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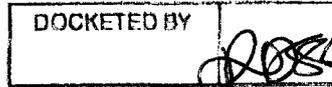
Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

JAN 25 2012

Via Overnight Mail



January 24, 2012

Arizona Corporation Commission
Attn: Docket Filing Window
1200 West Washington Street
Phoenix, AZ 85007

Re: Docket No. E-01345A-11-0224

Dear Sir or Madam:

Attached please find the original and 13 copies each of 1) MOTION TO ASSOCIATE COUNSEL PRO HAC VICE ON A TEMPORARY BASIS OF THE KROGER CO. and 2) proposed ORDER re: MOTION TO ASSOCIATE COUNSEL PRO HAC VICE ON A TEMPORARY BASIS for filing in the above-referenced matter.

All parties of record have been served. Please place this document of file.

Very Truly Yours,

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

John William Moore, Jr., (Az. Bar No. 021942)

COUNSEL FOR THE KROGER CO.

KJB/kew
Attachments

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) and regular U.S. mail 24th day of January, 2012 on the parties listed below.



Kurt J. Boehm, Esq.
Jody M. Kyler, Esq.
John William Moore., Jr., (AZ Bar No. 021942)

Company	Contact	Address
	Mel Beard	4108 W. Calle Lejos Glendale, Arizona 85310
	Steve Chriss	2011 S.E. 10th St. Bentonville, Arkansas 72716-0500
	Craig Marks	10645 N. Tatum Blvd. Suite 200-676 Phoenix, Arizona 85028
	Scott Wakefield	201 N. Central Ave., Suite 3300 Phoenix, Arizona 85004-1052
	Jay Moyes	1850 N. Central Ave. - 1100 Phoenix, Arizona 85004
	Jeffrey Woner	K.R. SALINE & ASSOC., PLC 160 N. Pasadena, Suite 101 Mesa, Arizona 85201
	Lawrence Robertson, Jr.	PO Box 1448 Tubac, Arizona 85646
	Laura Sanchez	P.O. Box 287 Albuquerque, New Mexico 87103
	Nicholas Enoch	349 N. Fourth Ave. Phoenix, Arizona 85003
	Greg Patterson	2398 E. Camelback Rd., Ste. 240 Phoenix, Arizona 85016
	Karen White	AFLOA/JACL-ULT 139 Barnes Drive Tyndall Air Force Base, Florida 32403
	Gary Yaquinto	Arizona Utiltiy Investors Association 2100 North Central Avenue, Suite 210 Phoenix, Arizona 85004
	Michael Grant	2575 E. Camelback Rd. Phoenix, Arizona 85016-9225
	Jeffrey Crockett	One E. Washington St., Ste. 2400 Phoenix, Arizona 85004
	Michael Patten	400 E. Van Buren St. - 800 Phoenix, Arizona 85004-3906
	Cynthia Zwick	1940 E. Luke Avenue Phoenix, Arizona 85016
	John Moore, Jr.	7321 N. 16th Street Phoenix, Arizona 85020

	Bradley Carroll	One South Church Ave., Ste. UE201 Tucson, Arizona 85701
	Timothy Hogan	202 E. McDowell Rd. - 153 Phoenix, Arizona 85004
	David Berry	P.O. Box 1064 Scottsdale, Arizona 85252-1064
	Barbara Wyllie-Pecora	14410 W. Gunsight Dr. Sun City West, Arizona 85375
	Michael Curtis	501 East Thomas Road Phoenix, Arizona 85012-3205
	Daniel Pozefsky	1110 West Washington, Suite 220 Phoenix, Arizona 85007
	C. Webb Crockett	3003 N. Central Ave. - 2600 Phoenix, Arizona 85012-2913
	Janice Alward	1200 W. Washington Phoenix, Arizona 85007
	Steve Olea	1200 W. Washington St. Phoenix, Arizona 85007
Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927
	Meghan Grabel	P.O. Box 53999, Station 8695 Phoenix, Arizona 85072-3999

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ARIZONA CORPORATION COMMISSION
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John William Moore, Jr. (Arizona Bar No. 021942)
7321 North 16th Street
Phoenix, AZ 85020
Ph: 702-743-5431
E-mail: Johnnymo22@hotmail.com
COUNSEL FOR THE KROGER CO.

**BEFORE THE
ARIZONA CORPORATION COMMISSION**

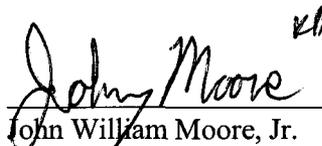
In The Matter Of The Application Of Arizona Public Service Company For A Hearing To Determine The Fair Value Of The Utility Property Of The Company For Ratemaking Purposes, To Fix A Just And Reasonable Rate Of Return Thereon, To Approve Rate Schedules Designed To Develop Such Return	:	Docket No. E-01345A-11-0224
	:	MOTION TO ASSOCIATE COUNSEL PRO HAC VICE ON A TEMPORARY BASIS

John William Moore, Jr., Esq., pursuant to Rule 38(a), Arizona R. Sup. Ct. moves the Commission to associate Jody M. Kyler, Esq. as co-counsel pro hac vice in this action on a temporary basis. Due to scheduling conflicts that have recently arisen, it is necessary for additional counsel to appear in this proceeding on behalf of The Kroger Co. Jody M. Kyler is an active member in good standing of the state bar of Ohio. In accordance with Supreme Court Rule 38(a), an Application for Appearance Pro Hac Vice and supporting documentation has been sent to the State Bar of Arizona for Ms. Kyler. However, a Notice of Receipt of Complete Application from the State Bar of Arizona is unlikely to be available before the hearing in this case has commenced. Therefore, John William Moore, Jr. respectfully requests that Ms. Kyler be admitted to appear pro hac vice on a temporary basis.

A copy of the Verified Application and a Certificate of Good Standing for Ms. Kyler filed with the Arizona State Bar is attached to this Motion. A Notice of Receipt of Complete Application from the State Bar of Arizona can

be sent to the Commission when received. John William Moore, Jr., Esq. hereby agrees to serve as local counsel in this matter and accepts the responsibilities detailed in Rule 39(a)(2), Ariz. R. Sup. Ct.

DATED this 24th day of January, 2012.



John William Moore, Jr.
7321 North 16th Street
Phoenix, AZ 85020
Ph: 702-743-5431
E-mail: johnnymo22@hotmail.com
Arizona Bar No. 021942



Attn: Pro Hac Vice Dept
 4201 N. 24th St., Ste 200
 Phoenix, AZ 85016-6288
 Phone: 602-340-7239

For Official Use Only
 App# _____
 Bar Number# _____

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: Jody M. Kyler

Firm/Company Name: Boehm, Kurtz & Lowry

Office Address: 36 E. Seventh St., Suite 1510, Cincinnati, Ohio 45202

Telephone: 702-743.5431 Fax: 513.421.2764 Email Address: jkyler@BKLawfirm.com

Residence Address: 3410 Riverwood Lane, Apt. 3B, Cincinnati, Ohio 45140

Title of cause or case where applicant seeks to appear: Arizona Public Service Co. for a Hearing to Determine the Fair Value of Utility Property of the Company for Rate-making Purposes, to Fix a Just and Reasonable Rate of Return Thereon

Docket Number: E-01345A-11-0224

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: The Kroger Co.

Pursuant to Arizona Supreme Court Rule 38(a)(4), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted: <small>(Attach additional pages if necessary)</small>	Date of Admission:	Bar Number:
<u>Supreme Court of Ohio</u>	<u>11/9/2009</u>	<u>0085402</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
<u>n/a</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause is / is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause. If applicable, please provide related or consolidated matter application or docket# _____

PART II: Local Counsel Information

Name of Arizona Local Counsel: John William Moore, Jr.

State Bar of Arizona Number: 021942

Address: 7321 North 16th Street, Phoenix, AZ 85020

Telephone: 702-743.5431 Fax: _____ Email Address: johnnymo22@hotmail.com

- Local Counsel is a member in good standing.
- Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

PART III: Parties and Certification

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Attached Certificate of Service</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Ariz. R. Sup. Ct. Rule 46(b).
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF Ohio)
County of Hamilton) ss.

I, Jody M. Kyler, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 1/23/2012 Applicant's Signature: Jody M. Kyler, Esq.


Digitally signed by Jody M. Kyler, Esq.
DN: cn=Jody M. Kyler, o=Notaries, ou=Notary Public, email=jmkyler@notaries.com, c=US
Date: 2012.01.23 15:40:19 -0500

SUBSCRIBED AND SWORN TO before me this 23 day of January, 2012, by

Kurt J. Boehm
Name of Applicant

Kimberly E. Walton
Notary Public
Kimberly Walton
Notary Public, State of Ohio



My Commission Expires **06-28-2014**

CERTIFICATE OF SERVICE

Company	Contact	Address
	Mel Beard	4108 W. Calle Lejos Glendale, Arizona 85310
	Steve Chriss	2011 S.E. 10th St. Bentonville, Arkansas 72716-0500
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Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927
	Meghan Grabel	P.O. Box 53999, Station 8695 Phoenix, Arizona 85072-3999

The Supreme Court of Ohio

CERTIFICATE

I, SUSAN B. CHRISTOFF, 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,

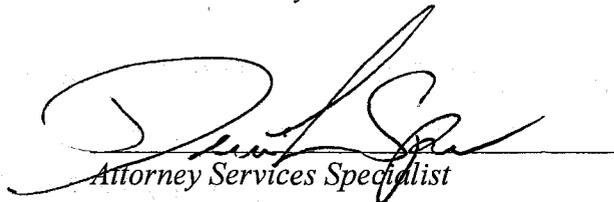
Jody Michelle Kyler

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 16th day of November, 2011.

SUSAN B. CHRISTOFF

Director, Attorney Services Division


Attorney Services Specialist

BOEHM KURTZ & LOWRY

State Bar of Arizona

Pro Hac Vice

1/23/2012

18072

460.00

Business Checking

Pro Hac Vice Jody M. Kyler

460.00

