

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 2143

In The Matter Of:	:	MOTION FOR ADMISSION PRO HAC
PUBLIC UTILITY COMMISSION OF	:	VICE AND AFFIDAVITS OF KURT J.
OREGON	:	BOEHM and JODY KYLER COHN,
	:	COUNSEL FOR THE FRED MEYER
Investigation Into Resource Adequacy in	:	STORES, INC., A WHOLLY OWNED
Oregon	:	SUBSIDIARY OF THE KROGER CO. AND
	:	QUALITY FOOD CENTERS, A DIVISION
	:	OF THE FRED MEYER STORES, INC.

NOW COMES Peter Vaughan Shaver, 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,



Peter Vaughan Shaver, Esq. (OSB #991075)
3939 NE Hancock Street, Suite 308
Portland, OR 97212
Ph: 503-473-8252
E-mail: pv@pdxsa.com

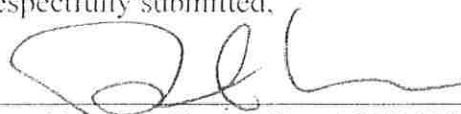
Dated: February 9, 2021

MEMORANDUM IN SUPPORT

Peter Vaughan Shaver, 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,



Peter Vaughan Shaver, Esq. (OSB #991075)
3939 NE Hancock Street, Suite 308
Portland, OR 97212
Ph: 503-473-8252
E-mail: pv@pdxsa.com

Dated: February 9, 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2143

In The Matter Of: PUBLIC UTILITY COMMISSION OF OREGON Investigation Into Resource Adequacy in Oregon	: : : : : :	AFFIDAVIT OF KURT J. BOEHM, COUNSEL FOR FRED MEYER STORES, INC., A SUBSIDIARY OF THE KROGER CO. AND QUALITY FOOD CENTERS, A DIVISION OF THE FRED MEYER STORES, INC.
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STATE OF OHIO)	
) <i>SS</i>	
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 Peter Vaughan Shaver. Mr. Shaver, an attorney licensed to practice law in the State of Oregon, will participate meaningfully in the above-referenced matter. Mr. Shaver's contact information is below and he should be added to the Commission's Certificate of Service.

Peter Vaughan Shaver, Esq. (OSB #991075)
3939 NE Hancock Street, Suite 308
Portland, OR 97212
Ph: 503-473-8252
E-mail: pv@pdxsa.com

3. Kurt J. Boehm, Esq. will comply with all applicable statutes, law and procedural rules of the State of Oregon.

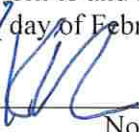
4. Counsel will notify the trial court or administrative body promptly of any changes in insurance or status.

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

Sworn to and subscribed before me on this
17 day of February, 2021.



Notary Public



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

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 UCR 3.170 in the following Oregon court action or proceeding:


Case Name: Public Utility Commission Investigation into Resource Adequacy in Oregon

Court: Public Utility Commission Case No.: UM 2143

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 Peter Vaughan Shaver, OSB No. 991075, 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 _____ day of February, 20 21.

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



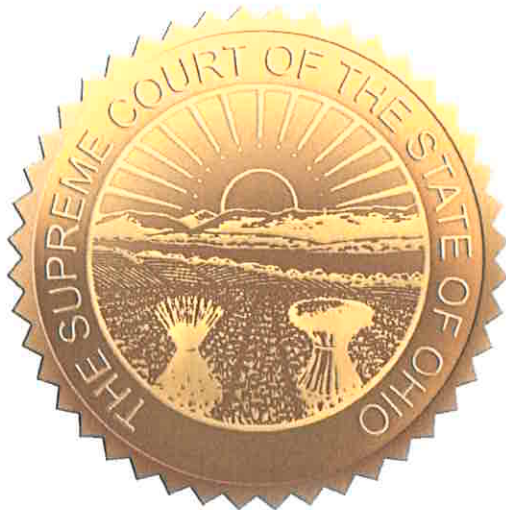
THE SUPREME COURT *of* OHIO

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 29th day of
January, 2021.

GINA WHITE PALMER
Director, Attorney Services Division


Bradley J. Martinez
Attorney Services Counsel



No. 2021-01-29-1

Verify by email at GoodStandingRequests@sc.ohio.gov

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812
(502) 564-3795
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www.kybar.org

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Susan D. Phillips
James M. Ridings
James A. Sigler
Van F. Sims
J. Tanner Watkins



THIS IS TO CERTIFY THAT

KURT JOSEPH BOEHM

*36 E 7th 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 27th day of January, 2021.

**JOHN D. MEYERS
REGISTRAR**



By: *Michele M. Pogrotzky*
Michele M. Pogrotzky, Deputy Registrar

4. Counsel will notify the trial court or administrative body promptly of any changes in insurance or status.

Respectfully submitted,



Jody Kyle 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
18 day of February, 2021.



Notary Public



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 UTRC 3.170 in the following Oregon court action or proceeding:

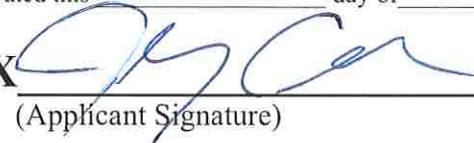
Case Name: Public Utility Commission Investigation into Resource Adequacy in Oregon

Court: Public Utility Commission Case No.: UM 2143

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 Peter Vaughan Shaver, OSB No. 991075, 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 _____ day of February 18, 2021.

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

KENTUCKY BAR ASSOCIATION

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Immediate Past President

Miranda D. Click
Chair, Young Lawyers Division

EXECUTIVE DIRECTOR
John D. Meyers



THIS IS TO CERTIFY THAT

JODY MICHELLE KYLER COHN

Boehm Kurtz & Lowry
36 East 7th 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 12th day of February, 2021.

JOHN D. MEYERS
REGISTRAR



By: Michele M. Pogrotsky
Michele M. Pogrotsky, Deputy Registrar



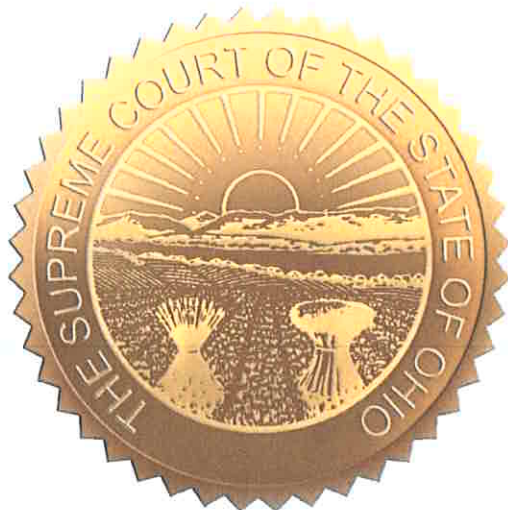
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Jody Michelle Kyler Cohn
Attorney Registration No. **0085402**

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 29th day of
January, 2021.

GINA WHITE PALMER
Director, Attorney Services Division


Bradley J. Martinez
Attorney Services Counsel



No. 2021-01-29-1

Verify by email at GoodStandingRequests@sc.ohio.gov

CERTIFICATE OF INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW.

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

COVERAGES:

This is to certify that the policy of insurance listed below has been issued to the Named Insured above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policy. Limits shown may have been reduced by paid claims.

POLICY NO.: **F310381**

POLICY PERIOD: FROM **July 1, 2020** TO **July 1, 2021**

12:01 A.M. standard time at the address of Named Insured as stated herein.

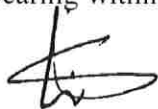
LIMITS OF LIABILITY: **\$5,000,000** all claims arising out of the same, related or continuing
\$5,000,000 **"Professional Services"**

DEDUCTIBLE AMOUNT: **\$ 25,000**
(Includes **"Claims Expense"**)

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

CANCELLATION: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail ten (10) days written notice to the certificate holder named above, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Terms appearing within quotations and in bold print are defined terms in the policy.



Duly Authorized OBLIC Representative