



December 19, 2008

VIA HAND DELIVERY

Mr. James J. McNulty
Commission Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Docket No. M-2008-2069887; Reply Comments on behalf of Wal-Mart for Energy Efficiency and Conservation Program and EDC Plans

Dear Mr. McNulty:

Enclosed please find an Original and Fifteen (15) copies of the "**Reply Comments on Behalf of Wal-Mart in Response to the Staff's Draft Proposal and Attached Questions.**" Please enter this into the docket and time-stamp the additional two (2) copies and return to us. An electronic copy of the Reply Comments will be sent to the Commission's Act 129 e-mail account.

If you have any questions regarding this filing, please do not hesitate to call us at (717) 233-5731.

Best regards,

RHOADS & SINON LLP

By:

A handwritten signature in black ink, appearing to read "Scott H. DeBroff", is written over a horizontal line.

Scott H. DeBroff, Esquire

SHD/msi

cc: ra-Act129@state.pa.us

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ENERGY EFFICIENCY AND
CONSERVATION PROGRAM AND
EDC PLANS**

Docket No. M-2008-2069887

**REPLY COMMENTS ON BEHALF OF WAL-MART IN RESPONSE TO THE
STAFF DRAFT PROPOSAL AND ADDITIONAL QUESTIONS**

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DATED: DECEMBER 19, 2008

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

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ENERGY EFFICIENCY AND
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**REPLY COMMENTS ON BEHALF OF WAL-MART IN RESPONSE TO THE
ADDITIONAL QUESTIONS IN STAFF'S DRAFT PROPOSAL**

AND NOW COMES, **Wal-Mart Stores East LP and Sam's East, Inc.** (collectively "Wal-Mart"), by and through its counsel, **Scott H. DeBroff, Esquire** and **Alicia R. Petersen, Esquire** of Rhoads & Sinon LLP. In support of this docket, Wal-Mart avers the following:

1. Wal-Mart is a retailer of goods and services. Wal-Mart's principal office is at 2001 SE 10th Street, Bentonville, AR 72716-0550.

2. Wal-Mart has the privilege of providing its retail goods and services in the Commonwealth of Pennsylvania. It has 83 Supercenters, 41 Discount Stores, 23 Sam's Clubs and 4 Distribution Centers across the State of Pennsylvania and receives electric services from several EDCs in Pennsylvania. Throughout the United States, Wal-Mart has participated in energy efficiency, demand response, and advanced meter installations. Wal-Mart has implemented measures in its facilities to enhance its energy efficiency capabilities. Based on its

experience with energy efficiency throughout the United States, Wal-Mart has unique insight into many load reduction programs and the potential such programs can offer.

3. Wal-Mart's purpose for participating in this proceeding is to contribute, participate and respond to the issues raised by the Commission or raised by other parties in this proceeding. Wal-Mart has participated as a party before this Commission, other state commissions, and the Federal Energy Regulatory Commission.

4. Wal-Mart has a direct, immediate, and substantial interest in the subject matter of this proceeding and can offer additional insights and perspectives regarding conservation, energy efficiency and demand response activities in Pennsylvania.

5. On November 26, 2008 a Secretarial Letter was issued in this docket that requested comments on Staff's further Act 129 implementation questions and Draft Proposal for Phase 1 of the Act.

6. On December 8, 2008 parties submitted comments on the Draft Proposal and the additional question.

7. A Working Group meeting was held on December 10, 2008 to discuss the Staff Draft Proposal, the additional questions, and parties comments to Phase 1 of Act 129.

8. During the Working Group the Commission Staff announced that they wanted Parties to file Reply Comments on the Phase 1 comments by December 19, 2008.

9. Wal-Mart's counsel and to whom all correspondence and pleadings in this docket should be directed to are:

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10. The following are the Reply Comments submitted by Wal-Mart in response to the party comments to the Staff Draft Proposal and additional questions.

REPLY COMMENTS FOR WAL-MART STORES

1. Wal-Mart agrees with the theory behind the Industrial Energy Consumers of PA (IECPA) comments to Staff's Question 2 of the additional questions in Staff's Draft Proposal. Wal-Mart agrees that the Commission should remember that some ratepayers, at their own expense have implemented and paid for their own Energy Efficiency and Conservation (EE&C) programs. Requiring these ratepayers to also pay for a utility sponsored program would essentially be requiring them to pay twice for energy efficiency.

2. In response to Staff's Question 2, Wal-Mart supports the implementation and creation of a statewide policy that would allow ratepayers the ability to "opt out" of utility sponsored programs.

3. Wal-Mart references the North Carolina SB 3, Renewable Energy and Energy Efficiency Portfolio Standard (REPS), and its related docket found at E-100 Sub 113. This legislation and the Final Rules that came out of that docket, provided for a special provision for Industrial and Large Commercial Customers. The relevant part of the final rule states:

[A]ny industrial customer or large commercial customer may notify its electric power supplier that it has implemented or, in accordance with stated, quantifiable goals, will implement alternative demand-side management or energy efficiency measures. Any such customer may elect not to participate in new demand side management and energy efficiency measures under G.S. 62-133.9(f). Any customer that elects this option and notifies its electric public utility will, after the

date of notification, be exempt from any annual rider established pursuant to this rule.

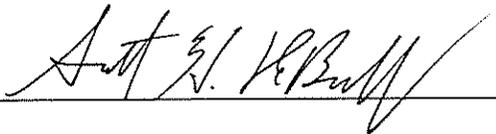
R8-69(d)(1)

4. Wal-Mart believes that the North Carolina Rule is highly relevant to this proceeding and Phase 1 of Act 129. As stated in its presentation in the Special En Banc Hearing in November and noted by all of the Commissioners, Wal-Mart has enhanced all of its stores with the latest energy efficiency technology without any legislative or regulatory directive. Therefore, Wal-Mart recommends that the Commission consider allowing ratepayers who are proactively implementing energy efficiency measures be allowed to "opt out" of utility sponsored energy efficiency programs. Additionally, allowing these ratepayers to "opt out" of the program will leave additional money in the program for other consumers to use for their own programs.

5. In addition, Wal-Mart would like to take this opportunity to speak to the installation of advanced meters. Wal-Mart has made, and continues to make significant investments in the latest advanced metering technology in order to keep track of energy usage in all of its facilities and utilize such meter data to support its internal energy efficiency efforts. This system allows Wal-Mart to manage their load effectively and provides the ability to perform measurement, verification, and evaluation of energy efficiency and demand response programs. Due to the investment some ratepayers have made in their own advanced meters systems, Wal-Mart requests that the Commission not require customers who install their own advanced meters to also pay for a utility advanced meter, provided the customers advanced meter meets or exceeds certain standards established by the Commission.

WHEREFORE, Wal-Mart respectfully requests that the Commission enter its Reply Comments in the above-captioned proceeding. We look forward to continuing our participation in this process going forward and contributing our experience and expertise. Thank you again for the opportunity to comment on this important matter.

Respectfully submitted,

By: 

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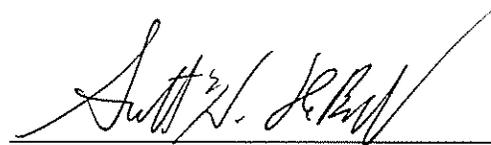
Docket No. M-2008-2069887

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing "REPLY COMMENTS ON BEHALF OF WAL-MART IN RESPONSE TO THE STAFF DRAFT PROPOSAL AND ADDITIONAL QUESTIONS" electronically to the Commission's Act 129 e-mail account at ra-Act129@state.pa.us.

Dated: December 19, 2008

By:



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