



**SPILMAN THOMAS & BATTLE, PLLC**

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December 31, 2015

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**Re: Petition of PECO Energy Company for Approval of its Act 129 Phase III  
Energy Efficiency and Conservation Plan;  
Docket No. M-2015-2515691**

Dear Secretary Chiavetta:

Please find attached for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the Petition to Intervene of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), in the above-referenced matter.

This document was filed electronically with the Commission on this date. All parties are being served a copy of this document in accordance with the enclosed Certificate of Service.

Please contact me if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By

Derrick Price Williamson  
Barry A. Naum

BAN/sds  
Enclosures

c: Administrative Law Judge Angela T. Jones (via E-mail and First-Class Mail)  
Administrative Law Judge Darlene Heep (via E-mail and First-Class Mail)  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company For :  
Approval of its Phase III Energy Efficiency : Docket No. M-2015-2515691  
and Conservation Plan :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the following parties to this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by participant).

**VIA E-MAIL & FIRST-CLASS MAIL**

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Barry A. Naum

Dated: December 31, 2015

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company For :  
Approval of its Phase III Energy Efficiency : Docket No. M-2015-2515691  
and Conservation Plan :

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**PETITION TO INTERVENE OF  
WAL-MART STORES EAST, LP AND SAM'S EAST, INC.**

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TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code Sections 5.71 through 5.74, Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), hereby file this Petition to Intervene in the above-captioned proceeding. In support thereof, Walmart states as follows:

1. Petitioner is Walmart, 2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716-0550.
2. The name and address of Petitioner's attorneys are:

Derrick Price Williamson  
Barry A. Naum  
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3. On November 24, 2015, PECO Energy Company ("PECO" or "Company"), filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") a Petition for approval of the Company's Phase III Energy Efficiency and Conservation ("EE&C") Plan ("Phase III Plan" or "Plan"), pursuant to the requirements of Act 129 of 2008, 66 Pa. C.S. § 2806.1 ("Act 129") and the PUC's Implementation Order entered on June 11, 2015, at Docket No. M-2014-2424864.

4. Walmart is a national retailer with 160 facilities in the Commonwealth of Pennsylvania, including a large number of facilities in the Company's service territory. These facilities include Walmart Supercenters, Discount Stores, Sam's Clubs, distribution centers, and gas stations. In addition to being a large customer of the Company, Walmart has also invested in interval metering, energy efficiency ("EE"), and demand side management ("DSM") technology.

5. The Commission's final determination in this proceeding may directly impact the terms and conditions of the electric service that Walmart receives from the Company. Walmart therefore has a direct, substantial, and unique interest in the outcome of this proceeding that is not represented by any other party. See 52 Pa. Code § 5.72(a)(2).

**WHEREFORE**, Wal-Mart Stores East, LP and Sam's East, Inc., request that the Commission grant this Petition to Intervene and provide Walmart with full party status in this proceeding.

Respectfully submitted,

By   
Derrick Price Williamson (Pa. I.D. No. 69274)  
Barry A. Naum (Pa. I.D. No. 204869)  
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Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

Dated: December 31, 2015

VERIFICATION

I, Barry A. Naum, Counsel to Wal-Mart Stores East, LP and Sam's East, Inc., hereby state that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are made subject to 18 Pa.C.S. § 4904 (pertaining to unsworn falsification to authorities).

Date: December 31, 2015



Barry A. Naum