

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

STATE CORPORATION COMMISSION

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

FEB 26 2009

 Docket Room

In the Matter of the Applications of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company for to Consider the Issue of Rate)
Consolidation and Resulting Rate Design)

Docket No. 09-WSEE-641-GIE

**MOTION FOR ADMISSION PRO HAC VICE
OF MICHAEL L. KURTZ AND KURT J. BOEHM
AS ATTORNEYS FOR INTERVENOR, THE KROGER CO.**

COMES NOW John Wine, 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 Michael L. Kurtz, Esq. and Kurt J. Boehm, 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. Kurtz and Mr. Boehm.

Mr. Kurtz is not a Kansas resident, but is a licensed attorney in good standing in Ohio, Kentucky, Michigan and Pennsylvania. Mr. Kurtz 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.

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.

WHEREFORE, the undersigned moves for the admission Pro Hac Vice of Michael L. Kurtz, Esq. and Kurt J. Boehm, Esq. as attorneys for The Kroger Co. in the above-captioned proceeding and for all other relief proper in the premises.

Respectfully submitted,



John R. Wine, Esq. KS#10016
4101 Northeast 43rd
Topeka, Kansas 66617
Ph: (785) 225-7676 Fax: (785) 246-0339
E-mail: jwine2@cox.net



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
E-Mail: mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com

COUNSEL FOR THE KROGER CO.

February 25, 2009

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), this 25th day of February, 2009 the following:

NIKI CHRISTOPHER, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604

C. STEVEN RARRICK, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604

DAVID SPRINGE, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604

DANA BRADBURY, LITIGATION
COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

MATTHEW SPURGIN, LITIGATION
COUNSEL
KANSAS CORPORATION COMMISSION

1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

MARK A RUELLE, VICE
PRESIDENT/TREASURER
KANSAS GAS & ELECTRIC CO. D/B/A
WESTAR ENERGY
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889

MARTIN J. BREGMAN, EXEC DIR, LAW
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889

CATHRYN J. DINGES, CORPORATE
COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVENUE
PO BOX 889
TOPEKA, KS 66601-0889



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.