

**STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

**Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty**  
**Request for Change in Distribution Rates**  
**DOCKET NO. DE 23-039**

**WALMART INC.'S PETITION TO INTERVENE OUT-OF-TIME**

Walmart Inc. (“Walmart”) moves to intervene as a full party intervenor in this proceeding pursuant to the N.H. Admin. Rules Puc 203.17 and RSA § 541-A:32. In support of this petition, Walmart states as follows:

1. Walmart Inc. is a Delaware corporation registered to do business in New Hampshire. Its business address is 2608 J Street SE, Bentonville, AR 72716-0550. Walmart requests that copies of all notices, pleadings, orders, correspondence, and other communications be directed to and served upon the undersigned counsel, who is admitted to practice and is in good standing as an attorney in Rhode Island, Massachusetts, and Michigan.

2. On May 5, 2023, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (“Liberty”) filed a full distribution rate case in which it requests, *inter alia*, permission to increase its distribution revenues by approximately \$15,487,000, effective July 1, 2023, through increases to the distribution portion of rates.

3. Walmart is a large retail customer of Liberty, with two (2) retail stores consuming more than 5,000,000 kWh annually as General Service Time-of-Use Rate G-1 and General Service Rate G-3 customers in Liberty’s service territory. Statewide, Walmart owns and operates approximately 28 retail stores, a distribution center, and related facilities, and employs more than 8,000 associates. In fiscal year 2023, Walmart spent \$305 million with New

Hampshire suppliers, supporting almost 7,000 supplier jobs.<sup>1</sup>

4. Walmart will be directly and substantially affected by the issues to be considered in this proceeding. As a time-of-use customer, Walmart may be impacted by Liberty's rate modernization strategy outlined in the testimony of Liberty's Senior Manager of Rate Design, Gregory Tillman. Therefore, Walmart is a party within the zone of interests protected by RSA § 541-A:32 and has a direct interest in participating in this proceeding. Walmart is entitled as a matter of right to intervene in this proceeding to assure that its interests in changes to the time of use rates, as well as any other appropriate considerations, are addressed and protected in this proceeding.

5. Walmart's interests are not adequately represented by the present parties, and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

6. Walmart has been an intervenor in previous dockets considered by the Commission, including Docket No. DE 22-060.

7. Walmart's participation in this proceeding will assist the Commission in understanding the impact of this proceeding on Walmart's significant interests in it, as well as other issues presented by this proceeding. Because of its interests in energy efficiency and demand side management technology, Walmart employs a sizeable number of employees focusing on energy and environmental issues. Many of these employees previously worked in the energy industry and can provide testimony that will assist in resolving the issues presented in this proceeding.

8. Even though Walmart's Petition to Intervene is filed beyond the deadline

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<sup>1</sup> <https://corporate.walmart.com/about/new-hampshire>

established in the Order of Notice issued on May 26, 2023, Walmart's intervention in this proceeding will further the interests of justice and will not impair the orderly and prompt conduct of the proceedings. The Petition to Intervene is filed by the filing deadline established in Order No. 26829 for intervenors in Docket No. DE 17-189 to file petitions to intervene in this docket and can be considered by the Commission when it considers those petitions. Considering and granting the Petition to Intervene is consistent with RSA § 541-A:32(II), which provides, "The presiding officer may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings."

9. If its intervention is granted, Walmart anticipates taking the position that Liberty's rates and rate modernization strategies must be cost-based and properly structured. Walmart reserves the right to take other positions and seek other relief based upon a review of the various filings, the responses to discovery, or positions taken in the testimony or briefs of other parties.

WHEREFORE, for all the foregoing reasons, 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 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 pleadings, to the extent they deem necessary for its full participation herein.

[Signature on following page]

Respectfully submitted,

WALMART INC.,  
By its Attorney,

Melissa M. Horne

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June 21, 2023

**CERTIFICATION OF SERVICE**

I certify that on the 21st day of June 2023, a true and accurate copy of this document was served via electronic mail to the persons shown in the attached service list in this docket pursuant to N.H. Admin. Rules Puc 203.17.

Melissa M. Horne

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Melissa M. Horne