

Decision 99-12-047 December 16, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Fiber Link, L.L.C.
(U-6028-C) for Modification of its Certificate of
Public Convenience and Necessity ("CPCN") to
Review Proponent's Environmental Assessment
for Compliance with the California
Environmental Quality Act ("CEQA").

Application 99-08-021
(Filed August 10, 1999)

**ORDER PURSUANT TO RULE 6.5
CHANGING HEARING DESIGNATION**

Rule 6.5(b) of the Rules of Practice and Procedure concerning changes in the need for hearing or preliminary categorization of a proceeding provides:

"If the assigned Commissioner, pursuant to Rules 6(a)(3), 6(c)(2), or 6(d), changes the preliminary determination on need for hearing, the assigned Commissioner's ruling shall be placed on the Commission's Consent Agenda for approval of that change."

Pursuant to Rule 6.1, the Commission in Resolution ALJ 176-3022, dated September 2, 1999, preliminarily determined that the above-entitled matter was a ratesetting proceeding expected to go to hearing. At a prehearing conference on November 4, 1999, all active parties agreed that there would be no need for hearing. On November 9, 1999, Commissioner Duque issued an Assigned Commissioner's Ruling finding that the need for hearing determination should be changed.

We have considered our preliminary determination and the Assigned Commissioner's Ruling, and we agree with the assigned Commissioner that a hearing is not necessary.

This is a contested matter in which the parties have stipulated to waive the 30-day period for comments. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

IT IS ORDERED that a hearing in this proceeding is not required.

This order is effective today.

Dated December 16, 1999, at San Francisco, California.

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