

BOEHM, KURTZ & LOWRY
ATTORNEYS AT LAW
36 EAST SEVENTH STREET, SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255

TELECOPIER (513) 421-2764

VIA ELECTRONIC CASE FILING

July 12, 2018

Kavita Kale, Executive Secretary
Michigan Public Service Commission
7109 W. Saginaw Highway
Lansing, MI 48909

Re: Case No. U-20162

Dear Ms. Kale:

Please find attached the PETITION TO INTERVENE OF THE KROGER CO. and ENTRY OF APPEARANCE of KURT J. BOEHM and JODY KYLER COHN and its PROOF OF SERVICE for filing in the above captioned matter.

Please place this document of file. Thank you for your assistance in this matter.

Very truly yours,

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Michael L. Kurtz, Esq., (Michigan ##P67067)
BOEHM, KURTZ & LOWRY

MLKkew
Enclosure

Cc: Administrative Law Judge Sally L. Wallace (wallaces2@michigan.gov)

**STATE OF MICHIGAN
BEFORE THE PUBLIC UTILITIES COMMISSION**

In The Matter Of The Application Of The DTE Electric Company For Authority To Increase Its Rates, Amend Its Rate Schedules and Rules Governing The Distribution And Supply Of Electric Energy, And For Miscellaneous Accounting Authority	: : : : :	Case No. U-20162 (E-file)
--	----------------------------------	--------------------------------------

PETITION TO INTERVENE OF KROGER CO.

Pursuant to the Michigan Public Service Commission (“Commission”) Rules of Practice and Procedure, The Kroger Co. (“Kroger”) petitions to intervene in this proceeding. In support, Petitioner states as follows:

1. Name and Addresses of Petitioner:

The Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202

2. Name and Address of Attorneys/Consultants Representing Petitioner:

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Michael L. Kurtz, Esq., (Michigan #P67067)
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
JKylerCohn@BKLawfirm.com

Kevin Higgins
ENERGY STRATEGIES, LLC
Parkside Towers
215 South State Street, Suite 200
Salt Lake City, Utah 84111
Ph.: 801-355-4365 Fax: 1 801 5219142
E-mail: khiggins@energystrat.com

3. Identify the Petitioner:

Petitioner is a retail electric customer of the DTE Electric Company (“Company”). Petitioner has approximately 86 grocery stores and other facilities that purchase their electric supply from the Company.

4. Petitioner's Interest in this Proceeding:

Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. One of the largest retail food companies in the United States, Kroger operates approximately 112 grocery stores in the state of Michigan. Of that total, approximately 86 purchase their electric supply from the Company. These stores purchase more than 150 million kWh of electricity from the Company annually. Petitioner is one of the largest commercial customers served by the Company. 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. If the Company's application is granted, then the cost for electric power service to Petitioner could be substantially impacted. Accordingly, Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

WHEREFORE, for the reasons set forth above, Petitioner requests that this Petition to Intervene be granted.

DATED this 12th day of July, 2018.

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Michael L. Kurtz, Esq., (Michigan #P67067)
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
jkylercohn@BKLawfirm.com
mikurtz@BKLawfirm.com

COUNSEL FOR THE KROGER CO.

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

General Instructions:

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at (517) 284-8090.

*Please Note: The Commission will provide **electronic** service of documents to all parties in this proceeding.*

THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:

Case / Company Name: DTE ENERGY COMPANY Docket No. U-20162

Please enter my appearance in the above-entitled matter on behalf of:

1. (Name) The Kroger Co.
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Kurt J. Boehm, Esq.
Address 36 E. Seventh Street
Suite 1510
City Cincinnati State Ohio
Zip 45202 Phone (513) 421.2255
Email kboehm@BKLLawfirm.com
Date July 12, 2018

☐ I am not an attorney

☒ I am an attorney whose:

Michigan Bar # is P- _____

OH Bar # is: 0076047
(state)

Signature: _____

Save Form

EAHR1 - 09/29/2016

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

General Instructions:

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at (517) 284-8090.

Please Note: The Commission will provide electronic service of documents to all parties in this proceeding.

THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:

Case / Company Name: DTE ENERGY COMPANY Docket No. U-20162

Please enter my appearance in the above-entitled matter on behalf of:

1. (Name) The Kroger Col
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Jody Kyler Cohn, Esq.
Address 36 E. Seventh Street
Suite 1510
City Cincinnati State Ohio
Zip 45202 Phone (513) 421.2255
Email jkylercohn@BKLawfirm.com
Date July 12, 2018

☐ I am not an attorney

☒ I am an attorney whose:

Michigan Bar # is P- _____

OH Bar # is: 0085402
(state)

Signature: _____

Save Form

EAHR1 - 09/29/2016

In the matter of the Application of)
DTE ELECTRIC COMPANY)
for authority to increase its rates, amend) Case No. U-20162
its rate schedules and rules governing the)
distribution and supply of electric energy, and)
for miscellaneous accounting authority.)

Notary Public

CERTIFICATE OF SERVICE

Administrative Law Judge
Sally L. Wallace wallaces2@michigan.gov

Counsel for DTE Electric Co.
Andrea E. Hayden
andrea.hayden@dteenergy.com
mpscfilings@dteenergy.com

Counsel for Attorney General
Joel King KingJ38@michigan.gov

Counsel for MPSC Staff
Daniel E. Sonneveldt
Amit T. Singh
Spencer A. Sattler
sonneveldtd@michigan.gov
singha9@michigan.gov
sattlers@michigan.gov

Counsel for ABATE
Bryan A. Brandenburg
Robert A. W. Strong
bbrandenburg@clarkhill.com
rstrong@clarkhill.com

Counsel for Michigan Cable
Telecommunications Association
Michael S. Ashton
Anita G. Fox
mashon@fraserlawfirm.com
afox@fraserlawfirm.com

Counsel for Energy Michigan, Inc.
Laura A. Chappelle
Timothy J. Lundgren
lachappelle@varnumlaw.com
tjlundgren@varnumlaw.com

Counsel for Michigan Environmental Council (MEC)
Christopher M. Bzdok
chris@envlaw.com
Karla Gerds, Legal Assistant
karla@envlaw.com
Kimberly Flynn, Legal Assistant
kimberly@envlaw.com