

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UE 399**

In The Matter Of PacifiCorp’s, Request for a General Rate Revision : **OPENING BRIEF OF FRED MEYER  
STORES AND QUALITY FOOD CENTERS,  
DIVISIONS OF THE KROGER CO.**

---

Pursuant to the Prehearing Conference Memorandum of October 6, 2022, Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Co. (“Fred Meyer”) submits this Opening Brief.

Fred Meyer filed the Rebuttal Testimony of its expert witness Justin Bieber on August 1, 2022. Mr. Bieber’s Testimony addressed issues related to rate spread and RMA rate design. These issues were addressed and resolved in the Third Partial Stipulation filed with the Commission on September 21, 2022 and signed by PacifiCorp, Commission Staff the Oregon Citizens’ Utility Board, the Alliance of Western Energy Consumers, Walmart Inc., Small Business Utility Advocates, the Klamath Water Users Association and Oregon Farm Bureau Federation, and Fred Meyer. No party opposed the Third Partial Stipulation. As described in the Joint Testimony in the Support of the Third Partial Stipulation, which Mr. Bieber co-sponsored, the Third Partial Stipulation recommends rates and provisions that represent a fair compromise between the interests of PacifiCorp and its customers. Fred Meyer respectfully requests that the Commission approve the Third Partial Stipulation.

Fred Meyer does not oppose the Stipulations filed in this proceeding in which it was not a signatory party.

Respectfully submitted,

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**COUNSEL FOR FRED MEYER STORES  
and QUALITY FOOD CENTERS,  
DIVISIONS OF THE KROGER CO.**