

Decision 00-04-032 April 6, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own Motion into the operations, practices, and conduct of Vista Group International, Inc., (U-5650), doing business as Vista Communications (Vista), Thomas Coughlin, Chief Executive Officer of Vista, and Philip Bethune, President of Vista, to determine whether they have violated the laws, rules, and regulations governing the manner in which California consumers are switched from one Long Distance carrier to another.

Investigation 99-04-020
(Filed April 22, 1999)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases, such as this investigation, 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 the investigation is April 22, 2000. However, after the investigation proceeding began, respondents Coughlin and Bethune filed Application (A.) 99-09-038 requesting disposition of the same customer base under investigation in this proceeding. Because the application and investigation had overlapping issues, the application was joined with the investigation for hearing. Thus, an extension of the 12-month statutory deadline in the investigation is needed to fully consider the implication of the later-filed application.¹

¹ Pursuant to Rule 5 of the Commission's Rules of Practice and Procedure, applications are classified as "ratesetting" proceedings with an 18-month statutory deadline. Thus,

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Due to the impending Section 1701.2(d) statutory deadline in the investigation, there is a need to act on the investigation 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 on this decision is being waived.

Findings of Fact

1. This proceeding was initiated on April 22, 1999.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before April 22, 2000, unless this date is extended.
3. Facts underlying A.99-09-038 may impact the conclusions reached in this proceeding.

Conclusion of Law

The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until this proceeding is resolved.

the statutory deadline of the application joined with the investigation in this proceeding is March 2001, whereas the statutory deadline of the investigation is April 22, 2000.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, April 22, 2000, is extended until further order.

This order is effective today.

Dated April 6, 2000, at San Francisco, California.

LORETTA M. LYNCH
President

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