

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D.C.**

AIRCRAFT OWNERS AND PILOTS  
ASSOCIATION, *ET AL.*

Complainants,

v.

FAA Docket No. 16-22-08

COUNTY OF SANTA CLARA,  
CALIFORNIA

Respondent.

**RESPONDENT COUNTY OF SANTA CLARA'S  
MOTION FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

**Designation of persons to receive service for the County of Santa Clara, California:**

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1. Respondent County of Santa Clara, California (“County”) moves, pursuant to 14 C.F.R. § 16.11, for an extension of time to file its Answer or other response to the Complaint in the above-captioned matter. Aircraft Owners and Pilots Association, *et al.* (“Complainants”) filed their Complaint on or about October 16, 2022. The Federal Aviation Administration (“FAA”) issued a Notice of Docketing of the Complaint, accompanied by a certificate of service dated November 3, 2022, showing service by mail. The County has not received the Notice of Docketing by mail.

2. Pursuant to 14 C.F.R. § 16.17(c) and § 16.23(d), the County’s response is due on November 29, 2022 (twenty (20) days from November 3, 2022, plus five (5) days for service by mail). The County requests an extension of the deadline for responding to the Complaint for forty-five days until January 13, 2023. The County has discussed this request with Complainants and they oppose it. The County does not oppose a reasonable, comparable extension of time for Complainants to file an answer or reply to the County’s response to the Complaint. The County requests this extension for several reasons.

3. First, the County is in active negotiations with the FAA that could moot some or all the issues raised in the Complaint. These negotiations resulted from a previous complaint filed by Complainants with the FAA a year ago raising substantially similar issues as their current Complaint. The County received a new draft of a memorandum of understanding (“MOU”) from the FAA on October 28, 2022 that addresses issues raised in the Complaint and includes new details about the County’s potential participation in an FAA-contracted pilot demonstration initiative involving the sale of unleaded aviation gasoline (“avgas”) at Reid-Hillview Airport and San Martin Airport (collectively, “County Airports”). The County has a meeting scheduled with the FAA to discuss their proposal on November 30, 2022, the day after

the County's response is currently due. An extension to file a response will allow time for these negotiations to progress.

4. Second, preparation of an adequate pleading before January 13, 2023 would be difficult due to prior commitments by counsel. The County's time to prepare its response is artificially shortened by the multiple holidays: Veterans Day and Thanksgiving; the current filing deadline for the County's response is the Tuesday after Thanksgiving weekend. Several essential participants have planned leave during this period. Counsel also has several other commitments and deadlines in November and December, including our anticipated negotiations with the FAA on the above referenced MOU. The current briefing schedule would present similar difficulties for all parties. The Complainants' deadline to answer or reply would be December 9, 2022 (ten (10) days from November 29, 2022). If the County files a motion to dismiss, the FAA's deadline to issue a decision would be January 9, 2023 (thirty (30) days from December 9, 2022, plus one day for the weekend). An extension would alleviate these concerns.

5. Finally, a short delay will not prejudice the Complainants. The Complaint concerns conditions that have been in effect for nearly a full year. These conditions have had no significant effect on operations at either of the County Airports. In fact, through the end of September, operations at both County Airports have increased slightly relative to the same period in 2021. Through September, sales of unleaded avgas at Reid-Hillview Airport exceed sales of leaded avgas for the same period in 2021. The number of aircraft based at the County Airports has not meaningfully changed.

6. The County respectfully requests that the FAA grant the County's motion for an extension of time until January 13, 2023, in which to file its response to the Complaint.

Respectfully submitted this 14<sup>th</sup> day of November, 2022.

James R. Williams  
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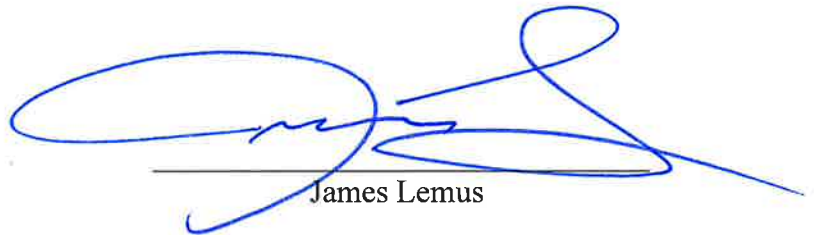
## CERTIFICATE OF SERVICE

I hereby certify that I have this 14<sup>th</sup> day of November, 2022, served the foregoing document by email to the following persons:

Office of the Chief Counsel  
Attn: FAA Part 16 Airport Proceedings Docket, AGC-610  
Federal Aviation Administration  
800 Independence Avenue, SW  
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Dated this 14<sup>th</sup> day of November, 2022.



James Lemus