

Decision 00-02-019 February 3, 2000

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Cynthia A. McKean (homeowner representing  
tenants of El Portal M.H.P.),

Complainants,

vs.

El Portal Mobile Estates/Evans Management  
Services,

Defendants.

Case 99-02-030  
(Filed February 23, 1999)

**ORDER EXTENDING STATUTORY DEADLINE**

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 February 22, 2000.

A prehearing conference (PHC) in this matter was held on May 28, 1999. At the PHC, the Complainant and Defendant informed the assigned administrative law judge (ALJ) that a settlement had been reached and the parties verbally stated the terms of the settlement at the PHC. However, because the Complainant and Defendant did not file their motion to adopt the settlement agreement until December 17, 1999, this matter has been delayed substantially. Further, due to time lags in issuing billing statements, the "Notice of Motion to Adopt Proposed Settlement Agreement" to other tenants of the mobile home park contained in the tenants' bill was not mailed until late January.

Therefore, it is necessary to extend the statutory deadline to provide the affected public notice of the settlement agreement and an opportunity to respond. Due to the § 1701.2(d) statutory deadline, there is a need to act on this matter immediately, and this constitutes an unforeseen emergency situation for purposes of Pub. Util. Code § 311(g)(2). (See Rule 81(g) of the Commission's Rules of Practice and Procedure.) Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. This proceeding was initiated on February 23, 1999.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before on February 22, 2000, unless this date is extended.
3. Complainant and Defendant have substantially delayed this proceeding by filing their motion to adopt settlement agreement more than 6 ½ months after advising the administrative law judge that a settlement had been reached.
4. Due to time lags in issuing billing statements, the notice of the settlement to other tenants of the mobile home park contained in the tenants' bill was not mailed until late January.
5. It is necessary to extend the statutory deadline to provide the affected public notice of the settlement agreement and an opportunity to respond.

### **Conclusion of Law**

The 12-month statutory deadline imposed by Pub. Util. 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, February 22, 2000, is extended until further order.

This order is effective today.

Dated February 3, 2000, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

CARL W. WOOD

LORETTA M. LYNCH

Commissioners