

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

|                                      |   |                       |
|--------------------------------------|---|-----------------------|
| In the Matter of Kansas City         | ) |                       |
| Power & Light Company's Request      | ) | Case No. ER-2012-0174 |
| for Authority to Implement a General | ) |                       |
| Rate Increase for Electric Service   | ) |                       |

**MIDWEST ENERGY CONSUMERS' GROUP  
MOTION TO TAKE JUDICIAL NOTICE**

COMES NOW, the Midwest Energy Consumers' Group (MECG), pursuant to Section 536.070.6, and respectfully moves that the Commission take judicial notice of several items relevant to its consideration of the Interim Energy Charge issue.

1. Section 536.070 provides that “[a]gencies shall take official notice of all matters of which the courts take judicial notice.”

2. Federal Rule of Evidence 201(b) states that “[t]he court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”

3. Rules 201(c) provides additional guidance regarding judicial notice. “The court: (2) must take judicial notice if a party requests it and the court is supplied with the necessary information.”

4. Rule 201(d) provides that “the court may take judicial notice at any stage of the proceeding.”

5. Through this motion, MECG asks that the Commission take notice of several facts or official Commission records. Furthermore, consistent with Federal Rule

of Evidence 201(c), MECG hereby supplies the Commission with the necessary information for which it asks that the Commission take judicial notice.

6. First, MECG asks that the Commission take judicial notice of the fact that Section 386.266 (Senate Bill 179) was signed into law by the Governor on July 14, 2005 and became effective on January 1, 2006. Attachment 1 is the calendar of actions for SB179 as maintained by the Missouri Senate.

7. Second, MECG asks that the Commission take judicial notice of the Interim Energy Charge tariff included in KCPL's tariffs initiating the current pending rate action. Attachment 2 is that IEC tariff.

8. Third, MECG asks that the Commission take official notice of the Stipulation and Agreement in Case No. EO-2005-0329. This Stipulation, executed and filed with the Commission, on March 28, 2005, is commonly referred to as the KCPL Regulatory Plan. This document has been repeatedly referenced in the testimony of the various parties regarding the potential authorization for KCPL proposed Interim Energy Charge, the scope of that authorization and the prohibition against KCPL's sharing of off-system sales. Attachment 3 is the KCPL Regulatory Plan.

9. Fourth, MECG asks that the Commission take official notice of the Unanimous Stipulation and Agreement Regarding Fuel and Purchased Power Expense and Class Cost of Service and Rate Design, filed June 4, 2001, in Case No. ER-2001-0299. This Stipulation, approved by the Commission, created the first Interim Energy Charge in Missouri. Attachment 4 is a copy of the first Empire District Electric IEC Stipulation.

10. Fifth, MECG asks that the Commission take official notice of the Unanimous Stipulation and Agreement and Appendix A, filed March 16, 2004, in Case No. ER-2004-0034. This Stipulation, approved by the Commission, created an Interim Energy Charge for Aquila, Inc. Attachment 5 is a copy of the Aquila IEC Stipulation with Appendix A.

11. Sixth, MECG asks that the Commission take official notice of the Nonunanimous Stipulation and Agreement Regarding Fuel and Purchased Power Expense, filed February 22, 2005, in Case No. ER-2004-0570. This Stipulation, approved by the Commission, created an Interim Energy Charge for Empire District Electric. Attachment 5 is a copy of the second Empire IEC Stipulation.

WHEREFORE, MECG respectfully requests that the Commission take judicial notice of the foregoing facts and documents.

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST ENERGY  
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall". The signature is written in a cursive style with a large initial "D".

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David L. Woodsmall

Dated: October 21, 2012