



November 29, 2016

Ms. Julia Woo
County of Orange
333 West Santa Ana Blvd
Santa Ana, CA 92702-1379

And Parties, Interested Parties, and Interested Persons (See Mailing List)

RE: Notice of Limited Approval of Extension Request
*California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2009-0002, 10-TC-11*
County of Orange, Orange County Flood Control District, Cities of Dana Point,
Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano,
Co-Claimants

Dear Ms. Woo:

On November 23, 2016, the Commission on State Mandates (Commission) received your second request for an extension of time from December 6, 2016 to February 7, 2017 to file rebuttal comments to the State Water Resources Control Board and California Regional Water Quality Control Board, San Diego Region comments; and the Department of Finance comments on the above-named Test Claim.

The request indicates that both sets of comments were served on October 24, 2016. Please note, however, that the Department of Finance comments were served on October 11, 2016 and the State Water Resources Control Board and California Regional Water Quality Control Board, San Diego Region comments were served on October 24, 2016.

Section 1183.3 (Claimant's Rebuttal) of the Commission's regulations provide that a *claimant's* written rebuttal to written comments concerning a test claim may be filed and served within 30 days of service of the written comments. Note that the Commission's process is an expedited process that is intended to be faster than the courts. Statewide cost estimates, which are not adopted until after parameters and guidelines have been adopted and initial reimbursement claims have been filed, are required to be adopted within 12 months of the filing of a test claim (which may be extended for six months). (Gov. Code §17553.) As a result, *only* the claimant has an opportunity to file rebuttal comments and only on comments on the test claim. There are of course other opportunities for all parties, interested parties, and interested persons to comment, including on the draft proposed decision and at the hearing on the matter.

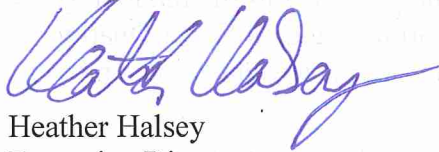
Delay is not favored by the Commission and will only be approved for good cause. Moreover, the continuous requests for extensions or requests for lengthy extensions which were granted routinely in the past when the Commission had a backlog and the Los Angeles stormwater case was pending litigation will no longer be granted as a matter of course, but only if they would truly not delay the preparation of the proposed decision, thus requiring a postponement, or if good cause is shown for the postponement. The fact that one or more prior extensions were granted in the past generally weighs against, not for, a future request because it causes delay in the process.

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Section 1187.9(a) of the Commission's regulations provide that so long as a postponement of a hearing would not be required, there is no prejudice to any part or interested party, and there is no other good reason for denial, the request shall be approved. However, this extension request would not allow time for Commission staff to prepare a draft proposed decision for issuance on or about March 10, 2017 (which requires analysis of what is expected will be about 10,000 pages of documents in the record and which must go through a rigorous review process) and then prepare a proposed decision, incorporating relevant comments filed on the draft proposed decision, in time for issuance on May 12, 2017 for the May 26, 2017 hearing. Commission staff are currently working on these claims and every extension request does in fact impede the timely completion of matter currently being analyzed.

Accordingly and pursuant to the duty imposed under Government Code section 17530 for the executive director to expedite all matters within the jurisdiction of the Commission, the request for extension of time to file rebuttal comments is approved but only for an additional **30 days** from the existing December 6, 2016 due date. Therefore, claimant rebuttal comments are now due **January 5, 2017**. Please note that any additional requests for extension will also require a request for postponement of hearing.

Sincerely,



Heather Halsey
Executive Director

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 November 29, 2016, I served the:

Request for Extension and Notice of Limited Approval of Extension Request

California Regional Water Quality Control Board, San Diego Region,

Order No. R9-2009-0002, 10-TC-11

County of Orange, Orange County Flood Control District,

Cities of Dana Point, Laguna Hills, Laguna Niguel,

Lake Forest, Mission Viejo, and San Juan Capistrano, Co-Claimants

By making it available on the Commission's website and providing notice of how to locate it 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 November 29, 2016 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/21/16

Claim Number: 10-TC-11

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002

Claimants: City of Dana Point
City of Laguna Hills
City of Laguna Niguel
City of Lake Forest
City of Mission Viejo
City of San Juan Capistrano
County of Orange
Orange County Flood Control District

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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