

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
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**VIA ELECTRONIC MAIL AND
OVERNIGHT MAIL**

January 28, 2010

Commission Secretary
Washington Utilities and Transportation Commission,
P.O. Box 47250
1300 S. Evergreen Park Drive, S.W.
Olympia, Washington 98504-7250

Re: Docket No. UE-070725

Dear Ms. Washburn:

Please find enclosed the original and (10) copies of executed copies of the PROTECTIVE ORDER WITH "HIGHLY CONFIDENTIAL" PROVISIONS OF THE KROGER CO., ON BEHALF OF ITS FRED MEYER STORES AND QUALITY FOOD CENTERS in the above-referenced matter. 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,



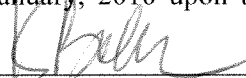
Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Enclosures
cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing on all parties by regular U.S. mail and electronic mail (when available) this 28th day of January, 2010 upon the parties listed on the attached Certificate of Service.

A handwritten signature in dark ink, appearing to read 'K. Boehm', is written over a horizontal line.

Kurt J. Boehm, Esq.

MASTER SERVICE LIST

As of: 01/28/10 Docket: UE-070725 Page: 1
 Name: Puget Sound Energy (E012)
 Comments: In the Matter of the Petition of Puget Sound Energy for an Accounting Order.
 Original MSL Date: 04/16/07

Status Name and Address..... Phone & Fax..... Added.... By.

Pet	QUALITY FOOD CENTERS, INC. 10116 N.E. 8TH STREET BELLEVUE WA 98004	PH: FX:	11/06/09 JH
Pet	FRED MEYER STORES, INC. 3800 SOUTHEAST 2ND STREET PORTLAND OR 99202	PH: FX:	11/06/09 JH
Pet	THE KROGER CO. ATTN: CORPORATE ENERGY MANAGER 1014 VINE STREET CINCINNATI OH 45202 E-mail: dgeorge@kroger.com	PH: (513) 762-4538 FX: (513) 762-4012	11/06/09 JH
Pet	TOM DEBOER DIRECTOR, RATES & REGULATORY AFFAIRS PUGET SOUND ENERGY (E012) PO BOX 97034, PSE-08N BELLEVUE WA 98009-9734 E-mail: tom.deboer@pse.com	PH: (425) 462-3272 FX: (425) 462-3414	04/16/07 MS
Pet	KARL KARZMAR REGULATORY RELATIONS PUGET SOUND ENERGY PO BOX 97034 PSE-08N BELLEVUE WA 98009-9734 E-mail: karl.karzmar@pse.com	PH: (425) 456-2797 FX: (425) 462-3414	04/16/07 MS
PetC	KURT J BOEHM ATTORNEY BOEHM, KURTZ & LOWRY Representing The Kroger Co. 36 E. SEVENTH ST. STE 1510 CINCINNATI OH 45202	PH: (513) 421-2255 FX: (513) 421-2764	11/06/09 JH
PetC	SHEREE CARSON PERKINS COIE Representing Puget Sound Energy 10885 N.E. FOURTH STREET STE 700 BELLEVUE WA 98004-5579 E-mail: scarson@perkinscoie.com	PH: (425) 635-1400 FX: (425) 635-2400	04/16/07 MS
PetC	MICHAEL L KURTZ ATTORNEY BOEHM, KURTZ, & LOWRY Representing The Kroger Co. 36 E. SEVENTH ST. STE 1510	PH: (513) 421-2255 FX: (513) 421-2764	11/06/09 JH

MASTER SERVICE LIST

As of: 01/28/10 Docket: UE-070725 Page: 2
 Name: Puget Sound Energy (E012)
 Comments: In the Matter of the Petition of Puget Sound Energy for an Accounting Order.
 Original MSL Date: 04/16/07

Status Name and Address..... Phone & Fax..... Added.... By.

CINCINNATI OH 45202
 E-mail: mkurtz@bkllawfirm.com

I	NW ENERGY COALITION 811 1ST AVE STE 305 SEATTLE WA 98104	PH: FX:	11/20/09 SE
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I	MICHAEL EARLY EXECUTIVE DIRECTOR INDUSTRIAL CUSTOMERS OF NORTHWEST UTILIT 333 SW TAYLOR ST. STE 400 PORTLAND OR 97204 E-mail: mearly@icnu.org	PH: (503) 239-9169 FX: (503) 241-8160	10/22/09 JH
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I	RONALD L ROSEMAN ATTORNEY AT LAW 2011 - 14TH AVENUE EAST SEATTLE WA 98112 E-mail: ronaldroseman@comcast.net	PH: (206) 324-8792 FX: (206) 568-0138	12/04/09 JH
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IC	GLENN AMSTER RENEWABLE NORTHWEST PROJECT LANE POWELL PC 1420 FIFTH AVENUE STE 4100 SEATTLE WA 98101-2338	PH: (206) 223-6241 FX:	11/25/09 JH
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IC	DANIELLE DIXON SENIOR POLICY ASSOCIATE NW ENERGY COALITION Representing NW Energy Coalition 811 1ST AVENUE STE 305 SEATTLE WA 98104 E-mail: danielle@nwenergy.org	PH: (206) 621-0094 FX: (206) 621-0097	11/20/09 SE
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IC	ANN ENGLISH GRAVATT SENIOR POLICY ASSOCIATE RENEWABLE NORTHWEST PROJECT 917 SW OAK STE 303 PORTLAND OR 97205 E-mail: ann@rnp.org	PH: (503) 223-4544 FX:	11/25/09 JH
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IC	DAVID S JOHNSON NW ENERGY COALITION Representing NW Energy Coalition 811 1ST AVE STE 305 SEATTLE WA 98104 E-mail: david@nwenergy.org	PH: (206) 621-0094 FX: (206) 621-0097	11/20/09 SE
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MASTER SERVICE LIST

As of: 01/28/10 Docket: UE-070725 Page: 3
 Name: Puget Sound Energy (E012)
 Comments: In the Matter of the Petition of Puget Sound Energy for an Accounting
 Order.
 Original MSL Date: 04/16/07

Status Name and Address..... Phone & Fax..... Added.... By.

IC	IRION A SANGER DAVISON VAN CLEVE, P.C. Representing Industrial Customers of Nor 333 S.W. TAYLOR STE 400 PORTLAND OR 97204 E-mail: mail@dvclaw.com	PH: (503) 241-7242 FX: (503) 241-8160	10/22/09 JH
IC	S. BRADLEY VAN CLEVE ATTORNEY DAVISON VAN CLEVE Representing Industrial Customers of Nor 333 S.W. TAYLOR STE 400 PORTLAND OR 97204 E-mail: bvc@dvclaw.com	PH: (503) 241-7242 FX: (503) 241-8160	10/22/09 JH
AAG	SALLY BROWN ASSISTANT ATTORNEY GENERAL WUTC ATTORNEY GENERAL SECTION Representing WUTC STATE MAIL STOP 40128 E-mail: sbrown@utc.wa.gov	PH: (360) 664-1193 FX: (360) 586-5522	04/16/07 MS
AAG	ROBERT D CEDARBAUM ASSISTANT ATTORNEY GENERAL WUTC ATTORNEY GENERAL OFFICE STATE MAIL STOP 40128 E-mail: bcedarba@wutc.wa.gov	PH: (360) 664-1188 FX: (360) 586-5522	11/06/09 JH
AAG	DON TROTTER ASSISTANT ATTORNEY GENERAL WUTC ATTORNEY GENERAL SECTION STATE MAIL STOP 40128 E-mail: dtrotter@utc.wa.gov	PH: (360) 664-1189 FX: (360) 586-5522	01/25/10 JH
CP	SIMON FFITCH AAG OFFICE OF THE ATTORNEY GENERAL PUBLIC COUNSEL Representing Public Counsel 800 FIFTH AVENUE STE 2000	PH: (206) 389-2055 FX: (206) 464-6451	04/16/07 MS

MASTER SERVICE LIST

As of: 01/28/10 Docket: UE-070725 Page: 4
Name: Puget Sound Energy (E012)
Comments: In the Matter of the Petition of Puget Sound Energy for an Accounting
Order.
Original MSL Date: 04/16/07

Status Name and Address..... Phone & Fax..... Added.... By.

SEATTLE WA 98104-3188
E-mail: simonf@atg.wa.gov

CP	SARAH A SHIFLEY	PH: (206) 464-6595	10/08/09 JH
	OFFICE OF THE ATTORNEY GENERAL	FX: (206) 464-6451	
	PUBLIC COUNSEL		
	800 5TH AVE STE 2000		
	SEATTLE WA 98104-3188		
	E-mail: Sarah.Shifley@atg.wa.gov		

EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION
IN DOCKET UE-070725
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, KEVIN HIGGINS, as

- ☐ In-house attorney
- ☐ In-house expert
- ☐ Outside counsel
- ☒ Outside expert

in this proceeding for THE KROGER CO. (a party to this proceeding) hereby declare under penalty of perjury under the laws of the State of 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 competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy ; and
- b. I am not now involved, and will not for a period of two years involve myself, in the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy ; and
- c. I am not now involved, and will not for a period of two years involve myself, in providing consulting services or advice with respect to the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy, to purchasers or sellers or potential purchasers or sellers of such products; and

- d. I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Section C of the Protective Order.

K. C. R.
Signature

1-4-10
Date

SALT LAKE CITY, UTAH
City/State where this Agreement was signed

ENERGY STRATEGIES
Employer

PRINCIPAL
Position and Responsibilities

623 10th AVE.
SALT LAKE CITY, UT 84103
Permanent Address

* * *

The following portion is to be completed by the responding party and filed with the Commission within 10 days of receipt. Failure to do so will constitute a waiver and the above-named person will be deemed a person having access to Highly Confidential Information under the terms and conditions of the protective order.

_____ No objection.

_____ Objection. The responding party objects to the above-named person having access to Highly Confidential Information. The objecting party shall file a motion with the Commission, supported by affidavit, setting forth the basis for objection and asking exclusion of the person from access to Highly Confidential Information.

Signature

Date

EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION
IN DOCKET UE-070725
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

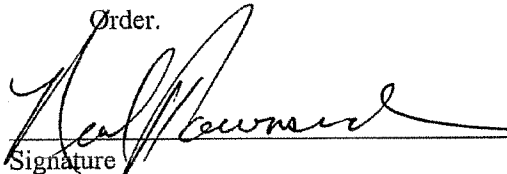
I, NEAL TOWNSEND, as

- ☐ In-house attorney
- ☐ In-house expert
- ☐ Outside counsel
- ☒ Outside expert

in this proceeding for THE KROGER CO. (a party to this proceeding) hereby declare under penalty of perjury under the laws of the State of 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 competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy ; and
- b. I am not now involved, and will not for a period of two years involve myself, in the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy ; and
- c. I am not now involved, and will not for a period of two years involve myself, in providing consulting services or advice with respect to the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy, to purchasers or sellers or potential purchasers or sellers of such products; and

- d. I have read and understand, and agree to be bound by, the terms of the Protective Order in this proceeding, including this Section C of the Protective Order.

 1/4/10
Signature Date

SALT LAKE CITY, UT.
City/State where this Agreement was signed

ENERGY STRATEGIES, LLC
Employer

SR. CONSULTANT
Position and Responsibilities

1565 LOGAN AVE.
SALT LAKE CITY, UT 84105
Permanent Address

The following portion is to be completed by the responding party and filed with the Commission within 10 days of receipt. Failure to do so will constitute a waiver and the above-named person will be deemed a person having access to Highly Confidential Information under the terms and conditions of the protective order.

_____ No objection.

_____ Objection. The responding party objects to the above-named person having access to Highly Confidential Information. The objecting party shall file a motion with the Commission, supported by affidavit, setting forth the basis for objection and asking exclusion of the person from access to Highly Confidential Information.

Signature

Date

EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION
IN DOCKET UE-070725
BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Kurt Bohm, as

- ☐ In-house attorney
- ☐ In-house expert
- ☒ Outside counsel
- ☐ Outside expert

in this proceeding for Kroger (a party to this proceeding) hereby declare under penalty of perjury under the laws of the State of 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 competes, or potentially competes, with the company or business organization from whom they seek disclosure of highly confidential information with respect to the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy ; and
- b. I am not now involved, and will not for a period of two years involve myself, in the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy ; and
- c. I am not now involved, and will not for a period of two years involve myself, in providing consulting services or advice with respect to the purchase or sale of renewable energy credits or any other environmental attributes whether transacted as a stand-alone product or bundled with electric energy, to purchasers or sellers or potential purchasers or sellers of such products; and

K. Ball

1-5-10

Ohio

Bachm Kurtz & Lang

Antony

36 E. 7th St. Cincinnati: OH
45202

* * *

No objection.

Signature

Date _____