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COUNSEL FOR THE KROGER CO.

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

Gary Pierce, Chairman
Bob Stump
Sandra D. Kennedy
Paul Newman
Brenda Burns

Arizona Corporation Commission

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In The Matter Of The Application Of Tucson Electric Power Company For The Establishment Of Just And Reasonable Rates And Charges Designed To Realize A Reasonable Rate Of Return On The Fair Value Of Its Operations Throughout The State Of Arizona	: : : : : :	Docket No. E-01933A-12-0291
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PETITION TO INTERVENE OF KROGER CO.

The Kroger Co. ("Petitioner") hereby petitions the Arizona Corporation Commission ("Commission") for leave to intervene and participate in the proceeding concerning the application of the Tucson Electric Power Company ("Applicant"). In support of its Petition it states as follows:

1. **Name and Addresses of Petitioner:**

The Kroger Co.
Attn: Corporate Energy Manager (G09)
1014 Vine Street
Cincinnati, Ohio 45202
Telephone: 513-762-4538 Facsimile: 513-762-4012
E-mail: dgeorge@kroger.com

2. **Name and Address of Attorneys Representing Petitioner:**

Kurt J. Boehm, Esq.
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3. **Name and Address of Consultant Representing Petitioner:**

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570 Colonial Park Drive, Suite 305
Roswell, GA 30075
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E-mail: sbaron@jkenn.com

Mr. Boehm is an out-of-state attorney licensed to practice in Ohio and Kentucky. Ms. Kyler is an out-of-state attorney licensed to practice in Ohio and Kentucky. John William More, Jr., Esq., will serve as local counsel to The Kroger Co. and has filed a pro hac vice motion seeking permission to have Mr. Boehm and Ms. Kyler participate in this case.

4. Identify the Petitioner:

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

5. Petitioner’s Interest in this Proceeding:

The Kroger Co. 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, The Kroger Co. operates numerous grocery stores in the state of Arizona that purchase their electric supply from the Company. These stores purchase millions of kWh of electricity from the Company annually. Petitioner is one of the largest commercial customers served by the Company. The grocery stores operated by The Kroger Co. 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.

6. Issues To Be Raised:

The primary issue the Petitioner intends to address in this case will be whether the rate increase sought by the Applicant is reasonable and cost justified. We also intend to address whether the proposed allocation of the rate increase and the design of the new rates are just and reasonable.

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

DATED this 31st day of July, 2012.



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