

**FIRST AMENDMENT TO TOLLING AGREEMENT**  
**Between the California Department of Fish and Wildlife, Office of Spill Prevention and Response, and the San Francisco Public Utilities Commission**

This First Amendment to the Tolling Agreement dated October 16, 2015 (Original Tolling Agreement) is entered into between the California Department of Fish and Wildlife, Office of Spill Prevention and Response (CDFW/OSPR), and the San Francisco Public Utilities Commission (SFPUC), a department of the City and County of San Francisco (the Tolling Parties). The Tolling Parties agree as follows:

1. Paragraph 5 of the Original Tolling Agreement is replaced in its entirety with the following new section 5:

The Tolling Parties agree the time between October 3, 2015 and October 3, 2016, inclusive, will not be included in computing the time limited by any statute of limitations under the causes of action that may arise out of the claims and contentions referred to in Paragraph 1, if any statute of limitations is applicable. Nor will those respective time periods be considered on a defense of laches or similar defense concerning timeliness of commencing a civil action. Further, SFPUC shall not assert, plead or raise in any fashion, whether by answer, motion or otherwise, any defense or avoidance based on the running of the statute of limitations during the aforementioned period, and any statute of limitations shall be tolled during and for that period. Nothing in this Agreement shall revive a claim that, prior to October 3, 2015, was barred by any applicable statute of limitations.

2. Effective Date. The modification to section 5 of the Original Tolling Agreement set forth in Section 2 shall be effective on and after the date of this First Amendment following approval by the San Francisco Board of Supervisors.

3. Legal Effect. Except as expressly modified by this First Amendment, all of the terms and conditions of the Original Tolling Agreement shall remain unchanged and in full force and effect.

DATED: \_\_\_\_\_, 2016

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
OFFICE OF SPILL PREVENTION AND RESPONSE**

By: \_\_\_\_\_

Wendy Johnson  
Staff Counsel III

**Contact and Address for Notice:**


Ms. Wendy Johnson  
Staff Counsel III  
California Department of Fish and Wildlife  
Office of Spill Prevention and Response  
Telephone: (916) 324-5660  
Facsimile: (916) 324-5662  
E-Mail: [Wendy.Johnson@wildlife.ca.gov](mailto:Wendy.Johnson@wildlife.ca.gov)

**Via United States Mail:**  
P.O. Box 160362  
Sacramento, California 95816-0362

**Via Express (Overnight) Mail:**  
1700 K Street, Suite 250  
Sacramento, California 95811

DATED: April 29 2016

**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

By:   
Joshua Milstein  
Deputy City Attorney  
San Francisco City Attorney

**Contact and Address for Notice:**

Mr. Joshua Milstein  
Deputy City Attorney  
San Francisco City Attorney  
Office of the City Attorney  
Telephone: (415) 554-4211  
Facsimile: (415) 554-8793  
E-Mail: [Joshua.D.Milstein@sfgov.org](mailto:Joshua.D.Milstein@sfgov.org)

**Via United States Mail:**  
1390 Market Street, 7<sup>th</sup> Floor  
San Francisco, California 94102

**Via Express (Overnight) Mail:**  
1390 Market Street, 7<sup>th</sup> Floor  
San Francisco, California 94102