

ORIGINAL

INTERVENTION



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Arizona Corporation Commission
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:
SUSAN BITTER SMITH, CHAIRMAN
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

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 The Properties Of Tucson Electric Power Company Devoted To Its Operations Throughout The State Of Arizona And For Related Approvals	:	Docket No. E-01933A-15-0322
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PETITION FOR LEAVE TO INTERVENE OF THE 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. 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:**

Stephen J. Baron
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570 Colonial Park Drive, Suite 305
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Mr. Boehm is an out-of-state attorney licensed to practice in Ohio and Kentucky. Ms. Cohn is an out-of-state attorney licensed to practice in Ohio and Kentucky. John William Moore, 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. Cohn participate in this case. Mr. Moore requests that he not be placed on the service list for this case so that he does not receive any paper copies of documents.

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:

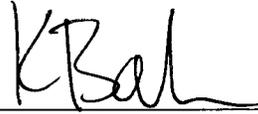
The Kroger Co. is a corporation engaged in the business of selling groceries at retail throughout the United States. One of the largest retail food companies in the United States, The Kroger Co. operates numerous grocery stores in the state of Arizona that purchase their electric supply from the Company. 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 6th day of January, 2016.



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COUNSEL FOR THE KROGER CO.

CERTIFICATE OF SERVICE

Copies of the foregoing were mailed via regular U.S. Mail to all parties listed on the attached Certificate of Service this 6th day of January, 2016.



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Jody Kyler Cohn, Esq.
John William Moore, Jr., Esq.

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