

EXPEDITED CONSIDERATION REQUESTED

241584

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
September 26, 2016
Part of
Public Record

DOCKET NO. FD36065
SAN PEDRO PENINSULA HOMEOWNER'S UNITED INC.
JOHNTOMMY ROSAS, TRIBAL ADMINISTRATOR,
TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION

**REQUEST FOR EXTENSION BY THE CITY OF LOS ANGELES
ACTING BY AND THROUGH
THE HARBOR DEPARTMENT'S BOARD OF HARBOR COMMISSIONERS**

INTRODUCTION

Pursuant to 49 C.F.R. § 1104.7(b), the City of Los Angeles, acting by and through its Board of Harbor Commissioners (City), requests an extension until October 31, 2016, for any replies to the Petition for Declaratory Order filed by San Pedro Peninsula Homeowners United Inc., Johntommy Rosas, Tribal Administrator, Tongva Ancestral Territorial Tribal Nation (SPHU) on September 12, 2016, STB FD No. 36065. In its Petition, SPHU seeks a declaratory order that "...the STB issue an order regarding the use of the rail spur revocable permit without an undated EIR from Plains All American/Rancho and the Port of Los Angeles." (Petition at 5.) City plans to participate as party of record and file a reply to SPHU's Petition explaining, among other things, the City's understanding of STB jurisdiction of the rail track in question, the obligations of the track's common carrier, as well as, the legality of its related agreements.

This request is based upon good cause (see 49 C.F.R. § 1104.7(b)), and City respectfully requests that the Board grant its request for an extension until October 31, 2016. For reasons that the City will set forth more fully below, granting the extension of time will allow City to gather and submit documents helpful to the Board and to the creation of a complete record of this matter.

DISCUSSION

I. City's request for an extension is supported by good cause

Under the Board's Rules of Practice, "[a] party may file a reply ... to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided." 49 C.F.R. § 1104.13(a). Because SPHU filed its Petition on September 12, 2016, any replies would be due on October 3, 2016, unless the Board provides otherwise. The Board may extent this reply period in its descretion, upon request and for good cause. Id., § 1104.7(b).

City has been reviewing and analyzing SPHU's Petition and the legal and factual issues it raises. SPHU's Petition presents its view of over forty (40) years of history of a butane and propane gas facility by the name of Rancho LPG located adjacent to the Port of Los Angeles at 2110 North Gaffey Street, Los Angeles California 90731 (Rancho). (Petition 1-4.) The SPHU Petition also makes several assertions in regard to the legality of agreements to which the City is a party. (Petition 2.) Further, the SPHU Petition makes a variety of claims in regard to the danger of the substances handeled by Rancho and its use, and the propriety of that use, of rail track that runs through the Port of Los Angeles. (Petition 2-4.)

The City requests additional time to submit a reply, to October 31, 2016, in order to gather documents pertinent to SPHU's Petition and the over forty years of activity the Petition draws into question. City believes that if the Board were to grant this extention of time, it would give City the opportunity to present to the Board a complete record in regard to the issues presented by SPHU's Petition as those issues relate to the Port of Los Angeles. In addtion, SPHU's Petition implicates matters of public interest and an extension of time would allow other entities, organizations, and government agencies that may have an interest in SPHU's Petition, to file comments. Finally, a Board order granting the requested extesion would also provide clarity regarding the deadline for replies to other parties who may wish to comment, in that no such date certain was set forth in SPHU's Petition.

REQUEST FOR RELIEF

City respectfully requests that the Board: grant an extension until October 31, 2016 to give City the opportunity to present the Board with a more complete record.

Respectfully submitted,



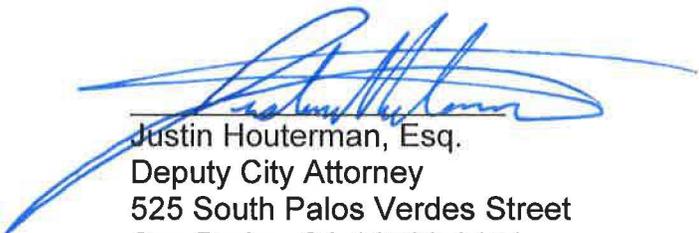
Justin Houterman
Deputy City Attorney

VERIFICATION

I, Justin Houterman, verify under penalty of perjury that the factual statements made in the foregoing Petition for Declaratory Order are true and correct, to the best of my knowledge, information and belief.

Further, I certify that I am qualified and authorized to file this verification.

Executed on September 26, 2016, at San Pedro, California.



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PROOF OF SERVICE
1013A (3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18, and not a party to this action; my business address is 526 South Palos Verdes Street, San Pedro, California, 90733-0151.

On September 26, 2016, I served the foregoing documents described as: **REQUEST FOR EXTENSION BY THE CITY OF LOS ANGELES ACTING BY AND THROUGH THE HARBOR DEPARTMENT'S BOARD OF HARBOR COMMISSIONERS** by placing true copies thereof enclosed in a sealed package addressed as follows:

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(BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on the same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY EMAIL) Courtesy copies served by email in addition to Mail, as indicated.

STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 26, 2016, at San Pedro, California.


Ilene Argento