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2008 APR 22 PM 4:00  
372-10 00

6 Attorneys for California American  
Water Company  
7

8 BEFORE THE CALIFORNIA  
9 STATE WATER RESOURCES CONTROL BOARD

10 In the Matter of Draft Cease and Desist Order  
11 No. 2008-00XX-DWR Against California  
12 American Water Company.

**SECOND REQUEST BY CALIFORNIA  
AMERICAN WATER FOR (1) OFFICIAL  
NOTICE; AND (2) ADMISSION OF  
EXHIBITS INTO EVIDENCE**

13  
14 Section 648.2 to Title 23 of the California Code of Regulations authorizes the State Water  
15 Resources Control Board ("State Water Board") to take official notice of "such facts as may be  
16 judicially noticed by the courts of this state." (23 Cal. Code Regs. § 648.2.) California Evidence  
17 Code section 452 enables courts to take judicial notice of the following types of facts:

- 18 (a) The decisional, constitutional, and statutory law of any state of the United States  
19 and the resolutions and private acts of the Congress of the United States and of the  
20 Legislature of this state.  
21 (b) Regulations and legislative enactments issued by or under the authority of the  
United States or any public entity in the United States.  
22 (c) Official acts of the legislative, executive, and judicial departments of the United  
23 States and of any state of the United States.  
24 (d) Records of (1) any court of this state or (2) any court of record of the United  
25 States or of any state of the United States.  
26 (e) Rules of court of (1) any court of this state or (2) any court of record of the  
United States or of any state of the United States.  
27  
28

1 (f) The law of an organization of nations and of foreign nations and public entities in  
2 foreign nations.

3 (g) Facts and propositions that are of such common knowledge within the territorial  
4 jurisdiction of the court that they cannot reasonably be the subject of dispute.

5 (h) Facts and propositions that are not reasonably subject to dispute and are capable  
6 of immediate and accurate determination by resort to sources of reasonably  
7 indisputable accuracy.

8 (Evid. Code, § 452.)

9 California American Water Company ("CAW") has identified Exhibit CAW-020 and  
10 Exhibit CAW-021 and introduced each of them through the Declaration of Jon D. Rubin in Support  
11 of California American Water Motion to Strike Pre-hearing Briefs, Motion to Ensure Due Process,  
12 and Opposition to Pre-Hearing Briefs, filed concurrently herewith ("Second Rubin Declaration"), as  
13 follows:

- 14 1. **Exhibit CAW-020** to the Second Rubin Declaration (Charles L. Lindsay April 3,  
15 2008 Email);
- 16 2. **Exhibit CAW-021** to the Second Rubin Declaration (Letter Signed by James W.  
17 Kassel);

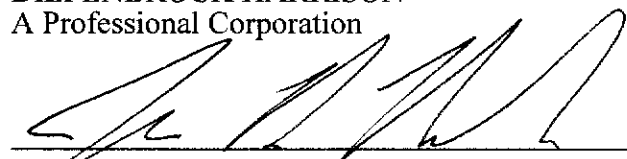
18 **Exhibit CAW-020** and **Exhibit CAW-021** contain the types of facts of which a court could  
19 take judicial notice. They are public records of the State Water Board. Accordingly, CAW  
20 respectfully requests that the State Water Board take official notice of **Exhibit CAW-020** and  
21 **Exhibit CAW-021**.

22 Dated: April 23, 2008

Respectfully submitted,

23 DIEPENBROCK HARRISON  
24 A Professional Corporation

25 By

  
26 JON D. RUBIN  
27 Attorneys for California American Water Company  
28

**PROOF OF SERVICE**

1 I declare as follows:

2 I am over 18 years of age and not a party to the within action; my business address is 400  
3 Capitol Mall, Suite 1800, Sacramento, California, I am employed in Sacramento County, California.

4 On April 23, 2008, I served a copy of the foregoing document following document entitled  
5 **SECOND REQUEST BY CALIFORNIA AMERICAN WATER FOR (1) OFFICIAL**  
6 **NOTICE; AND (2) ADMISSION OF EXHIBITS INTO EVIDENCE** on the following  
7 interested parties in the above-referenced case number to the following:

8 See Attached Service List of Participants

9  **BY MAIL**

10 By following ordinary business practice, placing a true copy thereof enclosed in a sealed  
11 envelope, for collection and mailing with the United States Postal Service where it would  
12 be deposited for first class delivery, postage fully prepaid, in the United States Postal  
13 Service that same day in the ordinary course of business as indicated in the attached  
14 Service List of Participants and noted as "Service by Mail."

13  **ELECTRONIC MAIL**

14 I caused a true and correct scanned image (.PDF file) copy to be transmitted via the  
15 electronic mail transfer system in place at Diepenbrock Harrison, originating from the  
16 undersigned at 400 Capitol Mall, Suite 1800, Sacramento, California, to the e-mail  
17 address(es) indicated in the attached Service List of Participants and noted by "Service by  
18 Electronic Mail."

16  **BY FACSIMILE** at \_\_\_\_\_ a.m./p.m. to the fax number(s) listed above. The  
17 facsimile machine I used complied with California Rules of Court, rule 2003 and no error  
18 was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I  
19 caused the machine to print a transmission record of the transmission, a copy of which is  
20 attached to this declaration.

18  A true and correct copy was also forwarded by regular U.S. Mail by following ordinary business  
19 practice, placing a true copy thereof enclosed in a sealed envelope, for collection and mailing with the  
20 United States Postal Service where it would be deposited for first-class delivery, postage fully prepaid, in  
21 the United States Postal Service that same day in the ordinary course of business.

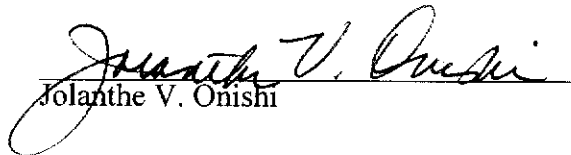
20  **BY OVERNIGHT DELIVERY**

21  Federal Express  Golden State Overnight  
22 Depositing copies of the above documents in a box or other facility regularly maintained  
23 by Federal Express, or Golden State Overnight, in an envelope or package designated by  
24 Federal Express or Golden State Overnight with delivery fees paid or provided for.

23  **PERSONAL SERVICE**

24  via process server  
25  via hand by

25 I certify under penalty of perjury under the laws of the State of California that the foregoing  
26 is true and correct and that this declaration was executed on April 23, 2008, at Sacramento,  
27 California.

28   
Jolanthe V. Onishi

CALIFORNIA AMERICAN WATER CEASE AND DESIST ORDER  
JUNE 19, 2008 HEARING  
SERVICE LIST OF PARTICIPANTS

Service by Electronic Mail:

**Division of Ratepayer Advocates**  
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1 Service by Electronic-Mail (Cont.):

2 **Monterey County Hospitality Association**  
3 Bob McKenzie  
4 P.O. Box 223542  
5 Carmel, CA 93922  
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6 **Planning and Conservation League**

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11 Service By Mail:

12 **Monterey Peninsula Water Management  
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13 David C. Laredo  
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