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**VIA ELECTRONIC MAIL AND  
OVERNIGHT MAIL**

August 31, 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 signature pages of COURTNEY HIGGINS to Protective Order No. 1 on behalf 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

**EXHIBIT B (EXPERT AGREEMENT)**

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

I, Courtney Higgins, as expert witness in this proceeding for The Kroger Company (a party to this proceeding) hereby agree to comply with and be bound by the Protective Order entered by the Washington Utilities and Transportation Commission in Dockets UE-111048/UG-111049, and acknowledge that I have reviewed the Protective Order and fully understand its terms and conditions.

Courtney Higgins  
Signature

8/29/11  
Date

Energy Strategies  
Employer

215 S. State Street, Ste. 200, Salt Lake City, UT  
Address

Analyst  
Position and Responsibilities

\*\*\*

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 an expert having access to Confidential Information under the terms and conditions of the Protective Order.

\_\_\_\_\_ No objection.

\_\_\_\_\_ Objection:

The responding party objects to the above-named expert having access to Confidential Information. The objecting party shall file a motion setting forth the basis for objection and asking exclusion of the expert from access to Confidential Information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**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, Courtney Higgins, as

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

in this proceeding for The Kroger Company (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.

Courtney Higgins  
Signature

8/29/11  
Date

Salt Lake City, Utah  
City/State where this Agreement was signed

Energy Strategies

Employer

Analyst  
Position and Responsibilities

215 S. State Street, Ste 200 Salt Lake City, UT  
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.

\_\_\_\_\_ 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

## 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 31<sup>st</sup> day of August, 2011.

  
Kurt J. Boehm, Esq.

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