

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  vs.  PUGET SOUND ENERGY, INC.	: : : : : : : : : : :	DOCKET NO. UE-161123  <b>LATE-FILED PETITION TO INTERVENE OF THE KROGER CO. ON BEHALF OF THE FRED MEYER STORES AND QUALITY FOOD CENTERS</b>
Complainant		
Respondent		

Pursuant to WAC 480-07-355, The Kroger Co., on behalf of its Fred Meyer Stores (“Fred Meyer”) and Quality Food Centers (“QFC”) divisions, hereby submits this Late-Filed Petition to Intervene. Pursuant to WAC §480-07-340, Kroger states following:

**1. Name and Addresses of Petitioner:**

Quality Food Centers, Inc.  
10116 N.E. 8<sup>th</sup> Street  
Bellevue, WA 98004

Fred Meyer Stores, Inc.  
3800 Southeast 2<sup>nd</sup> Street  
Portland, OR 99202

The Kroger Co.  
1014 Vine Street, G-07  
Cincinnati, Ohio 45202

As required by WAC §480-07-145(2)(d), The Kroger Co. has provided this Petition by electronic mail.

**2. Name and Address of Attorney and Consultants Representing Petitioner:**

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**  
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Cincinnati, Ohio 45202  
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**3. Identify the Petitioner:**

Petitioner is a retail electric customer of Puget Sound Electric, Inc. (“PSE”). Petitioner has approximately 66 grocery stores and other facilities that purchase their electric supply from PSE.

**4. Petitioner’s Interest in this Proceeding:**

Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. One of the largest retail food companies in the United States, Kroger operates approximately 130 grocery stores in the state of Washington under the Fred Meyer and QFC banners. Of that total, 66 purchase their electric supply from PSE. These stores purchase more than 185 million kWh of electricity from PSE annually under various rate schedules and have a peak demand in excess of 27 MW. Petitioner is one of the largest commercial customers served by PSE. The grocery stores operated by Fred Meyer and QFC are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis.

Kroger’s ability to participate in competitive energy markets may be directly impacted by this proceeding. Accordingly, Kroger has a direct and substantial interest in this proceeding that will not be adequately represented by any other party.

**5. Issues To Be Raised:**

Petitioner will examine the tariff changes proposed by PSE and may recommend revisions to the proposed tariffs. Specifically, Petitioner may recommend changes to the PSE’s proposed tariffs in order to accommodate a broader category of customers than are included in PSE’s proposal.

**6. Testimony of Witnesses:**

Kroger has not yet identified an expert witness in this proceeding. Petitioner intends to cross-examine the witnesses called by the other parties to this proceeding and to submit written briefs as appropriate.

7. **Reason For Late-Filed Petition:**

Pursuant to WAC 480-07-355(1)(b), Kroger has good cause for filing an untimely Petition to Intervene. Kroger was not aware of this matter until November 4, 2016, which is two days after the deadline for written intervention had passed. Once Kroger was aware of this proceeding it acted quickly to review the docket, make the determination that this matter is of great interest to Kroger, and to prepare and submit this filing. No party will be prejudiced by the granting of this Petition. Kroger has no intention of unreasonably broadening the issues, burdening the record, or delaying the proceeding. Kroger will accept the procedural schedule as it is.

**WHEREFORE**, for the reasons set forth above, Petitioner respectfully requests that this Petition to Intervene be granted.

DATED this 4<sup>th</sup> day of November, 2016.

Respectfully submitted,



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Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

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**COUNSEL FOR THE KROGER CO.**