

Decision 99-01-027 January 20, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pacific Coast Volvo and GMC Trucks, Inc.,

Complainant,

vs.

Southern California Gas Company,

Defendant.

Case 98-01-025
(Filed January 29, 1998)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities (PU) 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 January 29, 1999. The Presiding Officer's Decision in this proceeding has not been mailed.

Rule 8.2 of the Commission's Rules of Practice and Procedure allows for a 30-day review and appeal period and a 15-day period to respond to any Appeal. Thus, in this proceeding Requests for Review by the Commissioners and Appeals by the parties will not be received before the 12-month deadline.

Therefore, we herein extend the statutory deadline, to provide an opportunity for the Commission to review any such pleadings filed after the order is mailed. Due to the § 1701.2(d) statutory deadline, there is a need to act on this matter on or before January 29, 1999, and this constitutes an unforeseen emergency situation for purposes of PU Code § 311 (g)(2) (See Rule 81 (g) of the

Commission's Rules of Practice and Procedure). Accordingly, pursuant to PU Code § 311 (g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. This proceeding was initiated on January 29, 1998.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before January 29, 1999, unless this date is extended.
3. The Presiding Officer's Decision resolving this case has not yet been mailed. Thereafter, parties have the right to file an Appeal or the Commission may file a Request for Review.
4. If a Request for Review or Appeal is filed, the current schedule allows no time to review the Presiding Officer's Decision or consider an appeal before the 12-month statutory deadline runs.

Conclusion of Law

The 12-month statutory deadline imposed by PU 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, January 29, 1999, is extended until further order.

This order is effective today.

Dated January 20, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners