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IDAHO PUBLIC
UTILITIES COMMISSION

VIA OVERNIGHT MAIL

December 15, 2005

Jean D. Jewell, Secretary
Attn: Lisa
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

In re: Case No. IPC-E-05-28

Dear Lisa:

Pursuant to your request, please find enclosed the original and nine (9) copies of the Petition to Intervene of The Kroger Co. dba Fred Meyer and Smith's filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail, unless otherwise noted, this 15th day of December, 2005 to the following:

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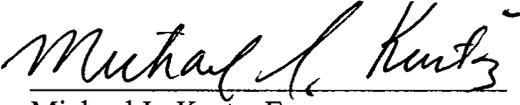
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Michael L. Kurtz, Esq.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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UTILITIES COMMISSION

In The Matter Of The Application Of)
Idaho Power Company For Authority) Case No. IPC-E-05-28
To Increase Its Rates and Charges for Electric)
Service to Electric Customers in the State of Idaho)

PETITION FOR LEAVE TO INTERVENE OF KROGER CO. OUT OF TIME

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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Cincinnati, Ohio 45202
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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 10 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. Kroger was an active participant in Idaho Power's last rate case (Case No. IPC-E-03-13). 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 rate design and revenue allocation.

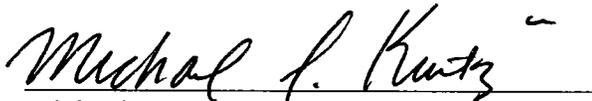
5. **Kroger Has A Substantial Reason For Its Delayed Petition:**

Kroger was not able to timely respond to Idaho Power's Application due to the fact Kroger did not learn of the rate case until December 14, 2005. Once Kroger discovered that the rate case had been filed, it moved quickly to file this Intervention. Kroger has telephoned counsel for the Commission Staff and Idaho Power to notify these parties that Kroger intends to file an intervention out of time. Idaho Power has stated that it would not object to Kroger's late Intervention.

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 15th day of December, 2005.



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
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