

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

RECEIVED
2008 JUL 15 AM 9:16
IDAHO PUBLIC
UTILITIES COMMISSION

VIA OVERNIGHT MAIL

July 14, 2008

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83720

In re: Case No. IPC-E-08-10

Dear Ms. Jewell:

Enclosed please find nine the original and (8) copies of the PETITION TO INTERVENE THE KROGER CO. dba FRED MEYER AND SMITH'S FOOD AND DRUG to be filed in the above referenced matter. I also attach an electronic version.

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.

Kurt J. Boehm, 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 14th day of July, 2008 to the following:



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

Randall C. Budge
Eric L. Olsen
Racine, Olson, Nye, Budge &
Bailey, Chartered
P.O. Box 1391; 201 E. Center
Pocatello, Idaho 83204-1391
E-mail: rcb@racinelaw.net
E-mail: elo@racinelaw.net

Anthony Yankel
29814 Lake Road
Bay Village, Ohio 44140
Fax: 440-808-1450
E-mail: yankel@attbi.com

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
P.O. Box 83720
472 W. Washington Street
Boise, Idaho 83720-0074
E-mail: jjewell@puc.state.id.us

Barton L. Kline
Lisa D. Nordstrom
Donovan E. Walker
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707-0070
bldine@idahopower.com
lnordstrom@idahopower.com
dwalker@idahopower.com

John R. Gale
Vice President, Regulatory Affairs
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707-0070
rgale@idahopower.com

RECEIVED

2008 JUL 15 AM 9:16

IDAHO PUBLIC UTILITIES COMMISSION

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

In The Matter Of The Application Of Idaho Power : Case No. IPC-E-08-10
Company For Authority 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.

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.
Attn: Corporate Energy Manager, (G09)
1014 Vine Street
Cincinnati, Ohio 45202

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

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255 Facsimile: 513-421-2764
E-mail: mkurtz@BKLawfirm.com kboehm@BKLawfirm.com

Kevin Higgins
Energy Strategies, LLC
Parkside Towers
215 South State Street, Suite 200
Salt Lake City, Utah 84111
E-mail: khiggins@energystrat.com

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. 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.

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

DATED this 14 day of July, 2008.



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: 513-421-2255 Fax: 513-421-2764
E-mail: mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com