

**BOEHM, KURTZ & LOWRY**

ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
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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 11, 2013

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

**Re: Case No. UE-262**

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

## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served via electronic mail, unless otherwise noted, this 11<sup>th</sup> day of March, 2013.



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

<u>ACTIONS</u>		<u>SERVICE LIST (Parties)</u>	<u>SCHEDULE</u>
<b>W=Waive Paper service</b>	<b>C=Confidential HC=Highly Confidential</b>	<u>Sort by Last Name</u>	<u>Sort by Company Name</u>
<b>W</b>	TRACY RUTTEN	PO BOX 928 SALEM OR 97308 trutten@orcities.org	
<b>W</b>	<b>BRUBAKER &amp; ASSOCIATES INC</b>  MICHAEL GORMAN (C)	16690 SWINGLEY RIDGE RD STE 140 CHESTERFIELD MO 63017 mgorman@consultbai.com	
<b>W</b>	<b>CABLE HUSTON BENEDICT HAAGENSEN &amp; LLOYD</b>  TOMMY A BROOKS	1001 SW FIFTH AVE, STE 2000 PORTLAND OR 97204-1136 tbrooks@cablehuston.com	
<b>W</b>	<b>CABLE HUSTON BENEDICT HAAGENSEN &amp; LLOYD LLP</b>  CHAD M STOKES	1001 SW 5TH - STE 2000 PORTLAND OR 97204-1136 cstokes@cablehuston.com	
<b>W</b>	<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	
<b>W</b>	<b>DAVISON VAN CLEVE PC</b>  S BRADLEY VAN CLEVE (C)	333 SW TAYLOR - STE 400 PORTLAND OR 97204 bvc@dvclaw.com	
<b>W</b>	<b>ENERGY STRATEGIES LLC</b>  KEVIN HIGGINS	215 STATE ST - STE 200 SALT LAKE CITY UT 84111-2322 khiggins@energystrat.com	

**W**

**LEAGUE OF OREGON CITIES**

MAJA HAIUM

PO BOX 928  
SALEM OR 97308  
mhaium@orcities.org

**W**

**MCDOWELL RACKNER & GIBSON  
PC**

LISA F RACKNER

419 SW 11TH AVE., SUITE 400  
PORTLAND OR 97205  
dockets@mcd-law.com

**W**

**NOBLE AMERICAS ENERGY  
SOLUTIONS, LLC**

GREG BASS

401 WEST A ST., STE. 500  
SAN DIEGO CA 92101  
gbass@noblesolutions.com

**W**

**NORTHWEST NATURAL**

E-FILING

220 NW 2ND AVE  
PORTLAND OR 97209  
efiling@nwnatural.com

MARK R THOMPSON

220 NW 2ND AVE  
PORTLAND OR 97209  
mark.thompson@nwnatural.com

**W**

**PACIFIC POWER**

SARAH WALLACE

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

**W**

**PACIFICORP, DBA PACIFIC  
POWER**

OREGON DOCKETS

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

**W**

**PORTLAND GENERAL ELECTRIC**

DOUGLAS C TINGEY

121 SW SALMON 1WTC13  
PORTLAND OR 97204  
doug.tingey@pgn.com

JAY TINKER

PORTLAND GENERAL ELECTRIC COMPANY  
121 SW SALMON ST 1WTC-0702  
PORTLAND OR 97204  
pge.opuc.filings@pgn.com

**W**

**PUBLIC UTILITY COMMISSION**

JUDY JOHNSON (C)

PO BOX 2148  
SALEM OR 97308-2148  
judy.johnson@state.or.us

**W**

**PUC STAFF - DEPARTMENT OF  
JUSTICE**

JOHANNA  
RIEMENSCHNEIDER (C)

BUSINESS ACTIVITIES SECTION  
1162 COURT ST NE  
SALEM OR 97301-4796  
johanna.riemenschneider@doj.state.or.us

**W**

**PUC STAFF--DEPARTMENT OF  
JUSTICE**

STEPHANIE S ANDRUS **(C)**

BUSINESS ACTIVITIES SECTION  
1162 COURT ST NE  
SALEM OR 97301-4096  
stephanie.andrus@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

**W**

**TROUTDALE ENERGY CENTER**

PAULA E PYRON

4113 WOLF BERRY CT  
LAKE OSWEGO OR 97035-1827  
ppyron@cpkinder.com

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 262**

In The Matter Of  
PORTLAND GENERAL ELECTRIC  
COMPANY

PETITION TO INTERVENE OF  
FRED MEYER STORES AND  
QUALITY FOOD CENTERS,  
DIVISIONS OF THE KROGER CO.

Request for a General Rate Revision

---

Fred Myer Stores and Quality Food Centers, Divisions of The Kroger Co. petitions to intervene in this proceeding. In support of this petition, the following is provided:

NAME OF PETITIONER: **Fred Meyer Stores and Quality Food Centers, Divisions Of The Kroger Co.**  
ADDRESS: **Attn: Corporate Energy Manager, 1014 Vine Street, Cincinnati, Ohio 45202**  
PHONE NUMBER: **513-762-4538** FAX NUMBER: **513-421-2764**  
E-MAIL ADDRESS: [dgeorge@kroger.com](mailto:dgeorge@kroger.com) - Please do NOT include this contact on the service list.

NAME OF COUNSEL FOR PETITIONER: **Kurt J. Boehm, Esq. and Jody Kyler Cohn, 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: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com) , [jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.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@energystat.com](mailto:khiggins@energystat.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 and discount department stores in the service territory of Portland General Electric Company. The total load of Petitioner is approximately 32 MW. The rate increase requested by the Applicant, if approved, would may in a significant rate increase for Petitioner. 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 rate revisions sought by the Applicant is reasonable and cost justified. We also intend to address whether the proposed allocation of the rate increase and the design of the new rates are just and reasonable.**

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

**The 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, Division of The Kroger Co. 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 860-013-0300.



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)



Date

**COUNSEL FOR THE KROGER CO.**

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 262

In The Matter Of  
PORTLAND GENERAL ELECTRIC  
COMPANY

Request for a General Rate Revision

: MOTION FOR ADMISSION PRO HAC VICE  
: AND  
: AFFIDAVITS OF KURT J. BOEHM and JODY  
: KYLER COHN, COUNSEL FOR FRED MEYER  
: 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 821239

**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

February 25 2013



In re: Kurt J. Boehm  
Name of Out-of-State Attorney

**Certificate of Compliance  
For Pro Hac Vice Admission**

I, Kurt J. Boehm (print name), am an attorney in the State of Ohio & Kentucky and I intend to seek *pro hac vice* admission in accordance with ORS 9.241 and UCR 3.170 in the following Oregon court action or proceeding:

Case Name: Portland General Electric Company Request for Increase Rates

Court: Public Utility Commission Case No.: UE-262

I certify that (check all that apply):

- ☒ I am an attorney in good standing in the State of Ohio and Kentucky, as evidenced by the attached good standing certificate issued by the licensing authority in that state.
- ☒ I am not subject to any pending disciplinary proceedings in any jurisdiction; or
- ☐ I am subject to pending disciplinary proceedings in another jurisdiction, the nature and status of which are described in an attachment to this certificate.
- ☒ I intend to associate in the above-referenced action or proceeding with Nona M. Soltero, OSB No. 82123, an active member in good standing of the Oregon State Bar, who will participate meaningfully in the matter.
- ☒ I will comply with applicable statutes, laws, and procedural rules of the State of Oregon; be familiar with and comply with disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and Oregon State Bar with respect to acts and omissions occurring during my *pro hac vice* admission.
- ☒ My private law practice activities in Oregon are covered by professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan, as evidenced by the attached certificate of insurance coverage.
- ☒ I agree, as a continuing obligation of *pro hac vice* admission, to notify the trial court promptly of any changes in my insurance coverage, or my admission or disciplinary status in any other jurisdiction.
- ☒ I will provide to the Oregon State Bar a copy of the order admitting me *pro hac vice* in the above-referenced matter when such an order is granted. In the event *pro hac vice* admission is revoked for any reason, I will promptly notify the Oregon State Bar.
- ☒ I submit \$250 to the Oregon State Bar as payment of the *pro hac vice* fee established by ORS 9.241 and the rules of the Oregon Supreme Court. I acknowledge that this fee is for a period of twelve months from the date of the Acknowledgment of Receipt issued below, and that an additional fee of \$250 will be required in order for me to continue my *pro hac vice* admission in the matter for every twelve-month period thereafter.

Dated this 21<sup>st</sup> day of February, 2013.

X

KJ Boehm  
(Applicant Signature)

Mailing Address: Boehm, Kurtz & Lowry  
36 E. Seventh Street, Suite 1510  
Cincinnati, Ohio 45202

Ohio Bar No.: 0076047

(Home Jurisdiction)

Phone: 513.421.2255

FAX: 513.421.2764

Email: kboehm@BKLlawfirm.com

**Acknowledgment of Receipt**

Susan R. Cournoyer, Regulatory Services Counsel of the Oregon State Bar, acknowledge receipt from the above-named out-of-state attorney of the Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$250 fee for pro hac vice admission in the above referenced admission or proceeding. The fee is for a period of twelve months from the date of this acknowledgment. SRC

Dated this 1<sup>st</sup> day of March, 2013.

☒ SEE MATERIALS ATTACHED:

Note that the professional liability  
coverage deductible substantially  
exceeds that of the PLF.

Susan R. Cournoyer  
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

**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:** [REDACTED]

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

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

**Report a Claim**

XL Insurance  
XL Select Professional Claims  
14643 Dallas Parkway, Suite 770  
Dallas, TX 75254

**All Other Notices**

XL Insurance  
XL Select Professional  
14643 Dallas Parkway, Suite 770  
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  
ENG C 0005182481

# 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,

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*

In re: Jody Kyler Cohn  
Name of Out-of-State Attorney

## Certificate of Compliance For Pro Hac Vice Admission

I, Jody Kyler Cohn (print name), am an attorney in the State of Ohio and Kentucky and I intend to seek *pro hac vice* admission in accordance with ORS 9.241 and UCR 3.170 in the following Oregon court action or proceeding:

Case Name: Portland General Electric Company Request for Increase Rates

Court: Public Utility Commission

Case No.: UE-262

I certify that (check all that apply):

- ☒ I am an attorney in good standing in the State of Ohio and Kentucky, as evidenced by the attached good standing certificate issued by the licensing authority in that state.
- ☒ I am not subject to any pending disciplinary proceedings in any jurisdiction; or
- ☐ I am subject to pending disciplinary proceedings in another jurisdiction, the nature and status of which are described in an attachment to this certificate.
- ☒ I intend to associate in the above-referenced action or proceeding with Nona M. Soltero, OSB No. 82123, an active member in good standing of the Oregon State Bar, who will participate meaningfully in the matter.
- ☒ I will comply with applicable statutes, laws, and procedural rules of the State of Oregon; be familiar with and comply with disciplinary rules of the Oregon State Bar; and submit to the jurisdiction of the Oregon courts and Oregon State Bar with respect to acts and omissions occurring during my *pro hac vice* admission.
- ☒ My private law practice activities in Oregon are covered by professional liability insurance substantially equivalent to the Oregon State Bar Professional Liability Fund plan, as evidenced by the attached certificate of insurance coverage.
- ☒ I agree, as a continuing obligation of *pro hac vice* admission, to notify the trial court promptly of any changes in my insurance coverage, or my admission or disciplinary status in any other jurisdiction.
- ☒ I will provide to the Oregon State Bar a copy of the order admitting me *pro hac vice* in the above-referenced matter when such an order is granted. In the event *pro hac vice* admission is revoked for any reason, I will promptly notify the Oregon State Bar.
- ☒ I submit \$250 to the Oregon State Bar as payment of the *pro hac vice* fee established by ORS 9.241 and the rules of the Oregon Supreme Court. I acknowledge that this fee is for a period of twelve months from the date of the Acknowledgment of Receipt issued below, and that an additional fee of \$250 will be required in order for me to continue my *pro hac vice* admission in the matter for every twelve-month period thereafter.

Dated this 24<sup>th</sup> day of February, 2013.

X

(Applicant Signature)

Mailing Address: Boehm, Kurtz & Lowry

36 E. Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ohio Bar No.: 0085402

(Home Jurisdiction)

Phone: 513.421.2255

FAX: 513.421.2764

Email: jkylern@BKLlawfirm.com

### Acknowledgment of Receipt

~~I, Jennifer D. Smith, Regulatory Services Counsel of the Oregon State Bar, acknowledge receipt from the above-named out-of-state attorney of the Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$250 fee for pro hac vice appearance in the above-referenced action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.~~ *snc*

Dated this 1<sup>st</sup> day of March, 2013.

☒ SEE MATERIALS ATTACHED:

Note that the professional liability coverage deductible substantially exceeds that of the PLF.

Susan R. Cournoyer  
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**

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**PRODUCER:** Stephen D. Jonson, LTD  
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**RENEWAL OF:** LPP003228501

**PRODUCER #:** 03775

**THIS IS A CLAIMS MADE AND REPORTED POLICY. THIS POLICY APPLIES ONLY TO  
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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.

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\$ 5,000,000 Each Claim  
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GIC-XLSP-LPLPD 0410

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May not be copied without permission.

Page 1

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:**

**Report a Claim**

XL Insurance  
XL Select Professional Claims  
14643 Dallas Parkway, Suite 770  
Dallas, TX 75254

**All Other Notices**

XL Insurance  
XL Select Professional  
14643 Dallas Parkway, Suite 770  
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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  
ENG C 0005182481



# 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,

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 262

In The Matter Of	:	AFFIDAVIT OF KURT J. BOEHM,
PORTLAND GENERAL ELECTRIC COMPANY	:	COUNSEL FOR THE FRED MEYER
	:	STORES, A WHOLLY OWNED
Request for a General Rate Revision	:	SUBSIDIARY OF THE KROGER CO
	:	

---

STATE OF OHIO	)
	) SS
COUNTY OF HAMILTON	)

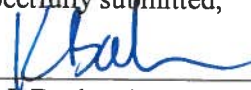
Kurt J. Boehm, Esq., being duly sworn, deposes and states that the following is true to his personal knowledge and belief:

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  
28 day of February, 2013.



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

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 262

In The Matter Of	:	AFFIDAVIT OF JODY KYLER COHN,
PORTLAND GENERAL ELECTRIC COMPANY	:	COUNSEL FOR THE FRED MEYER
	:	STORES, A WHOLLY OWNED
Request for a General Rate Revision	:	SUBSIDIARY OF THE KROGER CO
	:	

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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)  
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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**

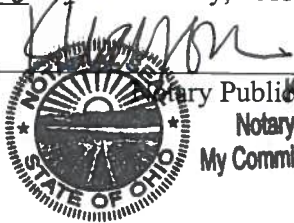
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[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)

Sworn to and subscribed before me on this  
28 day of February, 2013.



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