

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

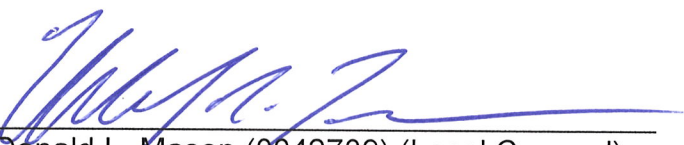
IN THE MATTER OF THE APPLICATION OF )  
DUKE ENERGY OHIO, INC. FOR AUTHORITY )  
TO ESTABLISH A STANDARD SERVICE OFFER )  
PURSUANT TO R.C. 4928.143, IN THE FORM ) CASE NO. 14-841-EL-SSO  
OF AN ELECTRIC SECURITY PLAN, )  
ACCOUNTING MODIFICATIONS AND TARIFFS )  
FOR GENERATION SERVICE. )

IN THE MATTER OF THE APPLICATION OF )  
DUKE ENERGY OHIO, INC. FOR AUTHORITY )  
TO AMEND ITS CERTIFIED SUPPLIER TARIFF, ) CASE NO. 14-842-EL-ATA  
P.U.C.O. NO. 20. )

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

Wal-Mart Stores East, LP, and Sam's East, Inc., (collectively "Walmart")  
respectfully request that they be granted intervention in this cause as full parties of  
record pursuant to Section 4903.221 of the Ohio Rev. Code and Rule 4901-1-11 of the  
Ohio Administrative Code. Walmart submits the attached memorandum in support of  
this motion.

Respectfully submitted,

By   
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**MOTION TO INTERVENE OF  
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AND SAM'S EAST, INC.,  
CASE NOS. 14-841-EL-SSO  
AND 14-842-EL-ATA**

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ATTORNEYS FOR INTERVENORS,  
WAL-MART STORES EAST, LP,  
AND SAM'S EAST, INC.

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**MEMORANDUM IN SUPPORT OF  
THE MOTION TO INTERVENE OF  
WAL-MART STORES EAST, LP, AND SAM'S EAST, INC.**

In support of its motion to intervene Walmart states as follows:

1) Wal-Mart Stores East, LP, is a Delaware Limited Partnership authorized to do business in Ohio. Sam's East, Inc., is an Arkansas corporation also authorized to do business in Ohio. The business address of both entities is: Sam M. Walton Development Complex, 2001 SE 10th Street, Bentonville, AR 72716-0550.

2) Duke Energy Ohio ("Duke" or "the Company") is an investor-owned electric public utility operating within Ohio, and subject to the regulatory authority of this Commission. Duke is currently providing a Standard Service Offer ("SSO") pursuant to an Electric Security Plan ("ESP") approved by the Commission November 22, 2011.<sup>1</sup> On or about May 29, 2014, Duke filed its Application in this docket seeking authority to

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4923.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service, Case No. 11-3549-EL-SSO, et al., Opinion and Order (Nov. 22, 2011).*

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establish a new SSO, also in the form of an ESP. Duke's Application also seeks approval of certain accounting modifications and tariffs for generation service.

3) Ohio law confers a right to intervene upon "[a]ny...person who may be adversely affected by a public utilities commission proceeding...." Ohio Rev. Code Ann. § 4903.221 (Baldwin 2011).

4) Walmart is a large retail customer of Duke's, owning and operating approximately 26 retail stores and related facilities in Duke's Ohio service territory. Collectively, these facilities consume over 70 million kWh of electricity on an annual basis.

5) Duke's proposal in this docket would implement a number of changes in the structure of its ESP. For example, Duke's proposal in this docket would: 1) convert the rates for Rider RC to "energy-only" rates, thereby eliminating all currently applicable demand charges; 2) modify the design for certain base rates associated with Rider RE; 3) eliminate Rider LFA and Rider ECF; 4) implement Rider DCI, Rider DSR and Rider PSR, three new non-bypassable riders; and 5) provide Duke with a unilateral right to terminate the proposed ESP early.

6) Walmart is currently reviewing and analyzing Duke's proposal in this docket and assessing its potential impact. In light of the changes being proposed by the Company, however, it is safe to say that Walmart may be adversely impacted by the outcome of this proceeding. Walmart, therefore, has a direct, real and substantial interest herein, and "is so situated that the disposition of the proceeding may...impair or

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impede...[its] ability to protect that interest.... Ohio Admin. Code § 4901-1-11(A)(2)  
(Baldwin 2011).

7) Walmart desires to participate in the cause to assure that its interests as to reliability, pricing, efficiency and adequacy of resources, and any other appropriate considerations are addressed and protected in conjunction with its service from Duke.

8) Walmart owns and operates a variety of facilities within Duke's service territory, taking electric service under several different tariffs. Walmart's unique interests cannot be adequately balanced and represented by any other party to this proceeding.

9) Walmart's participation will not prolong or delay this proceeding. Further, as an electric customer in every state of the United States, including affiliates of Duke Energy, Walmart's participation will significantly contribute to the full development and equitable resolution of the factual issues in this proceeding.

WHEREFORE, for all the above and foregoing reasons, Wal-Mart Stores East, LP, and Sam's East, Inc., respectfully request that the Commission grant them intervenor status as full parties of record, and allow them to fully participate in this cause including, without limitation, filing and presenting testimony, cross examination of witnesses, participation in all formal and informal conferences and hearings, and filings of briefs and any other pleading, to the extent they deem necessary for their full participation herein.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies and affirms that on the 8th day of July, 2014, a true and correct copy of the foregoing instrument was served via first class mail, postage prepaid, to the following persons:

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**Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA**

Summary: Motion To Intervene of Wal-Mart Stores East, LP, and Sam's East, Inc.  
electronically filed by Michael R. Traven on behalf of Wal-Mart Stores East, LP and Sam's  
East, Inc.