

Decision 99-11-058 November 18, 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 Future Net, Inc., and Future New Online, Inc., dba; Future Electric Network, and Individuals in Control of Operations; Alan Setlin and Larry Huff.

1.98-04-033
(Filed April 23, 1998)

**ORDER DENYING REQUEST FOR STAY
OF DECISION (D.)99-06-055**

On June 10, 1999, we issued Decision (D.)99-06-055 in this matter. Respondents FutureNet Online, Inc. and Alan J. Setlin (collectively referred to as "FutureNet") filed an application for rehearing of D.99-06-055 on July 9, 1999. On September 29, 1999, FutureNet filed a motion for a stay of D.99-06-055 pursuant to Rule 45 of the Commission's Rules of Practice and Procedure. In its motion, FutureNet requests that Ordering Paragraphs 4 and 5¹ be stayed until the completion of (1) the Commission's review of FutureNet's pending application for rehearing of D.99-06-055, and (2) any appellate review in the Court of Appeal that may follow a Commission decision with regard to its rehearing application.

By Decision (D.)99-11-031, dated November 4, 1999, we granted a limited rehearing to modify language in the text of D.99-06-055 concerning the

¹ Ordering Paragraph 4 of D.99-06-055 held that the \$1.3 million fine imposed on FutureNet is due on December 6, 1999. Ordering Paragraph 5 of the decision held that an additional fine amount of \$700,000 is stayed but that such stay will be reviewed by the Commission should either respondent fail to comply with future directives of the Commission or applicable statutes.

liability of Mr. Alan Setlin. Rehearing of D.99-06-055, as modified, was denied in all other respects. D.99-11-031 did not stay any of the Ordering Paragraphs in D.99-06-055.

Based on our review of FutureNet's motion for a stay of D.99-06-055, we find that a stay is not merited since FutureNet has not shown that denial of the stay will result in great or irreparable harm, or that it is warranted for any other reason.

Therefore, **IT IS ORDERED** that FutureNet's motion for a stay of D.99-06-055 is hereby denied.

This order is effective today.

Dated November 18, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners