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Via Electronic Mail puc.filingcenter@state.or.us
And Overnight Mail

November 9, 2009

Public Utility Commission of Oregon
550 Capitol Street NE, Suite 215
Salem, Oregon 97310
Attn: Carol Hulse

Re: Case No. UM 1415

Dear Ms. Hulse:

Please find enclosed the original and five (5) copies of the **MOTION PRO HAC VICE OF MICHAEL L. KURTZ AND KURT J. BOEHM, COUNSEL FOR THE FRED MEYERS STORES AND QUALITY FOOD CENTERS, DIVISIONS OF THE KROGER CO.** to be filed in the above referenced matter.

Copies have been served on all parties of record. Please place this document of file.

Very truly yours,



Michael L. Kurtz, Esq.

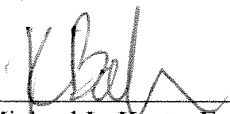
Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Enclosure
cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served via electronic mail (when available) and regular U.S. Mail (unless otherwise noted), this 9th day of November, 2009.



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

**W=Waive Paper
service**

**C=Confidential
HC=Highly Confidential**

Sort by Last Name

Sort by Company Name

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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 1415

In The Matter Of : MOTION FOR ADMISSION PRO HAC
PUBLIC UTILITY COMMISSION OF : VICE OF MICHAEL L. KURTZ AND
OREGON : KURT J. BOEHM, COUNSEL FOR
Staff Investigation Into Cost Methods For Use : FRED MEYER STORES, A WHOLLY
In Developing Electric Rate Spreads : OWNED SUBSIDIARY OF KROGER
CO

NOW COMES Nona M. Soltero, an attorney licensed to practice law in the State of Oregon, and hereby moves the Commission to permit Michael L. Kurtz, Esq. and Kurt J. Boehm, Esq. to appear and participate as co-counsel for Intervenor Fred Meyer Stores, a wholly owned subsidiary of Kroger Co., in the above-captioned case. The reasons for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



NONA M. SOLTERO
OSB 82123

MEMORANDUM IN SUPPORT

Nona M. Soltero, an attorney licensed to practice law in the State of Oregon, hereby moves the Commission to permit Michael L. Kurtz, Esq. and Kurt J. Boehm, Esq. to appear and participate as counsel before this Commission in all proceedings in this matter. Michael L. Kurtz, is a licensed attorney in good standing in Ohio, Kentucky and Michigan. Kurt J. Boehm, Esq. is a licensed attorney in good standing in Ohio and Kentucky. Copies of Certificates of Good Standing from each jurisdiction in which the applicants are licensed are attached. Applicants also attach a Certificate of Liability Insurance verifying that the applicants are insured.

Thus, the Commission should grant this Motion for Admission Pro Hac Vice.

Respectfully submitted,



NONA M. SOLTERO
OSB 82123

November 9, 2009



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

PRODUCER Stephen D. Jonson, Ltd. 1251 Sweetwater Drive Cincinnati, Ohio 45215	THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Boehm, Kurtz & Lowry 36 E. Seventh St., Suite 1510 Cincinnati, Ohio 45202	INSURER A:	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER eXL - Greenwich Insurance Co.	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADD'L LTR/INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER Errors & Omissions	XLP 95 085 70	07/01/2009	07/01/2010	Limits: \$5mil/5mil Deductible: \$25,000 Per Claim

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Retroactive date: 06/01/1990

CERTIFICATE HOLDER

CANCELLATION

Public Utilities Commission of Oregon
 550 Capitol Street NE, Suite 215
 Salem, Oregon 97310

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

www.kybar.org



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R. Michael Sullivan

William H. Wilhoit

M. Gail Wilson

THIS IS TO CERTIFY THAT

KURT JOSEPH BOEHM

6082 Crittenden Drive

Cincinnati, Ohio 45244

Membership No. 89327

is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 12th day of August, 2009.

JOHN D. MEYERS
REGISTRAR



By: _____

Nicole A. Key
Nicole A. Key, Deputy Registrar

The Supreme Court of Ohio

CERTIFICATE

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Kurt Joseph Boehm

was admitted to the practice of law in Ohio on May 09, 2003; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 15th day of December, 2008.

SUSAN B. CHRISTOFF
Director, Attorney Services Division


Barbara J. White
Attorney Services Specialist

THE SUPREME COURT of the STATE OF MICHIGAN

I, Corbin R. Davis, Clerk of the Michigan Supreme Court and Custodian of the Roll of Attorneys admitted to the practice of law in this state, do hereby certify that, as appears from the records,

Michael L. Kurtz

was admitted to the practice of law in the courts of the State of Michigan on

May 26, 2004

and has remained in good standing since then.

In Testimony Whereof, I set my hand and
affix the seal of the Michigan Supreme
Court on this date: December 12, 2008



Clerk

KENTUCKY BAR ASSOCIATION

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THIS IS TO CERTIFY THAT

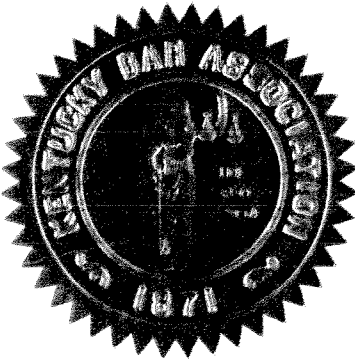
MICHAEL LAWRENCE KURTZ

*36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202*

Membership No. 84607

*is an active member in good standing with the Kentucky Bar Association as required by the
Rules of the Supreme Court of Kentucky. Dated this 10th day of December, 2008.*

***JAMES L. DECKARD
REGISTRAR***



By: _____

Nicole A. Key, Deputy Registrar

The Supreme Court of Ohio

C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Michael Lawrence Kurtz

was admitted to the practice of law in Ohio on April 28, 1986; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 15th day of December, 2008.

SUSAN B. CHRISTOFF

Director, Attorney Services Division


Barbara J. White
Attorney Services Specialist