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March 3, 2009

Ronald Douglas Kennedy
4741 Sleeping Indian Rd.
Fallbrook, CA 92928-8875

Re: Request for Attorney General's Opinion No. 08-0202
(PRA Request: Kennedy, Douglas 02-03-09)

Dear Mr. Kennedy:

I am writing in response to your request for information under the Public Records Act, dated February 3, 2009. Your request seeks to know whether this office received your letter and 36 exhibits submitted to this office in January 2008 and, if so, to know how we intend to respond to your request. I am glad to hear from you because I thought I had answered your 2008 letter long ago.

Yes, we did receive your letter and 36 exhibits in January 2008 (as well as supplementary material in February 2008). The gist of your letter and the supporting materials was that you would like this office to reconsider our 1994 opinion (No. 93-1205) relating to the San Joaquin Hills Transportation Corridor.

The response that I thought I had provided to you long ago is that we decline your request to revisit that opinion. Early in 2008 I reviewed our earlier opinion, along with your letter and the materials you provided to us. I understand that you take a very different view of the matter, but I have not found anything that would require us to reach a different conclusion on the questions of law that we considered in 1994. Therefore, I cannot justify undertaking a reconsideration of that opinion. That is what I meant to tell you a year ago, and I apologize sincerely because I cannot find any record of a letter to that effect.

Since then, for budgetary reasons, we are currently in the position of declining all discretionary requests to the Opinion Unit. Among other things, that means that we will not consider a request for reconsideration unless it is proposed by an official qualified to request an opinion in the first instance. (See Govt. Code § 12519.)

Ronald Douglas Kennedy
March 3, 2009
Page 2

I am sorry I cannot be more helpful to you.

Sincerely,

Susan Duncan Lee
Supervising Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General