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| Docket Number: | 07-AFC-06C |
| Project Title: | Carlsbad Energy Center - Compliance |
| TN #: | 204187 |
| Document Title: | Robert Simpson - Request for Official Notice of CPUC Alternate Decision |
| Description: | N/A |
| Filer: | David Zizmor |
| Organization: | Robert Simpson |
| Submitter Role: | Intervenor |
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| Docketed Date: | 4/14/2015 |

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

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| In the Matter of: |) | |
| Petition to Remove Obsolete Facilities |) | Docket No. 07-AFC-06C |
| To Support Construction of the |) | |
| Carlsbad Energy Center |) | |
| |) | |
| And Petition to Amend the Carlsbad |) | |
| Energy Center Project |) | |
| _____ |) | |

**ROBERT SIMPSON’S REQUEST FOR OFFICIAL NOTICE OF THE CALIFORNIA
PUBLIC UTILITIES COMMISSION’S ALTERNATE DECISION IN A.14-07-009 ISSUED
APRIL 6, 2015**

Intervenor Robert Simpson hereby requests that the Commission take official notice of the Alternate Decision issued on April 6, 2015 by the California Public Utilities Commission in A.14-07-009 (Application of San Diego Gas & Electric Company for Authority to Partially Fill the Local Capacity Requirement Need Identified in D.14-03-004 and Enter into a Purchase Power Tolling Agreement with Carlsbad Energy Center, LLC). A copy of the Alternate Decision is attached to this request and was previously submitted to the Commission by Robert Sarvey on April 6, 2015 as TN # 204066.

Under §1213 of the Commission’s Rules of Practice and Procedure, “[d]uring a proceeding the commission may take official notice of any generally accepted matter within the commission's field of competence, *and of any fact which may be judicially noticed by the courts of this state.*” (emphasis added) It is generally held by the courts of California that proposed and alternate decisions of state agencies are subject to judicial notice (California Evidence Code § 452(c); see *Fowler v. Howell*, (1996) 42 Cal.App.4th 1746, 1750 [records and files of a state administrative board are proper subjects of judicial notice]). The subject of the request for official notice here is an alternate decision by a state agency, i.e. the Alternate Decision issued on April 6, 2015 by the California Public Utilities Commission in A.14-07-009. Therefore, since

the Alternate Decision is subject to judicial notice by the courts of California, the Commission must grant this request to take official notice of the Alternate Decision as per §1213 in this proceeding.

Respectfully Submitted,

/s/ David Zizmor – Attorney for Robert Simpson

April 14, 2015