

May 2, 2024

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: Pennsylvania Public Utility Commission v. Duquesne Light Company;  
Docket No. R-2024-3046523**

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the Petition to Intervene of Walmart Inc. ("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  
Steven W. Lee

BAN/sds  
Enclosures

c: Deputy Chief Administrative Law Judge Mark A. Hoyer (via E-mail)  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
 :  
v. : Docket No. R-2024-3046523  
 :  
Duquesne Light Company :

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**PETITION TO INTERVENE OF  
WALMART INC.**

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TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code Sections 5.71 through 5.74, Walmart Inc. ("Walmart") hereby files 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:

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Barry A. Naum  
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3. On March 20, 2024, Duquesne Light Company ("Duquesne" or "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") Supplement No. 71 to the Company's Tariff Electric – Pa. P.U.C. No. 25 ("Filing"), representing a request for a general

increase in the Company's electric distribution rates of approximately \$133 million to be effective May 20, 2024. The effective date of new rates was suspended until December 20, 2024, by Order of the Commission issued on April 4, 2024.

4. Walmart has the privilege of providing its retail services in the Commonwealth of Pennsylvania through its 116 Supercenters, 19 Discount Stores, 24 Sam's Clubs, 6 Distribution Centers, and 4 Fulfillment Centers.<sup>1</sup> Walmart is also a retail customer of Duquesne. Walmart has 10 retail units and related facilities served by the Company. Additionally, Walmart purchases more than 31.5 million kWh annually from Duquesne, pursuant to Rate Schedules GL and GM. The cost of electricity therefore comprises a significant portion of the operating costs of Walmart's various retail and distribution locations.

5. Walmart is still in the process of evaluating whether it will sponsor testimony in this proceeding. In the event Walmart decides to sponsor testimony, Walmart will likely submit testimony from Lisa V. Perry, Director, Regulatory – Utility Partnerships, and will promptly inform the parties and the presiding Administrative Law Judge ("ALJ") if this changes. Regardless, if intervention is granted, Walmart requests the right to participate in this proceeding as an active participant and adduce evidence through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions, and reply exceptions, as necessary.

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<sup>1</sup> <https://corporate.walmart.com/about/location-facts/united-states/pennsylvania>

6. Walmart's Petition is timely filed within the time permitted by 52 Pa. Code § 5.74.<sup>2</sup> Walmart's intervention at this stage will not delay or cause prejudice to any current party in this proceeding. Walmart will take the proceeding as it stands and accept the schedule and procedural rules the parties agreed to as set forth in the Prehearing Order issued by the ALJ on May 1, 2024.

7. The Commission's final determination in this proceeding may directly impact the rates, 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).

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<sup>2</sup> 52 Pa. Code § 5.74(b) states "Petitions to intervene shall be filed: (1) No later than the date fixed for the filing of responsive pleadings in an order or notice with respect to the proceedings but not less than the notice and protest period established under §§ 5.14 and 5.53 (relating to applications requiring notice; and time of filing) absent good cause shown. (2) No later than the date fixed for filing protests as published in the *Pennsylvania Bulletin* except for good cause shown. (3) In accordance with § 5.53 if no deadline is set in an order or notice with respect to the proceedings." There has not been a date set for responsive pleadings by any order, notice, or publication regarding this proceeding. Additionally, 52 Pa. Code § 5.53 states "[a] protest shall be filed within the time specified in the published notice of the application. If no protest time is specified, the protest shall be filed within 60 days of publication of the notice." Therefore, Petitions to Intervene must be filed within 60 days of the rate filing in this proceeding.

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

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By  \_\_\_\_\_

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*Counsel to Walmart Inc.*

Dated: May 2, 2024

## VERIFICATION

I, Barry A. Naum, Counsel to Walmart Inc., hereby state that the factors 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: May 2, 2024

  
Barry A. Naum

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2024-3046523
	:	
Duquesne Light Company	:	

**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**

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Barry A. Naum

Dated: May 2, 2024