

ALJ/MAB/sid

Mailed 4/1/99

Decision 99-04-005 April 1, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Utility Consumers' Action Network,

Complainant,

vs.

Pacific Bell (U 1001 C),

Defendant.

And Related Matters.

ORIGINAL

Case 98-04-004
(Filed April 6, 1998)

Case 98-06-003
(Filed June 1, 1998)

Case 98-06-027
(Filed June 8, 1998)

Case 98-06-049
(Filed June 24, 1998)
Investigation 90-02-047
(Filed February 23, 1990)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities (Pub. Util.) 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 April 6, 1999. The briefing schedule in this proceeding closes on March 26, 1999.

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 of a Presiding Officer's decision. Thus, the current schedule allows no time for the Presiding Officer's Decision's decision to become effective 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.

Comments on the Draft Decision

On March 11, 1999, UCAN filed comments on the draft decision in which it requested that the extension expire on June 6, 1999, rather than until further order of the Commission.

Given the uncertainties of the remaining procedural steps, UCAN's request is not practical, nevertheless, the Commission intends to complete this case in an expeditious manner.

Findings of Fact

1. This proceeding was initiated on April 6, 1998.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before April 6, 1999, unless this date is extended.
3. The current schedule allows no time to review the Presiding Officer's Decision or consider an appeal before the 12-month statutory deadline runs.
4. UCAN's request to limit the extension to June 6, 1999, is impractical.

Conclusion of Law

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

C.98-04-004 et al. ALJ/MAB/sid

IT IS ORDERED that the 12-month statutory deadline in this proceeding, April 6, 1999, is extended until further order.

This order is effective today.

Dated April 1, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners