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Date Friday, January 2, 2009

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To:

Name Records Room  
Division of Water Rights

Company State Water Resources Control Bd.

Telephone 916/341-5421

Fax 916/341-5400

From:

Name M.-L. Quinn

Company ---

Telephone ---

Comments Please find enclosed one copy of Petition for Reconsideration,  
dated January 2, 2009. Please contact Mr. Larry Lindsay when this fax arrives.  
Thank you and Happy New Year.

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2009 JAN -2 PM 3:04  
DIV OF WATER RIGHTS  
CORVALLIS, OREGON

-- SENT VIA FAX AND U. S. MAIL --

P. O. Box 255516  
Sacramento, California 95865  
Friday  
January 2, 2009

Ms. Tam M. Doduc, Board Chair  
State Water Resources Control Board  
1001 "I" Street, 24th Floor  
Sacramento, California 95814

Re: Petition for Reconsideration

Dear Ms. Doduc:

In accordance with state law and with instructions given to me by Division of Water Rights staff, I am faxing to you today the following:

1. A copy of this letter.
2. A copy of the enclosed Service List.
2. A copy of Petition for Reconsideration, dated Jan. 2, 2009.

I am taking this action in order to meet the January 2, 2009 due date for said Petition.

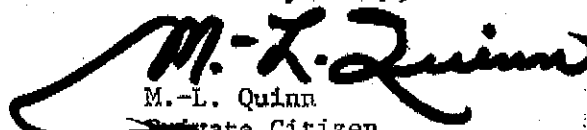
In addition, I am sending you via U. S. Mail, the following:

1. The original of this letter.
2. A hard copy of the enclosed Service List.
3. A hard copy of the enclosed Petition for Reconsideration.

It is my understanding the Board has 60 days to make a decision whether or not to accept this Petition, so I will look forward to hearing from you. Correspondence may be addressed to me at the above mailing address. I do not use e-mail.

Thank you for your consideration and best wishes for a Happy New Year.

Yours very truly,

  
M.-L. Quinn  
Private Citizen  
and Independent Scholar

Copies faxed to: ~~916/341-5620~~  
and 916/341-5400

Enclosures - as stated.

DEPT. OF WATER RESOURCES  
COMMUNICATIONS SECTION

2009 JAN -2 PM 3:04

STATE OF CALIFORNIA  
COMMUNICATIONS SECTION

**WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF  
AUBURN DAM PROJECT PERMITS**

**~~SERVICE LIST~~**

**PARTICIPANTS TO BE SERVED.** (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

Bureau of Reclamation, U.S. Dept of the Interior  
James E. Turner, Assistant Regional Solicitor  
2800 Cottage Way, Rm. E-1712  
Sacramento, CA 95825  
[rsahlberg@mp.usbr.gov](mailto:rsahlberg@mp.usbr.gov)

SWRCB/DWR Prosecution  
c/o David Rose  
State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812  
[DRose@waterboards.ca.gov](mailto:DRose@waterboards.ca.gov)

Auburn Dam Council  
c/o Michael R. Schaefer  
7050 Walnut Avenue  
Orangevale, CA 95662  
[MikeRet\\_99@yahoo.com](mailto:MikeRet_99@yahoo.com)

American River Authority  
c/o Christopher D. Williams, Esq.  
P.O. Box 667  
San Andreas, CA 95249  
[cwilliam@goldrush.com](mailto:cwilliam@goldrush.com)

California Sportfishing Protection Alliance  
c/o Michael B. Jackson  
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Friends of the North Fork  
c/o Michael Garabedian  
7143 Gardenvine Avenue  
Citrus Heights, CA 95621  
[mikeg@qvn.net](mailto:mikeg@qvn.net)

Sacramento County/Sacramento County Water Agency  
c/o Sandra K. Dunn  
Somach, Simmons & Dunn  
813 Sixth Street, 3<sup>rd</sup> Floor  
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[sdunn@somachlaw.com](mailto:sdunn@somachlaw.com)

Friends of the River, Save the American River Association, and Defenders of Wildlife  
c/o Ronald M. Stork  
1418 20<sup>th</sup> Street, Suite 100  
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[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)

San Luis & Delta-Mendota Water Authority  
c/o Jon D. Rubin  
Diepenbrock Harrison  
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County of San Joaquin and San Joaquin County Flood Control and Water Conservation District  
c/o Thomas J. Shephard, Sr.  
Neumiller & Beardslee  
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Stockton, CA 95201-3020  
[tshephard@neumiller.com](mailto:tshephard@neumiller.com)  
[dgillick@neumiller.com](mailto:dgillick@neumiller.com)

Service List continued on next page.

**Auburn Dam Project  
Service List**

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South Delta Water Agency  
c/o John Herrick  
4255 Pacific Avenue, Suite 2  
Stockton, CA 95207  
[Jherriaw@aol.com](mailto:Jherriaw@aol.com)

Stockton East Water District  
c/o Kama E. Harrigfeld, Esq.  
2291 W. March Lane, Suite B100  
Stockton, CA 95207  
[kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com)

Westlands Water District  
c/o Jon D. Rubin  
Diepenbrock Harrison  
400 Capitol Mall, Suite 1800  
Sacramento, CA 95814  
[JRubin@Diepenbrock.com](mailto:JRubin@Diepenbrock.com)

## PETITION FOR RECONSIDERATION

OF STATE WATER RESOURCES CONTROL BOARD'S ORDER NO. WR 2008-0045 DATED DECEMBER 2, 2008 INVOLVING REVOCATION OF WATER RIGHTS PERMITS NOS. 16209, 16210, 16211, and 16212 ISSUED IN THE NAME OF THE UNITED STATES OF AMERICA, U. S. BUREAU OF RECLAMATION.

Dated: January 2, 2009

Note: Petitioner, M.-L. Quinn, is a private citizen, is not an attorney, has never prepared a Petition for Reconsideration, and does not have a home computer. She had only a very short period of time to prepare this document and that time included the weeks of Christmas and New Year's. Her request to extend the due date from January 2 to January 5 was denied. Consequently, if the Petition's format is not exactly as it should be or if certain terminology is not precisely used or if other procedural flaws are detected, Petitioner asks the forbearance of the State Water Resources Control Board. Thank you.

"All water within the State is the property of the people of the State."<sup>1/</sup>

### Introduction

This document is being prepared and submitted to the State Water Resources Control Board (hereinafter referred to as SWRCB or Board) pursuant to Section 768 of Article 12: Reconsideration and Amendments of Board Water Right Decisions and Orders, of California Code of Regulations, Title 23: Waters. In that Section, it lists causes upon which any interested person can petition the board to reconsider a decision or order. This Petition for Reconsideration (hereinafter Petition) is based on the following causes taken from that list:

- (a) Irregularity in the proceedings and abuse of discretion, thereby preventing a thorough (and therefore fair) hearing for all 'persons,' whether they directly or indirectly participated.

<sup>1/</sup> Section 102 in Chapter 1: General State Policy, of the California Water Code.

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(b) Evidence used to support the order was selective and extremely narrow in scope, and thereby lacked the substance such an action required.

(c) Relevant evidence supporting an opposite outcome exists. Had the subject matter been examined in the broader context it deserved, reasonable diligence would have produced such evidence.

(d) Errors in state law (interpreted to include omissions) exist and likely contributed to this incorrect board order. Further research is needed, however, before determining how these errors might be addressed.

Specific examples of the above-cited causes will be incorporated within the subsequent discussion.

Subsection (a) of Section 769: Petition for Reconsideration, of Title 23: Waters, requests, and Petitioner hereby briefly provides, the following information:

(1) Name/address of Petitioner:

M.-L. Quinn  
P. O. Box 255516  
Sacramento, California 95865

(2) The specific board action of which petitioner requests reconsideration:

Board Order No. WR 2008-0045.

(3) The date on which the order or decision was made by the board:

December 2, 2008.

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(4) The reason the action was inappropriate or improper:

Board Order WR 2008-0045, dated December 2, 2008, is based, in part, on an argument (cold storage) that is factually flawed, does not consider certain SWRCB shortcomings, and is not in the public interest -- neither in the short term but especially not in the longer term.

(5) The specific action petitioner requests:

Petitioner respectfully requests the Board to rescind Order No. WR 2008-0045, to reinstate Water Rights Permits Nos. 16209, 16210, 16211, and 16212, and to return these permits to their previous holder, the United States of America, U. S. Bureau of Reclamation, for a minimum of fifteen (15) years.

(6) A statement that copies of the petition and any accompanying materials have been sent to all interested parties:

Copies of this Petition and any accompanying materials are being sent to all thirteen parties on the enclosed Service List that a SWRCB staff person kindly provided.

Regarding subsection (b) of Section 769, Petitioner will repeat what she stated above; i.e., that when this subject matter is examined in the broader context it deserves, other evidence will be presented to the Board for its consideration. Petitioner can only speculate as to the nature of this evidence. For example, it might discuss climate change, its impact on California's snowpack, and the state's need for new storage facilities. Or this evidence might relate to the Sacramento/San Joaquin Delta and how water from the North Fork American River might be useful in achieving certain water quality goals for the Delta.

Subsection (c) of Section 769 specified that the petition shall be accompanied by a statement of points and authorities in support of legal issues raised in the petition. Petitioner is not at all clear on the meaning of "points and authorities" and thus isn't sure how to respond to this requirement. It's her understanding, for example, that Section 768 provides her the right to submit

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this document to the SWRCB, that subsections (a) through (d) in Section 768 list the causes upon which she is to base her action and she has done that. It's also her understanding she is required to provide the information requested in Section 769, and, again, she has done that as well. Hopefully, this is what is meant by "points and authorities in support of legal issues raised in the petition."

Board Order No. WR 2008-0045's Problems

Note: The U. S. Bureau of Reclamation will be referred to here as either USBR or Reclamation.

Said Board Order has a number of problems specific to the Order's subject matter and has at least one problem that concerns the general function of this important state agency. Because of severe time limitations, Petitioner has had to skip over lesser issues and focus on just a few of the Order's major problems. These problems are identified and examined in the paragraphs that follow.

The Concept of 'Cold Storage':

The first problem discussed here in the SWRC's adoption of the concept and term, "cold storage." Due to the Holidays, it was very difficult to reach people. Consequently, Petitioner was unable to determine if the "cold storage" concept, as used in these proceedings, was introduced by the SWRCB's staff or whether one of the other involved parties introduced it in one of their submissions. While the latter may be the case, the SWRCB did adopt, and make considerable use of, the concept and term. It even defined the term on the Order's first page:

"By 'cold storage' we mean a situation in which an appropriation is initiated, so that the water that is subject to appropriation



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is not available to other parties who could potentially put it to beneficial use, but the appropriator is not diligently pursuing development of that water supply, so the water remains unused, contrary to the public interest." (pgs. 1-2)

Board Orders are distinguished, time-honored documents and should be as accurate and factually-based as possible. As used in this Order, the concept and term, "cold storage," is a form of hyperbole and even though it may be catchy, the fact it has been given an important role in the Board's argument detracts from the serious nature of the Order's main topic. In addition, and much more disquieting, the definition the SWRCB gave the term is decidedly incorrect. Specifically, and contrary to the Order, the water that was subject to appropriation under Water Rights Permits 16209 through 16212 was not unused. The issuance of those permits had no effect on the water, per se. It was not suddenly locked up anywhere or marked with signs reading, "do not use," or in any other way made inaccessible to the public.

Rather, from the time the SWRCB issued those four permits in April 1971 and for the years that followed, that appropriated water remained where it had always been -- flowing down the North Fork American River and Knickerbocker Creek, joining the American River's main stem and then flowing on into the Sacramento River and eventually into the Delta. In so doing, this appropriated water performed the numerous useful functions it had always performed. These functions included augmenting instream flows, providing water for downstream agricultural and municipal users, providing habitat for aquatic life, etc. In fact, the challenges and obstacles that prevented Reclamation from constructing its storage and diversion facilities and using the water as the agency had planned have, in the interim period, had some unplanned but not unwelcome consequences. This point

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should have been developed in the Board's Order, rather than incorrectly saying the water "remains unused" and that it would continue to be unused for years to come if the four permits in question remained in effect; i.e., were not revoked.

-- The Permits' Other Aspects.

We now know the water appropriated under the four water rights permits in question was not placed in "cold storage." But what about other aspects of each of the permits -- things such as the purpose of use and place of use? Are they, along with the appropriated water, also envisioned to be in some kind of inaccessible, refrigerated state? Has the public been led to think they are? The Board Order makes no comment about these other aspects of the permits, and in the documents she has read, Petitioner could find no discussion of the matter in the materials submitted during this overall proceeding. Unless it's been changed recently, Chapter 10 of the State's Water Code gives a permit holder the option to change a permit's place of use, purpose of use, and point of diversion. Consequently, if the SWRCB were to reinstate water rights permits no. 16209 through 16212 and return them to Reclamation, several scenarios beneficial to California would be possible, one of which is presented here.

A. Our Nation's New Administration.

The new Obama Administration has made clear it plans to initiate a massive stimulus program to jump-start the economy, put people back to work, and improve the country's infrastructure. If this program includes water projects, at some point USBR may be asked to take another look at the project for which it obtained these four permits. In so doing, USBR might want to consider growing concerns about climate change, such as the Sierra Nevada's declining snowpack and the

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state's need for additional water storage facilities to impound the runoff now arriving as rain rather than snow. It might also consider California's increasingly keen interest in green energy (which includes hydroelectricity, a component of the original plan). Such a re-evaluation could conceivably result in USBR petitioning the SWRCB to make changes in these permits' purposes of use, places or use, or some combination of the two. Or the agency might decide the project is still responsive to the public's needs as originally planned.

We don't know what the odds are of such a scenario developing or how it might play out, but the chances might be better than we think. One thing we do know, however, is there will be no scenario at all unless the Board rescinds its Order and returns these permits to Reclamation.

B. The SWRCB's Outstanding Reputation.

The SWRCB (both the Board itself and its staff) is held in high regard. Because of this outstanding reputation, this state agency and the documents it produces can affect public opinion not only by what they say but also by what they don't say. As Petitioner noted above, the Board Order says nothing about these other aspects of Reclamation's four permits. Silence on this topic, combined with the Order's flawed "cold storage" statements, conveys the impression all aspects of these permits are somehow frozen in the past, with little utility and with little hope of being revitalized. Impressions count, and this impression strengthens the SWRCB's argument that the best course of action is to revoke these four permits. In the Order's Conclusion, the Board states:

"Allowing Reclamation to keep its water rights in 'cold storage' indefinitely would be contrary to long-standing precedent and

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sound public policy. For the foregoing reasons, the Auburn  
Dam Project permits should be revoked." \*

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\* In-text Note: This being a direct quotation, Petitioner made an exception  
to her purposeful avoidance of the name of the project associated with these  
four permits. Why the avoidance? Because the focus should be on the water rights  
permits themselves, rather than on the project for which they were obtained. This  
is the approach the SWRCB should have taken during these proceedings.

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Real Water vs. Paper Water:

This Petition now turns to the next problem related to Board Order No.  
WR 2008-0045; that is, the question of real water vs. paper water. Petitioner  
would like to quote from a July 14, 2008 letter Terry Davis, of the Sierra Club's  
Mother Lode Chapter, wrote to Ms. Tam M. Doduc, Board Chair. The subject is the  
water appropriated under Water Rights Permits Nos. 16209 through 16212:

"In the intervening 37 years since permits were issued, these  
water rights have been put to beneficial use to the benefit of  
downstream municipal, industrial and agricultural water users,  
recreationists and to maintain the fishery of the Lower American  
River. In fact nearly all the water intended for storage by the  
Auburn Dam is already allocated and available for diversion at  
Folsom and other downstream locations, so revoking the permits  
simply recognizes the reality that these water rights amount to  
little more than paper water."

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Reference to paper water appears in other documents submitted to the SWRCB for this proceeding (see, as one example, "Closing Statement," prepared by Ron Stork, Friends of the River, September 2, 2008, pgs. 7 and 8), and it raises serious concerns. Despite this fact, Petitioner has found nothing in these proceedings' written record to suggest the SWRCB has acknowledged these concerns, is addressing them, or plans to address them. The issue of real vs. paper water would seem to be vital to the SWRCB's consideration of these four water rights permits in particular and to water availability in the North Fork American River drainage in general. But the issue itself likely extends beyond this particular geographic area, perhaps even to the state as a whole, and warrants an in-depth examination.<sup>2/</sup>

This Petition can only touch upon the real/paper water issue as it pertains to the subject of the Board Order. And with this document's due date rapidly approaching, Petitioner regrets that even an abbreviated discussion is not possible here. Thus, Petitioner opted to pose several questions intended to stimulate debate and perhaps set the stage for subsequent discourse. These questions follow:

In using the water allocated to USBR (as was discussed earlier), have other entities perhaps inadvertently done so in such a way that this appropriated water now, in reality, no longer exists or exists only in a much reduced amount?

Over the years, has the SWRCB issued more water rights permits than this particular drainage basin can support, even when hydrologic conditions are favorable?

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<sup>2/</sup> It's possible the SWRCB already has such an examination planned or even under way.

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To what extent have environmental laws and regulations, put into affect since 1971, diminished the amount of available water allocated under these four permits, and has the SWRCB kept USBR apprised of these impacts?

Was Terry Davis correct when he wrote, "...so revoking these permits simply recognizes the reality that these water rights amount to little more than paper water"?

Did the revocation of Water Rights Permits Nos. 16209 through 16212 have the unintended side effect of helping to resolve a looming paper water problem in this particular drainage system?

If the Board reinstates these permits and the United States Congress then provides funds for a project to go forward, under the scenario presented earlier in this Petition, will USBR be able to count on the permits' appropriated water being available and in the quantities designated?

These are challenging questions, and debating them may take a while. In the meantime, the SWRCB should reinstate USBR's four water rights permits and then deal with the real vs. paper water question later, when it has more specific data on the subject.

#### The Question of Due Diligence:

Without ever defining it (at least Petitioner could find no definition), Board Order WR 2008-0045 builds its case against Reclamation retaining its four permits largely on the concept of due diligence. Presumably, the SWRCB's pursuit of this strategy stemmed in part from Section 1396 of Article 4 of

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Chapter 6: Permits, of the Water Code, where it states:

"The construction of the work thereafter and the utilization of water for beneficial purposes shall be prosecuted with due diligence in accordance with this division, the terms of the permit, and the rules and regulations of the board."

Specifically, the Order discusses whether or not USBR was responsive to that particular requirement, concluding that it was not. It further concludes that USBR's alleged lack of due diligence constituted grounds for revoking the four permits in question.

In the Order, the Board presents a recounting of events, correspondence, accomplishments, due dates, studies completed, studies not completed, etc., extending over the past forty or so years. Based on that recounting, it appears there were occasions when USBR might have done things a little better; i.e., might have been more assiduous. Yet, if one analyzes these four decades of happenings as objectively as possible, the conclusion reached is that, generally speaking, USBR did a good job in its handling of these permits and the enormous number of major physical tasks, both expected and unexpected, that came with them. Considering all the obstacles and challenges this federal agency faced, USBR was a good steward of these permits and a strong protector of public safety. If grading the agency on due diligence overall, USBR may not have earned an "A" grade, but they certainly do not deserve an "F" grade either, which is essentially what the Board gave them when it decided to revoke Water Rights Permits Nos. 16209 through 16212.

-- The SWRCB's Due Diligence.

(please see next page)

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-- The SWRCB's Due Diligence.

Due diligence is usually a two-way street, but all the focus in the Board Order, as well as in the proceedings' documents, is on the permit holder, Reclamation. Almost no one said anything about the SWRCB's due diligence or its lack thereof. Yet, in the Water Code's Chapter 12: Enforcement of Water Rights, Section 1825 states that:

"It is the intent of the Legislature that the state should take vigorous action to enforce the terms and conditions of existing permits and licenses to appropriate water and to prevent the unlawful diversion of water."

Just how vigorous has been the SWRCB's action in enforcing the terms and conditions of these four permits held by Reclamation? Based on its own recounting presented in the Board Order, the SWRCB's enforcement action has not been at all vigorous. In fact, prior to 2008, it's hard to find reference to any such action.

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In-text Note: With time running out, Petitioner will have to keep this discussion as short and concise as possible, while still making the points that need to be made.

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The SWRCB's continued inattention to its enforcement responsibilities seems to have had the effect of causing Reclamation to become less attentive as well in fulfilling some of its obligations in regard to these four permits. This then became a pattern of behavior between the two agencies, a pattern that has existed



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for quite a long time. As a case in point, consider item no. 9 in the Stipulation to Facts, where it states:

"Since 1983 Reclamation has not submitted annual Progress Reports of Permittee summarizing water use and project status as required by conditions in the permits." (pg. 3)

This fact, which both agencies agreed was accurate, means that for two and a half decades, i.e., 25 years, the SWRCB apparently took no action to get USBR to fulfill this particular permit condition. And in regard to those few other occasions where USBR did not do exactly as the SWRCB requested, there's also no indication the SWRCB took any enforcement action.

Did this lack of action on the part of the SWRCB result from lack of authority? It seems not, because the State Water Code gives the SWRCB the authority it needs for such matters. In Chapter 12's Section 1831, for example, the Code states:

"When the board determines that any person holding a permit or license to appropriate water pursuant to this division is violating any term or condition of the permit or license, the board may issue a preliminary order to any such person to cease and desist from such violation."

It's Petitioner's understanding that the word, "may," means the Board's issuance of a cease and desist order is not mandatory. So perhaps, initially, the SWRCB was just trying to exercise patience with the permit holder, and this is certainly commendable. The world needs more patience. At some point, however, and long

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before the passage of twenty-five years, the SWRCB should have realized it was granting Reclamation too much leeway and that some enforcement action was needed.

In regard to the four permits in question, did the SWRCB ever exercise the authority given it in Section 1831? If they did, there's no indication of it anywhere in this proceedings' record. Instead, for whatever reason and for a long period of time, what appears to have happened is the SWRCB chose to be benignly inattentive to this matter and not 'get after' Reclamation. Then, in 2008 and in sharp contrast to previous years, the SWRCB adopted a very aggressive approach and, figuratively speaking, threw the book at Reclamation -- claiming, ironically enough, lack of due diligence.

A. Pertinent Legal Concepts.

Petitioner is not an attorney, but is aware of two legal concepts that might have applied, at least in the private sector, in circumstances similar to that described above. One is the concept of estoppel, and the other is the concept of laches. In Black's Law Dictionary, Seventh Edition, for example, one of the definitions for laches is:

- (1) Unreasonable delay or negligence in pursuing a right or claim -- almost always an equitable one -- in a way that prejudices the party against whom relief is sought." (pg. 879)

Reclamation has probably already evaluated these concepts and determined they either don't apply or can't be used when government agencies are involved. Yet, the thinking behind them seems pertinent. Thus, if these concepts have not yet been considered, and if the Board decides to reconsider its revocation and holds another hearing, Reclamation might give some thought to exploring its options

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from this perspective.

The point Petitioner wishes to make here is that due diligence is a two-way street, and the SWRCB has not properly exercised due diligence in regard to its own responsibilities for these four water rights permits. Thus, invoking the due diligence argument and using that argument to revoke USBR's permits was not a good strategy for the SWRCB. It accused Reclamation of behavior, for example, to which the SWRCB itself had contributed by way of its own inattentiveness. What this state agency needs to do now, therefore, is to acknowledge its own shortcomings, reinstate Reclamation's four permits, and then, together with Reclamation, agree to improve the handling of their respective administrative duties related to these water rights permits.

The Real World vs. the Board's World:

It is now 8:30 A.M. on Friday, January 2, so, of necessity, this section must be vastly abbreviated. The main point Petitioner wishes to make here is that, with all due respect to this distinguished state agency, the SWRCB seems to have pursued this matter in a kind of vacuum. The Order, as well as the proceedings, show no evidence the SWRCB factored into its deliberations such things as: the state's future need for water supply, concerns about the Delta, the serious drought now plaguing California, our country's (and state's) economic recession, and shockingly, it shows no evidence it considered climate issues and how they relate to these water rights permits. In fact, the words, "climate change," or even the word, "climate," could be found nowhere in the Order.

And why was there no input from the Department of Water Resources? Section 184 of the State Water Code's Chapter 2 seems to require it. And why no input

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from Cal-Fed and from California's Climate Research Group? These entities should have been involved.

In sum, the Board's world and the real world seem to be in different solar systems, and this needs to change.

Conclusion

The public interest of all Californians will be best served if the Board reinstates Water Rights Permits No. 16209, 16210, 16211, and 16212 and returns them to their previous holder, the United States of America, U. S. Bureau of Reclamation, for at least 15 years; that is, until at least 2023. Arguments in support of such reinstatement have been presented in this Petition.

Petitioner would like to thank the California State Legislature for having provided any interested person the right to submit a Petition for Reconsideration. She would also like to thank those who have taken the time to read this document, and apologizes for having to greatly abbreviate her discussion in two if its sections.

Happy New Year Everyone!

\* \* \* \* \*