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BEFORE
THE NORTH CAROLINA UTILITIES COMMISSION

FILED

Docket No. E-7, Sub 856

JUL 25 2008

Clerk's Office
N.C. Utilities Commission

Application Of Duke Energy Carolinas, LLC For :
Approval Of A Solar Photovoltaic Distributed :
Generation Program And For Approval Of Proposed :
Method Of Recovery Of Associated Costs :
:

**MOTION FOR LIMITED
ADMISSION TO PRACTICE**

Pursuant to North Carolina General Statutes ("N.C.G.S.") §§ 62-60 and 84-4.1 and Rule R1-22 of the North Carolina Utilities Commission's ("Commission") Rules of Practice and Procedure, Michael L. Kurtz, and Kurt J. Boehm, of the law firm Boehm Kurtz & Lowry, respectfully request the Commission to enter an order admitting them to practice before the Commission for the purpose of appearing on behalf of The Kroger Co., ("Kroger") in the above captioned proceeding. In support of this Motion, Mr. Kurtz and Mr. Boehm allege and show the Commission that:

1) Mr. Kurtz is an attorney in good standing licensed in Ohio, Pennsylvania, Michigan and Kentucky, and he will appear on behalf of Kroger in the above-captioned proceedings.

2) Mr. Boehm is an attorney in good standing and licensed to practice in Ohio and Kentucky and he will appear on behalf of Kroger in the above-captioned proceedings.

3) Mr. Kurtz and Mr. Boehm's full names, address, and bar membership numbers are:

Michael L. Kurtz, Esq. (OH #0033350, KY #84607, MI #23917 and PA #71687)

Kurt J. Boehm, Esq. (OH #0076047 and KY #89327)

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Telephone: 513-421-2255 Facsimile: 513-421-2764

E-mail: mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

Full Dist.

4) Mr. Kurtz and Mr. Boehm will continue to represent Kroger in the above-captioned proceeding until the final determination thereof, unless permitted to withdraw sooner by order of the Commission.

5) Mr. Kurtz and Mr. Boehm have agreed to be subject to the orders and amenable to the disciplinary action and civil jurisdiction of the General Court of Justice and the North Carolina State Bar in all respects as if they were regularly admitted and licensed members of the Bar of North Carolina in good standing.

6) The State of Ohio, in which Mr. Kurtz and Mr. Boehm are regularly admitted to practice, grants permission to members in good standing of the North Carolina State Bar to appear before courts and regulatory commissions under circumstances similar to those authorized by N.C.G.S. § 84-4.1.

7) Mr. Kurtz and Mr. Boehm are associated for purposes of appearing before the Commission with Daniel C. Higgins, of Burns, Day & Presnell, P.A., a resident of this State who is duly and legally permitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with the legal proceedings, or any disciplinary matter with the same effect as if personally made on Mr. Kurtz or Mr. Boehm.

8) Mr. Kurtz and Mr. Boehm have not been disciplined by any court or lawyer regulatory organization nor have they had any *pro hac vice* revoked. The statements required by N.C.G.S. § 84-4.1 are attached to this motion. Upon the Commission's issuance of an order granting this motion, the appropriate filings and fees will be made to the State Treasurer for support of the General Court of Justice and to the North Carolina State Bar as required by N.C.G.S. § 84-4.1.

WHEREFORE, Mr. Kurtz and Mr. Boehm respectfully request the Commission to enter an order admitting them to practice before the Commission for the purpose of appearing on behalf of The Kroger Co., in the above-captioned proceeding.

This ^{25th}~~24th~~ day of July, 2008.

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

and

BURNS, DAY & PRESNELL, P.A.

By: 

Daniel C. Higgins
P.O. Box 10867
Raleigh, North Carolina 27605
Telephone: (919)782-1441
E-mail: dhiggins@bdppa.com

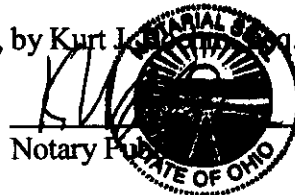
VERIFICATION

Kurt J. Boehm, first being duly sworn, deposes and says that he is the attorney for The Kroger Co. ("Kroger"); that he has read the foregoing Motion For Limited Admission To Practice and the same is true of his personal knowledge, except as to any matters and things therein state on information and belief, and as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of Kroger.



Kurt J. Boehm, Esq.

Subscribed and sworn to 22 day of July, 2008, by Kurt J. Boehm, Esq.



KIMBERLY WALTON
Notary Public, State of Oh
My commission expires 08/21

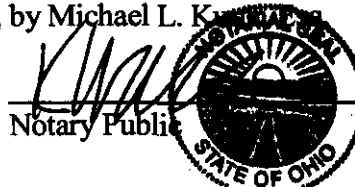
VERIFICATION

Michael L. Kurtz, first being duly sworn, deposes and says that he is the attorney for The Kroger Co. ("Kroger"); that he has read the foregoing Motion For Limited Admission To Practice and the same is true of his personal knowledge, except as to any matters and things therein state on information and belief, and as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of Kroger.



Michael L. Kurtz, Esq.

Subscribed and sworn to 22 day of July, 2008, by Michael L. Kurtz, Esq.



KIMBERLY W.
Notary Public, Sta
My commission expires

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion for Limited Admission to Practice in Docket No. E-7, Sub 856 has been served by electronic mail (when available) or by depositing a copy in the United States mail, postage prepaid, addressed to the parties of record, or their counsel.

This the ^{25th}~~24th~~ day of July, 2008.

BURNS, DAY & PRESNELL, P.A.

By: _____

Daniel C. Higgins

P.O. Box 10867

Raleigh, North Carolina 27605

**BEFORE
THE NORTH CAROLINA UTILITIES COMMISSION**

Docket No. E-7, SUB 856

Application Of Duke Energy Carolinas, LLC For Approval Of A Solar Photovoltaic Distributed Generation Program And For Approval Of Proposed Method Of Recovery Of Associated Costs	: : : : :	STATEMENT REQUIRED BY N.C.G.S. § 84-4.1
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I, Kurt J. Boehm, hereby state that:

1) I am an attorney at law regularly admitted to practice and in good standing in the State of Ohio, and Kentucky.

2) I am Counsel for The Kroger Co. ("Kroger") and desire to represent Kroger in the above-captioned proceedings, which are currently pending before the North Carolina Utilities Commission ("Commission").

3) My full name, address and bar identification number are:

Kurt J. Boehm, Esq. (OH #0076047 and KY 89327)
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255 Facsimile: 513-421-2764
E-mail: kboehm@BKLLawfirm.com

4) I will, unless permitted to withdraw sooner by order of the Commission, continue to represent Kroger in the above-captioned proceeding until the final determination thereof.

5) I agree, with reference to all matters incident to Commission proceedings, to be subject to the orders and amenable to the disciplinary action and the civil jurisdiction of the Commission, the General Court of Justice, and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

6) The State of Ohio, in which I am regularly admitted to practice, grants similar privileges to appear on a limited basis in judicial and regulatory proceedings being conducted in that jurisdiction to members of the Bar of North Carolina.

7) I have associated, for purposes of appearing and practicing in Commission proceedings, with Dan Higgins, Esq., an attorney who is a resident of this State who is duly and legally permitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with the above-captioned proceeding or any disciplinary matter with the same effect as if personally made on me within this State.

8) I have not been disciplined by any court or lawyer regulatory organization and have not had a revocation of any *pro hac vice* admission.

9) Upon the Commission's issuance of an order granting this motion, the appropriate filings and fees will be made to the State Treasurer for support of the General Court of Justice and to the North Carolina State Bar as required by N.C.G.S. § 84-4.1.



Kurt J. Boehm, Esq. (OH #0076047 and
KY #89327)

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36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255
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**BEFORE
THE NORTH CAROLINA UTILITIES COMMISSION**

Docket No. E-7, SUB 856

Application Of Duke Energy Carolinas, LLC For Approval Of A Solar Photovoltaic Distributed Generation Program And For Approval Of Proposed Method Of Recovery Of Associated Costs	: : : : : :	STATEMENT REQUIRED BY N.C.G.S. § 84-4.1
--	----------------------------	--

I, Michael L. Kurtz, hereby state that:

- 1) I am an attorney at law regularly admitted to practice and in good standing in the State of Ohio, Kentucky, Michigan and Pennsylvania.
- 2) I am Counsel for The Kroger Co. ("Kroger") and desire to represent Kroger in the above-captioned proceedings, which are currently pending before the North Carolina Utilities Commission ("Commission").
- 3) My full name, address and bar identification number are:
Michael L. Kurtz, Esq. (OH #0033350, KY #84607, MI #23917 and PA #71687)
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Telephone: 513-421-2255 Facsimile: 513-421-2764
E-mail: mkurtz@BKLLawfirm.com
- 4) I will, unless permitted to withdraw sooner by order of the Commission, continue to represent Kroger in the above-captioned proceeding until the final determination thereof.
- 5) I agree, with reference to all matters incident to Commission proceedings, to be subject to the orders and amenable to the disciplinary action and the civil jurisdiction of the Commission, the General Court of Justice, and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.
- 6) The State of Ohio, in which I am regularly admitted to practice, grants similar privileges to appear on a limited basis in judicial and regulatory proceedings being conducted in that jurisdiction to members of

the Bar of North Carolina.

7) I have associated, for purposes of appearing and practicing in Commission proceedings, with Dan Higgins, Esq., an attorney who is a resident of this State who is duly and legally permitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with the above-captioned proceeding or any disciplinary matter with the same effect as if personally made on me within this State.

8) I have not been disciplined by any court or lawyer regulatory organization and have not had a revocation of any *pro hac vice* admission.

9) Upon the Commission's issuance of an order granting this motion, the appropriate filings and fees will be made to the State Treasurer for support of the General Court of Justice and to the North Carolina State Bar as required by N.C.G.S. § 84-4.1.



Michael L. Kurtz, Esq. (OH #0033350, KY #84607,
MI #23917 and PA #71687)

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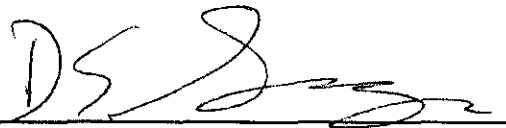
E-mail: mkurtz@BKLawfirm.com

**BEFORE
THE NORTH CAROLINA UTILITIES COMMISSION**

Docket No. E-7, SUB 856

Application Of Duke Energy Carolinas, LLC For	:	
Approval Of A Solar Photovoltaic Distributed	:	STATEMENT REQUIRED BY
Generation Program And For Approval Of	:	N.C.G.S. § 84-4.1(2)
Proposed Method Of Recovery Of Associated	:	
Costs	:	

I, Denis George, hereby certify that I am the Energy Manager, for The Kroger Co. ("Kroger")
1014 Vine St., Cincinnati, OH 45202-1100, and that Kroger has requested Michael L. Kurtz, Esq., and
Kurt J. Boehm, Esq. to represent it in the above-captioned proceedings before the North Carolina
Utilities Commission.



Denis George, Energy Manager
The Kroger Co.
1014 Vine St.
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Ph: 513 7624538 Fax: 513.762.1537
E-Mail: denis.george@kroger.com

July 1, 2008