

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

In the Matter of the Application of Kansas City)	
Power & Light Company for Approval to Make)	
Certain Changes in its Charges for Electric)	Case No. ER-2010-0355
Service to Continue the Implementation of)	
Its Regulatory Plan)	

LEGAL SUPPORT FOR OFFER OF EXHIBIT 1219

COMES NOW the Midwest Energy Users' Association ("MEUA") and for its Legal Support related to its Offer of Exhibit 1219, respectfully state as follows:

1. During the true-up hearing on March 4, MEUA offered Exhibit 1219, consisting of KCPL's response to MEUA Data Request 20.3. Attached to that response is a Verification of Response signed by KCPL Representative Tim Rush and certifying the response to be "true and accurate to the best of my knowledge and belief."

2. Despite the attestation signed by KCPL, counsel for KCPL still objected to the Data Request response apparently on the belief that the response "needs a witness" before it can be offered into evidence.

3. Federal Rule of Evidence 901(a) provides that "the requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." (emphasis added).

4. The notes to Federal Rule 901 state "[t]oday, such available procedures as requests to admit and pretrial conference afford the means of eliminating much of the need for authentication or identification."

5. In the case at hand, the means for authentication required by Federal Rule 901(a) is contained in the attached Verification of Response. Interestingly, counsel did not deny that the signature was that of Mr. Rush. Nor did counsel question whether the response was authentic or whether the information contained therein was relevant. Rather, counsel simply claims that “you need a witness” to offer a document into evidence.

6. By its accompanying Verification of Response, the discovery response represents an admission. Counsel does not question the authenticity of the signature or the document. As such, the exhibit should be accepted into evidence.

7. Given counsel’s objection, it raises the question as to whether all data request responses need to not only be signed by the Company representative, but also carry an attestation by a notary public. Indeed, in this way, such a document would clearly fall within one of the illustrative means of self-authentication provided by Federal Rule 902(8). Despite the lack of affidavit, the current document certainly carries “evidence sufficient to support a finding that the matter in question is what its proponent claims.” Indeed, counsel as not question the Verification. As such, Exhibit 1219 is authentic and should be accepted into the record.

WHEREFORE, MEUA respectfully requests that the Commission receive this legal support and accept Exhibit 1219 as record evidence.

Respectfully submitted,



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ATTORNEYS FOR THE
MIDWEST ENERGY USERS'
ASSOCIATION

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.



David L. Woodsmall

Dated: March 4, 2011