

**BOEHM, KURTZ & LOWRY**

ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
SUITE 1510  
CINCINNATI, OHIO 45202  
TELEPHONE (513) 421-2255  
TELECOPIER (513) 421-2764

**FILED**  
January 17, 2018  
**INDIANA UTILITY  
REGULATORY COMMISSION**

**Via E-File**

January 17, 2018

Indiana Utility Regulatory Commission  
Attn: Mary Becerra, Secretary to the Commission  
National City Center  
101 W. Washington Street, Suite 1500 E  
Indianapolis, Indiana 46204

***Re: Cause No. 45029***

Dear Ms. Becerra:

Attached please find THE KROGER CO.'s PETITION TO INTERVENE for filing in the above-referenced case.

Please place this document of file. A copy has been served on all parties identified on the attached certificate of service.

Very truly yours,



Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**

KJB  
Enclosure  
Attachment: Certificate of Service

**STATE OF INDIANA**  
**INDIANA UTILITY REGULATORY COMMISSION**

[illegible]

## PETITION TO INTERVENE

Pursuant to 170 IAC 1-1.1-11 of the Indiana Utility Regulatory Commission’s Rules of Practice and Procedure, The Kroger Co., also doing business as Scott’s Food Stores and Owen’s Market (“Kroger”), by its attorneys, respectfully requests the Commission to permit it to intervene and become a party in the above-captioned Cause. In support of its Petition to Intervene, Kroger represents to the Commission:

1. Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. Kroger's principal office is located at 1014 Vine Street, Cincinnati, Ohio, 45202.
2. Kroger is one of the largest retail food companies in the United States as measured by total annual sales. Kroger purchases millions of kWh annually from Indianapolis Power & Light Company ("IP&L"). 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. Accordingly, Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

3. As a commercial customer of IP&L purchasing a substantial quantity of electric services, Kroger has a direct, immediate and substantial interest in the subject matter of this proceeding.

4. Because of the importance of energy in its Indiana grocery stores, Kroger is substantially affected by the reliability and cost of electricity provided by IP&L. Kroger's intervention in this proceeding is for the purpose of addressing revenue requirement, rate allocation and rate design.

5. The interests of Kroger are not and will not be adequately represented by existing parties in this proceeding.

6. The intervention of Kroger in this proceeding will not unduly broaden the issues. Kroger understands that it is bound by the record as it stands at the time the Petition to Intervene is granted.

7. The attorneys and consultants representing Kroger in this proceeding are:

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**Boehm, Kurtz & Lowry**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Telephone: 513-421-2255  
Facsimile: 513-421-2764  
E-Mail: [KBoehm@BKLawfirm.com](mailto:KBoehm@BKLawfirm.com)  
[JKylerCohn@BKLawfirm.com](mailto:JKylerCohn@BKLawfirm.com)

John P. Cook, Esq. (IN Bar No. 16681-49)  
**John P. Cook & Associates**  
900 W. Jefferson Street  
Franklin, Indiana 46131  
Telephone: 317-738-3007  
E-Mail [john.cookassociates@earthlink.net](mailto:john.cookassociates@earthlink.net)

Kevin Higgins  
Energy Strategies, LLC  
Parkside Towers  
215 South State Street, Suite 200  
Salt Lake City, Utah 84111  
E-mail: [khiggins@energystrat.com](mailto:khiggins@energystrat.com)

The above-named attorneys/consultants are authorized to accept service of papers in this proceeding on behalf of Kroger.

8. This Petition to Intervene is being filed more than five (5) days prior to the date set for the initial public evidentiary hearing on the merits in this proceeding.

**WHEREFORE**, The Kroger Co. respectfully requests that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Dated: January 17, 2018

Respectfully submitted,



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Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Telephone: 513-421-2255  
Facsimile: 513-421-2764  
E-Mail: [KBoehm@BKLawfirm.com](mailto:KBoehm@BKLawfirm.com)  
[JKylerCohn@BKLawfirm.com](mailto:JKylerCohn@BKLawfirm.com)



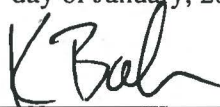
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John P. Cook, Esq. (IN Bar#. 16681-49)  
**JOHN P. COOK & ASSOCIATES**  
900 W. Jefferson Street  
Franklin, Indiana 46131  
Telephone: 317-738-3007  
E-mail: [john.cookassociates@earthlink.net](mailto:john.cookassociates@earthlink.net)

**ATTORNEYS FOR THE KROGER CO.**

### CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or regular U.S. mail, postage prepaid (unless otherwise noted), this 17<sup>th</sup> day of January, 2018 to the parties listed below.



Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
John P. Cook, Esq.

<p>Randall Helmen William Fine Abby Gray Indiana Office of Utility Consumer Counselor 115 W. Washington Street, Suite 1500 South Indianapolis, Indiana 46204 <a href="mailto:wfine@oucc.in.gov">wfine@oucc.in.gov</a> <a href="mailto:rhelmen@oucc.IN.gov">rhelmen@oucc.IN.gov</a> <a href="mailto:agray@oucc.in.gov">agray@oucc.in.gov</a> <a href="mailto:infomgt@oucc.IN.gov">infomgt@oucc.IN.gov</a></p>	<p>Bette J. Dodd Anne E. Becker Joseph P. Rompala Tabitha L. Balzer Lewis &amp; Kappes, P.C. One American Square, Suite 2500 Indianapolis, Indiana 46282 <a href="mailto:BDodd@Lewis-Kappes.com">BDodd@Lewis-Kappes.com</a> <a href="mailto:ABecker@Lewis-Kappes.com">ABecker@Lewis-Kappes.com</a> <a href="mailto:JRompala@Lewis-Kappes.com">JRompala@Lewis-Kappes.com</a> <a href="mailto:tbalzer@lewis-kappes.com">tbalzer@lewis-kappes.com</a></p> <p>Courtesy copy to: <a href="mailto:ATyler@lewis-kappes.com">ATyler@lewis-kappes.com</a> <a href="mailto:ETennant@lewis-kappes.com">ETennant@lewis-kappes.com</a></p>
<p>Teresa Morton Nyhart Nicholas Kile Jeffrey M. Peabody Barnes &amp; Thornburg LLP 11 South Meridian Street Indianapolis, Indiana 46204 <a href="mailto:tnyhart@btlaw.com">tnyhart@btlaw.com</a> <a href="mailto:nicholas.kile@btlaw.com">nicholas.kile@btlaw.com</a> <a href="mailto:jeffrey.peabody@btlaw.com">jeffrey.peabody@btlaw.com</a></p>	<p>Jennifer A. Washburn Margo Tucker CITIZENS ACTION COALITION 1915 W. 18<sup>th</sup> Street, Suite C Indianapolis, IN 46202 <a href="mailto:jwashburn@citact.org">jwashburn@citact.org</a> <a href="mailto:mtucker@citact.org">mtucker@citact.org</a></p>
<p>Andrew Wells AES US SERVICES, LLC One Monument Cir. Indianapolis, IN 46204 <a href="mailto:Andrew.wells@aes.com">Andrew.wells@aes.com</a></p>	