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**VIA ELECTRONIC MAIL AND  
OVERNIGHT MAIL**

October 28, 2009

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 nineteen (19) copies of the PETITION TO INTERVENE 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,

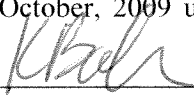


Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
**BOEHM, KURTZ & LOWRY**

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 28<sup>th</sup> day of October, 2009 upon the parties listed on the attached Certificate of Service.

  
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Kurt J. Boehm, Esq.

**Service List:**  
**Docket No. UE-070725**

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**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

Washington Utilities and Transportation Commission	:	DOCKET NO. UE-070725
	:	
Complainant,	:	
v.	:	PETITION TO INTERVENE OF
	:	OF THE KROGER CO. ON
Puget Sound Energy, Inc.	:	BEHALF OF THE FRED MEYER
Respondent.	:	STORES AND QUALITY FOOD
	:	CENTERS

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**PETITION TO INTERVENE**

Pursuant to WAC 480-09-430, the Kroger Co., on behalf of its Fred Meyer Stores (“Fred Meyer”) and Quality Food Centers (“QFC”) divisions, petition to intervene in this proceeding and states in support as follows:

**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.  
Attn: Corporate Energy Manager  
1014 Vine Street  
Cincinnati, Ohio 45202  
Telephone: 513-762-4538      Facsimile: 513-762-4012  
E-mail: [dgeorge@kroger.com](mailto:dgeorge@kroger.com)

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

Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
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215 South State Street, Suite 200  
Salt Lake City, Utah 84111  
Telephone: 801-355-4365 Facsimile: 801-521-9142  
E-mail: [khiggins@energystrat.com](mailto: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 requests that this Petition to Intervene be granted.

DATED this 28<sup>th</sup> day of October, 2009.



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Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

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