

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

Application of Southern California Edison Company (U338E) for Applying the Market Index Formula and As-Available Capacity Prices adopted in D.07-09-040 to Calculate Short-Run Avoided Cost for Payments to Qualifying Facilities beginning July 2003 and Associated Relief.

And Related Matters.

Application 08-11-001  
(Filed November 4, 2008)

Rulemaking 06-02-013  
Rulemaking 04-04-003  
Rulemaking 04-04-025  
Rulemaking 99-11-022

**MOTION FOR OFFICIAL NOTICE OF  
CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE)**

**I. Introduction**

In accordance with Rule 11.1 of the Commission’s Rules of Practice and Procedure, Californians for Renewable Energy, Inc. (“CARE”) hereby submits this motion. By this motion, CARE requests that the Commission take official notice of the June 10, 2011 filing in the United States District Court, Central District of California; in *Solutions for Utilities, Inc., Californians for Renewable Energy, Inc, Plaintiffs v. California Public Utilities Commission, Southern California Edison, Inc., Defendants*, Complaint CV11-4975-SJO(JCGx).<sup>1</sup>

Rule 13.9 states: “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.*” Under Evidence Code Section 450, the California courts may take judicial notice of a relevant matter only if that matter is either required or authorized to be judicially noticed by statutory or decisional law. The Complaint CV11-4975-SJO(JCGx) is attached as a separate Attachment A.

**II. Summary of Complaint CV11-4975-SJO(JCGx)**

CARE effectuated service on the California Public Utilities Commission [CPUC] on June 17, 2011.

The suit’s introduction is as follows:

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<sup>1</sup> <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=12684088>

This is a federal question action in which Plaintiffs, Solutions for Utilities, Inc. [“SFUI”] and Californians for Renewable Energy, Inc. [“CARE”], California based small scale energy companies, are seeking equitable relief and money damages from Defendants, California Public Utilities Commission [“CPUC”] a California state agency charged with inter alia California energy policymaking and delegated federal regulation enforcement, and Southern California Edison, Inc. [“SCE”], a state enabled monopoly energy corporation acting collusively and in concert with CPUC to undermine the federal policy of promoting the viability and integration of small energy generating companies and protecting them from monopolistic practices.

Plaintiffs seek injunctive and/or declaratory relief compelling and/or commanding Defendant CPUC to perform its federal-mandated regulatory duties, including federally mandated standards in connection with the Public Utility Regulatory Policies Act [“PURPA”], as prescribed by the Federal Energy Regulatory Commission [“FERC”]. Plaintiffs also seek remedial money damages from Defendants for Plaintiffs’ economic injuries caused by Defendants’ violations of said federal laws and regulations, and punitive damages for Defendants’ intentional and repetitive violations of law.

### **III. Conclusion**

CARE respectfully requests the Commission take Official Notice of the June 10, 2011 filing in the United States District Court, Central District of California; in *Solutions for Utilities, Inc., Californians for Renewable Energy, Inc., Plaintiffs v. California Public Utilities Commission, Southern California Edison, Inc., Defendants*, Complaint CV11-4975-SJO(JCGx).

Respectfully submitted,



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June 24, 2011

**Verification**

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24<sup>th</sup> day of June 2011, at San Francisco, California.

A handwritten signature in black ink that reads "Lynne Brown". The signature is written in a cursive style with a large initial "L".

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Lynne Brown Vice-President  
CALifornians for Renewable Energy, Inc.  
(CARE)

**Attachment A**

June 10, 2011 filing in the United States District Court, Central District of California; in *Solutions for Utilities, Inc., Californians for Renewable Energy, Inc, Plaintiffs v. California Public Utilities Commission, Southern California Edison, Inc., Defendants*, Complaint  
CV11-4975-SJO(JCGx)