

**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 16, 2012

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

**Re: Case No. UE-246**

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 M. KYLER on behalf of THE FRED MEYERS STORES AND QUALITY FOOD CENTERS, DIVISIONS OF THE KROGER CO. 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, Esq.

Jody M. Kyler, 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 this 16 day of March, 2012.

  
Kurt J. Boehm, Esq.

Jody M. Kyler, Esq.

**W=Waive Paper  
service**

**C=Confidential  
HC=Highly Confidential**

[Sort by Last Name](#)

[Sort by Company Name](#)

**W**

**CITIZENS' UTILITY BOARD OF  
OREGON**

OPUC DOCKETS

610 SW BROADWAY, STE 400  
PORTLAND OR 97205  
dockets@oregoncub.org

ROBERT JENKS

610 SW BROADWAY, STE 400  
PORTLAND OR 97205  
bob@oregoncub.org

G. CATRIONA MCCracken

610 SW BROADWAY, STE 400  
PORTLAND OR 97205  
catriona@oregoncub.org

**W**

**MCDOWELL RACKNER & GIBSON PC**

KATHERINE A MCDOWELL

419 SW 11TH AVE., SUITE 400  
PORTLAND OR 97205  
katherine@mcd-law.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@pacificcorp.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@doj.state.or.us

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 246**

In The Matter Of  
PACIFICORP, dba PACIFIC POWER

Request for a General Rate Revision

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

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 M. Kyler, 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) , [\*\*jkyler@BKLawfirm.com\*\*](mailto:jkyler@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@energystrat.com\*\*](mailto: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 Pacific Power & Light. 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 14 grocery and discount department stores in the service territory of Pacific Power & Light. The total load of Petitioner is approximately 10 MW. The rate increase requested by the Applicant, if approved, would result 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 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, 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 M. Kyler, 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)  
[jkyler@BKLawfirm.com](mailto:jkyler@BKLawfirm.com)

3/8/2012  
Date

**COUNSEL FOR THE KROGER CO.**

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 246

In The Matter Of	:	MOTION FOR ADMISSION PRO HAC VICE
PACIFICORP, dba PACIFIC POWER	:	AND
	:	AFFIDAVITS OF KURT J. BOEHM and JODY M.
Request for a General Rate Revision	:	KYLER, 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 M. Kyler, 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 M. Kyler, 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 M. Kyler 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 No. 82123 9)

Fred Meyer Stores, Inc.  
3800 SE 22<sup>nd</sup> Avenue  
Portland, OR 97202

In re: Jody M. Kyler  
Name of Out-of-State Attorney

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

I, Jody M. Kyler (print name), am an attorney in the State of Ohio 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: Pacificorp dba/ Pacificorp Request for Increase Rates


Court: Public Utility Commission

Case No.: UE-246

I certify that (check all that apply):

- ☒ I am an attorney in good standing in the State of Ohio, 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 7 day of March, 2012.

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: jkyler@BKLawfirm.com

**Acknowledgment of Receipt**

I, Jeffrey D. Sapiro, 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 Oregon action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.~~

Dated this 14th day of March, 2012

☒ SEE MATERIALS ATTACHED:

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

  
Jeffrey D. Sapiro, Regulatory Services 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:** LPP003228501

**PRODUCER:** Stephen D. Jonson, LTD  
1251 Sweetwater Drive  
Wyoming, OH 45215

**RENEWAL OF:** LPP003228500

**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, 2011 **TO** July 1, 2012 ✓

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

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Page 1

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:**

**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 0210	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-0H-1 (09/08)	Ohio Changes

HAYD 07/13/2011  
ASAL 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

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 8th day of March, 2012.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*

  
\_\_\_\_\_  
*Attorney Services Specialist*

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: Pacificorp dba/ Pacificorp Request for Increase Rates

Court: Public Utility Commission

Case No.: UE-246

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 7 day of March, 2012.

**X**

(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@BKLawfirm.com

**Acknowledgment of Receipt**

I, Jeffrey D. Sapiro, 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 Oregon action or proceeding. The fee is for a period of twelve months from the date of this acknowledgment.~~

Dated this 14<sup>th</sup> day of March, 2012.

☒ SEE MATERIALS ATTACHED:

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

Jeffrey D. Sapiro, Regulatory Services Counsel



Regulatory Office  
505 Eagleview Blvd. Suite 100  
Dept: Regulatory  
Exton, PA 19341-0636  
800-688-1840

**COMPANY PROVIDING COVERAGE:**

Greenwich Insurance Company

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Wyoming, OH 45215

**RENEWAL OF:** LPP003228500

**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, 2011 **TO** July 1, 2012 ✓

12:01 AM Standard Time at the address of the **Named Insured** as stated herein.

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Page 1

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Item 6. **PREMIUM:** 

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

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14643 Dallas Parkway, Suite 770  
Dallas, TX 75254

**All Other Notices**

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

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Endorsement Number	Endorsement Form	Endorsement Title
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	PN CW 05 1010	Notice To Policyholders - U.S. Treasury Department's Office of Foreign Assets Control ("OFAC")
	PN CW 01 0210	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 07/13/2011  
ASAL 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 8th day of March, 2012.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*



*Attorney Services Specialist*

# 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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Past President

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Rebekkah Bravo Rechter  
Chair

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John D. Meyers



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Bobby Rowe

J. Stephen Smith

R. Michael Sullivan

M. Gail Wilson

## *THIS IS TO CERTIFY THAT*

***KURT JOSEPH BOEHM***

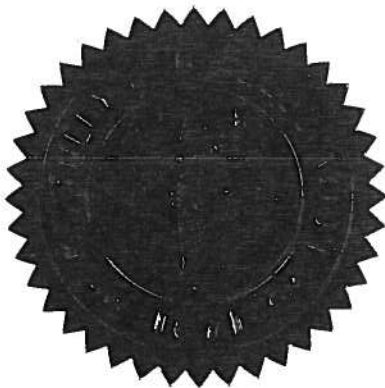
*36 East Seventh Street, Suite 1510*

*Cincinnati, Ohio 45202*

***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 8<sup>th</sup> day of March, 2012.*

***JOHN MEYERS***  
***REGISTRAR***



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

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 246

In The Matter Of	:	AFFIDAVIT OF KURT J. BOEHM,
PACIFICORP, dba PACIFIC POWER	:	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	)

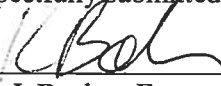
Kurt J. Boehm, Esq., being duly sworn, deposes and states that the following is true to his personal knowledge and belief:

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](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  
8 day of March, 2012.



Notary Public



Kimberly Walton  
Notary Public, State of Ohio  
My Commission Expires 08-28-2014



BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UE 246

In The Matter Of	:	AFFIDAVIT OF JODY M. KYLER,
PACIFICORP, dba PACIFIC POWER	:	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	)

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

1. Jody M. Kyler, Esq., counsel for The Kroger Co. certifies that she is not subject to pending disciplinary proceedings in any other jurisdiction.
2. Jody M. Kyler 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 M. Kyler, 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 M. Kyler, Esq.

**BOEHM, KURTZ & LOWRY**

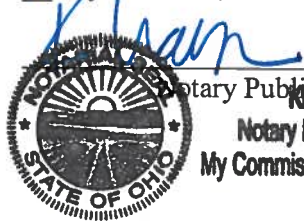
36 E. Seventh St., Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

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

Sworn to and subscribed before me on this  
8 day of March, 2012.



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