



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

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In the Matter of the Application of California-American Water Company (U 210 W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates.

A.12-04-019

(Filed April 23, 2012)

**MARINA COAST WATER DISTRICT'S
REQUEST FOR OFFICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS A.12-04-019**

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Date: April 30, 2012

In accordance with Rule 13.9, Marina Coast Water District (“MCWD”) respectfully requests the Commission take official notice of the following documents from its official files in Proceeding A.04-09-019, pursuant to Evidence Code sections 450, 451, 452:

1. D.10-12-016, *Decision Approving Regional Project, Adopting Settlement Agreement and Issuing Certificate of Public Convenience and Necessity for California-American Water Facilities*, issued December 3, 2010.

The Commission may take judicial notice of the truth of facts asserted in documents such as orders, findings of fact and conclusions of law. (*Calico Solar, LLC v. BNSF Railway Co.* (Cal. P.U.C. 2011) 2011 WL 5110499 at *10-11, *citing Sosinsky v. Grant* (1992) 6 Cal.App.4th 1548, 1564-69. *See also Pratt v. Coast Trucking, Inc.* (1964), 228 Cal. App. 2d 139, 143-144.).

In addition, MCWD requests the Commission take official notice of the following documents from its official files in Proceeding A.04-09-019, pursuant to Evidence Code sections 450 and 452:

2. October 14, 2011 California-American Water Company (“CAW”) Petition for Clarification and Modification of D.10-12-016;
3. November 14, 2011 Response to Petition for Modification by MCWD;
4. November 28, 2011 Reply to DRA Response to Petition for Modification by MCWD;
5. January 18, 2012 Compliance Filing by CAW;
6. January 23, 2012 Prehearing Conference Statement by MCWD, and attachments thereto;
7. March 1, 2012 Separate Status Report by MCWD, and appendices thereto;
8. March 1, 2012 Compliance Filing by CAW;
9. March 15, 2012 Consolidated Response by MCWD and appendices thereto;
10. March 15, 2012 Response to Separate Statement of MCWD by CAW.

The Commission may take judicial notice from its official records of the fact that the parties made such filings and arguments. (*Calico Solar, LLC v. BNSF Railway Co.*,

supra, 2011 WL 5110499 at *10-11, citing *Sosinsky v. Grant, supra*, 6 Cal.App.4th at 1564-69. See also *Pratt v. Coast Trucking, Inc., supra*, 228 Cal. App. 2d at 143-144.)

Finally, MCWD requests the Commission take official notice of the following document filed in Monterey County Superior Court in Case No. M105019, pursuant to Evidence Code sections 450, 451 and 452 and the foregoing authorities:

11. Dismissal, entered March 5, 2012. A true and correct copy of the Dismissal is attached hereto as Appendix A.

MCWD respectfully requests the Commission take official notice of the foregoing documents.

DATED: April 30, 2012

Respectfully submitted,

FRIEDMAN DUMAS & SPRINGWATER
LLP

By: /s/ Mark Fogelman

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