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Attorneys for Plaintiff United States of America

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

12 UNITED STATES OF AMERICA,
 13
 14 Plaintiff,
 15 and
 16 COMMUNITIES FOR A BETTER
 ENVIRONMENT,
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 18 Intervenor-Plaintiff,
 19 v.
 20 PACIFIC GAS and ELECTRIC COMPANY.
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 22 Defendant,
 23 and
 24 COMMUNITIES FOR A BETTER
 ENVIRONMENT,
 25
 26 Intervenor-Plaintiff,
 27 v.
 28 BAY AREA AIR QUALITY
 MANAGEMENT DISTRICT, and
 JACK BROADBENT, in his capacity as AIR
 POLLUTION CONTROL OFFICER OF BAY
 AREA AIR QUALITY MANAGEMENT
 DISTRICT.
 Defendants.

Civil Action No. 09-4503 SI
 UNOPPOSED REQUEST BY
 PLAINTIFF UNITED STATES
 TO RESCHEDULE HEARING
 AND [PROPOSED] ORDER

UNOPPOSED REQUEST BY PLAINTIFF UNITED STATES TO RESCHEDULE HEARING
 AND [PROPOSED] ORDER – CIVIL ACTION NO. 09-4503 SI

1 Due to a conflict with international travel previously scheduled by the United States's
2 lead counsel, Plaintiff the United States respectfully requests that the Court reschedule the
3 hearing currently calendared for December 16, 2010, to December 1, 2, or 3, 2010. [See Docket
4 No. 93 (continuing November 10 hearing to December 16).] Alternatively, the United States
5 requests that the hearing be rescheduled for a date during January 10 through 27, 2011, or
6 January 31, 2011. The other parties—Pacific Gas & Electric Company (“PG&E”), Communities
7 for a Better Environment (“CBE”), and the Bay Area Air Quality Management District and Jack
8 Broadbent (collectively “the District”)—do not oppose this request.

9 The hearing's purpose is to hear the United States's Motion to Enter the Second
10 Amended Consent Decree and the District's Motion to Dismiss. Subject to the Court's
11 convenience, because the parties do not wish to delay resolution of the outstanding motions, they
12 prefer the hearing to be rescheduled for December 1, 2, or 3 rather than January, if possible.

13 I, Bradley R. O'Brien, attest that concurrence in the filing of this Unopposed Request has
14 been obtained from David Farabee, attorney for Defendant PG&E; Deborah N. Behles, attorney
15 for Intervenor-Plaintiff CBE; and Alexander G. Crockett, attorney for Defendant the District.

16
17 Respectfully submitted,

18 FOR THE UNITED STATES OF AMERICA

19
20 Date November 5, 2010

/s/ Bradley R. O'Brien
W. BENJAMIN FISHEROW
ANGELA MO
BRADLEY R. O'BRIEN
United States Department of Justice

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24 FOR PACIFIC GAS and ELECTRIC COMPANY

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26 Date November 5, 2010

/s/ David Farabee
DAVID FARABEE
Pillsbury Winthrop Shaw Pittman LLP

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FOR COMMUNITIES FOR A BETTER ENVIRONMENT

Date November 5, 2010 /s/ Deborah N. Behles
HELEN H. KANG
DEBORAH N. BEHLES
ADRIENNE BLOCH
Communities for a Better Environment

FOR THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Date November 5, 2010 /s/ Alexander G. Crockett
BRIAN C. BUNGER
ALEXANDER G. CROCKETT
Bay Area Air Quality Management District

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[PROPOSED] ORDER

GOOD CAUSE APPEARING,

The December 16, 2010, hearing is hereby rescheduled for January 21, 2011,
beginning at 9:00 a.m.. The Court will hear the United States's Motion to Enter the Second
Amended Consent Decree and the Bay Area Air Quality Management District's Motion to
Dismiss the complaint filed by Communities for a Better Environment.

IT IS SO ORDERED.



Date

SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE