

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Union Electric Company, d/b/a)
Ameren Missouri's Tariff to Increase Its Revenues) Case No. ER-2014-0258
for Electric Service)

**WAL-MART STORES EAST, LP, AND SAM'S EAST, INC., 'S
MOTION TO INTERVENE AFTER INTERVENTION DATE
AND MOTION FOR EXPEDITED TREATMENT OF INTERVENTION**

Pursuant to 4 CSR 240-2.075(10) and 240-2.080(14), Wal-Mart Stores East, LP, and Sam's East, Inc., (collectively "Walmart") submit this motion to intervene ("Motion") after the intervention date established in this docket and also requests expedited treatment of the intervention. In support of this Motion Walmart states as follows:

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

2. Walmart is a large retail customer of the Union Electric Company d/b/a Ameren Missouri ("Ameren"), owning and operating approximately 59 retail stores and related facilities in Ameren's Missouri service territory. Collectively, these facilities consume over 190 million kWh of electricity on an annual basis.

3. On July 3, 2014, Ameren filed proposed tariffs in this docket designed to increase its electric revenues by approximately \$264 million. An intervention deadline of July 31, 2014, was established. See Order Suspending Tariff, Scheduling Pre-Hearing Conference, Directing Notice, And Setting Deadline For Intervenors, Case No. ER-2014-0258 (July 11, 2014).

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4. On July 31, 2014, an Application To Intervene was filed on behalf of the Midwest Energy Consumers Group ("MECG"), an unincorporated association of large users of electricity, with similar interests in this docket. Wal-Mart Stores, Inc., was a participating member of MECG at the time the intervention was filed. MECG's intervention was granted at the Prehearing Conference held August 5, 2014.

5. Subsequently, on October 10, 2014, a Nonunanimous Stipulation And Agreement ("NUS") was filed in this docket by the Office of Public Counsel, the Consumers Council of Missouri, the Missouri Industrial Energy Consumers and the Missouri Retailers Association. Among other things, the NUS proposes to create a new customer class with a single customer, Noranda Aluminum, Inc., and implementation of a significant reduction from the electric rates currently paid by Noranda. The NUS also proposes to apply the resulting revenue deficiency among the remaining customer classes.

6. The NUS and the relief proposed therein are a continuation of the issues previously considered in Case No. EC-2014-0224, *Noranda Aluminum, Inc., et al., v. Union Electric Company, d/b/a Ameren Missouri*.¹ Walmart was a party to Case No. EC-2014-0224, and separately articulated its positions in that docket. MECG was not a party to Case No. EC-2014-0224.

¹ The filing of the NUS in this case appears to be a response to the Commission's statement encouraging the parties in Case No. EC-2014-0224 to continue pursuing a compromise position, which could be considered in Case No. EC-2014-0258. See Report And Order, Case No. EC-2014-0224, p. 27, n. 87 (Aug. 20, 2014).

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7. On October 15, 2014, a Motion To Adopt Jointly Proposed Procedural Schedule For Consideration Of Nonunanimous Stipulation And Agreement ("NUS Procedural Schedule") was filed by the proponents of the NUS. The NUS Procedural Schedule is extremely accelerated and proposes the filing of Direct Testimony on October 24, 2014. Walmart filed this Motion and its request for expedited treatment as soon as it was reasonably able to so upon learning of, reviewing and analyzing the NUS and the proposed NUS Procedural Schedule.

8. The filing of the proposed NUS has effectively injected a new set of issues into this docket. That is, in addition to the issues normally arising in a general rate case, the proposed NUS has introduced into this case the issues from Case No. EC-2014-0224. These new issues may impact customers differently; customers that may be similarly situated on general rate case issues may not be similarly situated regarding the issues raised by the NUS.

9. For these reasons, Walmart now desires to participate in this docket autonomously rather than as a part of MEEG, and by this Motion request that it be allowed to do so. This does not mean that Walmart is taking a position for or against the MEEG or its remaining members, nor does it represent a position for or against the NUS. Rather, Walmart simply desires to evaluate all of the issues in this case independently and to articulate its positions on those issues at the appropriate time.

10. Because of the accelerated proposed NUS Procedural Schedule, expedited treatment of this Motion is essential. Without expedited treatment, Walmart will be unable to file Direct Testimony in the event the proposed NUS Procedural

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Schedule is adopted. In the event the Commission desires to implement an expedited schedule such as that proposed by the Signatory Parties, Walmart requests that the Commission act upon this Motion as soon as possible so that it may issue discovery and file testimony on issues related to the Non-Unanimous Stipulation.

11. Walmart's intervention is appropriate because the relief being requested in this proceeding, if adopted, could result in significant changes to Walmart's cost of electricity, directly and substantially affecting its business and operations in the State of Missouri. Accordingly, Walmart has a direct interest in these proceedings.

12. As a large commercial customer, Walmart's interests differ from those of other customer groups represented in this proceeding. In particular, there are 10 Walmart stores and one Sam's Club within 50 miles of Noranda's smelter in New Madrid, MO, that could be impacted by the outcome of this docket. Given the unique configuration of its facilities, Walmart's interests cannot be adequately represented by any existing or future participant in this proceeding.

13. Allowing Walmart to intervene in this proceeding will serve the public interest by ensuring that the Commission is apprised of the interests of a large commercial electric customer with facilities located near Noranda's smelter in New Madrid, MO. Further, because Walmart operates in many different states, it has substantial and unique insights gained in various states and markets regarding issues in rate setting proceedings.

14. Good cause exists for intervention after the intervention deadline due to the filing of the NUS after the intervention deadline and the resulting introduction of new

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issues into this case. Walmart affirmatively states that it accepts the record established in this case, including the requirements of any orders of the Commission as of the date this Motion is filed.

15. 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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16. Walmart continues to review the filings in this case. For purposes of 4 CSR 240-2.075(2)(F), Walmart is currently developing the position it will take in this matter.

WHEREFORE, 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 proceeding including, without limitation, filing and presenting comments and/or testimony, cross-examination of witnesses, participation in all formal and informal conferences and hearings, and filings of briefs and any other pleadings, to the extent they deem necessary for their full participation herein.

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Dated this 20th day of October, 2014.

Respectfully submitted,

By



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

CERTIFICATE OF SERVICE

The undersigned certifies that on October 20, 2014, a true and correct copy of the foregoing Motion 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.

