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11-07-13
04:59 PM

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

Order Instituting Rulemaking on the
Commission's Own Motion to Adopt New
Safety and Reliability Regulations for
Natural Gas Transmission and Distribution
Pipelines and Related Ratemaking
Mechanisms

Rulemaking 11-02-019
(Filed February 24, 2011)

CITY OF SAN CARLOS' REQUEST FOR OFFICIAL NOTICE

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November 7, 2013

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Pursuant to Rule 13.9 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure ("Commission Rules"), the City of San Carlos ("San Carlos") requests that the Commission take official notice of the following document:

- San Carlos' list of City reductions of staff and services located at:
[http://www.cityofsancarlos.org/depts/administrative/finance/budget/default.as
p¹](http://www.cityofsancarlos.org/depts/administrative/finance/budget/default.asp)

Commission Rule 13.9 authorizes the Commission to take official notice of "such matters as may be judicially noticed by the courts of the State of California pursuant to Evidence Code section 451 *et seq.*" When determining the propriety of taking judicial notice, a court can look to "any source of pertinent information."² Of equal importance, the list of San Carlos' staff and services reductions on San Carlos' website is a public record under the California Public Records Act.³

¹ See Exhibit A and see also Exhibit A to the City of San Carlos' Reply to Pacific Gas and Electric Company's Response to Motion of the City of San Carlos for an Order Directing PG&E to Maintain Reduced Pressure on Natural Gas Pipeline 147 and to Compensate the City of San Carlos for all its Costs Associated with Participation in R.11.02.019.

² Cal. Evidence Code section 454.

³ Cal. Government Code section 6250-6270.

Judicial notice by the courts, and official notice by this Commission, may be taken when a fact is not subject to dispute and is accurate.⁴ In other words, judicial or official notice is proper for: “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.”⁵

Furthermore, a request for judicial notice by the courts, and, by extension a request for official notice by the Commission *must* be granted where the requestor: “(a) gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and (b) furnishes the court with sufficient information to enable it to take judicial notice of the matter.”⁶

The list of reduction in San Carlos’ staff and services is highly pertinent to the Administrative Law Judge’s consideration of San Carlos’ request for equitable recovery and compensation under Public Utilities Code Section 701. As stated in its reply, San Carlos would prefer to expend its scarce resources on serving its residents, not suffer harm in the form of additional, otherwise unnecessary expense.. The burden and costs associated with City staff time, City attorneys and special counsel, and necessary consultants and experts will not be incurred by San Carlos voluntarily, but out of necessity in order to participate fully in the Order to Show Cause proceedings of R.11-02-019.

San Carlos has attached a copy of the list as Exhibit A and located at <http://www.cityofsancarlos.org/depts/adminstrative/finance/budget/default.asp>. It is available to all Intervenors and this Commission, and the Commission has been provided with sufficient information to enable it to take official notice thereof.

⁴ Cal. Evidence Code section 452(h).

⁵ Cal. Evidence Code section 452(h).

⁶ Cal. Evidence Code section 453.

For the reasons set forth herein, San Carlos respectfully requests that the Commission take official notice of the above-cited document.

Respectfully submitted,

/s/ Steven R. Meyers

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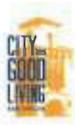
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EXHIBIT A



2008 ballot. The measure failed forcing the City to face a \$3 million dollar deficit in FY 2009-2010.

To that end, the City has taken the following steps over the last three years:

- Laid off 7.8 full-time positions (including 2 Fire employees);
- Reduced professional services contracts and reorganized City functions;
- Eliminated the Healthy Cities Tutoring Program and Special Needs Programs that were run by the Parks and Recreation Department;
- Outsourced the City's payroll services to a private firm;
- Outsourced the City's parks maintenance services to private firms;
- Outsourced some of the City's building maintenance functions;
- Outsourced the City's police protection services to the County of San Mateo Sheriff's Office;
- Contracted with the San Mateo County Communication for dispatch and 911 services;
- Contracted with the City of Redwood City for fire services;
- Contracted with the County of San Mateo for code enforcement services; and
- Contracted to provide recreation services for the City of Half Moon Bay.

Public Safety Restructuring & Funding

In FY 2009-2010 rapidly rising annual costs to provide emergency and fire services in San Carlos led to discussions with the Belmont-San Carlos Fire Department (BSCFD) Board about potential amendments to the JPA funding formula and service levels to reduce costs. Representatives of the JPA Fire Board were unable to reach agreement on possible cost reduction strategies. As a result, the City Council began the process to dissolve the BSCFD JPA.

After a year of reviewing different proposals and options for fire services, in April 2011 Council directed staff to begin negotiations with the City of Redwood City to develop a hybrid fire department. The hybrid fire department was formed in October 2011 and once fully implemented was estimated to save the City approximately \$1 million annually. Under the terms of the agreement, Redwood City will provide fire management oversight; including the Fire Chief, Deputy Fire Chief and Battalion Chiefs, and San Carlos will hire the firefighters, paramedics, inspector and an emergency preparedness coordinator. In addition to the cost savings associated with sharing the management with Redwood City, Council adopted a salary and benefit package for firefighters similar to that offered to other San Carlos employees and found in other local communities.

In the first year of this transition, the City Council received a report from the Fire Chief regarding the staffing situation in San Carlos. The Chief stated at that time that staffing was at a tipping point due to the number of vacancies and lack of trained personnel in the department. From the period of October 1, 2011 to July 9, 2012, the department had 4 resignations, 3 of whom were tenured employees from the former Belmont-San Carlos Fire JPA. The Chief stated that the major factor driving the turnover and the lack of lateral applicants was directly related to the compensation package and salary level.

As a result of the staffing issues and concerns, at the July 9, 2012 Council meeting, Council gave the authority to the City Manager to begin discussions with Redwood City on what a full service option would look like. In February of 2012, the City Council directed the City Manager to begin