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**Via E-Filing**

February 22, 2018

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

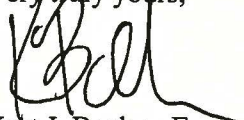
**Re: Docket No. 18-WSEE-328-RTS**

Dear Sir/Madam:

Attached please find: 1) THE KROGER CO's PETITION TO INTERVENE; 2) MOTION FOR ADMISSION PRO HAC VICE, and 3) VERIFIED PETITIONS OF KURT J. BOEHM and JODY KYLER COHN for filing in the above-referenced matter.

Copies have been served on all parties of record.

Very truly yours,



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

Elizabeth A. Baker, Esq. (KS #25942)

**COUNSEL FOR THE KROGER CO.**

KJBkew  
Enclosure

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In The Matter The Joint Application of Westar Energy, Inc. : **Docket No. 18-WSEE-328-RTS**  
and Kansas Gas and Electric Company for Approval to Make :  
Certain Changes in their Charges for Electric Service :

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**PETITION TO INTERVENE**

COMES NOW, The Kroger Co. (“Kroger”) and moves the Corporation Commission of the State of Kansas (“Commission”) for an order granting Kroger intervention in the above-captioned matter. In support of its Petition, Kroger states the following:

1. On February 1, 2018 Westar Energy, Inc. and Kansas Gas and Electric Company (“Westar Energy” or “Company”) filed its Application with the Kansas Corporation Commission (Commission) to make certain changes in their charges for electric service.
2. Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. Doing business as the *Dillon’s* grocery store chain, Kroger has approximately 85 accounts in Westar’s Energy’s service territory. Kroger purchases 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.
3. If the Company’s application is granted, 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.

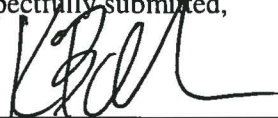
4. It is respectfully requested that all pleadings and other documents issued in this proceeding by the Commission, the Commission Staff, or a party be served as counsel for The Kroger Co., on the following parties and that the Commission's official service list be modified to reflect the same.

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Boehm, Kurtz & Lowry  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202

Kevin C. Higgins  
Energy Strategies, LLC  
Parkside Towers  
215 South State Street, Suite 200  
Salt Lake City, Utah 84111

WHEREFORE, The Kroger Co. respectfully requests the Commission grant its Petition for Intervention in this matter.

Respectfully submitted,



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Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**  
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[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

Elizabeth A. Baker, Esq. KS #25942  
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**COUNSEL FOR THE KROGER CO.**

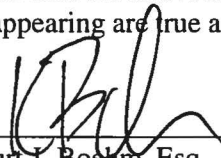
February 22, 2018

**VERIFICATION**



STATE OF OHIO                    )  
  ) ss  
COUNTY OF HAMILTON        )

I, Kurt J. Boehm, of lawful age, being first duly sworn upon her oath states

That he is an attorney for The Kroger Co.; that he has read the above and foregoing Intervention, and, upon information and belief, states that the matters therein appearing are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Kurt J. Boehm, Esq.

SUBSCRIBED AND SWORN to before this 22 day of February, 2018.

  
\_\_\_\_\_  
Notary  
  
Kimberly Walton  
Notary Public, State of Ohio  
My Commission Expires 08-28-2019

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In The Matter The Joint Application of Westar Energy, Inc. : **Docket No. 18-WSEE-328-RTS**  
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**MOTION FOR ADMISSION PRO HAC VICE  
OF KURT J. BOEHM and JODY KYLER COHN  
AS ATTORNEYS FOR INTERVENOR, THE KROGER CO.**

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COMES NOW Elizabeth A. Baker, Esq. an attorney in good standing, licensed to practice law in the State of Kansas, and pursuant to Supreme Court Rule 116 hereby moves the Commission to permit Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq. to appear and participate as counsel for Intervenor, The Kroger Co. ("Kroger") in the above-captioned Matter. In support of this Motion, the following is submitted:

The undersigned attorney has appeared and agreed to act as co-counsel with Mr. Boehm and Ms. Cohn.

Mr. Boehm is not a Kansas resident, but is a licensed attorney in good standing in Ohio and Kentucky. Mr. Boehm has never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction, nor are any such disciplinary proceedings pending.

Ms. Cohn is not a Kansas resident, but is a licensed attorney in good standing in Ohio and Kentucky. Ms. Cohn has never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction, nor are any such disciplinary proceedings pending.

WHEREFORE, the undersigned moves for the admission Pro Hac Vice of Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq., as counsel for The Kroger Co. in the above-captioned proceeding and for all other relief proper in the premises.

Respectfully submitted,



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Elizabeth A. Baker, Esq. KS #25942  
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Ph: 785-273-3552 Fax: 785-273-3563  
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Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
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[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO.**

February 22, 2018

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In The Matter The Joint Application of Westar Energy, Inc. : **Docket No. 18-WSEE-328-RTS**  
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**VERIFIED PETITION OF KURT J. BOEHM**

In accordance with Rule 116(e) of the Kansas Supreme Court rules, Kurt J. Boehm provides the following information to supplement the Motion for Admission Pro Hac Vice filed with the State Corporation Commission of the State of Kansas on February 22, 2018.

Kurt J. Boehm represents The Kroger Co. (Kroger) in the above-captioned matter.

The contact information for the Kansas attorney of record is:

Elizabeth A. Baker, Esq. KS #25942  
6610 SW 29<sup>th</sup> Street  
Topeka, KS 66614  
Ph: 785-273-3552 Fax: 785-273-3563  
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The contact information for Kurt J. Boehm:

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Kurt J. Boehm, Esq.  
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E-Mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

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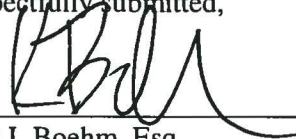
Kurt J. Boehm is not a Kansas resident, but is a licensed attorney in good standing in Ohio (OH Bar #0076047) and Kentucky (KY Bar #89327).

Kurt J. Boehm has never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction, nor are any such disciplinary proceedings pending.

Kurt J. Boehm has not requested or been granted permission to appear *pro hac vice* in Kansas within the past 12 months.

WHEREFORE, the undersigned respectfully moves for admission *pro hac vice* of Kurt J. Boehm as counsel for The Kroger Co. in the above-captioned proceeding and for all other relief so entitled.

Respectfully submitted,



Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY**

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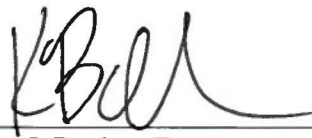
**COUNSEL FOR THE KROGER CO.**

February 22, 2018


VERIFICATION

STATE OF OHIO                     )  
  ) ss  
COUNTY OF HAMILTON        )

I, Kurt J. Boehm, Esq., being duly sworn, says that the facts and allegations therein contained in the attached **Verified Petition of Kurt J. Boehm** are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Kurt J. Boehm, Esq.

SUBSCRIBED AND SWORN to before this 22 day of February, 2018.

  
\_\_\_\_\_  
Notary Public



Kimberly Walton  
Notary Public, State of Ohio  
My Commission Expires 08-28-2019

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

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**VERIFIED PETITION OF JODY KYLER COHN**

In accordance with Rule 116(e) of the Kansas Supreme Court rules, Jody Kyler Cohn provides the following information to supplement the Motion for Admission Pro Hac Vice filed with the State Corporation Commission of the State of Kansas on February 22, 2018.

Jody Kyler Cohn represents The Kroger Co. (Kroger) in the above-captioned matter.

The contact information for the Kansas attorney of record is:

Elizabeth A. Baker, Esq. KS #25942  
6610 SW 29<sup>th</sup> Street  
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The contact information for Jody Kyler Cohn:

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Residential address:

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Blue Ash, Ohio 45241

Jody Kyler Cohn is not a Kansas resident, but is a licensed attorney in good standing in Ohio (OH Bar #0085402) and Kentucky (KY Bar #94725).

Jody Kyler Cohn has never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction, nor are any such disciplinary proceedings pending.

Jody Kyler Cohn has not requested or been granted permission to appear *pro hac vice* in Kansas within the past 12 months.

WHEREFORE, the undersigned respectfully moves for admission *pro hac vice* of Jody Kyler Cohn as counsel for The Kroger Co. in the above-captioned proceeding and for all other relief so entitled.

Respectfully submitted,



Jody Kyler Cohn, Esq.

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**COUNSEL FOR THE KROGER CO.**

February 22, 2018

# VERIFICATION

STATE OF OHIO                    )  
  ) ss  
COUNTY OF HAMILTON        )

I, Jody Kyler Cohn, Esq., being duly sworn, says that the facts and allegations therein contained in the attached **Verified Petition of Jody Kyler Cohn, Esq.** are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Jody Kyler Cohn, Esq.

SUBSCRIBED AND SWORN to before this 22 day of February, 2018.

  
\_\_\_\_\_  
Notary Public



Kimberly Walton  
Notary Public, State of Ohio  
My Commission Expires 08-26-2019

## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or regular U.S. mail (unless otherwise noted), the 22<sup>nd</sup> day of February, 2018 to the parties listed on the below:

  
Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

Elizabeth A. Baker, Esq. (KS #25942)

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