

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <p style="text-align: right;">Complainant</p> <p>vs.</p> <p>PUGET SOUND ENERGY, INC.</p> <p style="text-align: right;">Respondent</p>	<p>: : : : : : : : : : :</p>	<p>DOCKET NOS. UE-130137/UG-130138 (Consolidated)</p> <p style="text-align: center;"><b>AMENDED LATE-FILED PETITION TO INTERVENE OF THE KROGER CO. ON BEHALF OF THE FRED MEYER STORES AND QUALITY FOOD CENTERS</b></p>
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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 Amended 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. If PSE’s rate increase request is granted, then the cost for electric power service to Petitioner will substantially increase. Accordingly, Petitioner has a substantial and vital interest in the outcome of this electric rate case which cannot be adequately represented by any other party.

5. **Issues To Be Raised:**

Petitioner will examine whether the relief sought by PSE is just and reasonable and whether the proposed tariffs are just and reasonable.

6. **Testimony of Witnesses:**

If Petitioner submits written direct testimony or exhibits, it will be prepared by Mr. Kevin C. Higgins, a principal in the firm Energy Strategies, LLC of Salt Lake City, Utah. Petitioner also 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 received the Commission's Notice of Joint Prehearing Conference dated March 14, 2013 which set the deadline for intervention, however counsel for Kroger overlooked this Notice and was not aware at the time of filing its Petition to Intervene that the deadline for intervention had passed. On March 26, 2013 Kroger filed its Petition to Intervene in this docket, several days after the intervention deadline had passed. 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 4th day of April, 2013.

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.**