

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

**VIA ELECTRONIC MAIL AND
OVERNIGHT MAIL**

June 24, 2011

Mr. David E. Danner
Executive Director and 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-111048

Dear Mr. Danner:

Please find enclosed the original and (12) copies of the PETITION TO INTERVENE OF THE KROGER CO. filed 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,



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 listed on the attached Master Service List by regular U.S. mail and electronic mail (when available) this 24th day of June, 2011.

Handwritten signature of Kurt J. Boehm in black ink, written over a horizontal line.

Kurt J. Boehm, Esq.

MASTER SERVICE LIST

As of: 6/24/2011

Docket: 111048

Original MSL Date: 6/14/2011

Status	Name and Address	Phone & Fax	Added	By
Assistant Attorney General	Cedarbaum, Robert D Assistant Attorney General WUTC PO Box 40128 Olympia, WA 98504-0128 bcedarba@wutc.wa.gov	Tel: (360) 664-1188 Fax: (360) 586-5522	6/14/2011	Higgins, Joni
Intervenor	Early, Michael Executive Director Industrial Customers of Northwest Utilities 1300 SW 5th Ave. STE 1750 Portland, OR 97201 mearly@icnu.org	Tel: (503) 239-9169 Fax: (503) 241-8160	6/14/2011	Higgins, Joni
Respondent's Counsel or Representative	Barnett, Donna Perkins Coie, LLP 10885 N.E. Fourth Street STE 700 Bellevue, WA 98004-5579 dbarnett@perkinscoie.com	Tel: (425) 635-1419 Fax: (425) 635-2419	6/14/2011	Higgins, Joni
Intervenor's Counsel or Representative	Schoenbeck, Don RCS, Inc. 900 Washington Street STE 780 Vancouver, WA 98660 dws@r-c-s-inc.com	Tel: (360) 232-6155 Fax: (360) 737-7628	6/14/2011	Higgins, Joni
Public Counsel	ffitch, Simon Office of the Attorney General 800 Fifth Avenue STE 2000 Seattle, WA 98104-3188 simonf@atg.wa.gov	Tel: (206) 389-2055 Fax: (206) 389-2544	6/14/2011	Higgins, Joni
Intervenor's Counsel or Representative	Davison, Melinda Attorney Davison Van Cleve 333 S.W. Taylor STE 400 Portland, OR 97204 mail@dvclaw.com	Tel: (503) 241-7242 Fax: (503) 241-8160	6/14/2011	Higgins, Joni
Intervenor's Counsel or	Pease, Jocelyn 333 SW Taylor STE 400		6/14/2011	Higgins, Joni

Representative	Portland, WA 97204 jcp@dvclaw.com
----------------	--------------------------------------

Respondent	DeBoer, Tom Director, Rates & Regulatory Affairs Puget Sound Energy (E012) PO BOX 97034, PSE-08N Bellevue, WA 98009-9734 tom.deboer@pse.com	Tel: (425) 462-3272 Fax: (425) 462-3414	6/14/2011	Higgins, Joni
------------	---	--	-----------	---------------

Respondent's Counsel or Representative	Kuzma, Jason Perkins Coie, LLP 10885 N.E. Fourth St. STE 700 Bellevue, WA 98004-5579 JKuzma@perkinscoie.com	Tel: (425) 635-1400 Fax: (425) 635-2400	6/14/2011	Higgins, Joni
--	---	--	-----------	---------------

Respondent's Counsel or Representative	Carson, Sheree Perkins Coie, LLP 10885 N.E. Fourth Street STE 700 Bellevue, WA 98004-5579 scarson@perkinscoie.com	Tel: (425) 635-1400 Fax: (425) 635-2400	6/14/2011	Higgins, Joni
--	--	--	-----------	---------------

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Washington Utilities and Transportation Commission	:	DOCKET NO. UE-111048
	:	
Complainant,	:	
v.	:	PETITION TO INTERVENE
	:	OF THE KROGER CO. ON
Puget Sound Energy, Inc.	:	BEHALF OF THE FRED MEYER
Respondent.	:	STORES AND QUALITY FOOD
	:	CENTERS

PETITION TO INTERVENE

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 petitions the Washington Utilities and Transportation Commission (“Commission”) for leave to intervene in this proceeding, as an intervenor with full party status as described in WAC §480-07-340 and states in support as follows:

1. Name and Addresses of Petitioner:

Quality Food Centers, Inc.
10116 N.E. 8th Street
Bellevue, WA 98004

Fred Meyer Stores, Inc.
3800 Southeast 2nd Street
Portland, OR 99202

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

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

Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255 Facsimile: 513-421-2764
E-mail: kboehm@BKLawfirm.com

Kevin Higgins
Energy Strategies, LLC
Parkside Towers
215 South State Street, Suite 200
Salt Lake City, Utah 84111
Telephone: 801-355-4365 Facsimile: 801-521-9142
E-mail: khiggins@energystrat.com

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 electric rate increase sought by PSE is just and reasonable and whether the proposed rate spread and rate design is 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.

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

DATED this 24th day of June, 2011.

Respectfully submitted,

Handwritten signature of Kurt J. Boehm in black ink, with a small 'k' superscript to the right of the name.

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764

E-mail: kboehm@BKLawfirm.com

COUNSEL FOR THE KROGER CO.