

**BOEHM, KURTZ & LOWRY**

ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
SUITE 1510  
CINCINNATI, OHIO 45202  
TELEPHONE (513) 421-2255  

---

TELECOPIER (513) 421-2764

**Via Electronic Mail - [puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us)**

October 19, 2018

Public Utility Commission of Oregon  
201 High Street SE, Suite 100  
Salem, Oregon 97301-3398  
Attn: Filing Center

**Re: Case No. UE-335**

Dear Sir or Madam:

Please find attached the OPENING BRIEF IN SUPPORT OF STIPULATION OF FRED MEYER STORES AND QUALITY FOOD CENTERS, DIVISIONS OF THE KROGER CO. for filing in the above referenced matter.

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

Very truly yours,



Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

KJBkew  
Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 335**

In The Matter Of	:	<b>OPENING BRIEF IN SUPPORT OF STIPULATION</b>
	:	
PORTLAND GENERAL ELECTRIC COMPANY	:	<b>OF</b>
	:	
Request for a General Rate Revision	:	<b>FRED MEYER STORES, INC., A WHOLLY OWNED</b>
	:	<b>SUBSIDIARY OF THE KROGER CO. AND</b>
	:	<b>QUALITY FOOD CENTERS, A DIVISION OF THE</b>
	:	<b>FRED MEYER STORES, INC.</b>

---

On August 20, 2018, Portland General Electric Company, Commission Staff, Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Company (Fred Meyer), Albertsons Companies, Inc. and Calpine Energy Solutions, LLC filed a Partial Stipulation Regarding Direct Access Issues that resolved all outstanding direct access related issues in this case for service years 2020 and 2021.

Fred Myer Stores hereby submits its Opening Brief reaffirming its support of the Direct Access Stipulation pursuant to Administrative Law Judge Moser's August 14, 2018 Ruling. As noted in the Stipulating Party Testimony of Fred Meyer witness Justin Bieber, Fred Meyer strongly supports the development and continuation of a viable direct access program and supports the Direct Access Stipulation because it represents a reasonable resolution to the package of direct access issues addressed in this case.<sup>1</sup>



---

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255 Fax: (513) 421-2764  
E-mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

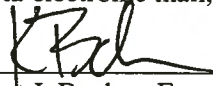
Ian V. Ford, Esq. (OSB 960638)  
Corporate Counsel  
Fred Meyer Stores, Inc. / The Kroger Co.  
3800 SE 22nd Avenue  
Portland OR 97202  
Ph: 503.797.3524 Fax: 503.797.5623  
[ian.ford@kroger.com](mailto:ian.ford@kroger.com)

October 19, 2018

<sup>1</sup> Stipulating Parties/600, Gibbens — Waidelich — Bieber — Macfarlane/5.

**CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing was served via electronic mail, unless otherwise noted, this 19<sup>th</sup> day of October, 2018.

  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.

**ALBERTSONS**

BRIAN BETHKE  
11555 DUBLIN CANYON ROAD

250 PARKCENTER BLVD  
BOISE ID 83706  
brian.bethke@albertsons.com

CHRIS ISHIZU  
ALBERTSONS COMPANIES, INC.

250 PARKCENTER BLVD  
BOISE ID 83706  
chris.ishizu@albertsons.com

GEORGE WAIDELICH  
ALBERTSONS COMPANIES' INC.

11555 DUBLIN CANYON ROAD  
PLEASANTON OR 94588  
george.waidelich@albertsons.com

**AWEC UE 335**

BRADLEY MULLINS (C)  
MOUNTAIN WEST ANALYTICS

1750 SW HARBOR WAY STE 450  
PORTLAND OR 97201  
brmullins@mwanalytics.com

TYLER C PEPPE (C)  
DAVISON VAN CLEVE, PC

1750 SW HARBOR WAY STE 450  
PORTLAND OR 97201  
tcp@dvclaw.com

ROBERT SWEETIN (C)  
DAVISON VAN CLEVE, P.C.

185 E. RENO AVE, SUITE B8C  
LAS VEGAS NV 89119  
rds@dvclaw.com

**CALPINE SOLUTIONS**

GREGORY M. ADAMS (C)  
RICHARDSON ADAMS, PLLC

PO BOX 7218  
BOISE ID 83702  
greg@richardsonadams.com

GREG BASS  
CALPINE ENERGY SOLUTIONS, LLC

401 WEST A ST, STE 500  
SAN DIEGO CA 92101  
greg.bass@calpinesolutions.com

KEVIN HIGGINS (C)  
ENERGY STRATEGIES LLC

215 STATE ST - STE 200  
SALT LAKE CITY UT 84111-2322  
khiggins@energystrat.com

**NIPPC**

ROBERT D KAHN  
NORTHWEST & INTERMOUNTAIN POWER  
PRODUCERS COALITION

PO BOX 504  
MERCER ISLAND WA 98040  
rkahn@nippc.org

IRION A SANGER (C)  
SANGER LAW PC

1117 SE 53RD AVE  
PORTLAND OR 97215  
irion@sanger-law.com

MARK R THOMPSON (C)  
SANGER LAW PC

1117 SE 53RD AVE  
PORTLAND OR 97215  
mark@sanger-law.com

#### OREGON CITIZENS UTILITY BOARD

OREGON CITIZENS' UTILITY BOARD

610 SW BROADWAY, STE 400  
PORTLAND OR 97205  
dockets@oregoncub.org

MICHAEL GOETZ (C)  
OREGON CITIZENS' UTILITY BOARD

610 SW BROADWAY STE 400  
PORTLAND OR 97205  
mike@oregoncub.org

ROBERT JENKS (C)  
OREGON CITIZENS' UTILITY BOARD

610 SW BROADWAY, STE 400  
PORTLAND OR 97205  
bob@oregoncub.org

#### PACIFICORP

PACIFICORP, DBA PACIFIC POWER

825 NE MULTNOMAH ST, STE 2000  
PORTLAND OR 97232  
oregondockets@pacificorp.com

MATTHEW MCVEE  
PACIFICORP

825 NE MULTNOMAH  
PORTLAND OR 97232  
matthew.mcvee@pacificorp.com

#### PORTLAND GENERAL ELECTRIC

PGE RATES & REGULATORY AFFAIRS

PORTLAND GENERAL ELECTRIC COMPANY  
121 SW SALMON STREET, 1WTC0306  
PORTLAND OR 97204  
pge.opuc.filings@pgn.com

STEFAN BROWN (C)  
PORTLAND GENERAL ELECTRIC

121 SW SALMON ST, 1WTC0306  
PORTLAND OR 97204  
stefan.brown@pgn.com; pge.opuc.filings@pgn.com

DOUGLAS C TINGEY (C)  
PORTLAND GENERAL ELECTRIC

121 SW SALMON 1WTC1301  
PORTLAND OR 97204  
doug.tingey@pgn.com

#### SBUA

JAMES BIRKELUND  
SMALL BUSINESS UTILITY ADVOCATES

548 MARKET ST STE 11200  
SAN FRANCISCO CA 94104  
james@utilityadvocates.org

DIANE HENKELS (C)  
CLEANTECH LAW PARTNERS PC

420 SW WASHINGTON ST STE 400  
PORTLAND OR 97204  
dhenkels@cleantechlaw.com

#### STAFF

STEPHANIE S ANDRUS (C)  
PUC STAFF--DEPARTMENT OF JUSTICE

BUSINESS ACTIVITIES SECTION  
1162 COURT ST NE

SALEM OR 97301-4096  
stephanie.andrus@state.or.us

MARIANNE GARDNER (C)  
PUBLIC UTILITY COMMISSION OF  
OREGON

PO BOX 1088  
SALEM OR 97308-1088  
marianne.gardner@state.or.us

SOMMER MOSER (C)  
PUC STAFF - DEPARTMENT OF JUSTICE

1162 COURT ST NE  
SALEM OR 97301  
sommer.moser@doj.state.or.us

## WALMART

VICKI M BALDWIN (C)  
PARSONS BEHLE & LATIMER

201 S MAIN ST STE 1800  
SALT LAKE CITY UT 84111  
vbaldwin@parsonsbehle.com

STEVE W CHRISS (C)  
WAL-MART STORES, INC.

2001 SE 10TH ST  
BENTONVILLE AR 72716-0550  
stephen.chriss@wal-mart.com