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APPLICATION OF EL PASO
ELECTRIC COMPANY TO CHANGE
RATES

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§

PUBLIC UTILITY COMMISSION
OF
TEXAS

MOTION TO INTERVENE OF WALMART INC.

Pursuant to Rule 22-104 of the Procedural Rules of the Public Utility Commission of Texas (“Commission”), Walmart Inc. (“Walmart”) submits this Motion to Intervene and respectfully requests an order permitting its intervention and participation in this proceeding. In support of this motion Walmart states as follows:

1. On June 1, 2021, El Paso Electric Company (“EPE”) filed its application (“Application”) seeking, among other things, authority to increase its base rate for its retail electric customers in Texas by approximately \$69.7 million. The Application also seeks approval of a proposed allocation of the requested increase among the various customer classes.

2. Walmart is a Delaware corporation authorized to do business in Texas. As shown on Walmart's website, Walmart operates 593 retail units and 19 distribution centers. Walmart employs over 172,000 associates in Texas. In fiscal year ending 2021, Walmart purchased \$76.6 billion worth of goods and services from Texas-based suppliers, supporting over 281,000 supplier jobs.¹

3. Walmart is a large retail customer of EPE, owning and operating approximately twenty-four (24) retail stores and related facilities in EPE’s Texas service territory. Collectively, these facilities consume over 68 million kWh of electricity on an annual basis, primarily on Schedule No. 24 - General Service Rate and Schedule No. 25 - Large Power Service Rate.

¹ <http://corporate.walmart.com/our-story/locations/united-states/texas>

Electricity is one of Walmart's largest costs of doing business in Texas. As a large retail customer of EPE, Walmart's business and operations will likely be directly impacted by EPE's requested increase in rates and charges for electricity. Accordingly, Walmart has a justiciable interest in this proceeding.

4. Because of its interests in energy efficiency and demand-side management technology, Walmart employs a sizable number of employees focusing on energy and environmental issues. Many of these employees previously worked in the energy industry and can provide comments and/or testimony that will assist the Commission in resolving the issues presented in this case. Walmart² has previously participated as an intervenor in several rate cases considered by the Commission, including in EPE's two most recent rate cases, PUC Docket Nos. 44941 and 46831.

5. Walmart desires to fully participate in this proceeding. Walmart may present evidence on issues in this proceeding as is appropriate to assure that its interests as to reliability, pricing, efficiency and adequacy of resources, as well as any other appropriate considerations, are addressed and protected in conjunction with its service from EPE. Walmart reserves the right to participate in this proceeding as its interest continues to develop throughout the course of the proceeding.

6. Walmart's interests are unique and are not adequately represented by any other Party to this proceeding. Allowing Walmart to intervene in this proceeding will serve the public interest by ensuring the Commission is apprised of the interests of a large commercial electric customer. Given the configuration and diverse locations of its facilities, Walmart's interests cannot be adequately represented by any existing or future participant in this proceeding. Further, because

² Walmart was formerly known as Wal-Mart Stores, Inc. and Sam's West, Inc., and participated in those proceedings under those former names.

Walmart operates in many different states, it has substantial and unique insights gained in various states and markets regarding issues in rate setting proceedings.

7. Walmart's intervention is timely.

8. Walmart commits to comply with all established deadlines. Walmart's intervention will not unduly broaden the issues or delay the proceedings, nor will its intervention prejudice any parties.

9. The following persons should be included on the service list in this proceeding, and all communications concerning this matter should be addressed to:

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WHEREFORE, Walmart Inc. respectfully requests that the Commission grant it intervenor status as a full party of record and allow it to fully participate in this proceeding.

Dated this 9th day of July, 2021.

Respectfully submitted,

CLARK ENERGY LAW, LLC

/s/ Julie A. Clark

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ATTORNEYS FOR WALMART INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Motion to Intervene of Walmart Inc.** was served on all parties of record in this proceeding on the 9th day of July, 2021, by electronic mail, hand delivery or by depositing a copy in the United States mail.

/s/ Julie A. Clark

Julie A. Clark