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April 12, 2023

**RECEIVED**  
April 12, 2023  
**Commission on  
State Mandates**

Heather Halsey  
Executive Director  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite #300  
Sacramento, CA 95814

*Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03-R*  
On Remand from *City of San Diego v. Commission on State Mandates*, Court of  
Appeal, Third Appellate District, Case No. C092800; Judgment and Writ of  
Mandate issued by the Sacramento County Superior Court, Case No. 34-2019-  
80003169-CU-WM-GDS; Permit Amendment No. 2017PA-SCHOOLS, City of  
San Diego Public Water System No. 3710020, effective January 18, 2017  
City of San Diego, Claimant

Dear Ms. Halsey:

The Office of the City Attorney for the City of San Diego (“City Attorney’s Office”) represents the City of San Diego Public Utilities Department (“Claimant”) with respect to the Test Claim concerning the State Water Resources Control Board, San Diego Region, Permit Amendment No. 2017PA-SCHOOLS issued on January 18, 2017.

The Commission on State Mandates’ (“the Commission’s”) regulations provide for extensions of time to file comments or rebuttals: “So long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, the request shall be approved.” 2 CCR § 1187.9(a).

Here, the Commission served its Proposed Decision on March 23, 2023 and Claimant’s comments are currently due on April 13, 2023. On April 11, 2023, the Commission granted the State Water Resources Control Board’s (“State Water Board’s”) extension request, resetting the hearing for July 28, 2023, and extending the State Water Board’s deadline for comments to May 4, 2023.

The City Attorney’s Office requests an extension of time for its comments to May 4, 2023. This request is timely since it is being made before the date set for filing comments. 2 CCR § 1187.9(a). The extension is necessary because the attorneys responsible for this matter – myself and Deputy City Attorney Raymond Palmucci – have been on vacation since the Commission

served its Proposed Decision on March 23, 2023. My vacation started on March 24, 2023 (the day after the Commission served its Proposed Decision) and I returned on Monday, April 10, 2023. Mr. Palmucci remains on vacation.

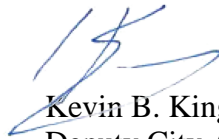
Given the novel and complex issues in the Commission's Proposed Decision, counsel will need additional time to substantively comment. No party or interested party will be prejudiced given that the Commission reset the hearing for July 28, 2023 and granted the same extension to the State Water Board.

Thank you in advance for your consideration of this request to extend Claimant's deadline for comments to May 4, 2023.

Sincerely yours,

MARA W. ELLIOTT, City Attorney

By



Kevin B. King  
Deputy City Attorney

KBK:asm  
Attachments

## 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 April 12, 2023, I served the:

- **Notice of Extension Request Approval issued April 12, 2023**
- **Claimant's Request for Extension of Time filed April 12, 2023**
- **Finance's Request for Extension of Time filed April 11, 2023**

*Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03-R*  
On Remand from *City of San Diego v. Commission on State Mandates*, Court of Appeal, Third Appellate District, Case No. C092800; Judgment and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2019-80003169-CU-WM-GDS; Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017  
City of San Diego, Claimant

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 April 12, 2023 at Sacramento, California.



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## Mailing List

**Last Updated:** 4/12/23

**Claim Number:** 17-TC-03-R

**Matter:** Lead Sampling in Schools: Public Water System No. 3710020

**Claimant:** City of San Diego

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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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