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10-25-10
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's Own Motion into the Operations and Practices of Southern California Edison Company, Cellco Partnership LLP d/b/a Verizon Wireless, Sprint Communications Company LP, NextG Networks of California, Inc. and Pacific Bell Telephone Company d/b/a AT&T California and AT&T Mobility LLC, Regarding the Utility Facilities and the Canyon Fire in Malibu of October 2007.

Investigation 09-01-018
(Filed January 29, 2009)

ADMINISTRATIVE LAW JUDGE'S RULING DENYING MOTION TO EXTEND PROCEDURAL SCHEDULE

On October 8, 2010, pursuant to Rule 11.6 of the Commission's Rules of Practice and Procedure, Southern California Edison Company, Cellco Partnership LLP dba Verizon Wireless, Pacific Telephone Company dba AT&T California and AT&T Mobility LLC, Sprint Communications Company, LP, and Next G Networks of California, Inc. (Joint Respondents) requested, by electronic mail, approval of a 30-day extension to the procedural schedule currently being followed by the collective parties in the above-titled investigation. On October 11, 2010, the Consumer Protection and Safety Division (CPSD) emphatically opposed the Joint Respondents' request. After consultation with assigned Commissioner Timothy A. Simon, the Joint Respondents' request is denied.

The Joint Respondents contend that they seek the 30-day extension for three reasons. First, they want additional time to respond to CPSD's "complex

and technical” May 3, 2010 Direct Testimony. Second, a key member of Verizon Wireless’ legal team will be abroad and unavailable during most of November. And third, as of yet, the parties have been unable to mutually agree upon an adjustment of the current schedule that ameliorates the collective impact that they anticipate the year-end holiday season will have. Succinctly, CPSD argues that it is now time for the Joint Respondents to answer the charges that have been presented. It maintains that Joint Respondents’ request is unjustified.

Heretofore, the Commission has accommodated each of the mutually agreed upon schedule adjustments that the parties have requested. As it is, it appears that CPSD had already assented once to extending the date that the Joint Respondents were to serve their testimonies, from October 15, 2010 to November 18, 2010.¹ At this juncture, the Joint Respondents’ bases for seeking a 30-day extension of the overall procedural schedule -- the unanticipated complexity of CPSD’s presentation, the leave schedule of one of Joint Respondents’ central counsel, and the year-end holiday season -- are not compelling. The Commission will be focusing on setting the evidentiary hearings in this matter and moving forward towards resolving this investigation.

Accordingly, **IT IS RULED** that:

1. The Joint Respondents’ request to extend by 30 days, the procedural schedule currently being followed in Investigation 09-01-018, is denied.

¹ Pursuant to the procedural schedule currently being followed by the respective parties.

2. The testimonies of the Joint Respondents shall be served no later than November 18, 2010.

Dated October 25, 2010, at San Francisco, California.

/s/ JACQUELINE A. REED
Jacqueline A. Reed, Assistant Chief
Administrative Law Judge

INFORMATION REGARDING SERVICE

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Dated October 25, 2010, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

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