



**FILED**

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

Application of Sacramento Natural Gas )  
Storage, LLC, for a Certificate of Public ) Application No. 07-04-013  
Convenience and Necessity for Construction ) (Filed April 9, 2007)  
and Operation of Gas Storage Facilities and )  
Requests for Related Determinations )  
\_\_\_\_\_ )

**AVONDALE GLEN ELDER NEIGHBORHOOD ASSOCIATION'S REQUEST FOR  
OFFICIAL NOTICE [CPUC Rule 13.11]**

SARAH R. ROPELATO, SBN 254848  
COLIN A. BAILEY, SBN 239955  
LEGAL SERVICES OF NORTHERN CALIFORNIA  
515 12<sup>th</sup> Street  
Sacramento, CA 95814  
Telephone: (916) 551-2150  
Facsimile: (916) 551-2196  
E-mail: sropelato@lsnc.net  
cbailey@lsnc.net

TINA A. THOMAS, SBN 088796  
CHRISTOPHER J. BUTCHER, SBN 253285  
REMY, THOMAS, MOOSE AND MANLEY, LLP  
455 Capitol Mall, Suite 210  
Sacramento, CA 95814  
Telephone: (916) 443-2745  
Facsimile: (916) 443-9017  
E-mail: tthomas@rtmmlaw.com  
cbutcher@rtmmlaw.com

For: Avondale Glen Elder Neighborhood Association

Dated: November 17, 2009

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

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OFFICIAL NOTICE [CPUC Rule 13.11]**

TO ALL PARTIES AND THEIR ATTORNEYS OR RECORD:

PLEASE TAKE NOTICE that AVONDALE GLEN ELDER NEIGHBORHOOD ASSOCIATION (“AGENA”), hereby request that Administrative Law Judge Richard Smith (“ALJ Smith”) take official notice of the California Public Utilities Commission’s November 2, 2009 “Decision Addressing Gill Ranch Storage, LLC’s and Pacific Gas and Electric Company’s Applications for Authority to Construct and Operate a Gas Storage Facility” (Exhibit “A” to the Declaration of Christopher J. Butcher in Support of AGENA’s Request for Official Notice filed concurrently with this motion (“Butcher Declaration”), the anticipated timeline for the Gill Ranch Facility to become operational (Paragraph Four of the Butcher Declaration), and the substantial amount of additional in-state storage resulting from the Gill Ranch project (Paragraph Five of the Butcher Declaration) (collectively “Subject Information”).

AGENA offers the following Memorandum of Points and Authorities in support of its request that ALJ Smith take official notice of Subject Information.

**MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF REQUEST FOR OFFICIAL NOTICE**

The California Public Utilities Commission Rules of Practice and Procedure (“PUC Rules”) provides that “[o]fficial notice may be taken of such matters as may be judicially noticed by the courts of the State of California.” (PUC Rules, Rule 13.9.) Judicial notice may be taken of “official acts of the legislative, executive, and judicial departments. . . .” (Evid. Code, § 452, subd. (b).) -Additionally, “[o]fficial notice may be taken of . . . [f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy[.]” (Evid. Code, § 452, subd. (h).)

The Subject Information includes the November 2, 2009 “Decision Addressing Gill Ranch Storage, LLC’s and Pacific Gas and Electric Company’s Applications for Authority to Construct and Operate a Gas Storage Facility,” which constitutes an official act of the California Public Utilities Commission. The Subject Information also includes facts included on the Commission’s website for the California Environmental Quality Act review of proposed construction and operation of Gill Ranch Gas Storage Project, which are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. Therefore, the Subject Information is judicially noticeable pursuant to Evidence Code section 452, subdivisions (b) and (h).

The “Decision Addressing Gill Ranch Storage, LLC’s and Pacific Gas and Electric Company’s Applications for Authority to Construct and Operate a Gas Storage Facility”

and facts regarding the Gill Ranch underground natural gas storage facility are relevant to the need for the proposed Sacramento Natural Gas Storage Facility as the additional 20 billion cubic feet of natural gas storage from the Gill Ranch facility reduces the need for additional natural gas storage such as the proposed Sacramento Natural Gas Storage facility.

### CONCLUSION

The Subject Information includes facts that are relevant to the Commission's determination concerning issuance of a Certificate of Public Convenience and Necessity. Specifically, the Commission should consider the Subject Information in evaluating whether the applicant has demonstrated that the proposed Sacramento Natural Gas Storage project is needed. AGENA therefore respectfully requests official notice be taken of the Subject Information.

DATED: November 17, 2009      REMY, THOMAS, MOOSE AND MANLEY, LLP

By: \_\_\_\_\_ /S/  
Christopher J. Butcher  
Attorneys for  
Avondale Glen Elder Neighborhood  
Association (AGENA)

**CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL**

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of Sacramento; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 455 Capital Mall, Suite 210, Sacramento, CA 95814.

I am readily familiar with the business practice of the City of Sacramento for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing. On the November 17, 2009, I served a true copy of:

**AVONDALE GLEN ELDER NEIGHBORHOOD ASSOCIATION’S REQUEST FOR  
OFFICIAL NOTICE [CPUC Rule 13.11]**

**[XX]** By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for A.07-04-013 with an e-mail address.

**[]** By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of the City of Sacramento, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for A.07-04-013 without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this November 17, 2009 at Sacramento, California.

\_\_\_\_\_  
/s/  
Matthew C. Tabarangao

**CALIFORNIA PUBLIC UTILITIES COMMISSION**  
**Electronic Mail Service Lists**

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**PROCEEDING: A0704013 - SACRAMENTO NATURAL G**  
**FILER: SACRAMENTO NATURAL GAS STORAGE, LLC**  
**§LIST NAME: LIST**  
**LAST CHANGED: OCTOBER 7, 2009**

---

peteresposito@earthlink.net	PETER G.	ESPOSITO
jab@cpuc.ca.gov	JONATHAN	BROMSON
rhd@cpuc.ca.gov	RASHID A.	RASHID
jarmstrong@goodinmacbride.com	JEANNE B.	ARMSTRONG
cbailey@lsnc.net	COLIN A.	BAILEY
dcarroll@downeybrand.com	DAN L.	CARROLL
dad@diepenbrock.com	DAVID A.	DIEPENBROCK
jvd@diepenbrock.com	JOHN V.	DIEPENBROCK
tthomas@rtmmlaw.com	TINA	THOMAS
eteichert@cityofsacramento.org	EILEEN M.	TEICHERT
ajahns@jahnsatlaw.com	ALFRED F.	JAHSN
JLsalazar@semprautilities.com	JEFFREY L.	SALAZAR
kkloberdanz@semprautilities.com	KARI	KLOBERDANZ
marcie.milner@shell.com	MARCIE	MILNER
jleslie@luce.com	JOHN W.	LESLIE
kmsn@pge.com	KATARZYNA M.	SMOLEN
sls@a-klaw.com	SEEMA	SRINIVASAN
	BARBARA J.	CHRISHOLM
	JENNIFER	SUNG
jarmstrong@goodinmacbride.com	JEANNE B.	DAY
mday@goodinmacbride.com	MICHAEL B.	DAY
edwardoneill@dwt.com	EDWARD	O'NEILL
cem@newsdata.com	HILARY	CORRIGAN
kck5@pge.com	KERRY C.	KLEIN
MRW@MRWASSOC.COM	ASSOCIATES, INC.	MRW AND
kford@cityofsacramento.org	KRISTIN	FORD
tbuford@cityofsacramento.org	TOM	BUDFORD
acrocker@rtmmlaw.com	ASHLE	CROCKER
cbutcher@rtmmlaw.com	CHRIS	BUTCHER
sropelato@lsnc.net	SARAH R.	ROPELATO
sropelato@lsnc.net	STEPHEN	GOLDBERG
mspark@cityofsacramento.org	MICHAEL T.	SPARKS
Gilles.Attia@dlapiper.com	GILLES	ATTIA
scott.pink@dlapiper.com	SCOTT W.	PINK

tenslow@adamsbroadwell.com	THOMAS	ENSLOW
constanceslider@sbcglobal.net	SLIDER	CONSTANCE
rliebert@cfbf.com	RONALD	LIEBERT
scohn@smud.org	STEVEN M.	COHN
atrowbridge@daycartermurphy.com	ANN L.	TROWBRIDGE
sas@a-klaw.com	ANNIE	STANGE
wmc@a-klaw.com	MIKE	CADE
crs@cpuc.ca.gov	CHRISTOPHER	CHOW
djg@cpuc.ca.gov	DARRYL J.	GRUEN
eyc@cpuc.ca.gov	ERIC	CHIANG
cpe@cpuc.ca.gov	EUGENE	CADENASSO
hym@cpuc.ca.gov	HARVEY Y.	MORRIS
fly@cpuc.ca.gov	MICHAEL	ROSAUER
psp@cpuc.ca.gov	PAUL S.	PHILLIPS
ram@cpuc.ca.gov	RICHARD A.	MYERS
rs1@cpuc.ca.gov	RICHARD	SMITH
rim@cpuc.ca.gov	ROBERT	MASON
jwreede@csus.edu	JAMES W.	REEDE JR., ED.D.

**CALIFORNIA PUBLIC UTILITIES COMMISSION**  
**Service Lists**

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**FILER: SACRAMENTO NATURAL GAS STORAGE, LLC**  
**§LIST NAME: LIST**  
**LAST CHANGED: OCTOBER 7, 2009**

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**Parties**

---

PETER G. ESPOSITO  
CRESTED BUTTE CATALYSTS, LLC  
PO BOX 668  
CRESTED BUTTE, CO 81224  
FOR: LODI GAS STORAGE

JONATHAN BROMSON  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4107  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: DRA

RASHID A. RASHID  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4107  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: CONSUMER PROTECTION AND SAFETY  
DIVISION

JEANNE B. ARMSTRONG  
ATTORNEY AT LAW  
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111  
FOR: WILD GOOSE STORAGE

LAW DEPARTMENT  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442  
SAN FRANCISCO, CA 94120-7442  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

COLIN A. BAILEY  
LEGAL SERVICES OF NORTHERN CALIFORNIA  
515 12TH STREET  
SACRAMENTO, CA 95814  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSN. (AGENA)

DAN L. CARROLL  
ATTORNEY AT LAW  
DOWNEY BRAND, LLP  
621 CAPITOL MALL, 18TH FLOOR  
SACRAMENTO, CA 95814  
FOR: LODI GAS STORAGE

DAVID A. DIEPENBROCK  
ATTORNEY AT LAW  
DIEPENBROCK HARRISON, P.C.  
400 CAPITOL MALL, SUITE 1800  
SACRAMENTO, CA 95814  
FOR: SACRAMENTO NATURAL GAS STORAGE, LLC

JOHN V. DIEPENBROCK  
ATTORNEY AT LAW  
DIEPENBROCK HARRISON  
400 CAPITOL MALL, SUITE 1800  
SACRAMENTO, CA 95814  
FOR: SACRAMENTO NATURAL GAS STORAGE, LLC

TINA THOMAS  
REMY, THOMAS, MOOSE AND MANLEY LLP  
455 CAPITOL MALL, SUITE 210  
SACRAMENTO, CA 95814  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSN. (AGENA)

EILEEN M. TEICHERT  
CITY ATTORNEY  
CITY OF SACRAMENTO  
915 I STREET, ROOM 4010  
SACRAMENTO, CA 95814-2604  
FOR: CITY OF SACRAMENTO

ALFRED F. JAHNS  
LAW OFFICE ALFRED F. JAHNS  
3436 AMERICAN RIVER DRIVE, SUITE 12  
SACRAMENTO, CA 96864  
FOR: SACRAMENTO NATURAL GAS STORAGE, LLC

## Information Only

---

JEFFREY L. SALAZAR  
SOUTHERN CALIFORNIA GAS COMPANY  
555 WEST FIFTH STREET, GT14D6  
LOS ANGELES, CA 90013

KARI KLOBERDANZ  
REGULATORY CASE ADMINISTRATOR  
SOUTHERN CALIFORNIA GAS COMPANY  
555 WEST 5TH STREET, GT14D6  
LOS ANGELES, CA 90013-1011  
FOR: SOUTHERN CALIFORNIA GAS COMPANY

MARCIE MILNER  
DIRECTOR - REGULATORY AFFAIRS  
SHELL TRADING GAS & POWER COMPANY  
4445 EASTGATE MALL, SUITE 100  
SAN DIEGO, CA 92121

JOHN W. LESLIE  
ATTORNEY AT LAW  
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP  
11988 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130

KATARZYNA M. SMOLEN  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, MC B10A  
SAN FRANCISCO, CA 94105

SEEMA SRINIVASAN  
ALCANTAR & KAHL, LLP  
33 NEW MONTGOMERY STREET, SUITE 1850  
SAN FRANCISCO, CA 94105

BARBARA J. CHRISHOLM  
ALTSHULER BERZON, LLP AND  
177 POST STREET, SUITE 300  
SAN FRANCISCO, CA 94108

JENNIFER SUNG  
ALTSHULER BERZON, LLP  
177 POST STREET, SUITE 300  
SAN FRANCISCO, CA 94108

JEANNE B. DAY  
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY, LLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111  
FOR: WILD GOOSE STORAGE, LLC

MICHAEL B. DAY  
ATTORNEY AT LAW  
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111  
FOR: WILD GOOSE STORAGE

EDWARD O'NEILL  
DAVIS WRIGHT TREMAINE LLP  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111-6533  
FOR: DAVIS WRIGHT TREMAINE LLP

HILARY CORRIGAN  
CALIFORNIA ENERGY MARKETS  
425 DIVISADERO ST. SUITE 303  
SAN FRANCISCO, CA 94117-2242

KERRY C. KLEIN  
ATTORNEY AT LAW  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442  
SAN FRANCISCO, CA 94120  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

MRW AND ASSOCIATES, INC.  
1814 FRANKLIN STREET, SUITE 720  
OAKLAND, CA 94612  
FOR: MRW AND ASSOCIATES, INC.

KRISTIN FORD  
DEVELOPMENT SERVICES DEPARTMENT  
CITY OF SACRAMENTO  
300 RICHARDS BOULEVARD, 3RD FLOOR  
SACRAMENTO, CA 95811

TOM BUDFORD  
DEVELOPMENT SERVICES DEPARTMENT  
CITY OF SACRAMENTO  
300 RICHARDS BOULEVARD, 3RD FLOOR  
SACRAMENTO, CA 95811

ASHLE CROCKER  
REMY, THOMAS, MOOSE AND MANLEY, LLP  
455 CAPITOL MALL, SUITE 210  
SACRAMENTO, CA 95814  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSN. (AGENA)

CHRIS BUTCHER  
REMY, THOMAS, MOOSE AND MANLEY, LLP  
455 CAPITOL MALL, SUITE 210  
SACRAMENTO, CA 95814  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSN. (AGENA)

SARAH R. ROPELATO  
LEGAL SERVICES OF NORTHERN CALIFORNIA  
515 12TH STREET  
SACRAMENTO, CA 95814  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSN.

STEPHEN GOLDBERG  
LEGAL SERVICES OF NORTHERN CALIFORNIA  
515 12TH STREET  
SACRAMENTO, CA 95814  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSN.

MICHAEL T. SPARKS  
SENIOR DEPUTY CITY ATTORNEY  
CITY OF SACRAMENTO  
915 I STREET, ROOM 4010  
SACRAMENTO, CA 95814-2604  
FOR: CITY OF SACRAMENTO

GILLES ATTIA  
DLA PIPER US LLP  
400 CAPITOL MALL, SUITE 2400  
SACRAMENTO, CA 95814-4428

SCOTT W. PINK  
DLA PIPER US LLP  
400 CAPITOL MALL, SUITE 2400  
SACRAMENTO, CA 95814-4428  
FOR: AVONDALE GLEN ELDER NEIGHBORHOOD  
ASSOCIATION

THOMAS ENSLOW  
ADAMS BROADWELL JOSEPH & CARDOZO  
520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4715  
FOR: SACRAMENTO NATURAL GAS STORAGE, LLC

SLIDER CONSTANCE  
CO-CHAIR  
AVONDALE GLEN-ELDER NEIGHBORHOOD ASSN.  
5740 WILKINSON STREET  
SACRAMENTO, CA 95824  
FOR: AVONDALE GLEN-ELDER NEIGHBORHOOD  
ASSOCIATION (AGENA)

RONALD LIEBERT  
ATTORNEY AT LAW  
CALIFORNIA FARM BUREAU FEDERATION  
2300 RIVER PLAZA DRIVE  
SACRAMENTO, CA 95833

STEVEN M. COHN  
ASSISTANT GENERAL COUNSEL  
SACRAMENTO MUNICIPAL UTILITY DISTRICT  
6201 S ST., M.S. B406; PO BOX 15830  
SACRAMENTO, CA 95852-1830

ANN L. TROWBRIDGE  
DAY CARTER & MURPHY LLP  
3620 AMERICAN RIVER DRIVE, SUITE 205  
SACRAMENTO, CA 95864

ANNIE STANGE  
ALCANTAR & KAHL LLP  
1300 SW FIFTH AVENUE, SUITE 1750  
PORTLAND, OR 97201

MIKE CADE  
ALCANTAR & KAHL, LLP  
1300 SE 5TH AVE., 1750  
PORTLAND, OR 97201

## State Service

---

CHRISTOPHER CHOW  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 5301  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

DARRYL J. GRUEN  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4300  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ERIC CHIANG  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
AREA 4-A  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

EUGENE CADENASSO  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
AREA 4-A  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

HARVEY Y. MORRIS  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 5036  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

MICHAEL ROSAUER  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
AREA 4-A  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

PAUL S. PHILLIPS  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 5306  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

RICHARD A. MYERS  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
AREA 4-A  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: ENERGY DIVISION

RICHARD SMITH  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5007  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ROBERT MASON  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 5141  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

JAMES W. REEDE JR., ED.D.  
ENVIRONMENTAL SCIENCE PROFESSOR  
1516 - 9TH STREET  
SACRAMENTO, CA 95814

COMMISSIONER TIMOTHY SIMON  
CALIF PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVENUE, ROOM 5213  
SAN FRANCISCO, CA 94102