

February 14, 2024

Sherri L. Golden, Secretary
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, NJ 08625-0350

VIA ELECTRONIC MAIL & EFILE

Re: In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service, B.P.U.N.J. No. 17 Electric and B.P.U.N.J. No. 17 Gas, and for Changes in Depreciation Rates, Pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief;

BPU Docket Nos. ER23120924 and GR23120925

Dear Secretary Golden:


Please find attached for filing the Motion to Intervene of Walmart Inc. and the Motion for Admission *Pro Hac Vice* of Barry A. Naum in the above-referenced matter.

By copy of this letter, copies of the referenced documents are being forwarded this date via electronic mail to all persons on the distribution list.

Please contact the undersigned if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC


Steven W. Lee (NJ Bar No. 324262020)
1100 Bent Creek Boulevard, Suite 101
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Counsel for Walmart Inc.

SWL/sds
Enclosures
c: Service List

In the Matter of the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service, B.P.U.N.J. No. 17 Electric and B.P.U.N.J. No. 17 Gas, and for Changes in Depreciation Rates, Pursuant to N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1, and for Other Appropriate Relief;

BPU Docket Nos. ER23120924 and GR23120925

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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF)	
PUBLIC SERVICE ELECTRIC AND GAS)	
COMPANY FOR APPROVAL OF AN)	
INCREASE IN ELECTRIC AND GAS RATES)	BPU DOCKET NOS.
AND FOR CHANGES IN THE TARIFFS FOR)	ER23120924 AND
ELECTRIC AND GAS SERVICE, B.P.U.N.J.)	GR23120925
NO. 17 ELECTRIC AND B.P.U.N.J. NO. 17)	
GAS, AND FOR CHANGES IN)	
DEPRECIATION RATES, PURSUANT TO)	
N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 AND)	
N.J.S.A. 48:2-21.1, AND FOR OTHER)	
APPROPRIATE RELIEF)	

**MOTION TO INTERVENE OF
WALMART INC.**

Walmart Inc. ("Walmart") hereby moves before the New Jersey Board of Public Utilities ("Board"), pursuant to N.J.A.C. 1:1-16 *et seq.*, to permit Walmart to intervene as a party in the above-captioned proceeding with all of those rights and obligations typically afforded to an intervenor in such proceedings. In support of its Motion, Walmart states as follows:

1. On December 29, 2023, Public Service Electric and Gas Company ("PSE&G" or "Company") filed a Petition for approval of an increase in its current base rates for electric service of approximately \$522.1 million (excluding Sales and Use Tax ("SUT")) and for gas service an increase of approximately \$422.8 million. Direct Testimony of Michael P. McFadden, p. 90. The Company is also requesting a return on equity of 10.40 percent. Direct Testimony of Ann E. Bulkley, p. 6.

2. On January 10, 2024, the Board issued an Order suspending PSE&G's proposed revisions until May 29, 2024, "unless the Board makes a determination disposing of the Petition or enters an Order further suspending the proposed revisions prior to that date."

3. Walmart is a national retailer of goods and services throughout the United States with its principal office located at 2608 SE J Street, Bentonville, AR 72716. Walmart has the privilege of providing its retail services throughout the State of New Jersey at three distribution centers, three fulfillment centers, and 70 retail facilities, including 35 Supercenters, 27 Discount Stores, and eight Sam's Clubs.¹ As of October 31, 2023, the total number of Walmart associates in New Jersey is 25,091. Walmart spends approximately \$15.3 billion for merchandise and services with suppliers in the state of New Jersey, and as a result of Walmart's relationship with these suppliers, Walmart supports approximately 98,161 supplier jobs in the state of New Jersey.²

4. Walmart is a large commercial customer of PSE&G. In PSE&G's service territory specifically, Walmart operates 33 retail stores, one distribution center, and related facilities that take electric service from PSE&G and 30 retail stores, one distribution center, and related facilities that take gas service from PSE&G. PSE&G delivers over 89.4 million kWh of electricity annually and 1.45 million therms of gas annually to Walmart. Energy costs comprise a large portion of Walmart's operating costs. As a result, Walmart would be directly impacted by: (a) the adoption of PSE&G's rate increase requests, and (b) any rate design and ratemaking changes approved in implementing any approved increase.

5. Accordingly, Walmart has a real and substantial interest in the outcome of this proceeding. Further, as a large commercial customer of PSE&G with multiple accounts and facilities, Walmart cannot be adequately represented by any other party.

6. Walmart also submits that it has insights and comments that will be relevant and material to the Commission's ruling on the Petition. Walmart may also be directly affected by

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

² *Id.*

issues that may be raised in the proceeding by other parties. Walmart therefore seeks to intervene in this docket to protect its interests.

7. The Verification of Lisa V. Perry is attached hereto stating that the facts stated in this Motion are true and accurate to the best of his knowledge and belief.

8. The granting of this Motion will not cause undue delay or confusion.

9. Walmart requests that all pleadings, correspondence, discovery, and other documents be served on Walmart at the following address (electronic service preferred):

Barry A. Naum
Steven W. Lee
SPILMAN THOMAS & BATTLE, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2742
Fax: (717) 795-2743
bnaum@spilmanlaw.com
slee@spilmanlaw.com

WHEREFORE, Walmart Inc. respectfully requests the New Jersey Board of Public Utilities to (1) grant it full procedural and substantive rights as an intervenor in this matter pursuant to N.J.A.C. 1:1-16 *et seq.*, and (2) order such further relief in connection therewith as the Board deems reasonable and just.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By  _____
Barry A. Naum
Steven W. Lee (NJ Bar No. 324262020)
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Phone: (717) 795-2742
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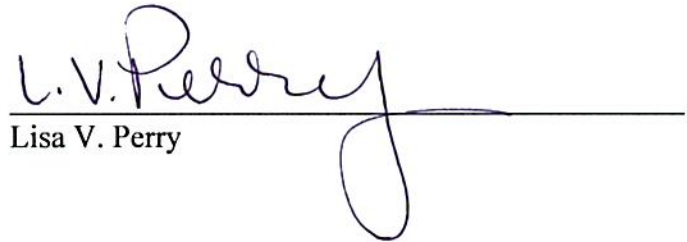
Counsel to Walmart Inc.

Date: February 14, 2024

VERIFICATION

In accordance with N.J.A.C. § 14:1-4.6, I, Lisa V. Perry, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am the Director, Utility Partnerships, of Walmart Inc. ("Walmart") and am authorized to make this Verification on behalf of Walmart.
2. I have reviewed the foregoing Motion to Intervene and attest that the information contained therein is true and correct to the best of my knowledge, information, and belief.



Lisa V. Perry

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF)	
PUBLIC SERVICE ELECTRIC AND GAS)	
COMPANY FOR APPROVAL OF AN)	BPU DOCKET NOS.
INCREASE IN ELECTRIC AND GAS RATES)	ER23120924 AND
AND FOR CHANGES IN THE TARIFFS FOR)	GR23120925
ELECTRIC AND GAS SERVICE, B.P.U.N.J.)	
NO. 17 ELECTRIC AND B.P.U.N.J. NO. 17)	
GAS, AND FOR CHANGES IN)	
DEPRECIATION RATES, PURSUANT TO)	
N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 AND)	
N.J.S.A. 48:2-21.1, AND FOR OTHER)	
APPROPRIATE RELIEF)	

MOTION FOR ADMISSION PRO HAC VICE

I, Steven W. Lee, an attorney in good standing of the State of New Jersey and authorized to practice in this state, hereby move the Board of Public Utilities in accordance with *N.J.A.C. 1:1-5.2* to permit the appearance of Barry A. Naum, a member of the bars of Pennsylvania and West Virginia, to appear *Pro Hac Vice* in the above-captioned matter. An Affidavit is attached and is relied upon in support of this Motion.

I hereby certify that copies of this Motion and the attached Affidavit have been served upon all parties in the above-captioned matter.

Dated: February 14, 2024



Steven W. Lee (NJ Bar No. 324262020)
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Phone: (717) 791-2012
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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF)	
PUBLIC SERVICE ELECTRIC AND GAS)	
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N.J.S.A. 48:2-18, N.J.S.A. 48:2-21 AND)	
N.J.S.A. 48:2-21.1, AND FOR OTHER)	
APPROPRIATE RELIEF)	

AFFIDAVIT IN SUPPORT OF MOTION TO APPEAR PRO HAC VICE

Harrisburg, Pennsylvania:

I, Barry A. Naum, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the Commonwealth of Pennsylvania and the State of West Virginia.

2. I am associated in this matter with New Jersey counsel of record, Steven W. Lee, who is qualified to practice law in this State, pursuant to R. 1:21-1.

3. Walmart Inc. ("Walmart") has requested my representation in this matter.

4. I am not now the subject of any pending disciplinary proceedings in any jurisdiction nor have I been disciplined previously in any jurisdiction.

5. There is good cause for my admission *pro hac vice* in that I have a long-standing attorney-client relationship with Walmart in numerous states and jurisdictions, and Walmart has engaged me to represent its interests in the above-captioned cause due to the complex nature of the proceeding and the subject matter expertise that I provide in the field of Public Utility and Electricity Law.

6. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:28-2 and 1:20-1(b).

7. If this application to appear *pro hac vice* is granted, I agree to:

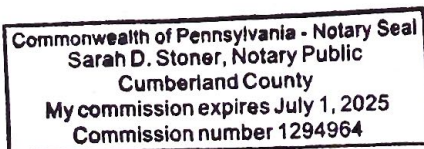
- a. Abide by the agency rules and all applicable New Jersey court rules, including all disciplinary rules;
- b. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
- c. Notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of my courts; and
- d. Have all pleadings, briefs, and other papers filed with the Board of Public Utilities and the Office of Administrative Law signed by the attorney authorized to practice in this State.

Sworn and subscribed before me
This 14th day of February, 2024.

Sarah D Stoner

[Signature]

Barry A. Naum



**STATE OF NEW JERSEY
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PUBLIC SERVICE ELECTRIC AND GAS)	
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APPROPRIATE RELIEF)	

ORDER

Steven W. Lee, an attorney of the State of New Jersey, moved under *N.J.A.C.* 1:1-5.2 to permit the appearance *pro hac vice* of Barry A. Naum, an attorney in the Commonwealth of Pennsylvania and State of West Virginia, in the above-captioned matter. The affidavit of Barry A. Naum indicates that he satisfies each of the conditions for admission, including good cause, set forth in *R.* 1-21-2(a) and that payment has been made to the New Jersey Lawyers' Fund for Client Protection.

Therefore, I **ORDER** that the motion seeking the admission of Barry A. Naum to practice before the Board of Public Utilities and the Office of Administrative Law ("OAL") *pro hac vice* in the above-captioned matter is hereby granted, provided that Barry A. Naum shall:

1. Abide by the agency Rules and all applicable New Jersey Court rules, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agency upon whom service of process may be made for all actions against him or his firm that may arise out of participation in this matter;

3. Notify the Board of Public Utilities and the Office of Administrative Law immediately of any matter affecting his standing at the bar of any other court; and
4. Have all pleadings, briefs, and other papers filed with the Board of Public Utilities and the Office of Administrative Law signed by an attorney authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and of the admitted attorney therein.

DATE

ALJ