

**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)**

March 6, 2020

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

**Re:    Case No. UE-374**

Dear Sir or Madam:

Please find attached the MOTION FOR PRO HAC VICE AND AFFIDAVITS OF KURT J. BOEHM AND JODY KYLER COHN, COUNSEL FOR THE FRED MEYER STORES, INC. A SUBSIDIARY OF THE KROGER CO. AND QUALITY FOOD CENTERS 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  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**

KJBkew  
Enclosure

### **CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing was served via electronic mail, unless otherwise noted, this 6<sup>th</sup> day of March, 2020.

Kurt J. Boehm,

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

[dockets@oregoncub.org](mailto:dockets@oregoncub.org)

[oregondockets@pacificorp.com](mailto:oregondockets@pacificorp.com)

[james@utilityadvocates.org](mailto:james@utilityadvocates.org)

[blc@dvclaw.com](mailto:blc@dvclaw.com)

[marianne.gardner@state.or.us](mailto:marianne.gardner@state.or.us)

[mike@oregoncub.org](mailto:mike@oregoncub.org)

[diane@utilityadvocates.org](mailto:diane@utilityadvocates.org)

[bob@oregoncub.org](mailto:bob@oregoncub.org)

[etta.lockey@pacificorp.com](mailto:etta.lockey@pacificorp.com)

[matthew.mcvee@pacificorp.com](mailto:matthew.mcvee@pacificorp.com)

[sommer.moser@doj.state.or.us](mailto:sommer.moser@doj.state.or.us)

[brmullins@mwanalytics.com](mailto:brmullins@mwanalytics.com)

[tcp@dvclaw.com](mailto:tcp@dvclaw.com)

[wa.steele@hotmail.com](mailto:wa.steele@hotmail.com)

[elizabeth.b.uzelac@state.or.us](mailto:elizabeth.b.uzelac@state.or.us)

[jbieber@energystrat.com](mailto:jbieber@energystrat.com)

[ana.boyd@sierraclub.org](mailto:ana.boyd@sierraclub.org)

[gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 374

In The Matter Of	:	MOTION FOR ADMISSION PRO HAC VICE
PACIFICORP, dba PACIFIC POWER	:	AND AFFIDAVITS OF KURT J. BOEHM and
	:	JODY KYLER COHN, COUNSEL FOR THE
Request for a General Rate Revision	:	FRED MEYER STORES, INC., A WHOLLY
	:	OWNED SUBSIDIARY OF THE KROGER CO.
	:	AND QUALITY FOOD CENTERS, A DIVISION
	:	OF THE FRED MEYER STORES, INC.

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NOW COMES Ian V. Ford, 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 subsidiary of The Kroger Co. and Quality Food Centers, a Division of the Fred Meyer Stores, Inc. in the above-captioned case. The reasons for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



---

Ian V. Ford, Esq. (OSB 960638)  
3823 NE 68th Ave.  
Portland, OR 97213  
Ph: 503.807.8386  
[iford2203@gmail.com](mailto:iford2203@gmail.com)

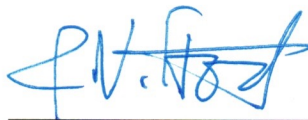
Dated: March 5, 2020

**MEMORANDUM IN SUPPORT**

Ian Ford, 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 and Kentucky. 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,



---

Ian V. Ford, Esq. (OSB 960638)  
3823 NE 68th Ave.  
Portland, OR 97213  
Ph: 503.807.8386  
[iford2203@gmail.com](mailto:iford2203@gmail.com)

Dated: March 5, 2020

)  
)  
)  
**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 and Kentucky  
and I intend to seek *pro hac vice* admission in accordance with ORS 9.241 and UTCR 3.170 in the following Oregon court action or  
proceeding:


**Case Name:** PACIFICORP, dba PACIFIC POWER Request for Increase in Rates

**Court:** Public Utility Commission **Case No.:** UE-374

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 Ian V. Ford, OSB No.  
960638, 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 \$500 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 \$500 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 5 day of March, 20 20.

**X**   
(Applicant Signature)

Ohio Bar No.: 0076047  
(Home Jurisdiction)

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

Phone: 513.421.2255  
FAX: 513.421.2764  
Email: kboehm@bkllawfirm.com

---

**Acknowledgment of Receipt**

As Director of Regulatory Services of the Oregon State Bar, I acknowledge receipt from the above-named out-of-state attorney of the  
Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$500 fee for pro hac vice appearance in the above-referenced  
Oregon action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

☐ **SEE MATERIALS ATTACHED:**

\_\_\_\_\_  
Dawn Evans, Director of Regulatory Services





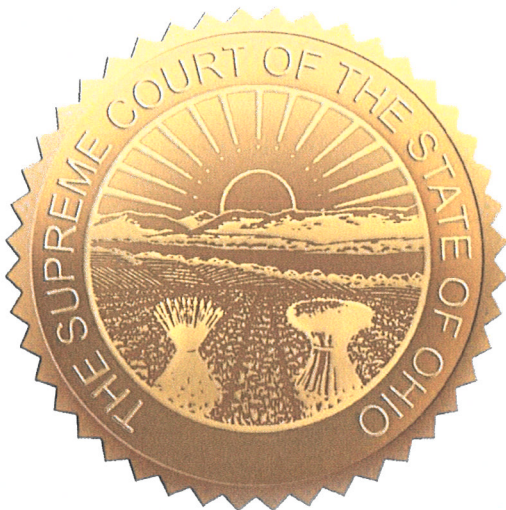
# THE SUPREME COURT *of* OHIO

## CERTIFICATE OF GOOD STANDING

I, GINA WHITE PALMER, 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**  
Attorney Registration No. **0076047**

was admitted to the practice of law in Ohio on May 9, 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 28th day of  
February, 2020.

GINA WHITE PALMER  
*Director, Attorney Services Division*

Shannon B. Scheid  
Shannon Scheid  
*Administrative Assistant, Office of Attorney Services*



No. 2020-02-28-1

Verify by email at [GoodStandingRequests@sc.ohio.gov](mailto:GoodStandingRequests@sc.ohio.gov)

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812  
(502) 564-3795  
FAX (502) 564-3225  
[www.kybar.org](http://www.kybar.org)

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Susan Montalvo-Gesser  
Todd V. McMurtry  
Eileen M. O'Brien  
James M. Ridings  
W. Fletcher Schrock  
Gary J. Sergeant  
Bobby C. Simpson  
Van F. Sims  
Judge John F. Vincent  
J. Tanner Watkins



*THIS IS TO CERTIFY THAT*

**KURT JOSEPH BOEHM**  
*Boehm Kurtz & Lowry*  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202-4454

*Membership No. 89327*

*is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 27<sup>th</sup> day of February, 2020.*

**JOHN D. MEYERS**  
**REGISTRAR**



By:

*Michele M. Pogrotsky*  
**Michele M. Pogrotsky, Deputy Registrar**

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 335**

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

---

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 Fred Meyer Stores, Inc. certifies that he is not subject to pending disciplinary proceedings in any other jurisdiction.
2. Kurt J. Boehm will associate with Ian V. Ford. Mr. Ford, an attorney licensed to practice law in the State of Oregon, will participate meaningfully in the above-referenced matter. Mr. Ford's contact information is below and he should be added to the Commission's Certificate of Service.

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)

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**

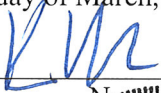
36 E. Seventh St., Suite 1510

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  
5 day of March, 2020.



**KIMBERLY E. NONELLE**  
Notary Public, State of Ohio  
My Commission Expires 08-28-2024

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 UTCR 3.170 in the following Oregon court action or proceeding:

Case Name: PACIFICORP, dba PACIFIC POWER Request for Increase in Rates

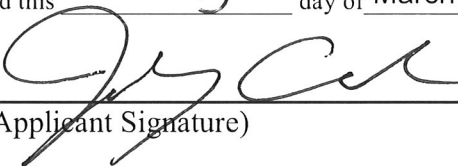
Court: Public Utility Commission

Case No.: UE-374

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 Ian V. Ford, OSB No. 960638, 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 \$500 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 \$500 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 5 day of March, 20 20.

X   
(Applicant Signature)

Ohio Bar No.: 0085402  
(Home Jurisdiction)

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

Phone: 513.421.2255

FAX: 513.421.2764

Email: jkylercohn@bkllawfirm.com

---

**Acknowledgment of Receipt**

As Director of Regulatory Services of the Oregon State Bar, I acknowledge receipt from the above-named out-of-state attorney of the Certificate of Compliance for Pro Hac Vice Admission and attachments, and the \$500 fee for pro hac vice appearance in the above-referenced Oregon action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

☐ SEE MATERIALS ATTACHED:

\_\_\_\_\_  
Dawn Evans, Director of Regulatory Services

*Oregon State Bar Regulatory Services, PO Box 231935, Tigard, OR 97281-1935*



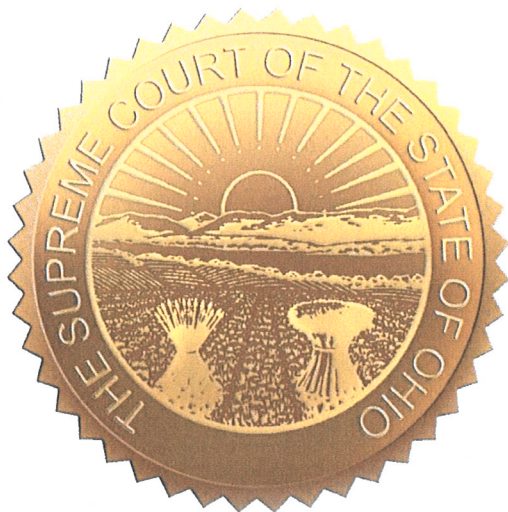
# THE SUPREME COURT *of* OHIO

## CERTIFICATE OF GOOD STANDING

I, GINA WHITE PALMER, 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**  
Attorney Registration No. **0085402**

was admitted to the practice of law in Ohio on November 9, 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 28th day of  
February, 2020.

GINA WHITE PALMER

*Director, Attorney Services Division*

Shannon B. Scheid

Shannon Scheid

*Administrative Assistant, Office of Attorney Services*



No. 2020-02-28-1

Verify by email at [GoodStandingRequests@sc.ohio.gov](mailto:GoodStandingRequests@sc.ohio.gov)

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
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Gary J. Sergeant  
Bobby C. Simpson  
Van F. Sims  
Judge John F. Vincent  
J. Tanner Watkins



*THIS IS TO CERTIFY THAT*

***JODY MICHELLE KYLER COHN***

*Boehm Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202-4454*

***Membership No. 94725***

*is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 27<sup>th</sup> day of February, 2020.*

***JOHN D. MEYERS  
REGISTRAR***



By:

*Michele Pogrotsky*  
***Michele M. Pogrotsky, Deputy Registrar***

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 374**

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

---

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 Fred Meyer Stores, Inc., certifies that she is not subject to pending disciplinary proceedings in any other jurisdiction.
2. Jody Kyler Cohn will associate with Ian V. Ford. Mr. Ford, an attorney licensed to practice law in the State of Oregon, will participate meaningfully in the above-referenced matter. Mr. Ford's contact information is below and he should be added to the Commission's Certificate of Service.

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)

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**

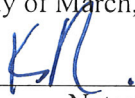
36 E. Seventh St., Suite 1510

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  
5 day of March, 2020.



Notary Public



**KIMBERLY E. NONELLE**  
Notary Public, State of Ohio  
My Commission Expires 08-28-2024



OHIO BAR LIABILITY INSURANCE COMPANY

P.O. BOX 2708, COLUMBUS, OHIO 43216-2708

## DECLARATIONS

### PROFESSIONAL LIABILITY POLICY

(THIS IS A CLAIMS-MADE AND REPORTED POLICY, READ CAREFULLY)

Policy No. **F310381**

Firm Number: **1223623**

Item 1. Named Insured(s) and Office Address:

**Boehm Kurtz & Lowry**  
**36 E Seventh St**  
**Ste 1510**  
**Cincinnati, OH 45202**

Item 2. **Policy Period:** From: **July 1, 2019** To: **July 1, 2020 12:01 A.M.**,  
Eastern Standard Time at the address of Named Insured as stated herein

Item 3. Limits of Liability: **\$5,000,000** to all claims arising out of the same,  
related or continuing "**Professional Services**"

**\$5,000,000** aggregate per policy period

Item 4. Deductible Amount: **\$25,000**  
(Includes Claims Expense)

Item 5. Total Policy Premium



OHIO BAR LIABILITY INSURANCE COMPANY

P.O. Box 2708, COLUMBUS, OHIO 43216-2708

## DECLARATIONS

### PROFESSIONAL LIABILITY POLICY

(THIS IS A CLAIMS-MADE AND REPORTED POLICY, READ CAREFULLY)

(Continued)

Policy Number: **F310381**

Firm Number: **1223623**

Item 6. **Subject to Forms and Endorsements:**

<u>Form Numbers</u>	<u>Description</u>
LPLP-1s	Policy Jacket
LPLE-26c	Policy Endorsement, Schedule of Insureds
LPLE-93a	OBLIC Data Breach Endorsement

This Declarations page when combined with the policy provisions and endorsements designated herein complete the contract of insurance numbered above.

Duly Authorized OBLIC Representative

