

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Consideration of Adoption of the)	
PURPA Section 111(d)(17) Rate Design)	
Modification to Promote Energy Efficiency)	
Investments Standard as Required by Section 532)	Case No. EO-2009-0248
of the Energy Independence and Security Act of)	
2007)	

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

Pursuant to 4 CSR 240-2.075(1) Wal-Mart Stores East, LP, and Sam's East, Inc., (collectively "Wal-Mart") submit this Application To Intervene ("Application") to the Public Service Commission of the State of Missouri (the "Commission"). In support of this Application, Wal-Mart states as follows:

1. On December 17, 2008, the Commission issued its Order Establishing Cases, Directing Notice, Establishing a Deadline for Submission of Intervention Requests, Setting a Prehearing conference and Setting Date for Filing Procedural Schedules ("Order Establishing Cases") in this docket. The Order Establishing Cases directed any interested person wishing to intervene in this cause to file an application to intervene on or before January 16, 2009.

2. As of August 2008, Wal-Mart's presence in Missouri includes:

- a. 91 Supercenters;
- b. 28 Discount Stores;
- c. 15 Sam's Clubs; and
- d. 3 Distribution Centers.

3. Wal-Mart is a large retail customer of electricity from various Missouri utilities. Collectively, Wal-Mart's facilities in the State of Missouri consume millions of kWh of electricity on an annual basis. Changes to the regulation in of Missouri's electric utilities could have a materially adverse impact upon Wal-Mart, directly and substantially

affecting its business and operations in the State of Missouri. Accordingly, Wal-Mart has a direct interest in the outcome of these proceedings.

4. Further, as large commercial customer, the interests of Wal-Mart differ significantly from those of other customer groups represented in this proceeding and cannot be adequately represented by any existing or future participant in these proceedings, given the unique nature of Wal-Mart's interests. Allowing Wal-Mart to intervene in this proceeding will serve the public interest by ensuring that the Commission is apprised of the interests of large commercial electric customers. Further, because Wal-Mart operates in many different states, it has substantial and unique insights gained in various states and markets regarding issues in this proceeding.

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

Rick D. Chamberlain
Behrens, Taylor, Wheeler & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105-1401
Telephone: (405) 848-1014
Facsimile: (405) 848-3155
E-mail: rdc_law@swbell.net

WHEREFORE, Wal-Mart Stores East, LP, and Sam's East, Inc., respectfully request that this Application be granted and that they be provided full rights to participate immediately as a party to this proceeding.

**APPLICATION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
Case No. EO-2009-0248**

Dated this 16th day of January, 2009.

Respectfully submitted,

By _____

Rick D. Chamberlain, OBA # 11255
BEHRENS, TAYLOR, WHEELER
& CHAMBERLAIN
6 N.E. 63rd, Suite 400
Oklahoma City, OK 73102
Tel.: (405) 848-1014
Fax: (405) 848-3155

- and -

Mischa Buford Epps, Missouri Bar # 45361
Allen G. Jones, Missouri Bar # 57921
SHOOK HARDY & BACON, L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108
Tel.: (816) 474-6550
Fax: (818) 421-5547

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

CERTIFICATE OF SERVICE

The undersigned certifies that on January 20, 2009, a true and correct copy of the foregoing Application to Intervene was served by U.S. mail, postage prepaid, or by electronic mail addressed to all parties by their attorneys of record as provided by the Secretary of the Commission.

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Ste. 200
Clayton, MO 63105

Kelly Walters, Vice President
General and Regulatory Services
The Empire District Electric Company
602 Joplin Avenue
P.O. Box 127
Joplin, MO 64802

**APPLICATION TO INTERVENE OF
WAL-MART STORES EAST, LP,
AND SAM'S EAST, INC.,
Case No. EO-2009-0248**

Shelley A. Woods
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102

Heather Starnes, Manager
Regulatory Policy
Southwest Power Pool, Inc.
415 North McKinley, Ste. 140
Little Rock, AR 72205-3020

Wendy K. Tatro
Associate General Counsel
Ameren Services Company
One Ameren Plaza
1901 Chouteau Ave.
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149

Todd Tarter
Manager of Strategic Planning
The Empire District Electric Company
602 Joplin Avenue
P.O. Box 127
Joplin, MO 64802

Diana M. Vuylsteke
211 N. Broadway, Suite 3600
St. Louis, MO 63102

Lisa C. Langeneckert, Esq.
Sandberg, Phoenix & von Gontard, P.C.
515 North Sixth Street, Suite 1500
St. Louis, MO 63101

Stuart W. Conrad, Esq.
FINNEGAN, CONRAD & PETERSON,
L.C.
1209 Penntower Officer Center
3100 Broadway
Kansas City, MO 64111

Donald E. Johnstone
Competitive Energy Dynamics, LLC
384 Blackhawk Drive
Lake Ozark, MO 65049

Steve McPheeters, Manager
St. Jude Industrial Park
Noranda Aluminum, Inc.
391 St. Jude Industrial Park
New Madrid, MO 63869