

ORIGINAL



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1 Kurt J. Boehm, Esq.  
 2 Jody Kyler Cohn, Esq.  
 3 BOEHM, KURTZ & LOWRY  
 36 East Seventh Street, Suite 1510  
 Cincinnati, Ohio 45202  
 4 Ph: 513-421-2255 Fax: 513-421-2764  
 5 E-mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

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6 John William Moore, Jr. (Arizona Bar No. 021942)  
 7 7321 North 16<sup>th</sup> Street  
 Phoenix, AZ 85020  
 8 Ph: 602-254-6044 Fax: 602-262-2943  
 9 E-mail: [jmoore@mbmblaw.com](mailto:jmoore@mbmblaw.com)

Arizona Corporation Commission  
**DOCKETED**  
 JUL 5 2016

DOCKETED BY [Signature]

10 **COUNSEL FOR THE KROGER CO.**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

13 COMMISSIONERS:  
 14 **Doug Little, Chairman**  
 14 **Bob Stump**  
 15 **Bob Burns**  
 15 **Tom Forese**  
 16 **Andy Tobin**

17 In The Matter Of The Application Of Arizona Public 18 Service Company For A Hearing To Determine The 19 Fair Value Of The Utility Property Of The Company 20 For Ratemaking Purposes, To Fix A Just And 21 Reasonable Rate Of Return Thereon, To Approve Rate Schedules Designed To Develop Such Return	: : : : : :	Docket No. E-01345A-16-0036  MOTION TO ASSOCIATE COUNSEL PRO HAC VICE
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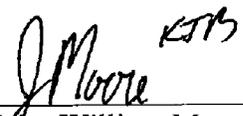
22  
 23  
 24 John William Moore, Jr., Esq., pursuant to Rule 38(a), Arizona R. Sup. Ct. moves the  
 25 court to associate Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq. as counsel pro hac vice in  
 26 this action. In support of this motion and pursuant to Rule 38(a)(3)(C), the following documents  
 27 are attached.

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- 1. Verified Applications;
- 2. Certificate(s) of Good Standing; and
- 3. State Bar of Arizona Notice of Receipt of Complete Applications.

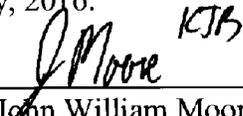
John William Moore, Jr., Esq. hereby agrees to serve as local counsel in this matter and accepts the responsibilities detailed in Rule 39(a)(2), Ariz. R. Sup. Ct.

DATED this 1<sup>st</sup> day of July, 2016.

  
\_\_\_\_\_  
John William Moore, Jr. (Az. Bar #021942)  
7321 North 16<sup>th</sup> Street  
Phoenix, AZ 85020  
Ph: 602-254-6044 Fax: 602-262-2943  
[jmoore@mbmblaw.com](mailto:jmoore@mbmblaw.com)

**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 1st day of July, 2016.

  
\_\_\_\_\_  
John William Moore, Jr., Esq.

**CERTIFICATE OF SERVICE**

Warren Woodward  
55 Ross Circle  
Sedona Arizona 86336

Timothy Hogan  
ARIZONA CENTER FOR LAW IN THE PUBLIC  
INTEREST  
202 E. McDowell Rd. - 153  
Phoenix Arizona 85004

Thomas Loquvam  
PINNACLE WEST CAPITAL CORPORATION  
P.O. Box 53999, MS 8695  
Phoenix Arizona 85072

Thomas Broderick  
1200 W. Washington St.  
Phoenix Arizona 85007

Richard Gayer  
526 W. Wilshire Dr.  
Phoenix Arizona 85003

Patrick Black  
FENNEMORE CRAIG,P.C.  
2394 E. Camelback Rd, Ste 600  
Phoenix Arizona 85016

Patricia Ferre  
P.O. Box 433  
Payson Arizona 85547

Meghan Grabel  
OSBORN MALADON, PA  
2929 N. Central Avenue Suite 2100  
Phoenix Arizona 85012

Janice Alward  
1200 W. Washington  
Phoenix Arizona 85007

Greg Eisert  
10401 W. Coggins Drive  
Sun City Arizona 85351

Arizona Corporation Commission  
Dwight Nodes  
1200 W. Washington  
Phoenix Arizona 85007-2927

Anthony Wanger  
IO DATA CENTERS, LLC  
615 N. 48th St  
Phoenix Arizona 85008

Alan Kierman  
IO DATA CENTERS, LLC  
615 N. 48th St  
Phoenix Arizona 85008

1 **Arizona Corporation Commission**

2 Application of Arizona Public Service Co for )  
3 Just and Reasonable Rates/Hearing to )  
4 Determine Fair Value )  
5 )  
6 )

CASE # **E01345A-160036**

SBA App #1009665

**NOTICE OF RECEIPT OF  
COMPLETE APPLICATION**

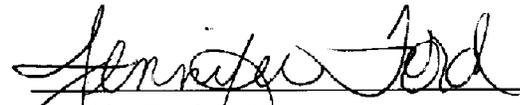
7 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the  
8 verified application and fee from Kurt Boehm.

9 In addition to this application, applicant has made the following applications to appear pro hac  
10 vice, pursuant to Rule 39, within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?
Application of Tucson Electric Power for Establishment v ~CLOSED~	Arizona Corporation Commission	7/17/2012	Y
App of Tucson Electric Co for Est of Just & Reasonable Rates v	Arizona Corporation Commission	12/15/2015	Y

12  
13 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good  
14 Standing are attached hereto.

15 DATED this 24<sup>th</sup> day of June 2016

16   
17 Jennifer Ford, CAP  
18 Member Resources Administrator  
19 State Bar of Arizona

20 Original Mailed on this 24<sup>th</sup> day of June 2016 to:

21 John W Moore  
22 Moore Benham & Beaver PLC  
23 7321 N 16th St  
24 Phoenix, AZ 85020-0001  
25



Attn: Pro Hac Vice Dept  
 P.O. Box 53099  
 Phoenix, AZ 85072-3099  
 Phone: 602-340-7239

For Office Use Only  
 App# 1009665  
 Bar Number: PR8730

Overnight or Hand Delivery: \$480.00  
 4201 N. 24th St., Ste 100  
 Phoenix, AZ 85016-6266 CF 21056  
21657  
\$10.00

**Application for Appearance Pro Hac Vice**

**PART I: Applicant Information**

Name of Applicant: Kurt J. Boehm, Esq.  
 Firm/Company Name: Boehm, Kurtz & Lowry  
 Office Address: 36 E. Seventh Street, Suite 1510  
 Telephone: 513.421.2255 Fax: 513.421.2764 Email Address: kboehm@bklawfirm.com  
 Residence Address: 1335 Suncrest Drive, Cincinnati Ohio 45208  
 Title of cause or case where applicant seeks to appear: App. of Arizona Public Service Co. for Just and Reasonable Rates  
 Docket Number: E-01345A-16-0036  
 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 39(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>Ohio</u>	<u>October 11, 2002</u>	<u>89327</u>
<u>Kentucky</u>	<u>May 9, 2003</u>	<u>0076047</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. If yes, specify the jurisdiction, nature of investigation and contact information of the disciplinary authority investigating on an additional page.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 39(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
<u>App. of Tucson Electric for Just and Reasonable Rates</u>	<u>E-01933A-15-0322</u>	<u>Arizona Corporation Commission</u>	<u>Yes</u>
<u>App. of Tucson Electric for Just and Reasonable Rates</u>	<u>E-01933A-12-0291</u>	<u>Arizona Corporation Commission</u>	<u>Yes</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: 602.254.6044 Fax: 602.262.2943 Email Address: jmoore@mbmblaw.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>See Attached Parties, Counsel and 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 \$490.00. 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, Kurt J. Boehm, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: June 21, 2016

Applicant's Signature: Kurt J. Boehm

SUBSCRIBED AND SWORN TO before me this 21 day of June, 2016, by KJ Boehm

Kurt J. Boehm  
Name of Applicant



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

# The Supreme Court of Ohio

## C E R T I F I C A T E

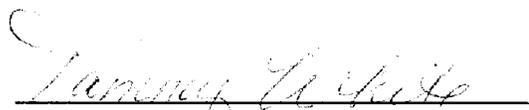
I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Kurt Joseph Boehm

was admitted to the practice of law in Ohio on May 09, 2003; 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 14th day of June, 2016.

SUSAN B. CHRISTOFF  
*Director, Attorney Services Division*

  
Tammy White  
*Attorney Services Manager*

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

www.kybar.org

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President-Elect

William R. Garner  
Vice President

William E. Johnson  
Immediate Past President

## YOUNG LAWYERS

J. Tanner Watkins  
Chair

## EXECUTIVE DIRECTOR

John D. Meyers

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J. D. Meyer

Eileen M. O'Brien

Michael M. Pitman

W. Fletcher Schrock

Gary J. Sergent

Bobby Simpson

J. Stephen Smith

John Vincent



*THIS IS TO CERTIFY THAT*

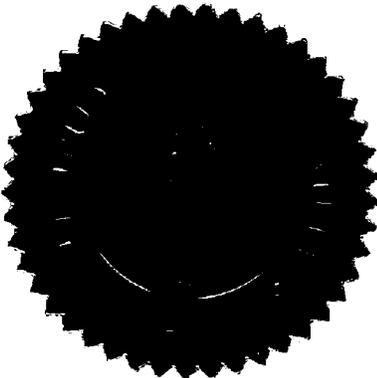
**KURT JOSEPH BOEHM**

*Boehm Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202-4454*

**Membership No. 89327**

*is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 14<sup>th</sup> day of June, 2016.*

**JOHN D. MEYERS  
REGISTRAR**



By: *Michele M. Pogrotsky*  
**Michele M. Pogrotsky, Deputy Registrar**

1 **Arizona Corporation Commission**

2 Application of Arizona Public Service Co for )  
3 Just and Reasonable Rates/Hearing to )  
4 Determine Fair Value )  
5 )  
6 )

CASE # E01345A-160036

SBA App #1009666

5 **NOTICE OF RECEIPT OF  
6 COMPLETE APPLICATION**

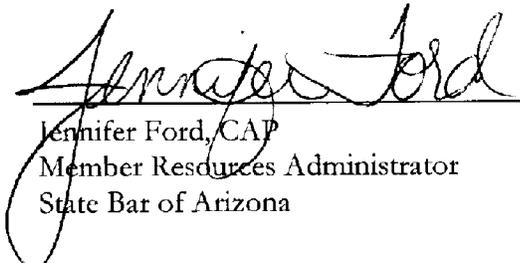
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Title of Matter	Court/Agency	Date	Granted?
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18 Member Resources Administrator  
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22 Moore Benham & Beaver PLC  
23 7321 N 16th St  
24 Phoenix, AZ 85020-0001  
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Attn: Pro Hac Vice Dept  
 P.O. Box 53099  
 Phoenix, AZ 85072-3099  
 Phone: 602-340-7239

For Official Use Only  
 App# 1009666  
 Bar Number# P197720

Overnight or Hand Delivery: 6-21-16  
\$480.00  
 4201 N. 24th St., Ste 100  
 Phoenix, AZ 85016-6266 CK# 21656  
CK# 21657  
\$10.00

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Name of Applicant: Jody Kyler Cohn, Esq.  
 Firm/Company Name: Boehm, Kurtz & Lowry  
 Office Address: 36 E. Seventh Street, Suite 1510  
 Telephone: 513.421.2255 Fax: 513.421.2764 Email Address: jkylern@bklawfirm.com  
 Residence Address: 4212 Fox Hollow Drive, Cincinnati, Ohio 45241  
 Title of cause or case where applicant seeks to appear: App. of Arizona Public Service Co. for Just and Reasonable Rates  
 Docket Number: E-01345A-16-0036  
 Court, Board, or Administrative Agency: Arizona Corporation Commission  
 Party on whose behalf applicant seeks to appear: The Kroger Co.

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Courts to Which Applicant Has Been Admitted: <small>(Attach additional pages if necessary)</small>	Date of Admission:	Bar Number:
<u>Ohio</u>	<u>November 9, 2009</u>	<u>0085402</u>
<u>Kentucky</u>	<u>May 1, 2012</u>	<u>94725</u>
_____	_____	_____
_____	_____	_____

- Applicant is a member in good standing in such courts.
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<u>App. of Tucson Electric for Just and Reasonable Rates</u>	<u>E-01933A-12-0291</u>	<u>Arizona Corporation Commission</u>	<u>Yes</u>
_____	_____	_____	_____

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State Bar of Arizona Number: 021942

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

Telephone: 602.254.6044 Fax: 602.262.2943 Email Address: jmoore@mbmblaw.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>See Attached Parties, Counsel and 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 \$490.00. 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.

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**Verification**

STATE OF Ohio  
County of Hamilton ) ss.

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

Dated: June 21, 2016

Applicant's Signature: Jody Kyler Cohn



SUBSCRIBED AND SWORN TO before me this 21 day of June, 2016, by

Jody Kyler Cohn  
Name of Applicant



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



# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

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R. Michael Sullivan  
President-Elect

William R. Garmer  
Vice President

William E. Johnson  
Immediate Past President

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J. Tanner Watkins  
Chair

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Earl M. McGuire  
J. D. Meyer  
Eileen M. O'Brien  
Michael M. Pitman  
W. Fletcher Schrock  
Gary J. Sergent  
Bobby Simpson  
J. Stephen Smith  
John Vincent



*THIS IS TO CERTIFY THAT*

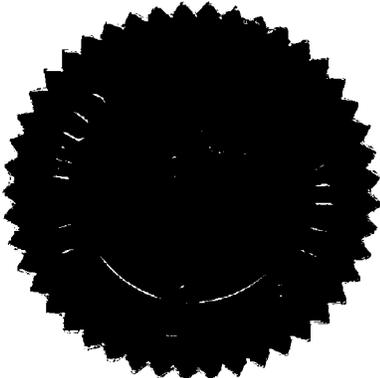
**JODY MICHELLE KYLER COHN**

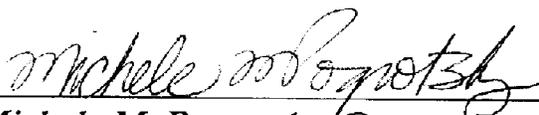
*Boehm Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202-4454*

**Membership No. 95583**

*is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 14<sup>th</sup> day of June, 2016.*

**JOHN D. MEYERS  
REGISTRAR**



By:   
**Michele M. Pogrotzky, Deputy Registrar**

# The Supreme Court of Ohio

## C E R T I F I C A T E

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 Cohn

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 14th day of June, 2016.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*



Tammy White

*Attorney Services Manager*