

Decision 00-03-008 March 2, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Terril L. Graham,

Complainant,

v.

Atascadero Mutual Water Company,

Defendant.

Case 99-03-070
(Filed March 31, 1999)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities Code Section 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 March 31, 2000. Because the parties requested and received postponements for the time to file briefs, this matter has been delayed. This matter was heard on September 10, 1999, but was not submitted until December 27, 1999. The assigned Administrative Law Judge (ALJ) should issue a presiding officer's decision (POD) within 60 days of when the matter is submitted, or in this case by February 26, 2000.

Further, 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, depending on what date the POD is issued in this proceeding, requests for review by the Commissioners and appeals by the parties, if any, could be filed 30 days after February 26, 2000. Extending the statutory deadline

would provide an opportunity for the Commission to consider appeals and responses to any appeals prior to issuance of its decision.

Due to the Section 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 Public Utilities Code Section 311(g)(2) (See Rule 81 (g) of the Commission's Rules of Practice and Procedure). Accordingly, pursuant to Public Utilities Code Section 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 March 31, 1999.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before March 30, 2000, unless this date is extended.
3. The POD resolving this case should be mailed on or before February 26, 2000.
4. The current schedule allows no time to consider appeals or responses to any appeal before the 12-month statutory deadline runs.

Conclusion of Law

The 12-month statutory deadline imposed by Public Utilities Code Section 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, March 30, 2000, is extended until further order.

This order is effective today.

Dated March 2, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
LORETTA M. LYNCH
Commissioners