



BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA

**FILED**  
10-21-10  
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Application of Pacific Gas and Electric  
Company to Recover the Costs Associated  
with Renewal of the Diablo Canyon Power  
Plant Operating Licenses.  
(U 39 E)

Application 10-01-022

**MOTION OF THE ALLIANCE FOR NUCLEAR RESPONSIBILITY, SIERRA CLUB, CALPIRG, ENVIRONMENT CALIFORNIA RESEARCH AND POLICY CENTER TO TAKE OFFICIAL NOTICE OF AB 1632 AS CHARTERED; THE CALIFORNIA ENERGY COMMISSIONS' (CEC) 2009 INTEGRATED ENERGY REPORT; UNITED STATES SUPREME COURT DECISION: PACIFIC GAS & ELEC. v. ENERGY RESOURCES COMMISSION, 461 U.S. 190 (1983) 461 U.S. 190; THE CALIFORNIA PUBLIC UTILITIES COMMISSION DECISION NO. 73278 ON APPLICATION NO. 49051 (FILED DECEMBER 23, 1966); THE NUCLEAR REGULATORY COMMISSION ENVIRONMENTAL IMPACT STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS: MAIN REPORT (NUREG-1437, VOLUME 1) AND DOCKET NO. 09-IEP-1L, PG&E'S RESPONSES TO CEC'S NUCLEAR POWER PLANT DATA REQUESTS, JULY 27, 2009, IN THE CPUC'S PROCEEDING TO CONSIDER PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION TO RECOVER THE COSTS ASSOCIATED WITH RENEWAL OF THE DIABLO CANYON [NUCLEAR] POWER PLANT OPERATING LICENSES**

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Pursuant to Commission Rule 13.9 “Official notice may be taken of such matters as may be judicially noticed by the courts of the State of California pursuant to Evidence Code section 450 et seq.<sup>1</sup> of the Commission Rules of Practice and Procedure.” The Alliance for Nuclear Responsibility, Sierra Club, CALPIRG, and Environment California Research and Policy Center, (A4NR et al) hereby submits this Motion to Take Official Notice under Rule 13.9:Sections 451 --Judicial notice shall be taken under the following:

(a) The decisional, constitutional, and public statutory law of this state and of the United States and the provisions of any charter described in Section 3, 4, or 5 of Article XI of the California Constitution.”

(f) Facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute.

and Section 452 – “Judicial notice may be taken of the following matters to the extent that they are not embraced within Section 451:”

(g) Facts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute.

(h) Facts 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.

<sup>1</sup> Authority cited: Section 1701, Public Utilities Code. Reference: Section 1701, Public Utilities Code. Under the above provisions of Rule 13.9, A4NR moves to place the following four

documents in the official record of A. 10.01.022

1) AB 1632 AS CHAPTERED

[http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_1601-1650/ab\\_1632\\_bill\\_20060929\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_1601-1650/ab_1632_bill_20060929_chaptered.pdf)

2) 2009 INTEGRATED ENERGY POLICY REPORT, COMMISSION FINAL REPORT, ADOPTED DECEMBER 16, 2009, PUBLICATION # CEC-100-2009-003-CMF

<http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF>

3) U.S. Supreme Court PACIFIC GAS & ELEC. v. ENERGY RESOURCES COMM'N, 461 U.S. 190 (1983) 461 U.S. 190 PACIFIC GAS & ELECTRIC CO. ET AL. v. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION ET AL. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT No. 81-1945.

Argued January 17, 1983, Decided April 20, 1983

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=461&invol=190>

4) U.S. NUCLEAR REGULATORY COMMISSION GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS: MAIN REPORT (NUREG-1437, VOLUME 1)

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/v1/>

5) CALIFORNIA PUBLIC UTILITIES COMMISSION DECISION NO. 73278 ON APPLICATION NO. 49051 (FILED DECEMBER 23, 1966)

6) DOCKET NO. 09-IEP-1L, PG&E'S RESPONSES TO CEC'S NUCLEAR POWER PLANT DATA REQUESTS, JULY 27, 2009 PROCEEDINGS OF THE 2009 CEC IEPR

All of the above documents are not reasonably in dispute, are official decisions and reports of appropriate oversight agencies and legislators and therefore meet Rule 13.9, Section 451

Respectfully Submitted, OCTOBER 21, 2010

/S/

Rochelle Becker, Executive Director

Alliance for Nuclear Responsibility

Also representing

Sierra Club

CALPIRG

Environment California Research and Policy Center