial Interest. Walmart has the privilege of providing its retail services in the State of Florida through its 231 Supercenters, 9 Discount Stores, 98 Neighborhood Markets, 46 Sam's Clubs, and 8 Distribution Centers.¹ Walmart is also a retail customer of DEF. Walmart has 73 retail units and one distribution center served by DEF. Walmart purchases more than 290 million kWh annually from DEF. The cost of electric utility service is a significant element in the cost of operation for Walmart at multiple locations throughout the state, which could

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

be impacted by the outcome in this case, thus Walmart has a unique and substantial interest in this matter.

6. In addition, Walmart has established aggressive and significant renewable energy goals. In 2005, Walmart set an aspirational goal to be supplied 100 percent by renewable energy.² On November 4, 2016, Walmart announced new sustainability goals for 2025 that build on its existing energy goals and include sourcing half of its global energy needs from renewable sources and, through a combination of renewable energy and energy efficiency, reducing emissions in its operations by 18 percent.³ Finally, on September 21, 2020, Walmart announced that it would be supplied 100 percent by renewable energy by 2035 and zero its emissions from operations by 2040.⁴ The Corporate Renewable Energy Buyer's Principles, published by World Resources Institute and World Wildlife Fund, and to which Walmart is a signatory, provides more detail around corporate customer renewable energy needs.⁵ In light of this commitment to renewable energy, Walmart is interested in having access to a renewable energy product within DEF's service territory; therefore, Walmart is favorably interested in the structure and design of the proposed CEC Program and associated tariff. Walmart is also a signatory to the Stipulation. DEF's filing in this case squarely addresses and will impact critical interests for Walmart with respect to its energy consumption.

7. Walmart has a substantial and vital interests in the outcome of this proceeding that cannot be adequately represented by any other party.

² <http://corporate.walmart.com/global-responsibility/environmental-sustainability>

³ <http://news.walmart.com/2016/11/04/walmart-offers-new-vision-for-the-companys-role-in-society>

⁴ <https://corporate.walmart.com/newsroom/2020/09/21/walmart-sets-goal-to-become-a-regenerative-company>

⁵ <http://buyersprinciples.org/principles/>

8. Statement of Affected Interests. In the above-referenced proceeding, the Commission will consider whether to approve DEF's CEC Program and its attendant Tariff and Stipulation. The Commission's decision will affect DEF and its customers, including Walmart, as follows:

a. DEF is proposing to build ten 74.9 megawatt ("MW") solar farms, totaling approximately 750 MW. Petition at 4. These solar resources are cost-effective and are projected to create net system savings of approximately \$533 million. *Id.*

b. Walmart advocates for increased reliance on solar power, and strongly supports voluntary programs that expand customers' options for relying on solar to meet their electricity needs. Walmart has an interest in ensuring that the community solar program proposed by DEF is designed to fully and fairly value solar resources, maximize opportunities for participation, and bring the lowest cost solar resources to customers.

c. In advance of DEF's Petition, Walmart engaged in numerous conversations with DEF in order to secure improvements to the planned program and tariff. As stated in the Petition, Walmart, Southern Alliance for Clean Energy, and Vote Solar signed a Stipulation with DEF concerning the program (Stipulation attached to DEF's Petition as Exhibit A).

d. The CEC Program's \$533 million in projected savings are allocated so that 12.7% flow to participants and 87.3% flow to the general body of DEF customers. *Id.* at Exhibit A, p. 5. Walmart believes that this benefit-sharing arrangement is both an innovative and fair way to apportion the benefits of the CEC Program.

e. The Stipulation also includes commitments from DEF to glean information gained from the program to evaluate future deferment of planned gas infrastructure; to

collect and share data with stakeholders on customers' own investments in solar photovoltaics ("PV"); to utilize a competitive solicitation process in its development of the solar resources; and to conduct an analysis of a potential future add-on program mobilizing battery storage paired with on-site solar for back-up power at critical loads. Walmart believes that these commitments will continue to advance DEF's, stakeholder's, and the Commission's experience and knowledge concerning solar resources.

f. In summary, Walmart believes that this Stipulation represents a fair, just and reasonable resolution of issues that otherwise would have been litigated in this proceeding. Walmart believes that the CEC Program, tariff, and Stipulation are in the public interest and asks for their approval by the Commission.

9. Statement of Position. Walmart's position as a DEF customer as set forth above provides it standing, and in light of the reasons set out in this Petition to Intervene, Walmart has an interest in ensuring that the CEC Program as approved is fair, just and reasonable.

10. Disputed Issues of Material Fact. Walmart does not dispute the material facts stated by DEF.

11. Statement of Ultimate Facts Alleged and at Issue. Walmart is a large, multi-account customer of DEF with a substantial commitment to renewable energy and a signatory to the Stipulation, which warrants its intervention in this Docket. Ultimate facts alleged and at issue include, but are not limited to, the following:

- a. Whether DEF has met its burden of proof in this matter; and
- b. Whether DEF's CEC Program, Tariff, and Stipulation are in the public interest.

12. Rules and Statutes Justifying Relief. As set forth herein, Walmart is entitled to intervene in this docket. The rules and statutes that entitle Walmart to intervene and participate in this case include, but are not limited to, the following:

- a. Section 120.569 of the Florida Statutes;
- b. Section 120.57 of the Florida Statutes;
- c. Section 25-22.039 of the Florida Administrative Code;
- d. Section 28-106.201 of the Florida Administrative Code; and
- e. Section 28-106.205 of the Florida Administrative Code.

13. Requested Relief. Walmart requests that it be permitted to intervene as a full party in this proceeding in light of its interests in this case, which as set forth above establish that Walmart is a large, multi-account customer of DEF, that Walmart supports specific renewable energy and sustainability goals, and that Walmart is a signatory to the stipulation.

14. Pursuant to Rule 28-106.204(3) F.A.C., Walmart conferred with the parties regarding Walmart's intervention. No party has indicated an objection to Walmart's intervention.⁶

⁶ DEF, the Office of Public Counsel, the League of United Latin American Citizens of Florida, the Southern Alliance for Clean Energy, and Vote Solar have indicated that they do not object or take no position to Walmart's intervention. The Florida Industrial Power Users Group has not responded to date.

WHEREFORE, Walmart Inc. respectfully requests that the Commission grant this Petition to Intervene and be provided with full party status in this proceeding.

Respectfully submitted,

By /s/ Stephanie U. Eaton

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Counsel to Walmart Inc.

Dated: September 25, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to the following parties this 25th day of September, 2020.

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