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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION 2003-085 AM ID: 10

In The Matter Of The Application Of)
Idaho Power Company For Authority)
To Increase Its Interim And Base Rates)
And Charges For Electric Service)

IDAHO PUBLIC UTILITIES COMMISSION
Case No. IPC-E-03-13

PETITION FOR LEAVE TO INTERVENE OF KROGER CO.

Pursuant to the Idaho Administrative Code 31.01.01-.071 through .073, the Kroger Co. ("Kroger") petitions to intervene in the above captioned proceeding. In support, Petitioner states as follows:

1. **Name and Addresses of Petitioner:**

The Kroger Co.
1014 Vine Street, G-07
Cincinnati, Ohio 45202

2. **Name and Address of Attorneys Representing Petitioner:**

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
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3. **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 11 grocery stores and other facilities in the state of Idaho. These stores purchase more than 30 million kWh of electricity from the Company annually. Petitioner is one of the largest commercial customers served by the Company. The grocery stores operated by Kroger 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 the Company's application is granted, then the cost for electric power service to Petitioner could be substantially impacted. Accordingly, Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

4. **Evidence to be Presented:**

Kroger intends to present evidence related to revenue requirements, rate design and revenue allocation.

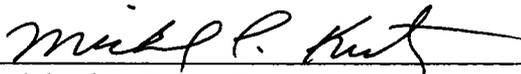
5. **Kroger Has A Substantial Reason For Its Delayed Petition:**

Kroger was not able to timely respond to Idaho Power's Application due to internal uncertainty as to whether the potential benefits of intervening in the above-captioned matter justified the costs. Only after careful review of Idaho Power's Application and its potential effect on Kroger's power costs did it become clear that it is in Kroger's best interest to intervene in this case.

Kroger believes that its intervention will not prejudice any of the parties to this matter or otherwise delay this matter. Kroger accepts the record as it stands.

WHEREFORE, for the reasons set forth above, Petitioner requests that this Petition to Intervene be granted.

DATED this 24th day of November, 2003.



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