

Decision 12-10-039 October 25, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Maria V. Lawrence,

Complainant,

vs.

Pacific Gas and Electric Company (U39M),

Defendant.

Case 10-02-026
(Filed February 25, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory, and the 12-month deadline for resolving this proceeding is October 31, 2012.

Maria V. Lawrence (Complainant) filed the instant complaint (Case (C.) 10-02-026) against Pacific Gas and Electric Company (PG&E or Defendant) on February 25, 2010, alleging a number of wrongful actions by the Defendant in relation to the initial placement and subsequent relocation of gas and electric lines on her property.

On April 25, 2011, Complainant filed two related complaints (C.11-04-018 and C.11-04-019). In C.11-04-018, the Complainant seeks to require Defendant to

refund all moneys received from customers for Income Tax Component of Contribution (ITCC) or produce all records of the customers charged pursuant to the ITCC in order to determine if the charges were correct and applicable. She also seeks to have Defendant pay a substantial fine for charging customers under ITCC and have the Commission require Defendant to end its ITCC billing practices. PG&E contends that ITCC was properly collected and that as a matter of law, PG&E is required to collect Federal Income Taxes on "Contributions," which include "cash, services, facilities, labor, property and related income taxes provided by a person or agency to PG&E."¹ Defendant asserts that the Complainant's claims on behalf of other customers are outside of the scope of the proceeding.

In C.11-04-019, Complainant alleges that the Defendant, on different occasions, wrongfully turned off gas and electric service at her home. Defendant contends that Complainant's gas and electrical service was properly shut off because of unauthorized construction over the gas line and non-payment of the electricity bill. The Complainant seeks to require Defendant to pay various costs allegedly incurred as a result of the gas and electricity as well as a fine.

By agreement of the parties, the instant case was assigned to mediation under the Commission's Alternative Dispute Resolution program on August 6, 2010. Although these efforts resulted in a partial settlement, the parties were unable to resolve their dispute, and with the exception of two issues that were

¹ PG&E Answer to Complaint at 1.

excluded by the Administrative Law Judge (ALJ) on preliminary motion by PG&E, the remaining matters were heard.²

The ALJ held a prehearing conference on October 25, 2010, and set a procedural schedule. Three days of hearings were held between November 29 and December 2, 2010, and the matter was submitted at the conclusion of the hearing. On January 18, 2011, the Commission issued an order extending the statutory deadline for completion of the proceeding until February 24, 2012. On May 18, 2011, the proceeding was transferred from ALJ Ryerson to ALJ Colbert. On February 9, 2012, the Commission issued a second order extending the statutory deadline for completion of the proceeding until August 24, 2012. A third order extended the deadline to October 31, 2012.

A draft of the decision in this matter has been completed. An extension of the statutory deadline to January 31, 2013, is reasonable to allow the assigned ALJ adequate time to coordinate this proceeding with the related proceedings, C.11-04-018 and C.11-04-019, complete the Presiding Officer's Decision, and for the Commission to have a final decision in this complaint case and the related proceedings.

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

² Complainant is apparently bringing the excluded issues before the Commission in two separately filed complaints.

Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and W. Anthony Colbert is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The 12-month deadline for resolving this complaint case is October 31, 2012.
2. An extension of time until January 31, 2013, should give the assigned ALJ adequate time to complete the Presiding Officer's Decision and for the Commission to have a final decision in this complaint case.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until January 31, 2013.
2. This matter should be effective immediately.

IT IS ORDERED that the time for completion of this complaint case is extended until January 31, 2013.

This order is effective today.

Dated October 25, 2012, at Irvine, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners