

**BOEHM, KURTZ & LOWRY**  
36 EAST SEVENTH STREET, SUITE 1510  
CINCINNATI, OHIO 45202  

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TELEPHONE (513) 421-2255

**VIA ELECTRONIC CASE FILING**

April 16, 2024

Ms. Lisa Felice, Executive Secretary  
Michigan Public Service Commission  
7109 W. Saginaw Highway  
Lansing, MI 48917

**Re: Case No. U-21534**

Dear Ms. Felice:

Please find attached the following for paperless filing in the above-captioned matter:

**The Kroger Co's Motion Pro Hac Vice, and  
Proof of Service**

Please place this document(s) of file.

Very truly yours,

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Michael L. Kurtz, Esq., (Michigan ##P67067)  
**BOEHM, KURTZ & LOWRY**

KJBkew  
Attachment

**STATE OF MICHIGAN  
BEFORE THE PUBLIC UTILITIES COMMISSION**

|  |  |   |
|--|--|---|
| <b>In The Matter Of The Application Of DTE<br/>ELECTRIC COMPANY For Authority To<br/>Increase Its Rates, Amend Its Rate<br/>Schedules and Rules Governing The<br/>Distribution And Supply Of Electric<br/>Energy, And For Miscellaneous<br/>Accounting Authority</b> | :<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>: | <b>Case No. U-21534<br/><br/>(E-file)</b> |
|--|--|---|

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**MOTION FOR ADMISSION *PRO HAC VICE***

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Pursuant to Rule 8.126 of the Michigan Court Rules (MCR), attorney Michael L. Kurtz, Michigan Bar #P67067, hereby moves that Kurt J. Boehm, Esq. and Jody Kyler Cohn, Esq. be granted permission to participate in this case as counsel for The Kroger Co. In support of this Motion, the movant states as follows:

1. Kurt J. Boehm and Jody Kyler Cohn are partners in the law firm of Boehm, Kurtz & Lowry, with their primary offices in Cincinnati, Ohio, at the address listed below.

Boehm, Kurtz & Lowry  
36 E. Seventh St., Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255  
[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)  
[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)

2. Kurt J. Boehm and Jody Kyler Cohn represent The Kroger Co. in this proceeding whose address is listed below.

The Kroger Co.  
1014 Vine Street  
Cincinnati, Ohio 45202

3. Kurt J. Boehm and Jody Kyler Cohn are duly licensed and admitted to practice law in the State of Ohio and the State of Kentucky.

WHEREFORE, I, Michael L. Kurtz do here attest that I have read the affidavits of Kurt J. Boehm and Jody Kyler Cohn. I have made a reasonable inquiry concerning the averments made therein and believe the out-of-state attorneys' representations to be true. I hereby agree to ensure that the procedures of Michigan Court Rule 8.126 are followed and respectively request that Kurt J. Boehm and Jody Kyler Cohn be admitted in Case No. U-21534.

DATED this 16<sup>th</sup> day of April, 2024.

Respectfully Submitted,

---

Michael L. Kurtz, Esq., (Michigan #P67067)  
BOEHM, KURTZ & LOWRY  
36 E. Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513.421.2255 Fax: 513.421.2764  
Email: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**STATE OF MICHIGAN  
BEFORE THE PUBLIC UTILITIES COMMISSION**

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|--|---|---|

**AFFIDAVIT OF KURT J. BOEHM IN SUPPORT  
OF MOTION PRO HAC VICE**

COMES NOW Kurt J. Boehm respectfully requesting that the Michigan Public Service Commission permit me to appear as counsel for The Kroger Co. in the above-captioned case. Pursuant to Michigan Court Rule 8.126, Kurt J. Boehm states as follows:

1. I am a partner in the law firm of Boehm, Kurtz & Lowry.
2. I was admitted to the Kentucky bar in 2002 and the Ohio bar in 2003. My Certificates of Good Standing are attached.
3. I have not been denied pro hac vice status in the state of Michigan.
4. I have not had pro hac vice status revoked in the state of Michigan.
5. I have not been denied admission in any jurisdiction.
6. I have not been formally disciplined or sanctioned by any court in the state of Michigan, or anywhere else.
7. I have not been the subject of any injunction, cease-and-desist letter, or other action arising from a finding I engaged in the unauthorized practice of law in Michigan or elsewhere.
8. No formal disciplinary proceeding has ever been brought against me by a disciplinary authority or unauthorized practice of law commission in any jurisdiction.

9. I have not been placed on probation by a disciplinary authority in any jurisdiction.
10. I have not been held formally in contempt or otherwise sanctioned by any court in a written order for disobedience to its rules or orders.
11. I am familiar with the Michigan Rules of Professional Conduct, Michigan Court Rules, and the Michigan Rules of Evidence.

I hereby verify that the foregoing statements are true and correct to the best of my knowledge, information belief.

Respectfully submitted,

---

Kurt J. Boehm, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255  
E-Mail: [kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO.**

Subscribed to and sworn before me this  
16<sup>th</sup> day of April, 2024.

---

Notary Public  
My Commission Expires: 8/26/2024



# THE SUPREME COURT *of* OHIO

## CERTIFICATE OF GOOD STANDING

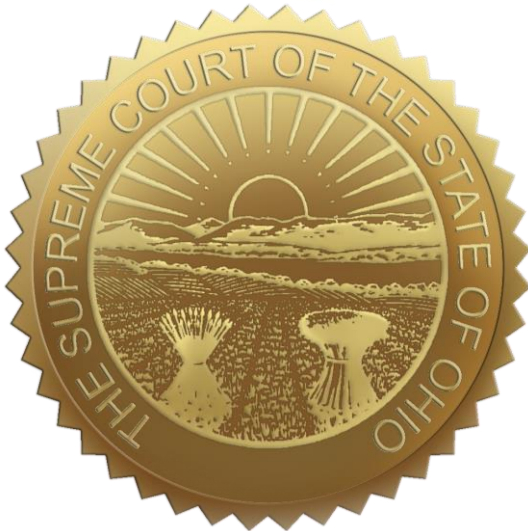
I, MICHEL JENDRETZKY, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine 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**  
Attorney Registration No. **0076047**

was admitted to the practice of law in Ohio on May 9, 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 7th day of March,  
2024.

MICHEL JENDRETZKY  
*Director, Attorney Services Division*



  
Jennifer Smith, *Administrative Assistant*  
*Office of Attorney Services*



No. 2024-03-07-1

Verify by email at [GoodStandingRequests@sc.ohio.gov](mailto:GoodStandingRequests@sc.ohio.gov)

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812  
(502) 564-3795  
FAX (502) 564-3225  
[www.kybar.org](http://www.kybar.org)

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Stephanie McGehee-Shacklette  
James A. Sigler  
Catherine D. Stavros  
J. Tanner Watkins



*THIS IS TO CERTIFY THAT*

**KURT JOSEPH BOEHM**

*Boehm Kurtz & Lowry  
36 East 7<sup>th</sup> 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 7<sup>th</sup> day of March, 2024.*

**JOHN D. MEYERS**  
**REGISTRAR**



By:   
*Michele M. Pogrotzky, Deputy Registrar*

State Bar of Michigan  
306 Townsend St  
Lansing, MI 48933-2012  
(517) 346-6377

## Pro Hac Vice Application Receipt

Kurt J. Boehm  
36 E 7th St Ste 1510  
Cincinnati, OH 45202-4454  
United States  
kboehm@bkllawfirm.com

A copy of this receipt must be attached to the motion. The motion must be filed by the Michigan attorney in the court, administrative tribunal or agency, or in the arbitration in which you are seeking temporary admission.

Only the court, administrative tribunal or agency, or arbitrator may enter an order allowing temporary admission. Once the order is entered, the Michigan attorney must email a copy of the order to [ProHacVice@michbar.org](mailto:ProHacVice@michbar.org) (mailto:ProHacVice@michbar.org) as soon as practicable.

Your payment was paid by electronic check from account: \*\*\*\*\*7421

Payment Date: 04/16/2024

| Description      | Amount   |
|------------------|----------|
| CPF-Pro Hac Vice | \$15.00  |
| Pro Hac Vice     | \$140.00 |
| Total            | \$155.00 |

This payment could be reversed if the bank or financial institution rejects the payment. If payment is rejected by your bank due to insufficient funds, a \$25 fee will be assessed to your account.

If you have any questions, contact [ProHacVice@michbar.org](mailto:ProHacVice@michbar.org) (mailto:ProHacVice@michbar.org).

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|--|---|---|

**AFFIDAVIT OF JODY KYLER COHN IN SUPPORT  
OF MOTION PRO HAC VICE**

COMES NOW Jody Kyler Cohn, being sworn, respectfully requests that the Michigan Public Service Commission permit me to appear as counsel for The Kroger Co. in the above-captioned case. Pursuant to Michigan Court Rule 8.126, Jody Kyler Cohn hereby state as follows:

1. I am a partner in the law firm of Boehm, Kurtz & Lowry.
2. I was admitted to the Ohio bar in 2009 and the Kentucky bar in 2012. My Certificates of Good Standing are attached.
3. I have not been denied pro hac vice status in the state of Michigan.
4. I have not had pro hac vice status revoked in the state of Michigan.
5. I have not been denied admission in any jurisdiction.
6. I have not been formally disciplined or sanctioned by any court in the state of Michigan, or anywhere else.
7. I have not been the subject of any injunction, cease-and-desist letter, or other action arising from a finding I engaged in the unauthorized practice of law in Michigan or elsewhere.

8. No formal disciplinary proceeding has ever been brought against me by a disciplinary authority or unauthorized practice of law commission in any jurisdiction.
9. I have not been placed on probation by a disciplinary authority in any jurisdiction.
10. I have not been held formally in contempt or otherwise sanctioned by any court in a written order for disobedience to its rules or orders.
11. I am familiar with the Michigan Rules of Professional Conduct, Michigan Court Rules, and the Michigan Rules of Evidence.

I hereby verify that the foregoing statements are true and correct to the best of my knowledge, information belief.

Respectfully submitted,

---

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)

**COUNSEL FOR THE KROGER CO.**

Subscribed to and sworn before me this  
16<sup>th</sup> day of April, 2024.

---

Notary Public  
My Commission Expires: 8/26/2024



# THE SUPREME COURT *of* OHIO

## CERTIFICATE OF GOOD STANDING

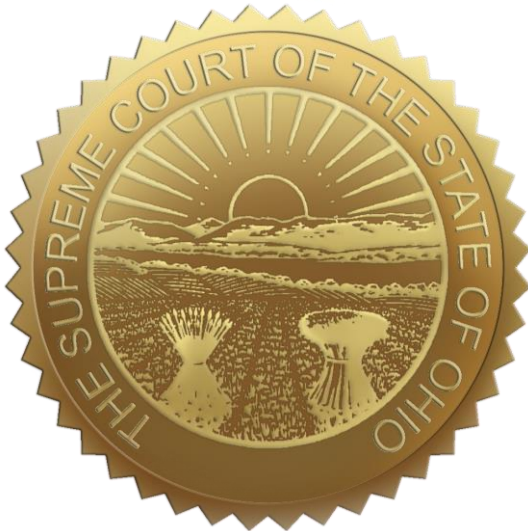
I, MICHEL JENDRETZKY, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine 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**  
Attorney Registration No. **0085402**

was admitted to the practice of law in Ohio on November 9, 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 7th day of March,  
2024.

MICHEL JENDRETZKY  
*Director, Attorney Services Division*



  
Jennifer Smith, *Administrative Assistant*  
*Office of Attorney Services*



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Todd V. McMurtry  
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William M. "Mitch" Hall, Jr.  
Susan Montalvo-Gesser  
Susan D. Phillips  
James M. Ridings  
Stephanie McGehee-Shacklette  
James A. Sigler  
Catherine D. Stavros  
J. Tanner Watkins



*THIS IS TO CERTIFY THAT*

**JODY MICHELLE KYLER COHN**

*Boehm Kurtz & Lowry  
36 East 7<sup>th</sup> Street, Suite 1510  
Cincinnati, Ohio 45202-4454*

**Membership No. 94725**

*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 7<sup>th</sup> day of March, 2024.*

**JOHN D. MEYERS  
REGISTRAR**



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

State Bar of Michigan  
306 Townsend St  
Lansing, MI 48933-2012  
(517) 346-6377

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|--|---------------------------------|--|

**PROOF OF SERVICE**

I, Kurt J. Boehm, being duly sworn, deposes and says that on April 16, 2024 he served (via electronic mail) THE KROGER CO's MOTION PRO HAC VICE and its PROOF OF SERVICE upon the persons listed on the attached Certificate of Service.

---

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Michael L. Kurtz, Esq., (Michigan #P67067)  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: 513-421-2255 Fax: 513-421-2764  
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[JKylerCohn@BKLawfirm.com](mailto:JKylerCohn@BKLawfirm.com)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO.**

**CASE NO. U-21534 SERVICE LIST**

Administrative Law Judge  
Honorable Sally L. Wallace  
[Wallaces2@michigan.gov](mailto:Wallaces2@michigan.gov)

The City of Ann Arbor  
Valerie Jackson  
Valerie J.M. Brader  
[valeriejackson@rivenoaklaw.com](mailto:valeriejackson@rivenoaklaw.com)  
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[jooms@potomaclaw.com](mailto:jooms@potomaclaw.com)