

**BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH**

IN THE MATTER OF THE PETITION OF PACIFICORP)
FOR APPROVAL OF ITS PROPOSED ELECTRIC SERVICE) DOCKET NO: 04-035-42
SCHEDULES AND ELECTRIC SERVICE REGULATIONS)

PETITION TO INTERVENE OF THE KROGER CO.

Pursuant to Utah Code § 63-46b-9, the Kroger Co. (“Petitioner”) hereby petitions the Public Service Commission of Utah (“Commission”) for leave to intervene and participate in the proceeding concerning the application of PacifiCorp (“Applicant”).

In support of its Petition the Kroger Co. states as follows:

1. Petitioner operates numerous grocery stores, a distribution center, a dairy, a bakery and other facilities in the service territory of the Applicant. In total, Kroger has approximately 80 accounts on the Applicants system. The total load of Petitioner is approximately 140 million KWH per year. 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. The rate increase requested by the Applicant, if approved, would result in significant added cost to the Petitioner. Petitioner has a substantial and diverse interest in the outcome of this case that cannot be adequately represented by any other party.

2. The primary issue the Petitioner intends to address in this case will be whether the rate increase sought by the Applicant is reasonable and cost justified. We also intend to address whether the proposed allocation of the rate increase and the design of the new rates are just and reasonable.

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

Date: