

ALJ/PAB/jva *

Mailed 11/5/98

Decision 98-11-022 November 5, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joanne Carey,

Complainant,

vs.

Pacific Gas and Electric Company, a California
corporation, et al.,

Defendants.

ORIGINAL

Case 97-11-014
(Filed November 6, 1997)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities (PU) Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is November 6, 1998. The Presiding Officer's Decision in this proceeding was mailed on September 22, 1998.

Rule 8.2 of the Commission's Rules of Practice and Procedure allows for a 30-day review and appeal period and a 15-day period to respond to any Appeal. Thus, in this proceeding Requests for Review by the Commissioners and Appeals by the parties must be filed on or before October 22 and responses to any Appeal must be filed on or before November 6, which is the 12-month deadline.

On October 15, Commissioner Neeper filed a Request for Review in this proceeding and PG&E, the defendant, and Consumer Services Division (CSD) filed Appeals on October 22, 1998. The current schedule allows no time for the Commission to correct, amend, or alter the Presiding Officer's Decision after review or in response to the Appeals before the statutory deadline runs. Therefore, we herein extend the statutory deadline to provide an opportunity for the Commission to review the Presiding Officer's Decision and consider the Appeals prior to issuance of its decision.

Findings of Fact

1. This proceeding was initiated on November 6, 1997.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before November 6, 1998, unless this date is extended.
3. The Presiding Officer's Decision resolving this case was mailed on September 22, 1998.
4. On October 15, 1998, Commissioner Neeper filed a Request for Review and the defendant, PG&E, and CSD filed Appeals of the Presiding Officer's Decision on October 22, 1998.
5. The current schedule allows no time to review the Presiding Officer's Decision or consider an appeal before the 12-month statutory deadline runs.

Conclusion of Law

The 12-month statutory deadline imposed by PU Code § 1701.2(d) should be extended until further order.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, November 6, 1998, is extended until further order.

This order is effective today.

Dated November 5, 1998, at San Francisco, California.

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners