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**And Overnight Mail**

February 16, 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 PETITION TO INTERVENE OF THE FRED MEYERS STORES AND QUALITY FOOD CENTERS, DIVISIONS OF KROGER CO. in the above referenced matter.

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

Very truly yours,



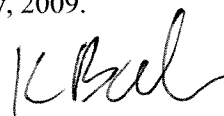
Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.

**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 16<sup>TH</sup> day of February, 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 : PETITION TO INTERVENE OF  
PUBLIC UTILITY COMMISSION OF : FRED MEYER STORES AND  
OREGON : QUALITY FOOD CENTERS,  
: DIVISIONS OF KROGER CO.  
Staff Investigation Into Cost Methods For Use :  
In Developing Electric Rate Spreads :

NAME OF PETITIONER: **Fred Meyer Stores and Quality Food Centers, Divisions Of Kroger Co.**  
ADDRESS: **Attn: Corporate Energy Manager, 1014 Vine Street, Cincinnati, Ohio 45202**  
PHONE NUMBER: **513-762-4538**  
FAX NUMBER: **513-762-4012**  
E-MAIL ADDRESS: **dgeorge@kroger.com**

NAME OF COUNSEL FOR PETITIONER: **Michael L. Kurtz, Esq., and Kurt J. Boehm, Esq., Boehm, Kurtz & Lowry**  
COUNSEL'S ADDRESS: **36 East Seventh Street., Suite 1510, Cincinnati, OH 45202**  
COUNSEL'S PHONE NUMBER: **513-421-2255**  
COUNSEL'S FAX NUMBER: **513-421-2764**  
COUNSEL'S E-MAIL ADDRESS: **mkurtz@bkllawfirm.com, kboehm@bkllawfirm.com**

NAME OF CONSULTANT FOR PETITIONER: **Kevin C. Higgins, Energy Strategies Inc.**  
CONSULTANT'S ADDRESS: **215 South State Street, Suite 200, Salt Lake City, UT 84111**  
CONSULTANT'S PHONE NUMBER: **801-355-4365**  
CONSULTANT'S FAX NUMBER: **801-521-9142**  
CONSULTANT'S E-MAIL ADDRESS: **khiggins@energystrat.com**

IF THE PETITIONER IS AN ORGANIZATION, THE NUMBER OF MEMBERS IN AND THE PURPOSES OF THE ORGANIZATION:

**The Petitioner is seeking intervention on its own behalf as a customer of Portland General Electric Company. Petitioner is not seeking intervention in this matter as a member of a trade group or other organization.**

NATURE AND EXTENT OF THE PETITIONER'S INTEREST IN THE PROCEEDING:

**Petitioner operates approximately 36 grocery stores, convenience stores, warehouses, office, and manufacturing operations in the service territory of Portland General. The total load of Petitioner is approximately 32 MW. The annual load factor by location varies but averages in the range of 65-70%. Petitioner has a substantial and diverse interest in the outcome of this case that cannot be adequately represented by any other party.**

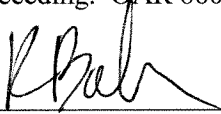
THE ISSUES THE PETITIONER INTENDS TO RAISE AT THE PROCEEDING:

**The primary issue Fred Meyer intends to address in this case will be whether the design and allocation of utility rates is just and reasonable.**

ANY SPECIAL KNOWLEDGE OR EXPERTISE OF THE PETITIONER THAT WOULD ASSIST THE COMMISSION IN RESOLVING THE ISSUES IN THE PROCEEDING:

**Kroger Co., the owner of Fred Meyer Stores and Quality Food Centers, operates in 31 states and has approximately 3500 locations nationwide. Petitioner's regulatory counsel has extensive experience in all facets of electricity law. We expect to retain expert witnesses as necessary. This broad familiarity with ratemaking policy gives Petitioner special expertise that will assist the Commission in deciding the issues in this proceeding.**

Based on the information provided above in accordance with the Commission's rules of procedure, Fred Meyer Stores and Quality Food Centers requests to participate in this proceeding as an intervenor. Petitioner represents that it will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-013-0021.



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2/16/09  
Date