

September 18, 2013

Via Electronic and U.S. Mail

Thomas Howard
Executive Director
California State Water Resources Control Board
P.O. Box 100
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Thomas.Howard@waterboards.ca.gov

Re: In the Matter of Water Quality Certification for Eagle Crest Energy Company's
Pumped Storage Hydroelectric Project and related actions

Abbott & Kindermann, LLP serves as legal counsel for Eagle Crest Energy Company, applicant for a 401 Water Quality certification, in conjunction with the above-referenced proceeding. On behalf of the applicant, and as authorized under title 23 of the California Code of Regulations, section 3867.1, this letter serves as a request to extend the time within which Eagle Crest Energy Company is allowed to respond to the petitions regarding reconsideration. **The applicant requests an extension of 90 calendar days to respond to the petitions for reconsideration.** The basis for the request is as follows.

As a basis for its petition for reconsideration, the National Parks Conservation Association and the San Bernardino Valley Audubon Society cite for the first time as supporting evidence, a portion of an untitled federal document which has never before been submitted to the State Board as part of the record. We question the validity of the document and its conclusions. Accordingly, we have filed a Freedom of Information Act (FOIA) request with the National Parks Service so that we can appropriately respond. A copy of the FOIA request is attached.

An extension of 90 days would likely permit sufficient time for the National Park Service to respond to our FOIA request, and for the applicant to receive and consider the Park Service's response to the FOIA request, as well as draft a response to the petitions for reconsideration.

Thank you for your consideration. Should you have any questions, please do not hesitate in contacting me.

Sincerely,



William W. Abbott 

cc: See Attached List

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