BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW 36 EAST SEVENTH STREET SUITE 1510 CINCINNATI, OHIO 45202 TELEPHONE (513) 421-2255

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September 12, 2019

Mr. Steven V. King, Executive Director Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W. P.O. Box 47250 Olympia, Washington 98504-7250

Attn: Filing Center

Re: <u>Docket No. UE-190529 and UG-190530</u> (Consolidated)

Dear Mr. King:

Enclosed please find the original and eleven (11) copies of THE KROGER CO's CONFIDENTIALITY AGREEMENTS of counsel and expert witnesses: Kurt Boehm, Esq., Kevin Higgins, Courtney Higgins, Neal Townsend, Oliwia Smith for filing in the above-referenced dockets. Please note that we also filed the above via electronic mail on same date.

By copy of this letter, all parties listed on the Certificate of Service have been electronically served. Please place this document of file.

Very Truly Yours,

Kurt J. Boehm, Esq. Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

MLKkew Enclosures

cc: Certificate of Service

EXHIBIT A (ATTORNEY AGREEMENT)

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION
IN DOCKETS UE-190529 and UG-190530 (Consolidated)
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| I, | Vrt Bochen | , as attorney in |
|--|------------------------------|--|
| this proceeding for | Kroser Co. | (party to |
| this proceeding) agree to | comply with and be bound | d by the Protective Order entered by |
| the Washington Utilities | and Transportation Comm | nission in Dockets UE-190529 and |
| and fully understand its violations of the Protect | terms and conditions. I furt | I have reviewed the Protective Order ther agree to be responsible for any he conduct of administrative staff I |
| Signature | | 9-12-19 Date |
| · · | 7 | |
| | tessio Cincinhatio | 445202 |
| Address | | |

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated) **BEFORE THE**

| | WASHINGTON UTILITIES AND TRANS | SPORTATION COMMISSION |
|--------|---|--|
| | I, Kurt Boehm | , as |
| | In-house counsel | |
| | In-house expert | |
| | <u></u> →Outside counsel | |
| | Outside expert | |
| | s proceeding for Vegev Co. eeding) hereby declare under penalty of perjurnington that the following are true and correct: | |
| a. | I am not now involved, and will not for a per competitive decision making with respect to may be relevant, by or on behalf of any com- competes, or potentially competes, with the from whom they seek disclosure of highly of to the development or purchase of electric of | o which the documents or information appany or business organization that company or business organization confidential information with respect |
| b. | I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Exhibit C of the Protective Order; and | |
| c. | If I am in-house or outside counsel, I further violations of the Protective Order that results staff I allow to have access to Highly Confidence. | t from the conduct of administrative |
| _[(| ZK | 9-12-19 |
| Signat | ature | Date |

| ORDER 02 | |
|--|--|
| Cheinnati OH | |
| City/State where this Agreement was signed | |
| Bocha, Kritz + Lary Employer | |
| Astrony for Kraser Co. Position and Responsibilities | Permanent Address |
| *** | |
| The following portion is to be completed by the Commission within 10 days of receipt. Failure above-named person will be deemed a person Information under the terms and conditions of | to do so will constitute a waiver and the having access to Highly Confidential |
| No objection. | |
| Objection. The responding pathaving access to Highly Confidential Informativith the Commission, supported by affidavit, asking exclusion of the person from access to | setting forth the basis for objection and |
| Signature | Date |

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated) BEFORE THE

| I, OLIWIA SMITH | , as expert | | | | |
|--|---|--|--|---|-----------|
| witness in this proceeding for THE LEDGER | (a party to | | | | |
| this proceeding) hereby agree to comply with and be bound by the Protective Order entered by the Washington Utilities and Transportation Commission in Dockets UE-190529 and UG-190530 (consolidated) and acknowledge that I have reviewed the | | | | | |
| | | | | Protective Order and fully understand its terms a | |
| | | | | Durchy | 9/11/2019 |
| Signature | Date | | | | |
| ENERGY STRATEGIES | | | | | |
| Employer | | | | | |
| 215 South STATE ST. STE 200 | CONSULTANT | | | | |
| 215 SOUTH STATE ST. STE200 Address SALTLAKE CITY UT, 84105 | Position and Responsibilities | | | | |
| 01,84105 | | | | | |
| The following portion is to be completed by the Commission within 10 days of receipt; failure to above-named person will be deemed an expert hunder the terms and conditions of the protective | do so will constitute a waiver and the aving access to Confidential Information | | | | |
| No objection. | | | | | |
| Objection. The responding par | ty objects to the above-named expert | | | | |
| having access to Confidential Information. The | | | | | |
| forth the basis for objection and asking exclusion | n of the expert from access to | | | | |
| Confidential Information. | | | | | |
| Signature | Date | | | | |

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated)

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | I, OLIWIA SHITH | , as | |
|--------|--|---|--|
| | In-house counsel | | |
| | In-house expert | | |
| | Outside counsel | | |
| | ∠ Outside expert | | |
| procee | s proceeding for THE LEGGE CO. reding) hereby declare under penalty of perjury under nington that the following are true and correct: | (a party to this r the laws of the State of | |
| a. | I am not now involved, and will not for a period of two years involve myself in, competitive decision making with respect to which the documents or information may be relevant, by or on behalf of any company or business organization that competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the development or purchase of electric or natural gas resources; | | |
| b. | I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Exhibit C of the Protective Order; and | | |
| c. | If I am in-house or outside counsel, I further agree to be responsible for any violations of the Protective Order that result from the conduct of administrative staff I allow to have access to Highly Confidential Information. | | |
| | llupter | 9/11/2019 | |
| Signat | ature Date | 1.5 | |

| SALT LAKE CITY, VT | |
|---|--|
| City/State where this Agreement was signed | |
| ENERGY STRATEGIES Employer | |
| CONSULTANT | 215 SOUTH STATE STLEET STE 2001 SULT LAKE CITY, UT 84105 |
| Position and Responsibilities | Permanent Address |
| * * * The following portion is to be completed by the recommission within 10 days of receipt. Failure to above-named person will be deemed a person have Information under the terms and conditions of the | do so will constitute a waiver and the ving access to Highly Confidential |
| No objection. | |
| Objection. The responding party having access to Highly Confidential Information with the Commission, supported by affidavit, sett asking exclusion of the person from access to Highly | ting forth the basis for objection and |
| Signature | Date |

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated) BEFORE THE

| I, Courtney Higgins | , as expert | | | |
|--|---|--|---|---------|
| witness in this proceeding for The know | (a party to | | | |
| this proceeding) hereby agree to comply with and be bound by the Protective Order entered by the Washington Utilities and Transportation Commission in Dockets UE-190529 and UG-190530 (consolidated) and acknowledge that I have reviewed the | | | | |
| | | | Protective Order and fully understand its ten | _ |
| | | | Courty Negres | 9/11/19 |
| Signature | Date | | | |
| Grongy Strategies LLC | _ | | | |
| Employer | | | | |
| 2155 State St, Ste 200 | | | | |
| Selt Lake city UT 84111 | Sentor consultant | | | |
| Address | Position and Responsibilities | | | |
| * | * * | | | |
| The following portion is to be completed by | the responding party and filed with the | | | |
| Commission within 10 days of receipt; failu | . 0 | | | |
| | ert having access to Confidential Information | | | |
| under the terms and conditions of the protect | | | | |
| 1 | | | | |
| No objection. | | | | |
| Objection. The responding | g party objects to the above-named expert | | | |
| having access to Confidential Information. | The objecting party shall file a motion setting | | | |
| forth the basis for objection and asking excl | usion of the expert from access to | | | |
| Confidential Information. | | | | |
| Signature | Date | | | |
| Digitatuic | Dale | | | |

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated)

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | I, Courtney Higgins | | , as |
|-----------|--|---------------------------|------------------------------|
| | In-house counsel | | |
| | In-house expert | | |
| | Outside counsel | | |
| | ⊻ Outside expert | | |
| proce | eding) hereby declare under penalty of ington that the following are true and controls. | perjury under the laws of | party to this f the State of |
| a. | I am not now involved, and will not for a period of two years involve myself in, competitive decision making with respect to which the documents or information may be relevant, by or on behalf of any company or business organization that competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the development or purchase of electric or natural gas resources; | | |
| b. | I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Exhibit C of the Protective Order; and | | |
| c. | If I am in-house or outside counsel, I further agree to be responsible for any violations of the Protective Order that result from the conduct of administrative staff I allow to have access to Highly Confidential Information. | | |
| | | | |
| <u>La</u> | 1 ngans | 9/11/19 | |
| Signa | ature | Date | |

| Salt Lake City, UT | |
|---|--|
| City/State where this Agreement was signed | |
| Energy Strategies LLC Employer | |
| Sensor Consultant | 215 S State St, Ste 200 Salt Lange City, UT Sylll |
| Position and Responsibilities | Permanent Address |
| * * * The following portion is to be completed by the Commission within 10 days of receipt. Failure above-named person will be deemed a person Information under the terms and conditions of | e to do so will constitute a waiver and the having access to Highly Confidential |
| No objection. | |
| Objection. The responding p having access to Highly Confidential Information with the Commission, supported by affidavit, asking exclusion of the person from access to | setting forth the basis for objection and |
| Signature | Date |

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated)

BEFORE THE

| I, NEAL TOWNSEND witness in this proceeding for THE KROCEN | as expert |
|---|---|
| witness in this proceeding for Tuc Magazine | (a party to |
| this proceeding) hereby agree to comply with and by | e hound by the Protective Order |
| entered by the Washington Utilities and Transports | tion Commission in Daylot AIF |
| entered by the Washington Utilities and Transporta | uion Commission in Dockets UE- |
| 190529 and JG-190530 (consolidated) and acknow | viedge that I have reviewed the |
| Projective Order and fully understand its terms and | conditions. |
| // all/am | 5-0= 11 2010 |
| Simulation of the state of the | Sept. 11, 2019 Date |
| Signature | Date |
| ENERGY STRATEGIES, LLC Employer 215 S. STATE STREET STE 200 SALT LAKE CITY UT 84111 | |
| Employer | |
| 215 S STATE STREET STE 200 | |
| SALT LAKE CATY UT 84111 | PRINCIPAL - CONSULTING |
| Address | Position and Responsibilities |
| 1.44.000 | r osition and responsionities |
| * * * | |
| The following portion is to be completed by the res | |
| Commission within 10 days of receipt; failure to do | |
| above-named person will be deemed an expert hav | |
| under the terms and conditions of the protective or | der. |
| No objection. | |
| | |
| | objects to the above-named expert |
| having access to Confidential Information. The ob | jecting party shall file a motion setting |
| forth the basis for objection and asking exclusion of | of the expert from access to |
| Confidential Information. | |
| | |
| Sign stress | Du |
| Signature | Date |

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated)

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | I, NEAL TOWNSEND, as |
|---------------------------|---|
| | In-house counsel |
| | In-house expert |
| | Outside counsel |
| | X Outside expert |
| proceeding | eeeding for IHE KROCEK Co. (a party to this s) hereby declare under penalty of perjury under the laws of the State of in that the following are true and correct: |
| con may con fron | n not now involved, and will not for a period of two years involve myself in, appetitive decision making with respect to which the documents or information by be relevant, by or on behalf of any company or business organization that appetes, or potentially competes, with the company or business organization me whom they seek disclosure of highly confidential information with respect the development or purchase of electric or natural gas resources; |
| b. I ha | ave read and understand, and agree to be bound by, the terms of the Protective der in this proceeding, including this Exhibit C of the Protective Order; and |
| vio | am in-house or outside counsel, I further agree to be responsible for any lations of the Protective Order that result from the conduct of administrative ff I allow to have access to Highly Confidential Information. |
| Signature | Man Sept. 11, 2019 Date |

| SAUT LAKE CITY, UTAH | |
|---|---|
| City/State where this Agreement was signed | |
| ENEWLY STRATERIES, LLC Employer | |
| PRINCIPAL/CONSULTING | ZIS S. STATE STREET, STE. 200 SALT LAKE CITY UT 84111 |
| Position and Responsibilities | Permanent Address |
| * * * The following portion is to be completed by the res Commission within 10 days of receipt. Failure to de above-named person will be deemed a person havir Information under the terms and conditions of the p | o so will constitute a waiver and the ng access to Highly Confidential |
| No objection. | |
| Objection. The responding party of having access to Highly Confidential Information. With the Commission, supported by affidavit, setting asking exclusion of the person from access to High | The objecting party shall file a motion g forth the basis for objection and |
| Signature | Date |

AGREEMENT CONCERNING CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated) BEFORE THE

| I, KEVIN HIGGINS | , as expert | | | | |
|---|--|--|--|--|--|
| witness in this proceeding for THE KROGER | | | | | |
| this proceeding) hereby agree to comply with and b | | | | | |
| entered by the Washington Utilities and Transportation Commission in Dockets UE- | | | | | |
| 190529 and UG-190530 (consolidated) and acknowledge that I have reviewed the | | | | | |
| Protective Order and fully understand its terms and | | | | | |
| 8 c 0 > | 6 d . a | | | | |
| Sill Sill Sill Sill Sill Sill Sill Sill | 9-11-19 | | | | |
| Signature | Date | | | | |
| ENERAL STRATEGIES Employer 215 S. STATE ST., SUITE 200 | | | | | |
| Employer | | | | | |
| 215 S. STATE ST., SUITE 200 | 0 | | | | |
| SALP LAKE CHY, UT 84111 | PRINCIPAL | | | | |
| Address | Position and Responsibilities | | | | |
| * * * | | | | | |
| The following portion is to be completed by the res Commission within 10 days of receipt; failure to do above-named person will be deemed an expert havi under the terms and conditions of the protective or | o so will constitute a waiver and the ing access to Confidential Information | | | | |
| No objection. | | | | | |
| Objection. The responding party of having access to Confidential Information. The objection and asking exclusion of Confidential Information. | jecting party shall file a motion setting | | | | |
| Signature | Date | | | | |

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION IN DOCKETS UE-190529 and UG-190530 (Consolidated) BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| I, KEVIN HICO.NS | , as |
|------------------------|------------------|
| In-house counsel | |
| In-house expert | |
| Outside counsel | , |
| Y Outside expert | |
| in this proceeding for | (a party to this |

Washington that the following are true and correct:
a. I am not now involved, and will not for a period of two years involve myself in, competitive decision making with respect to which the documents or information may be relevant, by or on behalf of any company or business organization that

proceeding) hereby declare under penalty of perjury under the laws of the State of

from whom they seek disclosure of highly confidential information with respect to the development or purchase of electric or natural gas resources;

b. I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Exhibit C of the Protective Order; and

competes, or potentially competes, with the company or business organization

c. If I am in-house or outside counsel, I further agree to be responsible for any violations of the Protective Order that result from the conduct of administrative staff I allow to have access to Highly Confidential Information.

2,00

Signature

Date

| ORDER 02 | |
|--|---|
| SALT LAKE CITY, UT | |
| City/State where this Agreement was signed | |
| ENERGY STRATEGIES | |
| Employer | |
| | 25 215 S. STATE ST., SUITE 200 |
| PRINCIPAL | SALT LAKE CITY UT 84111 |
| Position and Responsibilities | Permanent Address |
| | |
| * * * | |
| The following portion is to be completed by the re Commission within 10 days of receipt. Failure to above-named person will be deemed a person hav Information under the terms and conditions of the | do so will constitute a waiver and the ving access to Highly Confidential |
| No objection. | |
| Objection. The responding party having access to Highly Confidential Information with the Commission, supported by affidavit, sett asking exclusion of the person from access to Highly Confidential Information with the Commission, supported by affidavit, sett asking exclusion of the person from access to Highly Confidential Information | ing forth the basis for objection and |
| Signature | Date |

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the parties listed on the attached Certificate of Service by regular U.S. mail and electronic mail (when available) this 12th day of September 2019.

Kurt J. Boehm, Esq. Jody Kyler Cohn, Esq.

MASTER SERVICE LIST DOCKET NO. UE-190529 and UG-190530

| Intervenor's Counsel or Representative Representing: Alliance of Western Energy Consumers | Riley Peck Davison Van Cleve, PC 1750 SW Harbor Way STE 450 Portland, OR 97201 rgp@dvclaw.com |
|--|--|
| Intervenor"s Counsel or Representative Representing: Alliance of Western Energy Consumers | Brent Coleman Alliance of Western Energy Consumers 1750 SW Harbor Way STE 450 Portland, OR 97201 blc@dvclaw.com |
| Applicant Representing: Puget Sound Energy | Jon Piliaris Puget Sound Energy (E012) PO BOX 97034 PSE-08N Bellevue, WA 98009-9734 jon.piliaris@pse.com |
| | Jesse Gorsuch Davison Van Cleve, PC 1750 SW Harbor Way STE 450 Portland, OR 97201 jog@dvclaw.com |
| Applicant"s Counsel or Representative Representing: Puget Sound Energy | Donna Barnett Perkins Coie, LLP 10885 N.E. Fourth Street STE 700 Bellevue, WA 98004-5579 dbarnett@perkinscoie.com |
| | David Steele Perkins Coie, LLP 10885 NE Fourth Street STE 4900 Bellevue, WA 98004 dsteele@perkinscoie.com |
| Intervenor | Nucor Steel Seattle, Inc. Nucor Steel 2424 SW Andover Seattle, WA 98106-1100 |
| Intervenor"s Counsel or Representative Representing: Nucor Steel Seattle, Inc. | Damon E. Xenopoulos 1025 Thomas Jefferson Street, N.W. STE 800 West Washington, DC 20007 dex@smxblaw.com |

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| Assistant Attorney General | Jennifer Cameron-Rulkowski Assistant Attorney General WUTC PO Box 40128 Olympia, WA 98504-0128 jennifer.cameron-rulkowski@utc.wa.gov |
|--|--|
| Assistant Attorney General | Harry Fukano Assistant Attorney General WUTC PO Box 40128 Olympia, WA 98504-0128 harry.fukano@utc.wa.gov |
| Public Counsel | Nina Suetake Assistant Attorney General Attorney General's Office 800 5th Avenue STE 2000 Seattle, WA 98104-3188 NinaS@atg.wa.gov |
| Intervenor | Quality Food Centers, Inc. 10116 N.E. 8th Street Bellevue, WA 98004 |
| Assistant Attorney General | Joe Dallas WUTC 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250 joe.dallas@utc.wa.gov |
| Assistant Attorney General | Daniel Teimouri WUTC P.O. Box 47250 Olympia, WA 98504-7250 daniel.teimouri@utc.wa.gov |
| Intervenor"s Counsel or Representative Representing: The Energy Project | Simon ffitch Simon ffitch Attorney at Law 321 High School Rd. NE STE D3 #383 Bainbridge Island, WA 98110 simon@ffitchlaw.com |
| Respondent Representing: Puget Sound Energy | Ken Johnson Director - Rates & Regulatory Affairs Puget Sound Energy |

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| | PO BOX 97034, PSE-08N Bellevue, WA 98009-9734 ken.s.johnson@pse.com |
|--|---|
| Intervenor"s Counsel or Representative Representing: Alliance of Western Energy Consumers | Tyler Pepple Davison Van Cleve, PC 1750 SW Harbor Way STE 450 Portland, OR 97201 tcp@dvclaw.com |
| Public Counsel | Lisa Gafken Office of the Attorney General 800 Fifth Avenue STE 2000 Seattle, WA 98104-3188 Lisa.Gafken@atg.wa.gov |
| Applicant"s Counsel or Representative Representing: Puget Sound Energy | Jason Kuzma Perkins Coie, LLP 10885 N.E. Fourth St. STE 700 Bellevue, WA 98004-5579 JKuzma@perkinscoie.com |
| Intervenor"s Counsel or Representative Representing: Alliance of Western Energy Consumers | Bradley Mullins Davison Van Cleve, PC 1750 SW Harbor Way STE 450 Portland, OR 97201 brmullins@mwanalytics.com |
| Assistant Attorney General | Jeff Roberson Assistant Attorney General WUTC P.O. Box 40128 Olympia, WA 98504-0128 jeff.roberson@utc.wa.gov |
| Intervenor Representing: The Energy Project | Shawn Collins Director The Energy Project 3406 Redwood Ave Bellingham, WA 98225 shawnc@oppco.org |
| Intervenor | Alliance of Western Energy Consumers Alliance of Western Energy Consumers 818 SW 3rd Avenue # 266 Portland, OR 97204 |

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| Intervenor's Counsel or Representative Representing: The Kroger Co. Et Al | Kevin Higgins Energy Strategies LLC 215 South State Street STE 200 Salt Lake City, UT 84111 khiggins@energystrat.com |
|--|--|
| Intervenor | Fred Meyer Stores, Inc. Fred Meyer Stores, Inc. 3800 Southeast 2nd Street Portland, OR 99202 |
| Applicant"s Counsel or Representative Representing: Puget Sound Energy | Sheree Strom Carson Perkins Coie, LLP 10885 N.E. Fourth Street STE 700 Bellevue, WA 98004-5579 scarson@perkinscoie.com |

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