
CLARK ENERGY LAW, LLC
3440 Youngfield St., Suite 276
Wheat Ridge, Colorado 80033
Telephone: (303) 731-6106
jclark@clarkenergylaw.com
www.clarkenergylaw.com

July 5, 2022

Steve Kahl, Executive Secretary
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

Via Email and USPS: ndpsc@nd.gov

RE: Montana-Dakota Utilities Co., Case No. PU-22-194

Dear Mr. Kahl:

Attached are an original and seven copies of Walmart Inc.'s Petition to Intervene in the above referenced matter.

Please feel free to contact me with any questions or concerns.

Sincerely,



Julie A. Clark

JAC/mpm
[Enc.]

**STATE OF NORTH DAKOTA
BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

In the Matter of the Application of)	Docket No. PU-22-194
Montana-Dakota Utilities Co. for)	
Authority to Establish Increased Rates)	PETITION TO INTERVENE
for Electric Service)	BY WALMART INC.
)	

Walmart Inc.¹ (“Walmart”), by and through its undersigned counsel and pursuant to North Dakota Administrative Code (“N.D. Admin. Code”) 69-02-02-05, hereby petitions the North Dakota Public Services Commission (“Commission”) for intervention in the above captioned proceeding filed by Montana-Dakota Utilities Company (“Company”). In support thereof, Walmart states as follows:

1. N.D. Admin. Code 69-02-02-05 provides that a petition to intervene “must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.”

2. On May 16, 2022, the Company filed an Application and Notice of Change in General Electric Rates, together with proposed Tariff Sheets and witness testimony in which it is proposing, among other things, to increase electric base rates and make other changes in its charges for electric services provided to its North Dakota customers. Specifically, the Company is seeking a total annual increase of \$25,365,558 or 12.3% based on a 2023 future test year. The Company states that the primary reason for the increase in electric rates is the increased investment in production, transmission, and distribution facilities and the associated depreciation, operation, and maintenance expenses and taxes associated with the increased investment.

¹ Walmart Inc. was formerly known as Wal-Mart Stores, Inc. and Sam’s West, Inc.

3. Walmart is a Delaware corporation authorized to do business in North Dakota. Walmart's corporate headquarters is located at 702 SW 8th Street, Bentonville, Arkansas 72716. Walmart is a large retailer that operates 17 retail units and employs over 4,800 associates in North Dakota.²

4. Walmart has four stores and related facilities within the service territory of the Company. These facilities include Walmart stores, a Sam's Club, and a gas station.

5. Walmart is a commercial customer of the Company with a significant percentage of its electrical capacity and energy needed to power its facilities within the Company's service territory purchased from the Company. As a large energy user, the Company's requested relief will likely have a significant impact on Walmart's energy costs. Because energy cost is a large part of Walmart's operating costs, this proceeding will have a direct impact on Walmart's operations in North Dakota and substantially affect the pecuniary and tangible interests of Walmart.

6. Walmart's interests are not adequately represented by any other party to this proceeding because of Walmart's unique status as a large retail electric customer.

7. Walmart may present evidence through direct testimony, as well as cross-examination, on issues arising in this proceeding, including, but not limited to, the following issues: (a) appropriate rate of return and the cost of equity; (b) appropriate expenses that should be recovered by ratepayers; and (c) appropriate adjustments to costs of service studies and rate design issues, if any. However, the exact nature and quantity of any evidence to be presented by Walmart in this proceeding is not yet known. Walmart reserves the right to participate in this proceeding as its interest continues to develop throughout the course of the proceeding.

8. Walmart's intervention is timely.

² <https://corporate.walmart.com/our-story/locations/united-states/north-dakota>

9. Walmart's intervention will not unduly broaden the issues or delay the proceedings, nor will its intervention prejudice any parties.

10. The nature and quantity of any evidence to be presented by Walmart in this proceeding is not yet known. Walmart reserves the right to participate in this proceeding as its interest continues to develop throughout the course of the proceeding.

11. A copy of this Petition to Intervene has been served upon the parties to this proceeding as provided in the attached Certificate of Service. Copies of all notices, orders, or pleadings in this proceeding should be served upon:

Julie A. Clark
Clark Energy Law, LLC
3440 Youngfield Street, Suite 276
Wheat Ridge, CO 80033
Direct Dial: (303) 731-6106
jclark@clarkenergyllaw.com

Steve W. Chriss
Director, Energy Services
Walmart Inc.
2608 SE J Street
Bentonville, AR 72716
Telephone: (479) 268-0081
stephen.chriss@walmart.com

Alex Kronauer
Senior Manager, Energy Services
Walmart Inc.
2608 SE J Street, Mail Stop: 5530
Bentonville, AR 72716
Telephone: (312) 231-6667
Alex.Kronauer@walmart.com

Andrew Teague
Utility Rate Analysis Manager
Walmart Inc.
2608 SE J Street, Mail Stop: 5530
Bentonville, AR 72716
Telephone: (865) 696-4687
Andrew.Teague@walmart.com

WHEREFORE, Walmart submits this timely Petition to Intervene and respectfully requests that the Commission grant its Petition and allow it to participate with full rights as a party in this proceeding.

DATED this the 5th day of July, 2022.

Respectfully submitted,

CLARK ENERGY LAW, LLC



Julie A. Clark

ND Bar Id. 06957

3440 Youngfield Street, Suite 276

Wheat Ridge, CO 80033

Tel: (303) 731-6106

jclark@clarkenergylaw.com

ATTORNEYS FOR WALMART INC.

CERTIFICATE OF SERVICE

I hereby certify that, on the 5th day of July, 2022, the original and seven (7) copies of the foregoing was mailed and emailed to the following:

Executive Secretary Public Service Commission
600 East Boulevard Avenue, Dept. 480
Bismarck, ND 58505-0480
ndpsc@nd.gov

With a single copy delivered via e-mail to the following:

Allison Waldon
Counsel for MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58506-5650
Allison.Waldon@mduresources.com

Paul Sanderson
Evenson Sanderson PC
103 South 3rd Street, Suite 5
Bismarck, ND 58501
psanderson@esattorneys.com

Victor Schock
PSC Advocacy Staff
600 E. Boulevard
Bismarck, ND 58505-0480
vschock @nd.gov

Brian Johnson
Special Assistant Attorney General
600 E. Boulevard Dept. 408
Bismarck, ND 58505-0480
brljohnson@nd.gov

John B. Coffman
John B. Coffman, LLC
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
john@johncoffman.net
Attorney for AARP

David A. Tschider
Tschider and Smith
418 E. Rosser Ave., Ste. 200
Bismarck, ND 58501-4046
dtschider@tschider-smithlaw.com
Attorney for AARP



Julie A. Clark