

Decision 99-11-019 November 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RUEBEN BERCOVITCH AND BLANCHE
BERCOVITCH,

Complainants,

v.

SAN DIEGO GAS AND ELECTRIC COMPANY,

Defendant.

Case 98-11-027
(Filed November 9, 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 November 8, 1999. Because the Complainant has requested and received postponements for the prehearing conference and evidentiary hearing and also requested and received extensions of time to file briefs, this matter has been delayed. This matter was submitted on September 16, 1999. The assigned Administrative Law Judge (ALJ) should issue a presiding officer's decision (POD) within sixty days of when the matter is submitted, or in this case by November 15, 1999.

Further, Rule 8.2 of the Commission's Rules of Practice and Procedure allows for a 30-day review appeal period and a 15-day period to respond to any appeal. Thus, depending on what date the POD is issued in this proceeding, Requests for Review by the Commissioners and appeals by the parties, if any,

would be filed approximately 30 days after November 15, 1999, which is beyond the 12-month deadline.

Therefore, it is necessary to extend the statutory deadline to provide an opportunity for the Commission to consider appeals and responses to any appeals 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 an 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 30-day period for public review and comment is being waived.

Findings of Fact

1. This proceeding was initiated on November 9, 1998.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before November 8, 1999, unless this date is extended.
3. The Presiding Officer's Decision resolving this case should be mailed on or before November 15, 1999.
4. The current schedule allows no time to consider appeals or responses to any 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.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, November 8, 1999, is extended until further order.

This order is effective today.

Dated November 4, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners