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Commission on
State Mandates

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October 7, 2013

File No.
17.8177

VIA ELECTRONIC FILING

Heather Halsey, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: **Santa Clarita Valley Sanitation District's Request for a 14-day Extension of Time to File Comments on Draft Staff Analysis Regarding the Upper Santa Clara River Chloride Requirements 10-TC-09**

Dear Ms. Halsey:

This firm represents the claimant, Santa Clarita Valley Sanitation District (the "District") in Test Claim No. 10-TC-09 relating to Upper Santa Clara River Chloride Requirements ("Test Claim"). At 4:55 p.m. on Friday, September 30, 2013, the Commission on State Mandates electronically served the draft staff analysis and proposed statement of decision for the Test Claim.

The District hereby requests an extension of 14 days to ensure sufficient time to prepare the District's comments. If the extension is granted, the District will submit its comments no later than **October 25, 2013**.

In accordance with California Code of Regulations ("CCR"), title 2, section 1183.07(c), comments on the draft staff analysis and proposed statement of decision are due on October 11, 2013. However, 2 CCR section 1183.01(c)(1) provides that "[a]ny party or interested party may request an extension of time by filing a request with the executive director before the date set for filing of responses, opposition, recommendations, rebuttals, plan, informational update, or comments with commission staff." (*Id.*, emphasis added.)

The Executive Director may approve a request filed by any party for good cause. (*Id.*, at § 1183.01, subd. (c)(1)(B).) The applicable regulations define "good cause" to include, in relevant part, the complexity of the issues raised, a party is new to the case, and

any other factor, which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality. (Cal. Code Regs., Tit. 2, § 1181.1, subd. (h).)

There has been a delay of two years between the last filings in this matter (rebuttal comments were submitted September 28, 2011) and the transmittal of the draft staff report and proposed statement of decision (September 20, 2013). The attorneys who filed the Test Claim and rebuttal on behalf of the District in this matter in 2011 no longer represent the District and new attorneys are handling this long-dormant matter. Given the voluminous (approximately 2,000 pages) and technically complex materials filed in this matter to date, and the significant amount of time that has passed since the prior action on this matter, the District requests additional time to allow its present attorneys to review all pertinent materials necessary to provide complete comments.

The District is not requesting any continuance of the hearing presently scheduled for December 6, 2013, and intends to be fully prepared to appear for the hearing on that date.

For the reasons set forth above, the District respectfully requests that the due date for its comments to the draft staff report and proposed statement of decision be extended 14 days to October 25, 2013. The District believes that good cause exists to allow the Executive Director to grant this requested extension and appreciates your consideration of this request.

Sincerely,



Claire Hervey Collins of
LEWIS BRISBOIS BISGAARD & SMITH LLP

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