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IDAHO PUBLIC
UTILITIES COMMISSION

VIA OVERNIGHT MAIL

December 4, 2009

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-09-30

Dear Ms. Jewell:

Enclosed please find the original and (7) copies of the PETITION FOR LEAVE TO INTERVENE OF THE KROGER CO. dba FRED MEYER AND SMITH'S FOOD AND DRUG to be filed in the above referenced matter.

Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

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In The Matter Of The Application Of Idaho Power Company :
For An Accounting Order To Amortize Additional :
Accumulated Deferral Income Tax Credit And Approving A :
Rate Case Moratorium :

Case No. IPC-09-30
IDAHO PUBLIC UTILITIES COMMISSION

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

It is respectfully requested that all pleadings and other documents issued in this proceeding by the Commission, the Commission Staff, or a party be served as counsel for the Kroger Co., to Michael L. Kurtz, Esq., Kurt J. Boehm, Esq., and our consultant, Kevin C. Higgins, at the addresses listed above and that the Commission's official service list be modified to reflect the same. A Pro Hac Vice Motion of Michael L. Kurtz and Kurt J. Boehm will be filed shortly.

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 ___ day of December, 2009.



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