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 OF AN ELECTRIC SECURITY PLAN, ACCOUNTING MODIFICATIONS AND TARIFFS FOR GENERATION SERVICE.	)))))))	CASE NO. 14-841-EL-SSO
IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC. FOR AUTHORITY TO AMEND ITS CERTIFIED SUPPLIER TARIFF, P.U.C.O. NO. 20.	))))	CASE NO. 14-842-EL-ATA

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 _____

Donald L. Mason (0042739) (Local Counsel)
Michael R. Traven (0081158)
ROETZEL & ANDRESS, LPA
155 E. Broad Street, 12th Floor
Columbus, Ohio 43215
Tel: (614) 463-9770
Fax: (614) 463-9792
E-mail: dmason@ralaw.com
mtraven@ralaw.com

and

Rick D. Chamberlain (Counsel of Record)
Oklahoma Bar Association # 11255
State Bar of Texas # 24081827
BEHRENS, WHEELER & CHAMBERLAIN
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
Tel.: (405) 848-1014
Fax: (405) 848-3155
E-mail: rchamberlain@okenergylaw.com

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

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 OF AN ELECTRIC SECURITY PLAN, ACCOUNTING MODIFICATIONS AND TARIFFS FOR GENERATION SERVICE.	CASE NO. 14-841-EL-SSO
IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC. FOR AUTHORITY TO AMEND ITS CERTIFIED SUPPLIER TARIFF, P.U.C.O. NO. 20.	CASE NO. 14-842-EL-ATA

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.[1] On or about May 29, 2014, Duke filed its Application in this docket seeking authority to

[1] *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).

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 accessing 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

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.

Respectfully submitted,

By _____

Donald L. Mason (0042739) (Local Counsel)
Michael R. Traven (0081158)
ROETZEL & ANDRESS, LPA
155 E. Broad Street, 12th Floor
Columbus, Ohio 43215
Tel: (614) 463-9770
Fax: (614) 463-9792
E-mail: dmason@ralaw.com
mtraven@ralaw.com

and

Rick D. Chamberlain (Counsel of Record)
Oklahoma Bar Association # 11255
State Bar of Texas # 24081827
BEHRENS, WHEELER & CHAMBERLAIN
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
Tel.: (405) 848-1014
Fax: (405) 848-3155
e-mail: rchamberlain@okenergylaw.com

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

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:

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839

Samuel C. Randazzo
Frank P. Darr
Mathew R. Pritchard
McNees, Wallace, & Nurick, LLC
21 East State Street, 17th Floor
Columbus, OH 43215

Joseph M. Clark
Direct Energy
21 East State Street, 19th Floor
Columbus, OH 43215

Joseph Oliker
Matthew White
IGS Energy
6100 Emerald Parkway
Dublin, OH 43016

Kimberly Boiko
Mallory M. Mohler
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, OH 43215

Judi L. Sobecki
The Dayton Power & Light Company
1065 Woodman Drive
Dayton, OH 45432

Maureen R. Grady
Joseph P. Serio
Edmond Berger
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215

Kevin R. Schmidt
Counsel for the Energy Professionals of Ohio
88 East Broad Street, Suite 1770
Columbus, OH 43215

Mark A. Hayden
Jacob McDermott
Scott J. Casto
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308

David F. Boehm
Michael L. Kurtz
Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202

Amy B. Spiller
Rocco O. D'Ascenzo
Jeanne W. Kingery
Elizabeth H. Watts
139 E. Fourth Street, 1303-Main
P.O. Box 961
Cincinnati, OH 45201

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202

Rebecca L. Hussey
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, OH 43215

Andrew J. Sonderman
Margeaux Kimbrough
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
26 East State Street
Columbus, OH 43215

Christopher J. Allwein
Todd M. Williams
Williams Allwein and Moser, LLC
1500 West Third Ave, Suite 330
Columbus, OH 43212

Trent Dougherty
1207 Grandview Avenue, Suite 201
Columbus, OH 43212

Cathryn N. Loucas
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45840

/s/ Rick D. Chamberlain
Rick D. Chamberlain

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/8/2014 3:46:24 PM

in

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.