

**BOEHM, KURTZ & LOWRY**

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Via Overnight Mail

April 11, 2006

Ms. Carole Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive, SW  
Olympia, WA 96504-7250

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RECORDS MANAGEMENT  
06 APR 12 AM 9:30  
OFFICE OF THE  
UTILITY AND TRANSPORTATION  
COMMISSION

**Re: Docket No. UE-060266 and UG-060267**

Dear Ms. Washburn:

Please find enclosed the original signed Highly Confidential Information Agreements of the Kroger Co., on behalf of its Fred Meyer Stores and Quality Food Centers in the above-referenced matter.

By copy of this letter, all parties listed on the Certificate of Service have been 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

**EXHIBIT C (HIGHLY CONFIDENTIAL INFORMATION AGREEMENT)**

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION  
IN DOCKET UE-060266 and UG-060267  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, KEVIN C. HIGGINS, as

- In-house attorney
- In-house expert
- Outside counsel
- Outside expert

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 UTIL. AND TRANSP.  
 COMMISSION

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 development or purchase of energy resources; and
- b. I am not now involved, and will not for a period of two years involve myself in, the ownership or development of electric energy projects or resources: (i) that have been or could potentially be offered to PSE for its electric portfolio; or (ii) that are competing or could potentially compete with other projects that are or could be offered to PSE for its electric portfolio; and
- c. I am not now involved, and will not for a period of two years involve myself in, providing consulting services or advice to owners or developers of electric energy projects or resources: (i) that have been or could potentially be offered to PSE for its electric portfolio; or (ii) that are competing or could potentially compete with other projects that are or could be offered to PSE for its electric portfolio, to the extent such consultation or advice involves matters for which the "highly confidential" information would be relevant; 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.

[Handwritten Signature]  
Signature

4-4-06  
Date

Salt Lake City, UT 84101  
City/State where this Agreement was signed

ENERGY STRATEGIES, LLC  
Employer

PRINCIPAL  
Position and Responsibilities

623 10<sup>th</sup> AVE., SALT LAKE CITY, UT 84103  
Permanent Address

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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

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