

Decision 99-04-064 April 22, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's own motion into the operations and practices of affiliated companies FutureNet, Inc. and FutureNet Online, Inc., dba Future Electric Networks, and individuals in control of operations: Alan Setlin and Larry Huff, Respondents.

Investigation 98-04-033
(Filed April 23, 1998)

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 April 23, 1999. On March 25, 1999, FutureNet filed an appeal of the Presiding Officer's Decision.

Pub. Util. Code § 311(g) requires that the decision on the appeal be mailed to the parties for comment 30 days prior to Commission action. Thus, the current schedule allows no time for the Commission's decision to become effective before the statutory deadline runs. Therefore, we herein extend the statutory deadline to provide an opportunity for the Commission to review the Presiding Officer's Decision and consider the appeal prior to issuance of its decision.

Due to the § 1701.2(d) statutory deadline, there is a need to act on this matter immediately, and this constitutes as unforeseen emergency situation for purposes of Pub. Util. Code § 311(g)(2) (See Rule 81(g) of the Commission's Rules of Practice and Procedure). Accordingly, pursuant to Pub. Util. 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 April 23, 1998.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before April 23, 1999, unless this date is extended.
3. An appeal was filed less than 30 days before the expiration of the 12-month deadline.
4. The current schedule allows no time to consider the appeal before the 12-month statutory deadline runs.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended until further order.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, April 23, 1999, is extended until further order.

This order is effective today.

Dated April 22, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners