

**BEFORE  
THE NORTH CAROLINA UTILITIES COMMISSION**

**DOCKET NO. E-7, SUB 1276**

<b>In the Matter of Application of Duke Energy Carolinas, LLC, For Adjustment of Rates and Charges Applicable to Electric Service in North Carolina and Performance-Based Regulation</b>	<b>:</b>	<b>MOTION FOR LIMITED ADMISSION TO PRACTICE FOR OUT-OF-STATE ATTORNEY, ON BEHALF OF PROPOSED INTERVENORS THE KROGER CO. and HARRIS TEETER LLC</b>
--	----------	---

Pursuant to N.C. Gen. Stat. § 84-4.1 and Rule R1-22 of the North Carolina Utilities Commission's ("Commission") Rules of Practice and Procedure, Kurt J. Boehm and Jody Kyler Cohn 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. and Harris Teeter LLC, ("Kroger/Harris Teeter") in the above captioned proceeding. In support of this Motion, Mr. Boehm and Ms. Cohn allege and show the Commission that:

1) Mr. Boehm is an attorney in good standing and licensed to practice in Ohio and Kentucky and he will appear on behalf of Kroger/Harris Teeter in the above-captioned proceeding.

2) Ms. Cohn is an attorney in good standing and licensed to practice in Ohio and Kentucky and she will appear on behalf of Kroger/Harris Teeter in the above-captioned proceeding.

3) Mr. Boehm and Ms. Cohn's full name, address, and bar membership numbers are:

Kurt J. Boehm, Esq. (OH #0076047 and KY #89327)  
Jody Kyler Cohn, Esq. (OH #0085402 and KY #94725)  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Telephone: 513-421-2255 Facsimile: 513-421-2764  
E-mail: [KBoehm@BKLawfirm.com](mailto:KBoehm@BKLawfirm.com)  
[JKylerCohn@BKLawfirm.com](mailto:JKylerCohn@BKLawfirm.com)

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

5) Mr. Boehm and Ms. Cohn 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. Boehm and Ms. Cohn 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. Gen. Stat. § 84-4.1.

7) Mr. Boehm and Ms. Cohn are associated for purposes of appearing before the Commission with Ben M. Royster of Royster and Royster, PLLC, 851 Marshall Street, Mount Airy, N.C. 27030, Ph: 336-789-5127, Fax: 336-789-6650., 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. Boehm and Ms. Cohn.

8) Mr. Boehm and Ms. Cohn 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. Gen. Stat. § 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. Gen. Stat. § 84-4.1.

WHEREFORE, Mr. Boehm and Ms. Cohn 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. and Harris Teeter LLC, in the above-captioned proceeding.

This 21<sup>st</sup> day of February, 2023.

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764

e-mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

/s/ Ben M. Royster

Ben M. Royster (NC Bar ID: 34184)

ROYSTER AND ROYSTER, PLLC

851 Marshall Street

Mount Airy, N.C. 27030

Ph: 336-789-5127 Fax: 336-789-6650

[benroyster@roysterlaw.com](mailto:benroyster@roysterlaw.com)

**COUNSEL FOR THE KROGER CO.  
and HARRIS TEETER LLC**

**STATEMENTS REQUIRED BY  
N.C. GEN. STAT. §84-4.1**

**BEFORE  
THE NORTH CAROLINA UTILITIES COMMISSION**


**Docket No. E-7, SUB 1276**

<b>In the Matter of Application of Duke Energy Carolinas, LLC, For Adjustment of Rates and Charges Applicable to Electric Service in North Carolina and Performance-Based Regulation</b>	: : : : :	<b>STATEMENT REQUIRED BY N.C. GEN. STAT. §84-4.1(2)</b>
--	-----------------------	---


I, Michal Shepard, hereby certify that I am Director of Maintenance/Energy/Engineering for Harris Teeter LLC, 701 Crestdale Road, Mathews, NC 28105 and that Harris Teeter LLC has requested Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq. to represent it in the above-captioned proceeding before the North Carolina Utilities Commission.

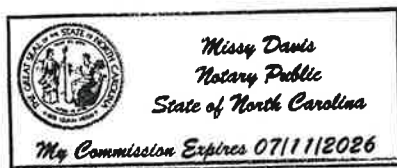
This 14<sup>th</sup> day of February, 2023.

HARRIS TEETER LLC

  
\_\_\_\_\_  
By: Michal Shepard, Director of  
Maintenance/Energy/Engineering

Sworn to and subscribed before me on this 14<sup>th</sup> day  
of February, 2023.

  
\_\_\_\_\_  
Notary Public  
Commission Expires: 7/11/2026



**BEFORE  
THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-7, SUB 1276**

<b>In the Matter of Application of Duke Energy Carolinas, LLC, For Adjustment of Rates and Charges Applicable to Electric Service in North Carolina and Performance-Based Regulation</b>	<b>:</b> <b>:</b> <b>:</b> <b>:</b> <b>:</b>	<b>STATEMENT REQUIRED BY N.C. GEN. STAT. §84-4.1</b>
--	--	--

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 the Commonwealth Kentucky. My full name, address, and bar identifications numbers are:

2. I am Counsel for The Kroger Co. and Harris Teeter LLC ("Kroger/Harris Teeter") and desire to represent Kroger/Harris Teeter in the above-captioned proceeding, which is currently pending before the North Carolina Utilities Commission ("Commission").

3. My full name, address, and bar identification numbers are: Kurt J. Boehm, Kentucky Bar #89327 and Ohio Bar #0076047, Boehm, Kurtz & Lowry, 36 E. Seventh St., Suite 1510, Cincinnati, Ohio 45202 (ph): (513) 421-2255 (fax): (513) 421-2764, e-mail: [KBoehm@BKLLawfirm.com](mailto:KBoehm@BKLLawfirm.com).

4. I will, unless permitted to withdraw sooner by order of the Commission, continue to represent Kroger/Harris Teeter in the above-captioned proceeding until the final determination thereof. I agree, with reference to all matters incident to Commission proceedings, to be subject to the orders and amendable 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.

5. The State of Ohio and the Commonwealth of Kentucky, 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.

6. I have associated, for purposes of appearing and participating in Commission proceedings, with Ben M. Royster, Royster and Royster, PLLC, 851 Marshall Street, Mount Airy, N.C. 27030, Ph: 336-789-5127, Fax: 336-789-6650, an attorney who is a resident of North Carolina and is duly and legally admitted 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.

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

8. I will submit a check for \$225 to the Administrative Office of the Courts when the Motion is granted.

/s/ Kurt J. Boehm  
Kurt J. Boehm, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513-421-2255 Fax: 513-421-2764  
E-mail: [KBoehm@BKLawfirm.com](mailto:KBoehm@BKLawfirm.com)

February 21<sup>st</sup> 2023.

**BEFORE  
THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-7, SUB 1276**

<b>In the Matter of Application of Duke Energy Carolinas, LLC, For Adjustment of Rates and Charges Applicable to Electric Service in North Carolina and Performance-Based Regulation</b>	<b>:</b> <b>:</b> <b>:</b> <b>:</b> <b>:</b>	<b>STATEMENT REQUIRED BY N.C. GEN. STAT. §84-4.1</b>
--	--	--

I, Jody Kyler Cohn, hereby state that:

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

2. I am Counsel for The Kroger Co. and Harris Teeter LLC ("Kroger/Harris Teeter") and desire to represent Kroger/Harris Teeter in the above-captioned proceeding, which is currently pending before the North Carolina Utilities Commission ("Commission").

3. My full name, address, and bar identification numbers are: Jody Kyler Cohn, Ohio Bar No. 0085402 and Kentucky Bar No. 94725, Boehm, Kurtz & Lowry, 36 E. Seventh St., Suite 1510, Cincinnati, Ohio 45202 (ph): (513) 421-2255 (fax): (513) 421-2764, e-mail: [JKylerCohn@BKLLawfirm.com](mailto:JKylerCohn@BKLLawfirm.com).

4. I will, unless permitted to withdraw sooner by order of the Commission, continue to represent Kroger/Harris Teeter in the above-captioned proceeding until the final determination thereof. I agree, with reference to all matters incident to Commission proceedings, to be subject to the orders and amendable 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.



5. The State of Ohio and the Commonwealth of Kentucky, 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.

6. I have associated, for purposes of appearing and participating in Commission proceedings, with Ben M. Royster, Royster and Royster, PLLC, 851 Marshall Street, Mount Airy, N.C. 27030, Ph: 336-789-5127, Fax: 336-789-6650, an attorney who is a resident of North Carolina and is duly and legally admitted 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.

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

8. I will submit a check for \$225 to the Administrative Office of the Courts when the Motion is granted.

/s/ Jody Kyler Cohn  
Jody Kyler Cohn, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513-421-2255 Fax: 513-421-2764  
E-mail: [JKylerCohn@BKLawfirm.com](mailto:JKylerCohn@BKLawfirm.com)

February 21<sup>st</sup> 2023

**BEFORE  
THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-7, SUB 1276**

<b>In the Matter of Application of Duke Energy Carolinas, LLC, For Adjustment of Rates and Charges Applicable to Electric Service in North Carolina and Performance-Based Regulation</b>	<b>: : : : :</b>	<b>STATEMENT OF TAX REPORTING</b>
--	----------------------------------	---------------------------------------

Regarding the matters identified in items 4 & 5 of the Pro Hac Vice Registration Statements of Kurt J. Boehm and Jody Kyler Cohn, I verify that we will report any income earned to the North Carolina Department of Revenue if required to do so by law.

/s/ Kurt J. Boehm  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513-421-2255 Fax: 513-421-2764  
E-mail: [KBoehm@BKLawfirm.com](mailto:KBoehm@BKLawfirm.com)  
[JKylerCohn@BKLawfirm.com](mailto:JKylerCohn@BKLawfirm.com)

February 21<sup>st</sup> 2023.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Motion for Limited Practice of The Kroger Co. and Harris Teeter LLC in Docket No. E-7, SUB 1276 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 21<sup>st</sup> day of February, 2023.

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764

e-mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

/s/ Ben M. Royster

Ben M. Royster (NC Bar ID: 34184)

ROYSTER AND ROYSTER, PLLC

851 Marshall Street

Mount Airy, N.C. 27030

Ph: 336-789-5127 Fax: 336-789-6650

[benroyster@roysterlaw.com](mailto:benroyster@roysterlaw.com)