

**BOEHM, KURTZ & LOWRY**  
425 WALNUT STREET, SUITE 2400  
CINCINNATI, OHIO 45202  

---

TELEPHONE (513) 421-2255

**VIA ELECTRONIC CASE FILING**

June 25, 2025

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

**Re: Case No. U-21870**

Dear Ms. Felice:

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

**Petition to Intervene of The Kroger Co.;**

**Notice of Appearance of Kurt J. Boehm and Jody Kyler Cohn; 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 CONSUMERS ENERGY COMPANY for authority to increase its rates for the generation and distribution of electricity and for other relief</b>	: : : : :	<b>Case No. U-21870 (E-file)  ALJ Jonathan F. Thoits</b>
---	-----------------------	--

**PETITION TO INTERVENE OF THE KROGER CO.**

Pursuant to the Michigan Public Service Commission (“Commission”) Rules of Practice and Procedure, The Kroger Co. (“Kroger”) petitions to intervene in this proceeding.

In support, Petitioner states as follows:

**1. Name and Addresses of Petitioner:**

The Kroger Co.  
1014 Vine Street  
Cincinnati, Ohio 45202

**2. Name and Address of Attorneys/Consultants Representing Petitioner:**

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Michael L. Kurtz, Esq., (Michigan #P67067)  
**BOEHM, KURTZ & LOWRY**  
425 Walnut Street, Suite 2400  
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)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

Justin Bieber  
**ENERGY STRATEGIES, LLC**  
111 E Broadway, Suite 1200  
Salt Lake City, Utah 84111  
Telephone: 801-355-4365  
E-mail: [jbieber@energystrat.com](mailto:jbieber@energystrat.com)

Petitioner is a retail electric customer of Consumers Energy Company (“Company”). Petitioner has approximately 26 grocery stores and other facilities that purchase their electric supply from the Company.

**3. Petitioner’s Interest in this Proceeding:**

Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. One of the largest retail food companies in the United States, Kroger operates approximately 112 grocery stores in the state of Michigan. Of that total, approximately 26 purchase their electric supply from the Company. These stores purchase more than 80 million kWh of electricity from the Company annually. Petitioner is one of the largest commercial customers served by the Company. The grocery stores operated by Kroger are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis. If the Company’s application is granted, then the cost for electric power service to Petitioner could be substantially impacted. Accordingly, Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

**WHEREFORE**, for the reasons set forth above, Petitioner requests that this Petition to Intervene be granted.

DATED this 25<sup>th</sup> day of June, 2025.

---

Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
Michael L. Kurtz, Esq., (Michigan #P67067)  
**BOEHM, KURTZ & LOWRY**  
425 Walnut Street, Suite 2400  
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)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO.**

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
PUBLIC SERVICE COMMISSION

**ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING**

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

**General Instructions:**

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at 517-284-8090.

*Please Note: The Commission will provide **electronic** service of documents to all parties in this proceeding.*

**THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:**

Case / Company Name: \_\_\_\_\_ Docket No. U-\_\_\_\_\_

Please enter my appearance in the above-entitled matter on behalf of:

1. (Name)
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Date \_\_\_\_\_

Signature: \_\_\_\_\_

I am not an attorney

I am an attorney whose:

Michigan Bar # is P-\_\_\_\_\_

\_\_\_\_\_ Bar # is: \_\_\_\_\_  
( state )

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
PUBLIC SERVICE COMMISSION

**ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING**

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

**General Instructions:**

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at 517-284-8090.

*Please Note: The Commission will provide **electronic** service of documents to all parties in this proceeding.*

**THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:**

Case / Company Name: Consumers Energy Company Docket No. U- 21870

Please enter my appearance in the above-entitled matter on behalf of:

1. (Name) <b>The Kroger Co.</b>
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Jody Kyler Cohn  
Address 425 Walnut Street  
Suite 2400  
City Cincinnati State OH  
Zip 45202 Phone 513.421.2255  
Email jkylercohn@bkllawfirm.com  
Date 06/25/2025

<input type="radio"/> I am not an attorney
<input checked="" type="radio"/> I am an attorney whose:
Michigan Bar # is P- _____
<u>OH</u> Bar # is: <u>0085402</u>
( state )

Signature: \_\_\_\_\_

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

<b>In the Matter of the application of CONSUMERS ENERGY COMPANY for authority to increase its rates for the generation and distribution of electricity and for other relief</b>	: : : : : : :	<b>Case No. U-21870 (E-file)  ALJ Jonathan F. Thoits</b>
---	---------------------------------	--

**PROOF OF SERVICE**

I, Kurt J. Boehm, being duly sworn, deposes and says that on June 25, 2025 he served (via electronic mail) the following: 1) THE KROGER CO's PETITION TO INTERVENE, 2) NOTICE OF APPEARANCE OF KURT J. BOEHM and JODY KYLER COHN; and 3) 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**  
425 Walnut Street, Suite 2400  
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)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO.**

**CERTIFICATE OF SERVICE**  
**CASE NO. U-21870**

*Administrative Law Judge*

Jonathan F. Thoits  
thoitsj@michigan.gov

*Consumers Energy Company*

Anne M. Uitvlugt  
Bret A. Totoraitis  
Evan B. Keimach  
Gary A. Gensch Jr.  
Spencer A. Sattler  
Kelly Hall  
Mark R. Ruskiewicz  
[mpsc.filings@cmsenergy.com](mailto:mpsc.filings@cmsenergy.com)  
[anne.uitvlugt@cmsenergy.com](mailto:anne.uitvlugt@cmsenergy.com)  
[bret.totoraitis@cmsenergy.com](mailto:bret.totoraitis@cmsenergy.com)  
[evan.keimach@cmsenergy.com](mailto:evan.keimach@cmsenergy.com)  
[gary.genschjr@cmsenergy.com](mailto:gary.genschjr@cmsenergy.com)  
[spencer.sattler@cmsenergy.com](mailto:spencer.sattler@cmsenergy.com)  
[kelly.hall@cmsenergy.com](mailto:kelly.hall@cmsenergy.com)  
[mark.ruskiewicz@cmsenergy.com](mailto:mark.ruskiewicz@cmsenergy.com)

*Michigan Attorney General*

Celeste R. Gill  
Lucas Wollenzien  
[ag-enra-spec-lit@michigan.gov](mailto:ag-enra-spec-lit@michigan.gov)  
[gillc1@michigan.gov](mailto:gillc1@michigan.gov)  
[wollenzienl@michigan.gov](mailto:wollenzienl@michigan.gov)

*Michigan Public Service Commission Staff*

Daniel E. Sonneveldt  
Nicholas Taylor  
Michael J. Orris  
Lori Mayabb  
Amit T. Singh  
Alena M. Clark  
Adam M. Cozort  
[sonneveldtd@michigan.gov](mailto:sonneveldtd@michigan.gov)  
[taylor10@michigan.gov](mailto:taylor10@michigan.gov)  
[orrism@michigan.gov](mailto:orrism@michigan.gov)  
[mayabbl@michigan.gov](mailto:mayabbl@michigan.gov)  
[singha9@michigan.gov](mailto:singha9@michigan.gov)  
[clarka55@michigan.gov](mailto:clarka55@michigan.gov)  
[cozorta1@michigan.gov](mailto:cozorta1@michigan.gov)

*Michigan Environmental Council*

Holly L. Hillyer  
Christopher M. Bzdok  
Tracy Jane (TJ) Andrews

Natasha Fowles, Legal Assistant  
[holly@tropospherelegal.com](mailto:holly@tropospherelegal.com)  
[chris@tropospherelegal.com](mailto:chris@tropospherelegal.com)  
[tjandrews@tropospherelegal.com](mailto:tjandrews@tropospherelegal.com)  
[natasha@tropospherelegal.com](mailto:natasha@tropospherelegal.com)