

Decision 00-05-039 May 18, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Utility Consumers' Action Network (UCAN),

Complainants,

vs.

Pacific Bell (U-1001-C),

Defendant.

Case 99-06-053
(Filed June 29, 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 June 29, 2000. Evidentiary hearing in this proceeding, now set for May 11, has been delayed by, among other things, the unanticipated illness of defendant's witness. Therefore, it is extremely unlikely that the presiding officer's decision will be mailed prior to June 29, 2000. Even if the decision should be mailed before June 29, pursuant to Pub. Util. Code § 1701.2(a) it would not become effective until 30 days after mailing. Therefore, for good cause, we should extend the statutory deadline.

This decision extends the 12-month deadline.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable § 1701.2(d) statutory deadline for public review and comment is being waived.

Findings of Fact

1. This proceeding was initiated on June 29, 1999.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before June 29, 2000, unless this date is extended.
3. Evidentiary hearing in this proceeding is set for May 11, 2000.
4. The delay in setting evidentiary hearing is attributable, among other things, to the unanticipated illness of defendant's witness.
5. It is extremely unlikely that the presiding officer's decision will be mailed prior to June 29, 2000 and even if mailed beforehand, it could not take effect until 30 days after mailing.

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, June 29, 2000, is extended until further order.

This order is effective today.

Dated May 18, 2000, at San Francisco, California.

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