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PUBLIC UTILITIES COMMISSION  
JAN 10 2000

January 3, 2000

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43266-0573

Re: In The Matter of the Application of Columbus Southern Power Company for Approval of Electric Transition Plan and Application for Receipt of Transition Revenues, Case No. 99-1729-EL-ETP

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the Motion to Intervene of The Kroger Co. in the above-referenced case.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY

MLK:kew  
Encl.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician Jovan Schaffer Date Processed 1-5-00

**CERTIFICATE OF SERVICE**

I hereby certify that true copy of the foregoing was served by regular U.S. mail, postage prepaid, unless otherwise noted, this 3rd day of January, 2000 to the following:

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Michael L. Kurtz, Esq.

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PUCO

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter of the Application of Columbus Southern Power Co. : Case No. 99-1729-EL-ETP  
For Approval of its Transition Plan and for Authorization :  
To Collect Transition Revenues :


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**THE KROGER CO.'s  
MOTION FOR LEAVE TO INTERVENE**

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Pursuant to the Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11, the Kroger Co. ("Kroger") moves for leave to intervene in these proceedings. The Public Utility Commission of Ohio ("Commission") should grant Kroger leave to intervene because Kroger has a real and substantial interest in the proceedings, and the Commission's disposition of these proceedings may impair or impede Kroger's ability to protect that interest.

Respectfully submitted,



Michael L. Kurtz, Esq.  
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January 3, 2000

**COUNSEL FOR THE KROGER CO.**

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter of the Application of Columbus Southern Power Co. : Case No. 99-1729-EL-ETP  
For Approval of its Transition Plan and for Authorization :  
To Collect Transition Revenues :

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**MEMORANDUM IN SUPPORT OF  
THE KROGER CO's  
MOTION TO INTERVENE**

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Pursuant to Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-01-11, the Public Utility Commission of Ohio ("Commission") should grant The Kroger Co. ("Kroger") leave to intervene in these proceedings.

Columbus Southern Power Company ("Columbus Southern") has initiated this proceeding which relates to its Transition Plan and request to recover Transition Revenue. Kroger has a real and substantial interest in this proceeding. Kroger has approximately 200 stores, distribution facilities and manufacturing plants in Ohio. The total electric rates paid by Kroger in Ohio is approximately \$35 million. Kroger is served by all of the investor-owned electric utilities in Ohio, including Columbus Southern.

No other party to this proceeding can adequately represent Kroger's interest. Intervention will not unduly delay the proceeding nor unjustly prejudice any existing party.

Kroger has been an active participant in the restructuring workshops held by Staff. Kroger filed comments on the Rules for Transition Plans in Case No. 99-1141-EL-ORD. Finally, Kroger intends to be an active participant in all of the restructuring cases filed pursuant to Section 4928.01 et. seq., including this one.

Accordingly, Kroger has a real and substantial interest and is entitled to intervene in this action under Ohio Rev. Code §4903.22.1 and Ohio Admin. Code §4901-1-11.

Respectfully submitted,



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January 3, 2000

**COUNSEL FOR THE KROGER CO.**