

**BOEHM, KURTZ & LOWRY**

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**VIA ELECTRONIC MAIL AND  
OVERNIGHT MAIL**

August 5, 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:

Enclosed please find the original and twelve (12) copies of Kurt Boehm's executed Exhibit C Highly Confidential Information Agreement to Protective Order No. 1 on behalf of THE KROGER CO. which were inadvertently omitted from the previous filing. 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 below by regular U.S. mail and electronic mail (when available) this 5<sup>th</sup> day of August, 2011.



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

AGREEMENT CONCERNING HIGHLY CONFIDENTIAL INFORMATION  
IN DOCKETS UE-111048/UG-111049  
BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

I, Kurt Boehm, as

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

in this proceeding for 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 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.

KBoehm  
Signature

8-5-11  
Date

Cincinnati, OH  
City/State where this Agreement was signed

\_\_\_\_\_

Employer Buehler, Kurt & Larry

Attorney  
Position and Responsibilities

36 E, 7th St. Cincinnati OH 45202  
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.

X 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.

KR  
Signature

8-5-11  
Date