

Decision 00-06-065 June 22, 2000

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

Investigation into Commonwealth Energy Corporation's Operations and Practices in Connection With Providing Service as an Electricity Service Provider Under Registration No. 1092,

Respondent.

Investigation 99-06-036  
(Filed June 24, 1999)

**ORDER EXTENDING STATUTORY DEADLINE**

Investigation (I.) 99-06-036 was filed on June 24, 1999. A prehearing conference (PHC) was held on August 10, 1999. Based on the PHC, the assigned Commissioner determined that hearings will be necessary. Therefore, pursuant to Rule 4(b)(2) of our Rules of Practice and Procedure, this proceeding falls under the requirements of Pub. Util. Code § 1701.2.

Pub. Util. Code § 1701.2 requires adjudication cases to be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending it.

Respondent and the Commission's Consumer Services Division (CSD) filed a Joint Motion to adopt a stipulation for settlement (settlement) on January 7, 2000. Upon review of the settlement, Assigned Commissioner Loretta Lynch issued a ruling on April 5, 2000. The ruling stated that the record contains insufficient basis for determining whether the settlement is reasonable, consistent with law and in the public interest. Pursuant to the ruling, the Presiding Officer held a PHC on April 24, 2000. As a result, additional hearings will be scheduled. The Presiding Officer's Decision will be due 60 days after the

matter is submitted. The Presiding Officer's Decision (POD) is due August 25, 2000. Additional time will be necessary to provide the Commission with time to address any requests for review or appeals of the POD that may be filed.

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 Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

### **Findings of Fact**

1. The 12-month statutory deadline for this case is June 24, 2000.
2. A PHC was held on August 10, 1999, which resulted in a determination that hearings are necessary which in turn triggered the 12-month deadline.
3. Additional time is necessary in order to address any requests for review or appeals that may be filed after the POD is issued.

### **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 for this proceeding, June 24, 2000, is extended until further order.

This order is effective today.

Dated June 22, 2000, at San Francisco, California.

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

President Loretta M. Lynch, being necessarily absent, did not participate.