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May 11, 2017
**Commission on
State Mandates**

May 11, 2017

VIA ELECTRONIC FILING

Heather Halsey, Esq.
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

**Re: Request for Extension of Time to Respond to Notice of Incomplete
Joint Test Claim Filing**
*California Regional Water Quality Control Board,
San Francisco Bay Region, Order No. R2-2009-0074*
Consolidated 10-TC-01, 10-TC-02, 10-TC-03 and 10-TC-05

Dear Ms. Halsey:

This letter is submitted on behalf of the Alameda¹ and San Mateo² County Claimants in response to your April 19, 2017, Notice of Incomplete Test Claim Filing letter. As you are aware, we have previously objected to delays in the processing of these test claims. In view of the extensive new evidence requested, and number of entities we will need to coordinate with among the Alameda and San Mateo County Claimants, we find we have no choice but to request a 90-day extension of the May 19, 2017, response deadline set forth in your letter. We understand the extension we are requesting will necessitate the continuance of

¹ The "Alameda County Claimants" are the following entities, which submitted Test Claim No. 10-TC-02: the City of Alameda and the County of Alameda, the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Pleasanton, San Leandro and Union City, the Alameda County Flood Control and Water Conservation District, and the Alameda County Flood Control and Water Conservation District, Zone 7.

² The "San Mateo County Claimants" are the following entities, which submitted Test Claim No. 10-TC-01: the City of Brisbane and the County of San Mateo, the San Mateo County Flood Control District, the Cities of Belmont, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo and South San Francisco, and the Towns of Atherton, Colma, Hillsborough, Portola Valley and Woodside.

the hearing on these consolidated test claims, and so we therefore respectfully request that the hearing be continued to provide the additional time necessary to comply with your notice.

This request is supported by good cause because we cannot accomplish all of the tasks required by the Notice within the time currently provided. We represent 38 claimants. Your notice requires us to coordinate with each of these claimants to revise test claim forms, narratives and declarations. In addition, each of these entities will have to compile, analyze and summarize actual cost data from many years ago. The extension we are requesting is necessary to accomplish these tasks.

We intend to comply with the Commission's request although we do not agree that the Joint Test Claims are deficient as described in your letter. Nevertheless, we will continue to work with Commission staff to prepare the record for consideration of the test claims as requested.

Thank you for your consideration of this matter.

Sincerely,



Gregory J. Newmark
Meyers Nave Riback Silver & Wilson
Counsel for Alameda and San Mateo County Claimants

GJN:SDT
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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

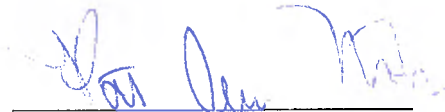
I am a resident of the County of Los Angeles and I am over the age of 18 years, and not a party to the within action. My place of employment is 707 Wilshire Boulevard, 24th Floor, Los Angeles, California 90017.

On May 11, 2017, I served the:

1. **Alameda and San Mateo County Claimants and County of Santa Clara's letter regarding February 15, 2017 request for extension by RWQCB**

by electronically filing it on the Commission's website, which provides notice of how to locate it to the email addresses provided on the test claim mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 11, 2017, at Los Angeles, California.



Patricia Anne McNulty

2812546.1

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On May 11, 2017, I served the:

- Notice of Approval of Request for Postponement, Limited Approval of Extension, and Follow-up on Telephone Inquiries About Responses to the Notice of Incomplete Filing issued May 11, 2017
- Claimant (Cities of Alameda and Brisbane) Request for Extension and Postponement filed May 11, 2017
- Claimant (City of Santa Clara) Request for Extension and Postponement filed May 9, 2017
- Claimant (City of San Jose) Request for Extension and Postponement filed May 9, 2017

*California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d,
C.8.e.i, ii and iv, C.8.f, C.8.g, C.10.a.i, ii, and iii, C.10.b, C.10.c, C.10.d, C.11.f, and
C.12.f,*

10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05

Cities of Alameda, Brisbane, and San Jose, and County of Santa Clara, Claimants

by making them available on the Commission's website and providing notice of how to locate them to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 11, 2017 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/25/17

Claim Number: 10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05

Matter: California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d, C.8.e.i, ii, and iv, C.8.f, C.8.g, C.10.a.i, ii, iii, C.10.b, C.10.c, C.10.d, C.11.f, and C.12.f

Claimant: Cities of Alameda, Brisbane, and San Jose, and County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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