

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Tampa Electric Company : **DOCKET NO. 20210034-EI**
:
:
: **Filed: May 11, 2021**

**PETITION TO INTERVENE OF
WALMART INC.**

Pursuant to Sections 120.569 and 120.57 of the Florida Statutes and Rule 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, consolidated proceedings. 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. Naum be added to the service list. Walmart may cause to be filed

a motion for Mr. Naum to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Naum be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On April 9, 2021, Tampa Electric Company ("TECO" or "Company") filed a Petition for a general rate increase. In the Petition, TECO is requesting a general base rate increase of \$295 million to be effective January 1, 2022. The Company is also seeking approval of an additional increase of \$102 million, effective January 1, 2023, and \$26 million, effective January 1, 2024. In total, TECO is requesting a base rate increase of \$423 million. The Company is also requesting approval of a return on equity ("ROE") of 10.75 percent.

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 TECO. Walmart has 36 retail units and one distribution center served by TECO. Walmart purchases more than 140 million kWh annually from TECO, pursuant to Schedules Time-of-Day General Service – Demand and General Service – Demand.

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

7. As a large customer with multiple accounts, Walmart has a substantial and vital interest in the outcome of this proceeding that cannot be adequately represented by any other party.

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

8. Statement of Affected Interests. In the above-referenced proceeding, the Commission will consider whether to approve TECO's Petition. The Commission's decision will affect the Company and its customers, including Walmart, in the following ways. If approved, the Petition will increase TECO's base rates as follows: (a) by \$295 million effective January 1, 2022; (b) by \$102 million effective January 1, 2023; and (c) by \$26 million effective January 1, 2024. In addition, TECO has requested an ROE of 10.75 percent.

9. As a large electric consumer with multiple accounts served by TECO, Walmart will be substantially affected by the outcome of this proceeding. TECO's proposed rate increase will directly impact the cost of power supplied by the Company to Walmart's facilities located in the TECO's territory, thereby affecting its operating costs.

10. Statement of Position. Walmart's position as a customer of TECO as set forth above provides its standing, and in light of the reasons set out in this Petition to Intervene, Walmart has an interest in ensuring that Commission approval of TECO's Petition will result in rates that are fair, just, and reasonable.

11. Disputed Issues of Material Fact. At this time, Walmart has not identified disputed issues of material facts stated by TECO.

12. Statement of Ultimate Facts Alleged and at Issue. Ultimate facts alleged and at issue include, but are not limited to, the following:

- a. Whether Commission approval of TECO's Petition and proposals will result in rates that are fair, just, and reasonable; and
- b. Whether Commission approval of TECO's Petition in its entirety is in the public interest.

Walmart anticipates that other ultimate facts and issues may arise during the course of these proceedings.

13. 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; and
- c. Section 28-106.205 of the Florida Administrative Code.

14. 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 TECO.

15. 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.²

² TECO, Office of Public Counsel, Florida Industrial Power Users Group, and Federal Executive Agencies have indicated that they do not object to Walmart's intervention.

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: May 11, 2021

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 11th day of May, 2021.

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