

May 2, 2024

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

VIA ELECTRONIC FILING

Re: Pennsylvania Public Utility Commission v. FirstEnergy Pennsylvania Electric Company; Docket No. R-2024-3047068

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: Administrative Law Judge Katrina Dunderdale (via E-mail)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2024-3047068
 :
 FirstEnergy Pennsylvania Electric Company :

**PETITION TO INTERVENE OF
WALMART INC.**

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

Derrick Price Williamson
Barry A. Naum
Steven W. Lee
SPILMAN THOMAS & BATTLE, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2740
Fax: (717) 795-2743
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com
slee@spilmanlaw.com

3. On April 2, 2024, FirstEnergy Pennsylvania Electric Company ("FE PA" or "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") Supplement No. 3 to the Company's Tariff Electric – Pa. P.U.C. No. 1 ("Filing"), representing a

request for an annual general increase in the Company's electric distribution rates of approximately \$502 million, or 34 percent, across all "Rate Districts." FE PA proposes the rates be effective June 1, 2024. The Company is also requesting a return on equity ("ROE") of 11.30 percent.

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.¹ Walmart is also a retail customer of FE PA, with 83 retail units, 5 distribution centers, and related facilities served by the Company. Walmart purchases more than 295.5 million kWh annually from FE PA's operating entities, pursuant to Rate Schedule General Service-Large Demand (GSLD). The cost of electricity 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 reserves the right to participate in this proceeding 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.

¹ <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 § 5.74.² 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 as set forth by the ALJ.

7. 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 at multiple locations. 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).

² 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 date of filing 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 
Derrick Price Williamson (Pa. I.D. No. 69274)
Barry A. Naum (Pa. I.D. No. 204869)
Steven W. Lee (Pa. I.D. No. 332797)
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2740
Fax: (717) 795-2743
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com
slee@spilmanlaw.com


Counsel to Walmart Inc.

Dated: May 2, 2024

VERIFICATION

I, Barry A. Naum, Counsel to Walmart Inc., hereby states 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: May 2, 2024


Barry A. Naum

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2024-3047068
 :
 FirstEnergy Pennsylvania Electric 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

Tori L. Giesler
Darshana Singh
Angelina M. Umstead
FirstEnergy Service Company
76 South Main
Akron, OH 44308
tgiesler@firstenergycorp.com
singhd@firstenergycorp.com
aumstead@firstenergycorp.com

David B. MacGregor
Garrett P. Lent
Nicholas A. Stobbe
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
dmacgregor@postschell.com
glent@postschell.com
nstobbe@postschell.com

Devin T. Ryan
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
dryan@postschell.com

Scott B. Granger
Bureau of Investigation and Law
Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
sgranger@pa.gov

Darryl A. Lawrence
Harrison W. Breitman
Andrew J. Zerby
Emily A. Farren
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
dlawrence@paoca.org
hbreitman@paoca.org
azerby@paoca.org
efarren@paoca.org
OCAFirstEnergy2024@paoca.org

Rebecca Lyttle
Sharon E. Webb
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
relyttle@pa.gov
swebb@pa.gov

Ria M. Pereira
Elizabeth R. Marx
John W. Sweet
Lauren N. Berman
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

Brian T. Kadlubek
Pullman Center
112 Hollywood Drive, Suite 101
Butler, PA 16001
btkadlubek@lawgol.com

Mark E. Belland
O'Brien, Belland & Bushinsky, LLC
509 South Lenola Road, Building 6
Moorestown, NJ 08057
mbelland@obbblaw.com

Nicholas J. Enoch
Lubin & Enoch, P.C.
349 North 4th Avenue
Phoenix, AZ 85003-1505
nick@lubinandenoch.com

Charis Mincavage
Susan E. Bruce
Kenneth R. Stark
McNees Wallace & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mcneeslaw.com
sbruce@mcneeslaw.com
kstark@mcneeslaw.com



Barry A. Naum

Dated: May 2, 2024