

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation)	
For Approval to Implement Reconciliation)	
Rider for Default Service Supply Service)	Docket No. P-2011-2256365
)	
)	

**MOTION FOR LEAVE TO INTERVENE OUT-OF-TIME AND PETITION TO
INTERVENE OF WAL-MART STORES EAST, LP AND SAM'S EAST, INC.**

AND NOW, comes Wal-Mart Stores East, LP and Sam's East, Inc. ("Walmart") by and through its counsel, Holly Rachel Smith, PLLC, and hereby respectfully petitions to intervene out-of-time in the above-captioned matter pursuant to 52 Pa. Code §§ 5.72, *et seq.* In support of its petition, Walmart avers as follows:

Motion for Leave to File Out-of-Time.

1. Walmart hereby moves this Commission to permit it to file its Petition to Intervene in this proceeding out-of-time for the following reason. While the Petitioner initially filed its *Petition for Approval to Implement A Reconciliation Rider for Default Supply Service* on August 3, 2011, Walmart only recently became aware that the Petition was amended to include a request to implement a Competitive Transition Rider ("CTR"), in addition to the Reconciliation Rider referenced in the caption above. Walmart is not among the potentially interested parties initially served with the Petition (and its subsequent amendment) but instead became aware through monitoring the proceedings through the Commission's website. Walmart reviewed the initial filing, made a determination not to intervene and, as a result, did not timely become aware of the subsequently amended the petition to add the Competitive Transition Rider. As soon as

Walmart became aware of the amendment, it checked the *Prehearing Order*, dated March 17, 2011 [*sic*] and became informed that the deadline for intervention was September 14, 2011, a date that had already passed. For the following reasons, Walmart's out-of-time request to intervene will not prejudice or otherwise burden any of the parties to this proceeding or otherwise cause administrative delay: 1) Walmart counsel has contacted PPL counsel and has permission to represent that PPL has no objection to the late-filing; 2) the other intervention petitions have not yet been ruled on; 3) the prehearing conference has not yet occurred and is set for October 5, 2011, and 4) prehearing memorandums have not yet been filed and are due on September 30, 2011. If permitted to participate in this proceeding, Walmart agrees to take the record as it stands at the time of the grant of its petition.

Petition to Intervene.

3. On or about August 3, 2011, PPL Electric Utilities Corporation ("PPL" or "the Company") filed a Petition with the Pennsylvania Public Utility Commission ("Commission") seeking to alter the method by which it recovers a differential between "costs incurred" and the amount billed to customers. PPL proposed to eliminate the current method used to recover or refund under or over-collections and instead implement a Reconciliation Rider. On August 25, 2011, PPL filed an Amended Petition which proposed a Competitive Transition Rider ("CTR") in addition to the Reconciliation Rider contained in the original petition. The CTR appears to be intended to refund or recoup historic over or under collections related to transmission and generation supply service that were incurred prior to the effective date of the proposed Reconciliation Rider.

4. Petitioner is Wal-Mart Stores East, LP, and Sam's East, Inc. (collectively "Walmart"). The attorney authorized to represent Walmart in this proceeding is:

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Walmart requests that the above-listed counsel be served with copies of all documents in this proceeding. Walmart additionally requests that Steve W. Chriss (stephen.chriss@walmart.com), its Senior Manager, Energy Regulatory Analysis, be copied electronically on all filings and order in this proceeding.

4. Walmart is a national retailer of goods and services throughout the United States. Walmart has offices at 2001 SE 10th Street, Bentonville AR 72716-0550. Walmart has the privilege of providing its retail services in the Commonwealth of Pennsylvania. Walmart has approximately 45 facilities in PPL's service territory. These facilities include Supercenters, Sam's Clubs, Discount Stores, distribution centers, and gas stations. Walmart is a large customer of PPL, taking delivery of approximately 160,000,000 kWh annually from PPL.

5. The outcome of this proceeding is likely to impact (1) the price, reliability and adequacy of the electric service Walmart receives from PPL to use in its Pennsylvania operations and (2) the price paid for electric service by customers who are supplied by competitive suppliers. Electricity is one of the single highest operating costs faced by Walmart members. As a result, any modification to PPL's electric rates and rate structure has the potential to substantially impact Walmart's operations in PPL's territory in Pennsylvania. In other words, Walmart has a direct and substantial interest in the outcome of this proceeding that is unique in that it is a single commercial customer that uses substantial amounts of electric and related services in PPL's

territory. Thus, Walmart has an interest in this proceeding that is not represented by any other party. Accordingly, Walmart satisfies the standards for intervention under Section 5.72 of the Commission's regulations. *See* 52 PA Code § 5.72.

6. For the reasons provided above, Walmart is requesting leave to intervene out-of-time but states that its intervention will not burden the other parties or the administrative efficiency of this proceeding.

WHEREFORE, the Wal-Mart Stores East, LP and Sam's East, Inc. respectfully requests that it be granted full intervenor status in the above-captioned proceeding.

DATED: September 23, 2010

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy via electronic mail (when available) and by first-class postage prepaid mail (*except as otherwise noted), to all parties on this 23rd day of September, 2011.

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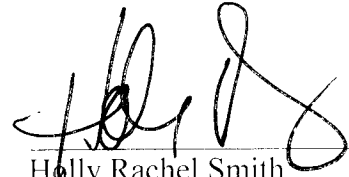
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