

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

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A2010018

Application of Southern California Edison Company (U338E) for Authority to Increase Rates for its Class C Catalina Water Utility and Recover Costs from Water and Electric Customers.

Application 20-10-018

**MOTION OF THE PUBLIC ADVOCATES OFFICE
FOR OFFICIAL NOTICE**

I. INTRODUCTION

Pursuant to Rules 11.1 and 13.10 of the Commission's Rules of Practice and Procedure (Rules), the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) moves for and requests official notice of the exhibits attached to this motion and listed below, offered in support of Cal Advocates' Reply Brief.

1. Proposed Exhibit Cal Advocates-04, U.S. Drought Monitor California Drought Conditions, 2015-Present, available at <https://www.drought.gov/states/California#historical-conditions> (Proposed Ex. Cal Advocates-04).¹
2. Proposed Exhibit Cal Advocates-05, Drought Monitor for Los Angeles County as of June 7, 2022, available at <https://www.drought.gov/states/california/county/los%20angeles> (Proposed Ex. Cal Advocates-05).²

These exhibits will be referred to collectively as "the USDM Exhibits."

¹ Application (A.)20-10-018, *Reply Brief of the Public Advocates Office* (June 10, 2022) (Cal Advocates Reply Brief), p. 2, Figure A.

² Cal Advocates Reply Brief, p. 3, Figure B.

II. DISCUSSION

A. Official Notice of the USDM Exhibits is Proper Under Rule 13.10.

Rule 13.10 provides that “[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.” The USDM Exhibits are officially noticeable and proper for receipt into the record of this proceeding under Rule 13.10 because: (1) the historical and recent drought data provided in the exhibits is relevant and material to the reasonableness of SCE’s expense forecasting methodology;³ (2) the drought data is published online by the National Integrated Drought Information System (NIDIS), a multi-agency program under the direction of the National Oceanic and Atmospheric Administration (NOAA)⁴—accordingly, compilation and publication of U.S. Drought Monitor (USDM) data is an official activity of the executive department of the United States;⁵ (3) USDM data presented in the exhibits is not “reasonably subject to dispute and [is] capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy,” given its online availability;⁶ and, (4) USDM data published by NIDIS is already included in the record of this proceeding in SCE’s rebuttal testimony.⁷

Pursuant to Evid. Code Section 453, courts shall take judicial notice of any matter specified in Evid. Code Section 452 if a party requests it.⁸ Each party must give the adverse party sufficient notice of the request, through pleadings or otherwise, and allow the adverse party to prepare and meet the request.⁹ The requesting party must also furnish the court with sufficient information to enable it to take judicial notice on the matter.¹⁰ Cal Advocates has attached copies of the proposed

³ See Cal Advocates Reply Brief, pp. 2-4.

⁴ See [Public Law 109-430](#), the National Integrated Drought Information System (NIDIS) Act, authorized by Congress in December, 2006; reauthorized through 2023 under [Public Law 115-423](#), the NIDIS Reauthorization Act of 2018.

⁵ See Evid. Code § 452 (c) (providing that judicial notice may be taken of “[official] acts legislative, executive, and judicial departments of the United States and of any state of the United States”).

⁶ Evid. Code § 452 (h) (providing that judicial notice may be taken of 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”).

⁷ See Ex. SCE-10, p. 56, Fig. V-2.

⁸ Evid. Code § 453.

⁹ Evid. Code § 453(a)

¹⁰ Evid. Code § 453(b)

USDM Exhibits presented in Cal Advocates' reply brief and uploaded the exhibits to the Supporting Documents page for this proceeding.

B. No Party will be Prejudiced by Inclusion in the Record of Additional U.S. Drought Monitor Data.

Given that USDM data published by NIDIS is already in the record of this proceeding and is readily available online through Drought.gov or NIDIS partner entities,¹¹ the Commission's taking official notice of the USDM Exhibits in Cal Advocates' Reply Brief will not prejudice any party to this proceeding.

III. CONCLUSION

Because Cal Advocates' USDM Exhibits: (1) are relevant to this proceeding, (2) consist of information compiled and published by official acts and programs administered by a Federal executive agency, (3) is readily publicly available, and (4) will not prejudice any parties, it is appropriate for the Commission to take official notice of the exhibits. Therefore, Cal Advocates respectfully requests that the Commission officially notice the proposed USDM Exhibits attached hereto and referenced in Cal Advocates' Reply Brief.

Respectfully submitted,

/s/ EMILY FISHER

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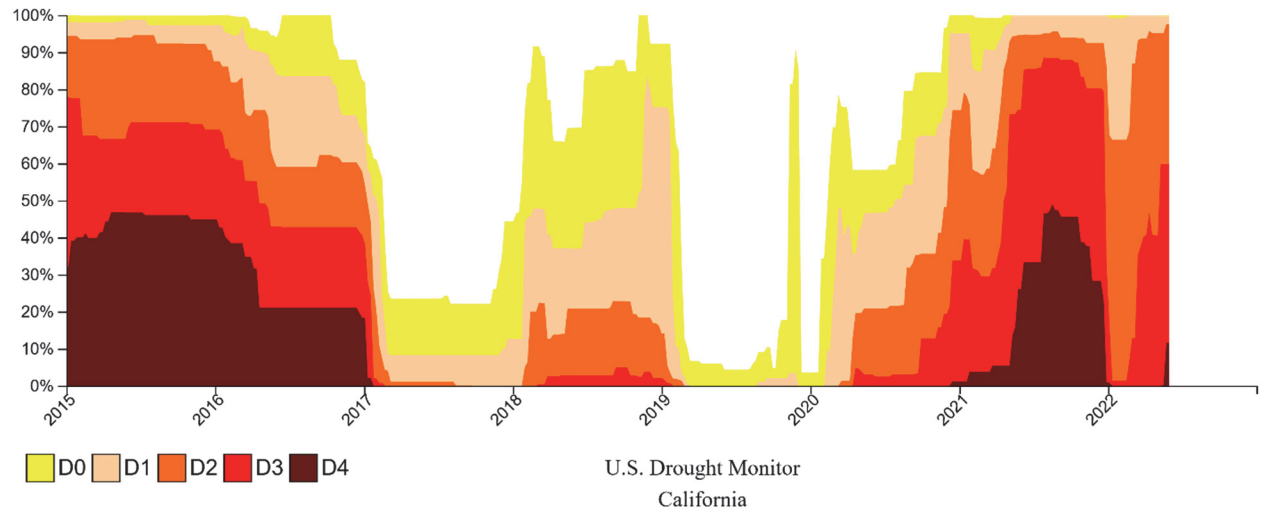
June 16, 2022

¹¹ See, e.g., National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln, as cited in Ex. SCE-10, p. 56, FN 148 (<https://droughtmonitor.unl.edu/Maps/CompareTwoWeeks.aspx>).

PROPOSED EXHIBIT CAL ADVOCATES-04

USDM California Drought Conditions, 2015-Present

California Drought Conditions, 2015-Present, U.S. Drought Monitor



Key

D0: Abnormally Dry

D1: Moderate

D2: Severe

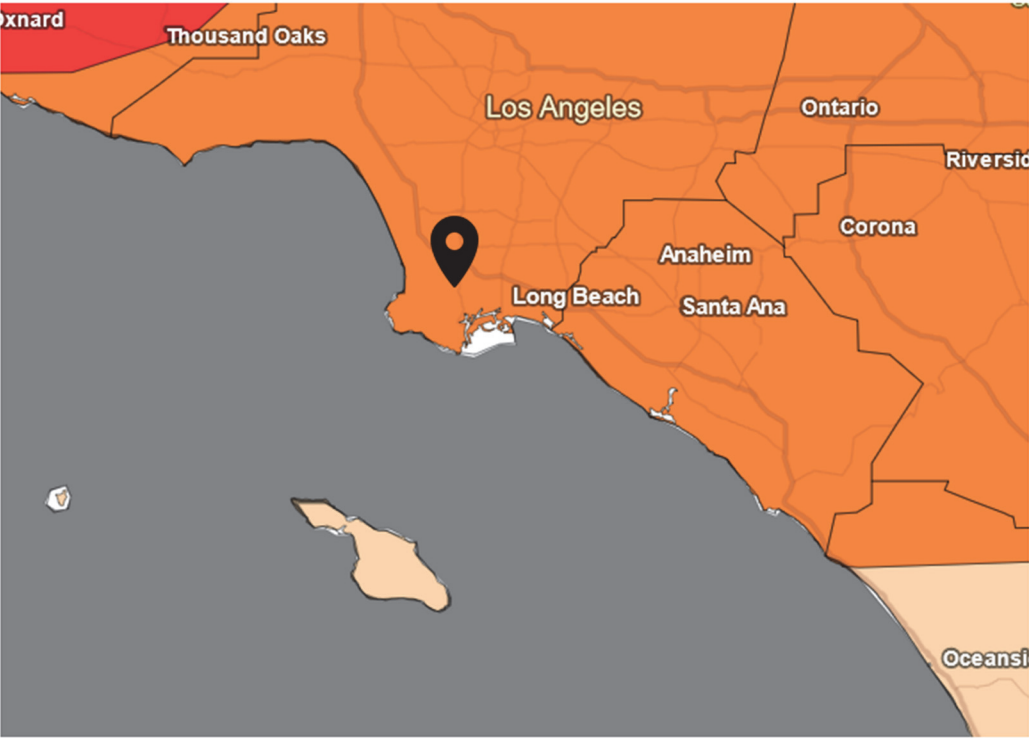
D3: Extreme

D4: Exceptional

PROPOSED EXHIBIT CAL ADVOCATES-05
Drought Monitor for Los Angeles County as of June 7, 2022

U.S. Drought Monitor for Los Angeles County as of June 7, 2022

U.S. Drought Monitor



U.S. Drought Monitor for Los Angeles County



Source(s): NDMC, NOAA, USDA
Updates Weekly - 06/07/22

Drought.gov