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Via Electronic Mail – puc.filingcenter@puc.oregon.gov

March 6, 2024

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

Re: Case No. UE-433

Dear Sir or Madam:

Please find attached the PETITION TO INTERVENE OF FRED MEYER 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

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

KJBkew
Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UE 433**

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.**

Pursuant to ORS §756.525 and OAR §860-001-0300, the Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Co. (“Fred Meyer”) hereby petitions the Public Utilities Commission of Oregon (“Commission”) to intervene in this proceeding with full party status as described in OAR §860-001-0010(7). In support of this petition, Fred Meyer represents as follows:

NAME AND ADDRESS OF PETITIONER:

Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Co.
1014 Vine Street, Cincinnati, OH 45202

NAME OF COUNSEL FOR PETITIONER: Kurt J. Boehm and Jody Kyler Cohn
BOEHM, KURTZ & LOWRY

COUNSEL ADDRESS: 36 East Seventh St., Suite 1510, Cincinnati, OH 45202

COUNSEL PHONE / FAX NUMBER: Ph: 513-421-2255 Fax: 513.421.2764

COUNSEL E-MAIL ADDRESS: kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

NAME OF CONSULTANT FOR PETITIONER: Justin Bieber, Energy Strategies LLC

CONSULTANT’S ADDRESS: 111 E Broadway, Suite 1200, Salt Lake City, UT 84111

CONSULTANT’S PHONE NUMBER: 801-355-4365

CONSULTANT’S E-MAIL ADDRESS: jbieber@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 PacifiCorp, dba Pacific Power (“Pacific Power”). 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. The total load of Petitioner is approximately 10 MW. 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:

The Kroger Co., the owner of Fred Meyer Stores Inc. 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.

Fred Meyer is in the process of engaging local counsel and will file its pro hac vice motion shortly.

Based on the information provided above in accordance with the Commission's rules of procedure, Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Co. requests to participate in this proceeding as an intervenor with full party status. Petitioner represents that it will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.

/s/ Kurt J. Boehm
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
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Dated: March 6, 2024

**COUNSEL FOR FRED MEYER STORES AND
QUALITY FOOD CENTERS,
DIVISIONS OF THE KROGER CO.**