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Via Electronic Mail puc.filingcenter@state.or.us
And Overnight Mail

July 24, 2009

Public Utility Commission of Oregon
550 Capitol Street NE, Suite 215
Salem, Oregon 97310
Attn: Filing Center

Re: Case No. UE-210

Dear Sir or Madam:

Please find enclosed the original and five (5) copies of PETITION TO INTERVENE OUT OF TIME OF THE FRED MEYERS STORES AND QUALITY FOOD CENTERS, DIVISIONS OF KROGER CO. e-filed today in the above referenced matter.

Copies have been served on all parties of record. Please place this document of file.

Very truly yours,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Enclosure
cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served via electronic mail (when available) and regular U.S. Mail (unless otherwise noted), this 24TH day of July, 2009.

ACTIONS	SERVICE LIST (Parties)	SCHEDULE
W=Waive Paper service	C=Confidential HC=Highly Confidential	Sort by Last Name Sort by Company Name
W	CABLE HUSTON BENEDICT ET AL J LAURENCE CABLE (C)	1001 SW 5TH AVE STE 2000 PORTLAND OR 97204-1136 lcable@chbh.com
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	DEPARTMENT OF JUSTICE JASON W JONES (C) ASSISTANT ATTORNEY GENERAL	REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us
W	KLAMATH WATER USERS ASSOCIATION GREG ADDINGTON (C) EXECUTIVE DIRECTOR	2455 PATTERSON ST - STE 3 KLAMATH FALLS OR 97603 greg@cvcwireless.net
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Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 210

In The Matter Of PacifiCorp's d/b/a Pacific
Power Filing of Revised Tariff Schedules
for Electric Service in Oregon

**PETITION TO INTERVENE OUT OF TIME OF
FRED MEYER STORES AND QUALITY FOOD
CENTERS, DIVISIONS OF KROGER CO.**

Pursuant to OAR §860-012-0001, the Fred Meyer Stores and Quality Food Centers, Divisions Of Kroger Co. ("Fred Meyer" or "Petitioner") hereby submit this Petition to Intervene Out of Time in the above-captioned proceeding. In support of this Petition, Fred Meyer states as follows:

1. The name and address of Fred Meyer as a party of record in this proceeding is:

Attn: Corporate Energy Manager
1014 Vine Street
Cincinnati, Ohio 45202
Ph: 513.762.4538 Fax: 513.762.4012
E-mail: dgeorge@kroger.com Industrial Gas

Michael L. Kurtz and Kurt J. Boehm will represent Fred Meyer in this proceeding.

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Kurt J. Boehm, Esq.
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Cincinnati, Ohio 45202
Ph: 513-421-2255 Fax: 513-421-2764
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2. Fred Meyer is seeking intervention on its own behalf as a customer of PacifiCorp d/b/a Pacific Power. Petitioner is not seeking intervention in this matter as a member of a trade group or other organization.

3. Fred Meyer operates several grocery stores, convenience stores, warehouses, office, and manufacturing operations in the service territory of PacifiCorp. Petitioner has a substantial and diverse

interest in the outcome of this case that cannot be adequately represented by any other party.

4. The primary issue Fred Meyer intends to address in this case will be whether the proposed allocation of the rate increase and the design of the new rates are just and reasonable.

5. Fred Meyer requests that its late intervention be permitted. Due to an oversight, counsel for Fred Meyer mistakenly believed that an intervention was filed prior to the July 2, 2009 deadline. Fred Meyer has been in contact with ICNU, CUB, Klamath Water Users Association and Commission Staff and each of these parties has indicated that they would not object to Fred Meyer's intervention. At the time of this filing, Fred Meyer has been unsuccessful in contacting the remaining parties. Fred Meyer does not believe that any party will be prejudiced by granting its late intervention.

6. Fred Meyer's participation in this proceeding will assist the Commission in resolving the issues, and will not unreasonably broaden the issues, unduly burden the record, or delay the proceeding.

Respectfully submitted,



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July 24, 2009