

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Kansas City Power & Light Company's )  
Request for Authority to Implement a General Rate )  
Increase for Electric Service ) Case No. ER-2014-0370

**MEMORANDUM OF KANSAS CITY POWER & LIGHT COMPANY**  
**IN SUPPORT OF ADMISSION OF EXHIBIT 152**

Kansas City Power & Light Company ("KCP&L" or "Company") files this memorandum in support of the admission of Exhibit 152, offered into evidence on June 29, 2015:

1. One of the important issues in this case concerns the language of the 2005 Stipulation and Agreement in Case No. EO-2005-0329 that prohibited the Company from seeking a fuel adjustment clause or other rate mechanism authorized by Senate Bill 179 or other change in state law. In an effort to put into proper context the language in the Stipulation regarding the 10-year ban on the Company seeking such rate adjustments, Exhibit 152 was introduced to provide the legislative history of Senate Bill 179.

2. This exhibit represents the official legislative history report contained on the website of the Missouri House of Representatives. Pages 3 and 4 of Exhibit 152 set forth the chronology of Senate Bill 179, which became Section 386.266, Mo. Rev. Stat. (Cum. Supp. 2013).<sup>1</sup>

3. During the cross-examination of Lena Mantle<sup>2</sup> at the June 29, 2015 session of the evidentiary hearing, KCP&L offered Exhibit 152 into evidence, and asked the Commission to take official notice of the legislative history of Senate Bill 179, as set forth in Exhibit 152. These requests were denied, but KCP&L was permitted to provide legal authority supporting its position.

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<sup>1</sup> All statutory references are to the Missouri Revised Statutes (2000), as amended.

<sup>2</sup> Ms. Mantle testified on behalf of the Office of the Public Counsel.

4. Under Section 536.070(6), administrative bodies like the Public Service Commission “shall take official notice of all matters of which the courts take judicial notice.” Under Section 490.080, Missouri courts “shall take judicial notice of the common law and statutes of every state, territory and other jurisdiction of the United States.” Moreover, Section 490.090 states that a “court may inform itself of such laws in such manner as it may deem proper, and the court may call upon counsel to aid it in obtaining such information.”

5. In a case regarding the constitutionality of a cigarette tax, the Missouri Supreme Court held: “In Missouri, legislative journals are not only admissible in evidence but the courts may judicially notice the history of legislation as reflected by the record thereof in the legislative journals. ... It is quite apparent that neither the governor nor the courts are dependent upon the certificate of the presiding officer. They may determine from the legislative journals whether a bill has ‘passed both houses.’” Brown v. Morris, 290 S.W.2d 160, 167-68 (Mo. en banc 1956). The Supreme Court then proceeded to take notice of when a Senate bill was read for the third time and when it passed the House of Representatives.

6. Similarly, in State ex rel. Karbe v. Bader, 78 S.W.2d 835, 838 (Mo. 1934), the Court stated that it “is competent for us to judicially notice the history of legislation as reflected by the record thereof in the legislative journals of the state.” The Court then set forth the history of both a House bill and a Senate bill, including the action on each bill and the date of such action. The legislative history noticed by the Court in that case is virtually identical to the legislative history of Senate Bill 179 in Exhibit 152 regarding the actions taken by the Senate and the House of Representatives. A copy of that case is set forth as Attachment A to this Memorandum.

7. Given the foregoing statutory and judicial authority, KCP&L requests that the Commission take official notice of the contents of Exhibit 152 and admit it into evidence.

Respectfully submitted,

/s/ Karl Zobrist

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**Attorneys for Kansas City Power & Light  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or e-mailed to all counsel of record this 2d day of July, 2015.

/s/ Karl Zobrist  
Attorney for Kansas City Power & Light Company