BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 263

In The Matter Of

MOTION FOR ADMISSION PRO HAC VICE

AND

PACIFICORP

AFFIDAVITS OF KURT J. BOEHM and JODY KYLER COHN, COUNSEL FOR FRED MEYER

2013 Request for a General Rate Revision

STORES, INC., A WHOLLY OWNED SUBSIDIARY

OF

THE 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 Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq. to appear and participate as co-counsel for Intervenor Fred Meyer Stores, Inc., a wholly owned subsidiary of The 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 Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq. to appear and participate as counsel before this Commission in all proceedings in this matter. Kurt J. Boehm, Esq. is a licensed attorney in good standing in Ohio and Kentucky. Jody Kyler Cohn is a licensed attorney in good standing in Ohio. 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

March 24, 2013

In re: Kurt J. Boehm Name of Out-of-State Attorney	Certificate of Compliance For <i>Pro Hac Vice</i> Admission
L Kurt J. Boehm	_ (print name), am an attorney in the State of Ohio & Kentucky and I
	ORS 9.241 and UTCR 3.170 in the following Oregon court action or
Case Name: Pacificorp Request for Incre	ase Rates
Court: Public Utiliity Commission	Case No.: UE-263
I certify that (check all that apply):	
certificate issued by the licensing authority in that state. ✓ I am not subject to any pending disciplinary proceed ☐ I am subject to pending disciplinary proceedings in an attachment to this certificate. ✓ I intend to associate in the above-referenced action 82123	or proceeding with Nona M. Soltero, OSB No. e Oregon State Bar, who will participate meaningfully in the matter. edural rules of the State of Oregon; be familiar with and comply with the jurisdiction of the Oregon courts and Oregon State Bar with respect admission. by professional liability insurance substantially equivalent to the Oregon by the attached certificate of insurance coverage. It is in the insurance coverage in my insurance of the jurisdiction. The radmitting me pro hac vice in the above-referenced matter when such an evoked for any reason, I will promptly notify the Oregon State Bar. The pro hac vice fee established by ORS 9.241 and the rules of the Oregon riod of twelve months from the date of the Acknowledgment of Receipt the required in order for me to continue my pro hac vice admission in the
Dated this day of March	_, 20 <u></u>
X M	Ohio Bar No.: 0076047
(Applicant Signature)	(Home Jurisdiction)
Mailing Address: Boehm, Kurtz & Lowry	Phone: 513.421.2255
36 E. Seventh Street, Suite 1510	FAX: 513.421.2764
Cincinnati, Ohio 45202	Email: kboehm@BKLlawfirm.com
Regulatory Services Counsel of the C	ledgment of Receipt Dregon State Bar, acknowledge receipt from the above-named out-of-state attorney attachments, and the 5350 fe for pro hac vice appearance in the above-referenced his from the date of this acknowledgment.
Dated this 13 th day of March, 20_13	<u>3</u> .
SEE MATERIALS ATTACHED:	
Note that the professional liability coverage deductible substantially exceeds that of the PLF.	Susan R. Cournoyer, Regulatory Counsel



Regulatory Office 505 Eagleview Blvd, Suite 100 Dept: Regulatory Exton, PA 19341-0636 800-688-1840 COMPANY PROVIDING COVERAGE:

Greenwich Insurance Company

LAWYERS PROFESSIONAL LIABILITY DECLARATIONS

THIS IS BOTH A CLAIMS MADE AND REPORTED INSURANCE POLICY. PLEASE READ IT CAREFULLY.

COMPANY: Greenwich Insurance Company

POLICY NUMBER: LPP003228502

PRODUCER: Stephen D. Jonson, LTD

1251 Sweetwater Drive Cincinnati, OH 45215 RENEWAL OF: LPP003228501

PRODUCER #: 03775

THIS IS A CLAIMS MADE AND REPORTED POLICY. THIS POLICY APPLIES ONLY TO CLAIMS FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD. THE CLAIM MUST BE REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD OR WITHIN 30 DAYS AFTER THE END OF THE POLICY PERIOD SHOWN IN THE DECLARATIONS UNLESS AN EXTENDED CLAIMS REPORTING PERIOD APPLIES. DEFENSE EXPENSES ARE WITHIN AND REDUCE THE LIMIT OF LIABILITY. PLEASE REVIEW THIS POLICY CAREFULLY.

Item 1.

NAMED INSURED:

BOEHM, KURTZ & LOWERY V

Item 2.

ADDRESS:

36 EAST SEVENTH STREET

SUITE 1510

CINCINNATI, OH 45202

Item 3.

POLICY PERIOD: FROM

July 1, 2012 TO

July 1, 2013

12:01 AM Standard Time at the address of the Named Insured as stated herein.

Item 4.

LIMITS OF LIABILITY (Inclusive of defense expenses):

\$5,000,000

Each Claim

\$ 5,000,000

Each Policy Period Aggregate

GIC-XLSP-LPLPD 0410

Page 1

Item 5.

DEDUCTIBLE (Inclusive of defense expenses):

\$ 25,000

Each Claim

\$ N/A

Annual Aggregate

Item 6.

PREMIUM:

Item 7.

RETROACTIVE DATE: June 1, 1990

Item 8.

NOTICES TO BE SENT TO:

Report a Claim

All Other Notices

XL Insurance

XL Insurance

XL Select Professional Claims

XL Select Professional

14643 Dallas Parkway, Suite 770

14643 Dallas Parkway, Suite 770

Dallas, TX 75254

Dallas, TX 75254

Item 9.

ENDORSEMENTS ATTACHED AT POLICY EFFECTIVE DATE:

EndorsementAlimber	Endoisement/Form	Endorsement Fille
	PN CW 02 05 05	Notice To Policyholders - Privacy Policy
	PN CW 05 1010	Notice To Policyholders - U.S. Treasury Department's Office of Foreign Assets Control ("OFAC")
	PN CW 01 1211	Notice To Policyholders - Fraud Notice
	XLSP-LPLPPF (09/08)	Lawyers Professional Liability
	IL MP 9104 0211 GIC	In Witness - Greenwich Insurance Company
Endorsement No. 001	XLSPLPL-OH-1 (09/08)	Ohio Changes

HAYD

07/24/2012

ENGC

0005182481

The Supreme Court of Phio

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 21st day of February, 2013.

SUSAN B. CHRISTOFF

Director, Attorney Services Division

Attorney Services Specialist

In re: Jody Kyler Cohn Name of Out-of-State Attorney	Certifi For <i>Pro</i>	cate of Compliance <i>Hac Vice</i> Admission
I. Jody Kyler Cohn	(mint name) am an atta	rney in the State of Ohio and Kentucky and I
intend to seek <i>pro hac vice</i> admission in accordance wit proceeding:	th ORS 9.241 and UTCR 3.	170 in the following Oregon court action or
Case Name: Pacificorp Request for Incr	ease Rates	
Court: Public Utiliity Commission		No.: UE-263
I certify that (check all that apply):	_	
 ✓ I am an attorney in good standing in the State of Certificate issued by the licensing authority in that state of I am not subject to any pending disciplinary proceedings in an attachment to this certificate. ✓ I intend to associate in the above-referenced action 82123	edings in any jurisdiction; or in another jurisdiction, the nature of proceeding with the Oregon State Bar, who we occur rules of the State of the jurisdiction of the Oregon admission. The oregon State Bar, who we occur rules of the State of the jurisdiction of the Oregon admission. The oregon State Bar, who we occur admission of the Oregon State Bar, who we occur admission of the Oregon admission. The oregon State Bar, who we occur admission of the Orego	a M. Soltero , OSB No. ill participate meaningfully in the matter. f Oregon; be familiar with and comply with egon courts and Oregon State Bar with respect surance substantially equivalent to the Oregon of insurance coverage. Fourt promptly of any changes in my insurance in the above-referenced matter when such an ill promptly notify the Oregon State Bar.
Supreme Court. I acknowledge that this fee is for a prissued below, and that an additional fee of \$250 will matter for every twelve-month period thereafter.	period of twelve months from	the date of the Acknowledgment of Receipt
Dated this day of March	_{, 20} 13 _.	
X Auf C	 Ohio	Bar No.: 0085402
(Applicant Signature)	(Home	Jurisdiction)
Mailing Address: Boehm, Kurtz & Lowry	Phone:	513.421.2255
36 E. Seventh Street, Suite 1510	FAX:	513.421.2764
Cincinnati, Ohio 45202	Email:	jkylercohn@BKLlawfirm.com
Acknown Regulatory Services Counsel of the of the Certificate of Compliance for Pro Hac Vice Admission and Oregon action or proceeding. The fee is for a period of twelve mo	d attachments,	e receipt from the above-named out-of-state attorney for pro hac vice appearance in the above-referenced
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SEE MATERIALS ATTACHED:		10 C -
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RENEWAL OF: LPP003228501

PRODUCER: Stephen D. Jonson, LTD

1251 Sweetwater Drive

Cincinnati, OH 45215

PRODUCER #: 03775

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Dallas, TX 75254

Dallas, TX 75254

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	PN CW 05 1010	Notice To Policyholders - U.S. Treasury Department's Office of Foreign Assets Control ("OFAC")
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Jody Michelle Kyler Cohn

was admitted to the practice of law in Ohio on November 09, 2009; 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 21st day of February, 2013.

SUSAN B. CHRISTOFF

Director, Attorney Services Division

Attorney Services Specialist

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 263

In The Matter Of	:	AFFIDAVIT OF KURT J. BOEHM,
	:	COUNSEL FOR FRED MEYER STORES,
PACIFCORP	:	INC. A SUBSIDIARY OF THE KROGER CO.
	:	AND QUALITY FOOD CENTERS, A
2013 Request for a General Rate Revision	:	DIVISION OF THE KROGER CO.

STATE OF OHIO)
) SS
COUNTY OF HAMILTON)

Kurt J. Boehm, Esq., being duly sworn, deposes and states that the following is true to his personal knowledge and belief:

- 1. Kurt J. Boehm, Esq., counsel for The Kroger Co. certifies that he is not subject to pending disciplinary proceedings in any other jurisdiction.
- 2. Kurt J. Boehm will associate with Nona M. Soltero. Ms. Soltero, an attorney licensed to practice law in the State of Oregon, will participate meaningfully in the above-referenced matter. Ms. Soltero's contact information is below and she should be added to the Commission's Certificate of Service.

Nona M. Soltero, Esq. (OSB 82123)
Corporate Law Dept. #23C
Fred Meyer Stores, Inc. / Kroger Western Region
3800 SE 22nd Avenue
Portland OR 97202

Ph: 503.797.3977 Fax: 503.797.5623

nona.soltero@fredmeyer.com

- 3. Kurt J. Boehm, Esq. will comply with all applicable statues, law and procedural rules of the State of Oregon.
- 4. Counsel will notify the trial court or administrative body promptly of any changes in insurance or status.

Respectfully submitted,

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

kboehm@bkllawfirm.com

Sworn to and subscribed before me on this 22—day of March, 2013.

VIIAIMI

Public

Kimberly Walton Notary Public, State of Ohio My Commission Expires 08-26-2014

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 263

In The Matter Of
PACIFICORP, dba PACIFIC POWER
COUNSEL FOR FRED MEYER
STORES, INC. A SUBSIDIARY OF
THE KROGER CO. AND QUALITY
FOOD CENTERS, A DIVISION OF
THE KROGER CO.

STATE OF OHIO)

SS

COUNTY OF HAMILTON)

Jody Kyler Cohn, Esq., being duly sworn, deposes and states that the following is true to her personal knowledge and belief:

- 1. Jody Kyler Cohn, Esq., counsel for The Kroger Co. certifies that she is not subject to pending disciplinary proceedings in any other jurisdiction.
- 2. Jody Kyler Cohn will associate with Nona M. Soltero. Ms. Soltero, an attorney licensed to practice law in the State of Oregon, will participate meaningfully in the above-referenced matter. Ms. Soltero's contact information is below and she should be added to the Commission's Certificate of Service.

Nona M. Soltero, Esq. (OSB 82123) Corporate Law Dept. #23C Fred Meyer Stores, Inc. / Kroger Western Region 3800 SE 22nd Avenue Portland OR 97202 Ph: 503.797.3977 Fax: 503.797.5623

nona.soltero@fredmeyer.com

- 3. Jody Kyler Cohn, Esq. will comply with all applicable statues, law and procedural rules of the State of Oregon.
- 4. Counsel will notify the trial court or administrative body promptly of any changes in insurance or status.

Respectfully submitted,

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

jkylercohn@bkllawfirm.com

Sworn to and subscribed before me on this 22—day of March, 2013.

tary Public

Notary Public, State of Ohio
My Commission Expires 08-26-2014

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served via electronic mail, unless otherwise noted, this 22st day of March, 2013.

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

bryce.dalley@pacificorp.com

ACTIC	SERVICE LIST	(Parties) SCHEDULE
W=Waive Paper service	C=Confidential HC=Highly Confidential	Sort by Last Name Sort by Company Name
W	BRUBAKER & ASSOCIATES INC	
	MICHAEL GORMAN (C)	16690 SWINGLEY RIDGE RD STE 140 CHESTERFIELD MO 63017 mgorman@consultbai.com
W	CITIZENS' UTILITY BOARD OF OREGON	
	OPUC DOCKETS	610 SW BROADWAY, STE 400 PORTLAND OR 97205 dockets@oregoncub.org
	ROBERT JENKS (C)	610 SW BROADWAY, STE 400 PORTLAND OR 97205 bob@oregoncub.org
	G. CATRIONA MCCRACKEN (C)	610 SW BROADWAY, STE 400 PORTLAND OR 97205 catriona@oregoncub.org
W	DAVISON VAN CLEVE PC	
	MELINDA J DAVISON (C)	333 SW TAYLOR - STE 400 PORTLAND OR 97204 mjd@dvclaw.com; mail@dvclaw.com
W	ENERGY STRATEGIES LLC	
	KEVIN HIGGINS	215 STATE ST - STE 200 SALT LAKE CITY UT 84111-2322 khiggins@energystrat.com
W	NOBLE AMERICAS ENERGY SOLUTIONS, LLC	
	GREG BASS	401 WEST A ST., STE. 500 SAN DIEGO CA 92101 gbass@noblesolutions.com
w	PACIFIC POWER	
	R. BRYCE DALLEY (C)	825 NE MULTNOMAH ST., STE 2000 PORTLAND OR 97232

SARAH WALLACE (C)
-----------------	----

825 NE MULTNOMAH ST STE 1800

PORTLAND OR 97232

sarah.wallace@pacificorp.com

W PACIFICORP, DBA PACIFIC POWER

OREGON DOCKETS 825 N

825 NE MULTNOMAH ST, STE 2000

PORTLAND OR 97232

oregondockets@pacificorp.com

W PUBLIC UTILITY COMMISSION OF

OREGON

DEBORAH GARCIA (C) PO BOX 2148

SALEM OR 97308-2148 deborah.garcia@state.or.us

W PUC STAFF--DEPARTMENT OF

JUSTICE

MICHAEL T WEIRICH (C) BUSINESS ACTIVITIES SECTION

1162 COURT ST NE SALEM OR 97301-4096 michael.weirich@state.or.us

W REGULATORY & COGENERATION

SERVICES INC

DONALD W SCHOENBECK (C)

900 WASHINGTON ST STE 780 VANCOUVER WA 98660-3455

dws@r-c-s-inc.com

W RICHARDSON & O'LEARY

GREGORY M. ADAMS

PO BOX 7218 BOISE ID 83702

greg@richardsonandoleary.com

BOEHM, KURTZ & LOWRY

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

TELECOPIER (513) 421-2764

<u>Via Electronic Mail</u> <u>puc.filingcenter@state.or.us</u> <u>And Overnight Mail</u>

March 22, 2013

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

Re: Case No. UE-263

Dear Sir or Madam:

Please find enclosed the original and five (5) copies each of: 1) PETITION TO INTERVENE; 2) MOTION FOR ADMISSION PRO HAC VICE; 3) CERTIFICATES OF COMPLIANCE; and 4) AFFIDAVITS OF KURT J. BOEHM and JODY KYLER COHN on behalf of THE FRED MEYERS STORES AND QUALITY FOOD CENTERS, DIVISION OF THE KROGER CO. for filing in the above referenced matter. I also include the confirmation e-mail verifying e-filing of the above.

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

cc: Certificate of Service