

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
And Overnight Mail

March 4, 2010

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

Re: Case No. UE 215

Dear Ms. Hulse:

Please find enclosed the original and five (5) copies of the PETITION TO INTERVENE, MOTION FOR ADMISSION PRO HAC VICE AND AFFIDAVIT OF KURT J. BOEHM on behalf of THE FRED MEYERS STORES AND QUALITY FOOD CENTERS, DIVISIONS OF THE KROGER CO. filed 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, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Enclosure
cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served via electronic mail (when available) and regular U.S. Mail (unless otherwise noted), this 4th day of March, 2010.



Kurt J. Boehm, Esq.

ACTIONS	SERVICE LIST (Parties)	SCHEDULE
W=Waive Paper service	C=Confidential HC=Highly Confidential	Sort by Last Name Sort by Company Name
W	CITIZENS UTILITY BOARD OF OREGON	
	KEVIN ELLIOTT PARKS (C) STAFF ATTORNEY	610 SW BROADWAY STE 308 PORTLAND OR 97205 kevin@oregoncub.org
W	CITIZENS' UTILITY BOARD OF OREGON	
	GORDON FEIGHNER (C) ENERGY ANALYST	610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 gordon@oregoncub.org
	ROBERT JENKS (C) EXECUTIVE DIRECTOR	610 SW BROADWAY STE 308 PORTLAND OR 97205 bob@oregoncub.org
	G. CATRIONA MCCrackEN (C) LEGAL COUNSEL/STAFF ATTY	610 SW BROADWAY - STE 308 PORTLAND OR 97205 catriona@oregoncub.org
	RAYMOND MYERS (C) ATTORNEY	610 SW BROADWAY - STE 308 PORTLAND OR 97205 ray@oregoncub.org
	DAVISON VAN CLEVE PC	
	S BRADLEY VAN CLEVE	333 SW TAYLOR - STE 400 PORTLAND OR 97204 mail@dvclaw.com
	DEPARTMENT OF JUSTICE	
	STEPHANIE S ANDRUS (C) ASSISTANT ATTORNEY GENERAL	REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 stephanie.andrus@state.or.us
W	PACIFIC POWER & LIGHT	
	JORDAN A WHITE SENIOR COUNSEL	1407 W. NORTH TEMPLE, STE 320 SALT LAKE CITY UT 84116 jordan.white@pacificorp.com
W	PACIFICORP OREGON DOCKETS	

OREGON DOCKETS

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

PORTLAND GENERAL ELECTRIC

RANDALL DAHLGREN

121 SW SALMON ST - 1WTC0702
PORTLAND OR 97204
pge.opuc.filings@pgn.com

DOUGLAS C TINGEY

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

PUBLIC UTILITY COMMISSION

JUDY JOHNSON (C)

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

RFI CONSULTING INC

RANDALL J FALKENBERG

PMB 362
8343 ROSWELL RD
SANDY SPRINGS GA 30350
consultrfi@aol.com

W

**THE INTERNATIONAL DARK SKY
ASSOCIATION**

JAMES BENYA

3491 CASCADE TERRRACE
WEST LINN OR 97068
jbenya@benyalighting.com

LEO SMITH

1060 MAPLETON AVE
SUFFIELD CT 06078
leo@smith.net

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UE 215

In The Matter Of
PORTLAND GENERAL ELECTRIC
COMPANY

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

Request for a General Rate Revision

NAME OF PETITIONER: **Fred Meyer Stores and Quality Food Centers, Divisions Of Kroger Co.**
ADDRESS: **Attn: Corporate Energy Manager, 1014 Vine Street, Cincinnati, Ohio 45202**
PHONE NUMBER: **513-762-4538**
FAX NUMBER: **513-762-4012**
E-MAIL ADDRESS: **dgeorge@kroger.com**

NAME OF COUNSEL FOR PETITIONER: **Kurt J. Boehm, 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@bkllawfirm.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@energystrat.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 stores, convenience stores, warehouses, office, and manufacturing operations in the service territory of Portland General. The total load of Petitioner is approximately 32 MW. The annual load factor by location varies but averages in the range of 65-70%. 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 increase 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:

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 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 860-013-0021.



Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: 513-421-2255
Fax: 513-421-2764
e-mail: kboehm@bkllawfirm.com

3/4/10

Date

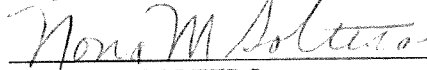
BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 215

In The Matter Of : MOTION FOR ADMISSION PRO HAC
PORTLAND GENERAL ELECTRIC : VICE and AFFIDAVIT OF KURT J.
COMPANY : BOEHM, COUNSEL FOR FRED
Request for a General Rate Revision : MEYER STORES, A WHOLLY
OWNED SUBSIDIARY OF 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. to appear and participate as co-counsel for Intervenor Fred Meyer Stores, a wholly owned subsidiary of 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. 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. 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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

PRODUCER Stephen D. Jonson, Ltd. 1251 Sweetwater Drive Cincinnati, Ohio 45215	THIS CERTIFICATION 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 POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Boehm, Kurtz & Lowry 36 E. Seventh St., Suite 1510 Cincinnati, Ohio 45202	INSURER A:	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER EXL - Greenwich Insurance Co.	

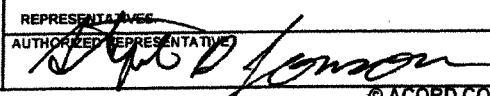
COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED 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 POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADD'L LTR/INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER Errors & Omissions	XLP 95 085 70	07/01/2009	07/01/2010	Limits: \$5mil/5mil Deductible: \$25,000 Per Claim

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Retroactive date: 06/01/1990

CERTIFICATE HOLDER Public Utilities Commission of Oregon 550 Capitol Street NE, Suite 215 Salem, Oregon 97310	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
	AUTHORIZED REPRESENTATIVE 

Clear All

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

www.kybar.org



OFFICERS

Charles E. English, Jr.
President

Bruce K. Davis
President-Elect

Margaret E. Keane
Vice President

Barbara D. Bonar
Past President

YOUNG LAWYERS
Jennifer Howard Moore
Chair

EXECUTIVE DIRECTOR
John D. Meyers

BOARD OF GOVERNORS

Douglas C. Ballantine

Anita M. Britton

Douglass Farnsley

Jonathan Freed

Fred E. Fugazzi, Jr.

James D. Harris, Jr.

Richard W. Hay

David V. Kramer

W. Douglas Myers

Thomas L. Rouse

Bobby Rowe

R. Michael Sullivan

William H. Wilhoit

M. Gail Wilson

THIS IS TO CERTIFY THAT

KURT JOSEPH BOEHM

6082 Crittenden Drive

Cincinnati, Ohio 45244

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 12th day of August, 2009.

JOHN D. MEYERS
REGISTRAR



By:

Nicole A. Key

Nicole A. Key, Deputy Registrar

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 15th day of December, 2008.

SUSAN B. CHRISTOFF

Director, Attorney Services Division


Barbara J. White
Attorney Services Specialist

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 215

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 Revisions : 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

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
4 day of February, 2010.




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