

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Ohio Power Company for Authority to</b>	)	<b>Case No. 23-0023-EL-SSO</b>
<b>Establish a Standard Service Offer</b>	)	
<b>Pursuant to R.C. 4928.143 in the Form</b>	)	
<b>of an Electric Security Plan.</b>	)	

<b>In the Matter of the Application of</b>	)	
<b>Ohio Power Company for Approval of</b>	)	<b>Case No. 23-0024-EL-AAM</b>
<b>Certain Accounting Authority.</b>	)	

**MOTION TO INTERVENE OF WALMART INC.**

NOW COMES Walmart Inc. ("Walmart"), by its attorneys, and pursuant to Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission to intervening parties.

On January 6, 2023, Ohio Power Company ("AEP Ohio" or "Company") filed an application to establish the Company's fifth Electric Security Plan ("ESP V"). As demonstrated in the attached Memorandum in Support, Walmart has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings that is not adequately represented by any other parties and which may be adversely impacted by the outcome of these proceedings. Walmart's participation is timely filed as no deadline for intervention has been set by the Commission. Moreover, its participation will not unduly delay the proceedings or prejudice any other party. Accordingly, pursuant to Ohio statutes and regulations, Walmart is entitled to intervene with the full powers and rights granted by the Commission.

If this Motion is granted, Walmart intends to move for the *Pro Hac Vice* admission of Derrick Price Williamson or Steven W. Lee of Spilman Thomas & Battle, PLLC, in these

proceedings. Walmart requests that, if approved, Mr. Williamson and Mr. Lee be added to the official service list. Additional contact information for counsel and representatives are provided in the attached Memorandum in Support.

**WHEREFORE**, Walmart respectfully requests that this Commission grant its Motion to Intervene for the reasons set forth herein and in more detail in the attached Memorandum in Support.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By /s/ Carrie H. Grundmann

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*Counsel to Walmart Inc.*

Dated: February 6, 2023

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**MEMORANDUM IN SUPPORT OF WALMART INC.**

On January 6, 2023, Ohio Power Company ("AEP Ohio" or "Company") filed an application to establish the Company's fifth Electric Security Plan ("ESP V"). Walmart seeks to participate in this proceeding as an intervenor, and its Motion to Intervene in these proceedings is timely filed as no deadline for intervention has yet been established by the Public Utilities Commission of Ohio ("Commission").

Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code establish the standards for intervention in proceedings pending before the Commission. Specifically, the Commission considers, among other factors, the direct interests of the party, whether the intervention by the prospective party will unduly prolong or delay the proceedings, and whether the party will significantly contribute to the full development and equitable resolution of the factual issues. A review of these factors in light of the facts set forth herein support granting Walmart's Motion to Intervene.

Walmart is a national retailer of goods and services. While Walmart maintains its headquarters at 2608 SE J Street, Bentonville, Arkansas 72716, it has the privilege of providing its retail services in the State of Ohio, including within the Company's service territory. Walmart is a large commercial customer of the Company, owning and operating approximately 34 retail

stores, three distribution centers, and related facilities in the Company's service territory. Collectively, these facilities consume over 125 million kWh of electricity on an annual basis, primarily on Rate Classes General Service Secondary ("Rate 840"), and General Service Primary ("Rate 841").

The outcome of this proceeding is likely to impact the price, reliability, and adequacy of the electric service Walmart receives from the Company in Ohio, thus, Walmart has a direct and substantial interest in the outcome of this proceeding. Moreover, as a single commercial customer that purchases substantial amounts of electricity and related services from the Company pursuant to multiple accounts, Walmart's interest in these proceeding is unique. Walmart's participation will not delay the proceedings nor prejudice any parties. Walmart intends to submit testimony, participate in hearings, and brief issues in a manner that will assist in the development of a full evidentiary record. Indeed, Walmart has been a participant in other cases before the Commission involving rates charged by the Company and costs recovered from customers.

Walmart requests that the Commission grant its Motion to Intervene and that the rights of a full party of record be conferred upon it. For purposes of receiving service in the proceeding, Walmart requests that the following persons be placed on the official service list:

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For the foregoing reasons, Walmart has a direct, real and substantial interest in the issues raised in these proceedings, and disposition of the issues raised in this proceeding may impair or impede Walmart's ability to protect its interests. Because Walmart is not adequately represented by other parties, its intervention is timely, will not unduly delay or prolong these proceedings, and for all other reasons set forth herein, Walmart respectfully requests that its Motion to Intervene be granted and Walmart be made a full party of record in this proceeding.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By /s/ Carrie H. Grundmann

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*Counsel to Walmart Inc.*

Dated: February 6, 2023

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Intervene and Memorandum in Support, submitted on behalf of Walmart Inc., was served by electronic mail, upon the following Parties of Record on this 6<sup>th</sup> day of February, 2023.

/s/ Carrie H. Grundmann

Carrie H. Grundmann (Ohio Bar ID 96138)

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### **Attorney Examiners:**

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Summary: Motion Motion to Intervene and Memorandum in Support of Walmart Inc.  
electronically filed by Carrie H. Grundmann on behalf of Walmart Inc.