


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 ~~21~~ 2013





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 ✓

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

Item 5. **DEDUCTIBLE** (Inclusive of defense expenses):  
 \$ 25,000 Each Claim ✓  
 \$ N/A Annual Aggregate

Item 6. **PREMIUM:** [REDACTED]

Item 7. **RETROACTIVE DATE:** June 1, 1990

Item 8. **NOTICES TO BE SENT TO:**

<b>Report a Claim</b>	<b>All Other Notices</b>
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:**

Endorsement Number	Endorsement Form	Endorsement Title
	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	XLSP-LPL-OH-1 (09/08)	Ohio Changes

HAYD 07/24/2012  
 ENGC 0005182481

# 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 21st day of February, 2013.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*

*Teresa L. McCoy*  
*Attorney Services Specialist*





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 ✓

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

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:**

<b>Report a Claim</b>	<b>All Other Notices</b>
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:**

Endorsement Number	Endorsement Form	Endorsement Title
	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	XLSP-LPL-OH-1 (09/08)	Ohio Changes

HAYD 07/24/2012  
 ENGC 0005182481



# 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,

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*

*Teresa L. McCoy*  
*Attorney Services Specialist*

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 263

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

---

STATE OF OHIO )  
 ) SS  
COUNTY OF HAMILTON )

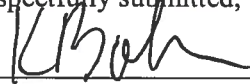
Kurt J. Boehm, Esq., being duly sworn, deposes and states that the following is true to his personal knowledge and belief:

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](mailto:nona.soltero@fredmeyer.com)

3. Kurt J. Boehm, Esq. will comply with all applicable statutes, 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**

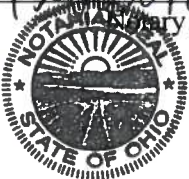
36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)

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



Notary 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 : AFFIDAVIT OF JODY KYLER COHN,  
PACIFICORP, dba PACIFIC POWER : COUNSEL FOR FRED MEYER  
 : STORES, INC. A SUBSIDIARY OF  
2013 Request for a General Rate Revision= : THE KROGER CO. AND QUALITY  
 : FOOD CENTERS, A DIVISION OF  
 : THE KROGER CO.

---

STATE OF OHIO )  
 ) SS  
COUNTY OF HAMILTON )

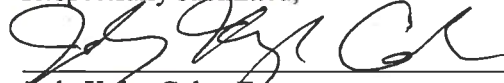
Jody Kyler Cohn, Esq., being duly sworn, deposes and states that the following is true to her personal knowledge and belief:

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](mailto:nona.soltero@fredmeyer.com)

3. Jody Kyler Cohn, Esq. will comply with all applicable statutes, 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](mailto:jkylercohn@bkllawfirm.com)

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



---



Notary Public


Kimberly Walton

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 22<sup>st</sup> day of March, 2013.

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

<u>ACTIONS</u>	<u>SERVICE LIST (Parties)</u>	<u>SCHEDULE</u>
W=Waive Paper service	C=Confidential HC=Highly Confidential	<u>Sort by Last Name</u> <u>Sort by Company Name</u>
W	<b>BRUBAKER &amp; ASSOCIATES INC</b>  MICHAEL GORMAN (C)	16690 SWINGLEY RIDGE RD STE 140 CHESTERFIELD MO 63017 mgorman@consultbai.com
W	<b>CITIZENS' UTILITY BOARD OF OREGON</b>  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	<b>DAVISON VAN CLEVE PC</b>  MELINDA J DAVISON (C)	333 SW TAYLOR - STE 400 PORTLAND OR 97204 mjd@dvclaw.com; mail@dvclaw.com
W	<b>ENERGY STRATEGIES LLC</b>  KEVIN HIGGINS	215 STATE ST - STE 200 SALT LAKE CITY UT 84111-2322 khiggins@energystrat.com
W	<b>NOBLE AMERICAS ENERGY SOLUTIONS, LLC</b>  GREG BASS	401 WEST A ST., STE. 500 SAN DIEGO CA 92101 gbass@noblesolutions.com
W	<b>PACIFIC POWER</b>  R. BRYCE DALLEY (C)	825 NE MULTNOMAH ST., STE 2000 PORTLAND OR 97232 bryce.dalley@pacificcorp.com

SARAH WALLACE (C)

825 NE MULTNOMAH ST STE 1800  
PORTLAND OR 97232  
sarah.wallace@pacificorp.com

**W**            **PACIFICORP, DBA PACIFIC POWER**

OREGON DOCKETS

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

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

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