

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Florida Power & Light : Docket No. 20190061-EI
Company for Approval of FPL : :
SolarTogether Program and Tariff : Filed: July 19, 2019

**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, 2001 SE 10th Street, Bentonville, AR 72716-5530.
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 Ms. Grundmann and Mr. Williamson be added jointly to the service list. Walmart may cause to be filed a motion for Ms. Grundmann or Mr. Williamson to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Ms. Grundmann and Mr. Williamson be added to the office service list as an attorney authorized to accept service of papers in this proceeding.

3. On March 13, 2019, Florida Power & Light Company ("FPL") filed a Petition requesting approval of a voluntary community solar program ("SolarTogether" or "Program") that will allow customers to subscribe to a portion of new solar capacity built through the Program. In return, participating FPL customers will receive a credit for the portion of system savings produced by that solar capacity. FPL is also requesting approval of the associated Rate Schedule STR.

4. Walmart is a national retailer of goods and services through the United States with its principal office located at 2001 SE 10th Street, Bentonville AR 72716-5530.

5. Statement of Substantial Interest. Walmart has the privilege of providing its retail services in the State of Florida through its 223 Supercenters, 10 Discount Stores, 75 Neighborhood Markets, 48 Sam's Clubs, and 8 Distribution Centers. Walmart purchases more than 650 million kWh annually from FPL pursuant to Schedules GSLDT-1, GSDDT-1, SDTR, GSD-1, and HLFT. The cost of electric utility service is a significant element in the cost of operation for Walmart's facilities. As such, Walmart is a large customer of FPL with multiple accounts, and its interests are unique.

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.¹

¹ <http://corporate.walmart.com/global-responsibility/environmental-sustainability>

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.² 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.³ In light of this commitment to renewable energy, Walmart is interested in having access to a renewable energy product within FPL's' service territory and has preregistered for the SolarTogether Program; therefore, Walmart is favorably interested in the structure and design of the proposed SolarTogether Program and Rate Schedule STR. FPL's filing in this case squarely addresses and will impact critical interests for Walmart with respect to its energy consumption.

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

8. Disputed Issues of Material Fact. Walmart has not yet confirmed disputed issues of material fact in this docket, but issues are likely to arise, whether through further analysis of the FPL filing or as identified by other parties to the case, that may include:

- a. Whether the effective SolarTogether Program cap of 1,490 MW (Phase 1) is appropriate.
- b. Whether the expected pricing for the Program is just and reasonable.
- c. Whether the proposed terms of service are just and reasonable.

² <http://news.walmart.com/2016/11/04/walmart-offers-new-vision-for-the-companys-role-in-society>

³ <http://buyersprinciples.org/principles/>

- d. Whether the proposed enrollment levels, including allocations of capacity, are just and reasonable.
- e. Whether SolarTogether Program charges and credits are just and reasonable in light of cost causation.

Walmart reserves all rights to raise additional issues of material fact in accordance with the Commission's rules and any procedural order that is issued by the Commission.

9. Disputed Legal Issues. Walmart has not yet confirmed disputed legal issues, but issues are likely to arise, whether through further analysis of the FPL filing or as identified by other parties to the case, that may include:

- a. Whether FPL has proven that it is entitled to the requested relief that it seeks.
- b. Whether FPL's proposal in this case, including pricing, meets the just and reasonable standard.
- c. Whether FPL can fulfill its burden of proof.

Walmart reserves all rights to raise additional legal issues in accordance with the Commission's rules and any procedural order that is issued by the Commission.

10. Statement of Ultimate Legal Facts Alleged. The interests of Walmart as a large, multi-account customer of FPL, its commitment to renewable energy, and its pre-registration in the proposed program at issue in the case warrant intervention. In addition, ultimate facts include, but are not limited to, the following:

- a. That the relief requested by FPL, and proposals set forth by FPL in support thereof, should be approved by the Commission upon a showing that they are just, reasonable, and in the public interest.

11. Rules and Statutes Justifying Relief. 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.

12. 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 FPL, that Walmart supports specific renewable energy and sustainability goals, and that, accordingly, Walmart has preregistered for the SolarTogether Program at issue in this case.

13. Pursuant to Rule 28-106.204(3) F.A.C., Walmart conferred with the parties regarding Walmart's intervention. To date, no party has indicated an objection to Walmart's intervention.⁴

⁴ On July 16, 2019, Walmart contacted: FPL, Office of Public Counsel ("OPC"); Florida Industrial Power Users Group ("FIPUG"); Southern Alliance for Clean Energy ("SACE"); and Vote Solar. FPL, OPC, Vote Solar, and SACE have all indicated that they have no objection or take no position with respect to Walmart's intervention. FIPUG 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: July 19, 2019

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 19th day of July, 2019.

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