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IDAHO PUBLIC
UTILITIES COMMISSION

VIA OVERNIGHT MAIL

December 11, 2008

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
P.O. Box 83720
472 W. Washington Street
Boise, Idaho 83720-0074

In re: **Case No. IPC-E-08-22**

Dear Ms. Jewell:

Enclosed please find the original and (8) copies of the PETITION TO INTERVENE on behalf of 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 11TH day of December, 2008 to the following:



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UTILITIES COMMISSION

Attorneys for The Kroger Co.

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

In The Matter Of The Application Of Idaho Power : Case No. IPC-E-08-22
Company For Authority To Modify Its Rule H Line :
Extension Tariff Related To New Service Attachments :
And Distribution Line Installations :

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. Pursuant to Rule .073, Kroger requests that the Commission grant this Petition out-of-time. Kroger was not aware of this filing until Monday, December 8th and did not learn of the intervention filing deadline until December 11th. Kroger does not believe that any party will be prejudiced by its late filing. In support, Petitioner states as follows:

- 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:**

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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. 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:**

If Kroger decided to file testimony, it will likely address the reasonableness of the Company's requested charges.

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

DATED this 11th day of December, 2008.



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