

ALJ/PAB/mrj

Mailed 1/7/99

Decision 99-01-005 January 7, 1999

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into whether to revoke the operating authority issued to Felipa Garza Fuentes, an individual, doing business as Fuentes Tours (TCP 7591P).

Investigation 98-01-004
(Filed January 7, 1998)

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 January 7, 1999. Because it was necessary to set further hearings and a briefing period for information missing in the record, submission of this matter was delayed, and the Presiding Officer's Decision in this proceeding was mailed on December 28, 1998.

Rule 8.2 of the Commission's Rules of Practice and Procedure allows for a 30-day review 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 January 15 and responses to any Appeal must be filed on or before February 1, 1999 which is beyond the 12-month deadline.

Therefore, it is necessary to extend the statutory deadline to provide an opportunity for the Commission to review the Presiding Officer's Decision and consider any Appeals prior to issuance of its decision.

Due to the § 1701.2(d) statutory deadline, there is a need to act on this matter on or before January 7, 1999, and this constitutes an unforeseen emergency situation for purposes of PU Code § 311 (g) (2) (See Rule 81 (g) of the Commission's Rules of Practice and Procedure). Accordingly, pursuant to PU Code § 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. This proceeding was initiated on January 7, 1998.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before January 7, 1999, unless this date is extended.
3. The Presiding Officer's Decision resolving this case was mailed on December 28, 1998 after further hearings on November 16, 1998.
4. The current schedule allows no time to review the Presiding Officer's Decision or consider any 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.

I.98-01-004 ALJ/PAB/mrj

IT IS ORDERED that the 12-month statutory deadline in this proceeding, January 7, 1999, is extended until further order.

This order is effective today.

Dated January 7, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners