

FILED

September 14, 2017

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

INDIANA UTILITY
REGULATORY COMMISSION

PETITION OF INDIANA MICHIGAN POWER COMPANY, AN INDIANA CORPORATION, FOR (1) AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR ELECTRIC UTILITY SERVICE THROUGH A PHASE IN RATE ADJUSTMENT; (2) APPROVAL OF: REVISED DEPRECIATION RATES; ACCOUNTING RELIEF; INCLUSION IN BASIC RATES AND CHARGES OF QUALIFIED POLLUTION CONTROL PROPERTY, CLEAN ENERGY PROJECTS AND COST OF BRINGING I&M'S SYSTEM TO ITS PRESENT STATE OF EFFICIENCY; RATE ADJUSTMENT MECHANISM PROPOSALS; COST DEFERRALS; MAJOR STORM DAMAGE RESTORATION RESERVE AND DISTRIBUTION VEGETATION MANAGEMENT PROGRAM RESERVE; AND AMORTIZATIONS; AND (3) FOR APPROVAL OF NEW SCHEDULES OF RATES, RULES AND REGULATIONS.	:	CAUSE NO. 44967
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NOTICE OF TEMPORARY ADMISSION

Pursuant to 170 I.A.C. 1-1.1-7, John P. Cook, co-counsel for The Kroger Company, an Intervenor in this proceeding, hereby submits a copy of the *Verified Petitions for Temporary Admission* filed by Kurt J. Boehm and Jody M. Kyler Cohn with the Clerk of the Indiana Supreme Court, and a copy of the *Order* issued by the Indiana Supreme Court granting temporary admissions in this proceeding to Kurt J. Boehm and Jody M. Kyler Cohn.

Dated: September 14, 2017.

Respectfully submitted,



Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255
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JKylerCohn@BKLawfirm.com



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

COUNSEL FOR THE KROGER CO.

94500-1709-MS-568

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

PETITION OF INDIANA MICHIGAN POWER COMPANY, AN INDIANA CORPORATION, FOR (1) AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR ELECTRIC UTILITY SERVICE THROUGH A PHASE IN RATE ADJUSTMENT; (2) APPROVAL OF: REVISED DEPRECIATION RATES; ACCOUNTING RELIEF; INCLUSION IN BASIC RATES AND CHARGES OF QUALIFIED POLLUTION CONTROL PROPERTY, CLEAN ENERGY PROJECTS AND COST OF BRINGING I&M'S SYSTEM TO ITS PRESENT STATE OF EFFICIENCY; RATE ADJUSTMENT MECHANISM PROPOSALS; COST DEFERRALS; MAJOR STORM DAMAGE RESTORATION RESERVE AND DISTRIBUTION VEGETATION MANAGEMENT PROGRAM RESERVE; AND AMORTIZATIONS; AND (3) FOR APPROVAL OF NEW SCHEDULES OF RATES, RULES AND REGULATIONS.	:	
	:	CAUSE NO. 44967



**VERIFIED PETITION OF KURT J. BOEHM
FOR TEMPORARY ADMISSION**

I, Kurt J. Boehm, being duly sworn according to law and in support of my *Verified Petition for Temporary Admission*, and having paid the registration fee, state as follows:

1. I hereby respectfully request permission pursuant to Rule 3(2) of the Indiana Rules for Admission to the Bar and Discipline of Attorneys to appear as counsel *pro hac vice* for Intervenor, The Kroger Co. ("Kroger"), in association with John P. Cook, Esq. of the law firm of John P. Cook & Associates, for purposes of representing Kroger in an administrative proceeding now pending before the Indiana Utility Regulatory Commission ("Commission"), entitled: "*Petition Of Indiana Michigan Power Company, An Indiana Corporation, For (1) Authority To Increase Its Rates And Charges For Electric Utility Service Through A Phase In Rate Adjustment; (2) Approval Of: Revised Depreciation Rates; Accounting Relief; Inclusion In Basic Rates And Charges Of Qualified Pollution Control Property, Clean Energy Projects And Cost Of Bringing I&M's System To Its Present State Of Efficiency; Rate Adjustment Mechanism Proposals; Cost Deferrals; Major Storm Damage Restoration Reserve And Distribution Vegetation Management Program Reserve; And Amortizations; And (3) For Approval Of New Schedules Of Rates, Rules And Regulations, Cause 44967.*"

2. My residence address is 1335 Suncrest Drive, Cincinnati, Ohio 45208.

REC'D AT COUNTER ON

SEP - 7 2017

GREGORY R. PACHMAYR
CLERK OF COURTS - STATE OF INDIANA

3. I am a partner with the law firm of Boehm, Kurtz & Lowry and have represented Kroger for many years in other utility proceedings, and accordingly, have an attorney-client relationship with Kroger. The address and phone numbers of my employer are:

36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513.421.2255 Fax: 513.421.2764
Email: KBoehm@BKLlawfirm.com

4. I am currently in good standing with the states of Ohio and Kentucky, and was admitted to practice in those jurisdictions as shown below:

<u>Date of Admission</u>	<u>State</u>	<u>Attorney Registration No.</u>
2002	Kentucky	#89327
2003	Ohio	#0076047

5. I have never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction.

6. There are no disciplinary proceedings currently pending against me in any jurisdiction.

7. I have appeared in an Indiana Court in the past five (5) five years in Indiana Regulatory Commission Cause Nos. 44441, 44526, 44576 and 44893. Cause 44441 ended September 3, 2014 and Cause 44526 ended May 8, 2015. I have not been active in Cause No. 44576 since April 21, 2016. Cause No. 44893 was dismissed by the Commission on May 15, 2017.

The following members of my law firm have entered an appearance in the agencies/courts of Indiana during the last five years as listed below:

Jody Kyler Cohn: Indiana Utility Regulatory Commission Cause Nos. 44441, 44526, 44576 and 44893.

8. Good cause exists for my appearance in this complex field. First, the law firm of Boehm, Kurtz & Lowry has represented Kroger in many state utility commission proceedings, and has gained a special expertise in representing large commercial customers in this complex field. In each of the cases identified above, I co-represented Kroger before the Commission and advocated for Kroger in its capacity as a large commercial customer of an Indiana regulated utility. As a partner with Boehm, Kurtz & Lowry, I have developed a close attorney-client relationship with Kroger.

9. I have read the Rules of Professional Conduct and the Indiana Rules for Admission to the Bar and Discipline of Attorneys adopted by the Indiana Supreme Court, and consent to the jurisdiction of the State of Indiana, the Indiana Supreme Court, and the Indiana Supreme Court Disciplinary Commission to resolve any disciplinary matter that might arise as a result of my representation.

10. Upon this Court granting me leave to appear in this proceeding, I will file a notice of Temporary Admission with the Clerk of the Indiana Supreme Court within 30 days after the Court's entry in compliance with Rule 3(2)(b) of the Indiana Rules for Admission to the Bar and Discipline of Attorneys.

11. I have paid the annual registration fee to the Clerk of the Indiana Supreme Court in compliance with Admission and Discipline Rule 3(2)(a)(3), as evidenced by the receipt of the Clerk of the Supreme Court, which is attached to this Petition as Exhibit 1.

12. I affirm under the penalties for perjury that the foregoing representations are true and accurate to the best of my knowledge and belief.

Respectfully submitted,

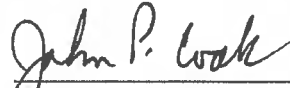


Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255 Fax: 513-421-2764
E-Mail: KBoehm@bkllawfirm.com

Date: 8/30/2017

Based on the foregoing *Verified Petition of Kurt J. Boehm for Temporary Admission*, I hereby join in the foregoing petition as required by Indiana Admission and Discipline Rule 3(2)(4).

Respectfully submitted,



John P. Cook, Esq.

JOHN P. COOK & ASSOCIATES

900 W. Jefferson Street

Franklin, Indiana 46131

Telephone: 317-738-3007

Facsimile: 317-738-3117

E-Mail: john.cookassociates@earthlink.net

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J. D. Meyer

Eileen M. O'Brien

Michael M. Pitman

W. Fletcher Schrock

Gary J. Sergent

Bobby Simpson

J. Stephen Smith

John Vincent



THIS IS TO CERTIFY THAT

KURT JOSEPH BOEHM

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202-4454

Membership No. 89327

is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 15th day of March, 2017.

JOHN D. MEYERS
REGISTRAR



By:

Michele M. Pogrotsky
Michele M. Pogrotsky, Deputy Registrar

The Supreme Court of Ohio

C E R T I F I C A T E

I, LEE ANN WARD, Interim Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

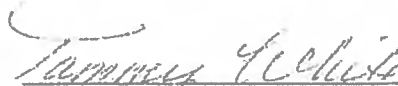
Kurt Joseph Boehm

was admitted to the practice of law in Ohio on May 09, 2003; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 14th day of March, 2017.

LEE ANN WARD

Interim Director, Attorney Services Division



Tammy White

Attorney Services Manager

Temporary Admission Receipt

Kurt J. Boehm (941-95-TA)

Firm: Boehm Kurtz & Lowry

Phone: (513)421-2255

Status Date: 09/07/2017

Business Address:

Mobile:

Suite 1510
36 East Seventh Street
Cincinnati, Ohio 45202

Fax: (513)421-2764

Amount Paid: \$180.00

Date Paid: 01/26/2017

For Year: 2017

Case Number	Start Date	Notice Return Date	End Date
00 00-0000- -43374	01/29/2008	03/03/2008	11/14/2011
00 00-0000- -43501	06/20/2008	07/07/2008	11/14/2011
00 00-0000- -43955	02/22/2011	02/22/2011	01/26/2017
44075	10/17/2011	11/21/2011	01/26/2017
44310	04/10/2013	04/30/2013	01/26/2017
44441	03/06/2014	03/25/2014	01/26/2017
44526	10/21/2014	11/19/2014	01/26/2017
44576	01/29/2015	02/12/2015	01/26/2017
44893	01/26/2017	02/07/2017	08/18/2017
44967	09/07/2017		

2. My residence address is 4212 Fox Hollow Drive, Blue Ash, Ohio 45241

3. I am employed with the law firm of Boehm, Kurtz & Lowry as an associate attorney and have represented Kroger for several years in other utility proceedings, and accordingly, have an attorney-client relationship with Kroger. The address and phone numbers of my employer are:

36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513.421.2255 Fax: 513.421.2764
Email: JKylerCohn@BKLawfirm.com

4. I am currently in good standing with the states of Ohio and Kentucky, and was admitted to practice in those jurisdictions as shown below:

<u>Date of Admission</u>	<u>State</u>	<u>Attorney Registration No.</u>
2009	Ohio	#0085402
2012	Kentucky	#94725

5. I have never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction.

6. There are no disciplinary proceedings currently pending against me in any jurisdiction.

7. I have filed an appearance in an Indiana Court in the past five (5) five years in Indiana Regulatory Commission Cause Nos. 44441, 44526, 44576 and 44893 but have not attended any hearings in those cases.

The following members of my law firm have appeared in the agencies/courts of Indiana during the last five years as listed below:

Kurt J. Boehm: Indiana Utility Regulatory Commission, Cause Nos. 44441, 44526 and 44576. Cause 44441 ended September 3, 2014 and Cause 44526 ended May 8, 2015. Mr. Boehm has not been active in Cause No. 44576 since April 21, 2016. Cause No. 44893 was dismissed by the Commission on March 15, 2017.

8. Good cause exists for my appearance in this complex field. First, the law firm of Boehm, Kurtz & Lowry has represented Kroger in many state utility commission proceedings, and has gained a special expertise in representing large commercial customers in this complex field. In each of the cases identified above, I co-represented Kroger before the Commission and advocated for Kroger in its capacity as a large commercial

customer of an Indiana regulated utility. During my tenure as an associate with Boehm, Kurtz & Lowry, I have developed a close attorney-client relationship with Kroger.

9. I have read the Rules of Professional Conduct and the Indiana Rules for Admission to the Bar and Discipline of Attorneys adopted by the Indiana Supreme Court, and consent to the jurisdiction of the State of Indiana, the Indiana Supreme Court, and the Indiana Supreme Court Disciplinary Commission to resolve any disciplinary matter that might arise as a result of my representation.

10. Upon this Court granting me leave to appear in this proceeding, I will file a notice of Temporary Admission with the Clerk of the Indiana Supreme Court within 30 days after the Court's entry in compliance with Rule 3(2)(b) of the Indiana Rules for Admission to the Bar and Discipline of Attorneys.

11. I have paid the annual registration fee to the Clerk of the Indiana Supreme Court in compliance with Admission and Discipline Rule 3(2)(a)(3), as evidenced by the receipt of the Clerk of the Supreme Court, which is attached to this Petition as Exhibit 1.

12. I affirm under the penalties for perjury that the foregoing representations are true and accurate to the best of my knowledge and belief.

Respectfully submitted,



Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255 Fax: 513-421-2764
E-Mail: JKylerCohn@BKLlawfirm.com

Date: 8/30/17

Based on the foregoing *Verified Petition of Jody Kyler Cohn for Temporary Admission*, I hereby join in the foregoing petition as required by Indiana Admission and Discipline Rule 3(2)(4).

Respectfully submitted,



John P. Cook, Esq.

JOHN P. COOK & ASSOCIATES

900 W. Jefferson Street

Franklin, Indiana 46131

Telephone: 317-738-3007

Facsimile: 317-738-3117

E-Mail: john.cookassociates@earthlink.net

The Supreme Court of Ohio

CERTIFICATE

I, LEE ANN WARD, Interim Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,


Jody Michelle Kyler Cohn

was admitted to the practice of law in Ohio on November 09, 2009; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 14th day of March, 2017.

LEE ANN WARD

Interim Director, Attorney Services Division



Tammy White

Attorney Services Manager

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812

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Eileen M. O'Brien

Michael M. Pitman

W. Fletcher Schrock

Gary J. Sergent

Bobby Simpson

J. Stephen Smith

John Vincent



THIS IS TO CERTIFY THAT

JODY MICHELLE KYLER COHN

Boehm, Kurtz and Lowry

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202-4454

Membership No. 94725

is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 15th day of March, 2017.

JOHN D. MEYERS

REGISTRAR



By: *Michele Pogrotsky*
Michele M. Pogrotsky, Deputy Registrar

Temporary Admission Receipt

Jody M. Kyler Cohn (3278-95-TA)

Firm: Boehm Kurtz & Lowry

Phone: (513) 421-2255

Status Date: 09/01/2017

Business Address:

Mobile:

Suite 1510
36 East Seventh Street
Cincinnati, Ohio 45202

Fax: (513) 421-2764

Amount Paid: \$180.00

Date Paid: 01/26/2017

For Year: 2017

Case Number	Start Date	Notice Return Date	End Date
44075	10/17/2011	11/21/2011	01/26/2017
44310	04/10/2013	04/30/2013	01/26/2017
44441	03/06/2014	03/25/2014	01/26/2017
44526	10/21/2014	11/19/2014	01/26/2017
44576	01/29/2015	02/12/2015	01/26/2017
44893	01/26/2017	02/07/2017	08/18/2017
44967	09/07/2017		

In the Indiana Supreme Court

In the Matter of: Kurt J. Boehm and Jody
Kyler Cohn,
Petitioners

Supreme Court Case No.
94S00-1708-MS-568

Order

Attorney John P. Cook petitions for the temporary admission of attorneys Kurt J. Boehm and Jody Kyler Cohn of Boehm, Kurtz & Lowry to represent The Kroger Co. before the Indiana Utility Regulatory Commission (“IURC”) in a petition for rate increase and other relief filed by Indiana Michigan Power Company under Cause No. 44967. The petition states that Kurt J. Boehm and Jody Kyler Cohn are attorneys and members in good standing of the bars of Ohio and Kentucky, and our records reflect that they have received temporary admission attorney numbers 941-95-TA and 3278-95-TA, respectively, from the Clerk of this Court. Attorney John P. Cook, Indiana bar number 16681-49, has agreed to act as co-counsel.

The petitions acknowledge attorneys Boehm’s and Cohn’s temporary admission in IURC case numbers 44441, 44526, 44576, and 44893 in the past five years, but they omit both attorneys’ 2013 admissions in IURC Cause No. 44310. *See In the Matter of the Temporary Admission of Kurt Boehm et al.*, No. 94S00-1304-MS-236 (Ind., Apr. 17, 2013) (unpublished order). The petitions are otherwise complete and accurate, however, and provide the information required by Admission and Discipline Rule 3, Section 2(a).

Temporary admission in Indiana is not a right, but a matter of judicial discretion. *See, e.g., YTC Dream Homes, Inc. v. DirectBuy, Inc.*, 30 N.E.3d 701, 703 (Ind. 2015) (per curiam); *State ex rel. Indiana Supreme Court Disciplinary Comm’n v. Farmer*, 978 N.E.2d 409, 414 (Ind. 2012) (per curiam); *Matter of Fieger*, 887 N.E.2d 87, 90 (Ind. 2008) (per curiam). The Court trusts that these omissions were inadvertent and that counsel will ensure the accuracy and completeness of any future requests for temporary admission.

Being duly advised, the Court GRANTS temporary admission to Kurt J. Boehm and Jody Kyler Cohn, who are each directed to comply with the requirements of Admission and Discipline Rule 3, Sections 2(b) and 2(c). **You must file a “Notice of Temporary Admission” with the Clerk of the Supreme Court within thirty days of this order. If you do not, you will be automatically excluded from the practice of law in this State and any further legal practice in any case in this State will constitute the unauthorized practice of law.** *See* Admis. Disc. R. 3, sec. 2(b), (e), and (f). The Notice of Temporary Admission should be sent to: Roll of Attorneys Administrator, c/o Clerk of the Supreme Court, 402 West Washington Street, Room W062, Indianapolis, Indiana 46204. **Together with your Notice of Temporary Admission,**

you must also file a copy of any order of the administrative body granting you leave to appear and of any formal notice of appearance you file, to the extent the body requires such leave or formal notice. Co-counsel is directed to comply with Admission and Discipline Rule 3, Section 2(d), including the requirement that all documents filed in this case be signed by a member of the bar of the State of Indiana.

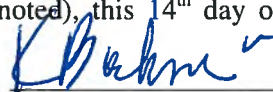
Done at Indianapolis, Indiana, on 9/12/2017.



Loretta H. Rush
Chief Justice of Indiana

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 14th day of September, 2017 to the parties listed below.



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

<p>Teresa Morton Nyhart Nicholas K. Kile Jeffrey M. Peabody BARNES & THORNBURG LLP 11 South Meridian Street Indianapolis, IN 46204 tnyhart@btlaw.com nkile@btlaw.com jpeabody@btlaw.com</p>	<p>William I. Fine Abby R. Gray Randall C. Helmen OFFICE OF UTILITY CONSUMER COUNSELOR 115 West Washington Street, Suite 1500 South Indianapolis, IN 46204 wfine@oucc.in.gov agray@oucc.in.gov rhelmen@oucc.in.gov infomgt@oucc.in.gov</p>
<p>Matthew S. McKenzie AMERICAN ELECTRIC POWER SERVICE CORP. 1 Riverside Plaza, 29th Floor Columbus, OH 43215 msmckenzie@aep.com</p>	<p>Jennifer Washburn CITIZENS ACTION COALITION OF INDIANA, INC. 603 E. Washington Street, Suite 502 Indianapolis, Indiana 46204 jwashburn@citact.org</p>
<p>Robert Johnson ROBERT K. JOHNSON, ATTORNEY-AT-LAW, INC. 2454 Waldon Dr. Greenwood, Indiana 46143 rjohnson@utilitylaw.us</p>	<p>Bette J. Dodd Anne E. Becker Joseph P. Rompala LEWIS KAPPES, P.C. One American Square, Suite 2500 Indianapolis, Indiana 46282 Email: BDodd@Lewis-Kappes.com abecker@Lewis-Kappes.com JRompala@Lewis-Kappes.com <i>Courtesy Copy:</i> Atyler@lewis-kappes.com ETennant@lewis-kappes.com</p>
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<p>J. Randall Woolridge, Ph.D. PENNSYLVANIA STATE UNIVERSITY jrwoolridge@gmail.com</p>	<p>Eric E. Kinder Lara R. Brandfass Spilman Thomas & Battle, PLLC 300 Kanawlla Blvd., East Charleston, West Virginia 25321 ekinder@spilmanlaw.com lbrandfass@spilmanlaw.com</p> <p>Barry A. Naum Spilman Thornas & Battle, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 bnaum@spilmanlaw.com</p> <p>ATTORNEYS FOR WAL-MART STORES EAST, LP AND SAM'S EAST, INC.</p>