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**VIA ELECTRONIC MAIL AND  
OVERNIGHT MAIL**

March 16, 2012

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-121697***

Dear Mr. Danner:

Enclosed please find the original and eighteen (18) copies each of the PETITION TO INTERVENE OF THE KROGER CO. ON BEHALF OF THE FRED MEYER STORES AND QUALITY FOOD CENTERS and its NOTICE OF APPEARANCE for filing 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.  
Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew  
Enclosures  
cc: Certificate of Service

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of:</p> <p>PUGET SOUND ENERGY, INC. and NW ENERGY COALITION</p> <p>For an Order Authorizing PSE To Implement Electric and Natural Gas Decoupling Mechanisms and To Record Accounting Entries Associated With the Mechanisms</p>	<p>:</p> <p>:</p> <p>DOCKET NO. UE-121697</p> <p>:</p> <p>:</p> <p><b>PETITION TO INTERVENE OF THE KROGER CO. ON BEHALF OF THE FRED MEYER STORES AND QUALITY FOOD CENTERS</b></p> <p>:</p> <p>:</p>
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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. 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.  
1014 Vine Street, G-07  
Cincinnati, Ohio 45202

As required by WAC §480-07-145(2)(d), The Kroger Co. has provided this Petition by electronic mail.

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

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**  
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215 South State Street, Suite 200  
Salt Lake City, Utah 84111  
Telephone: 801-355-4365 Facsimile: 801-521-9142  
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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 decoupling 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 decoupling request sought by PSE is just and reasonable and whether the proposed tariffs are 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 12<sup>th</sup> day of December, 2012.

Respectfully submitted,



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Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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**COUNSEL FOR THE KROGER CO.**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the parties listed below by regular U.S. mail and electronic mail (when available) this 12<sup>th</sup> day of December, 2012.



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Jody Kyler Cohn, Esq.

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