

Decision 12-11-007 November 8, 2012

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 Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Transmission System Pipelines.

Investigation 11-02-016
(Filed February 24, 2011)

ORDER EXTENDING STATUTORY DEADLINE

1. Summary

Public Utilities (Pub. Util.) Code § 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 its resolution had been February 24, 2012. In Decision 12-03-021, the statutory deadline for this proceeding had been extended to February 24, 2013. This decision extends the statutory deadline to February 24, 2014.¹

2. Background and Discussion

In this proceeding, evidentiary hearings commenced on September 5, 2012. During the course of hearings, it was determined that it would be more efficient to conduct joint hearings with Investigation (I.) 12-01-007 on overlapping issues

¹ We extend the deadline by 12 months as a matter of standard practice.

and witnesses. Based on this determination, evidentiary hearings (EH) were not anticipated to be concluded until October 16, 2012.

On September 7, 2012, the Consumer Protection and Safety Division (CPSD) filed two coordinated motions in I.12-01-007, I.11-02-016 and I.11-11-009 requesting (1) leave to serve additional prepared testimony regarding Pacific Gas and Electric Company's (PG&E) financial resources in the proceeding, and (2) permission to file a single coordinated brief regarding fines and remedies in these proceedings. This request was granted by the assigned Administrative Law Judges' (ALJs) in a joint ruling on September 25, 2012. This joint ruling set the schedule for post-hearing briefing for the three proceedings and established a separate briefing and hearing schedule to consider the issue of PG&E's financial resources jointly in I.12-01-007, I.11-02-016 and I.11-11-009.

Subsequently, on October 5, 2012, CPSD filed a coordinated motion in the above investigations, as well as in Rulemaking (R.) 11-02-019, requesting to suspend all procedural dates and activities in the proceedings in order to facilitate good-faith negotiations among the parties toward a stipulated outcome. This motion was granted in part in a joint ruling by the assigned ALJs in I.12-01-007, I.11-02-016 and I.11-11-009 on October 11, 2012.² Based on the revised schedule in the October 11 ruling, the last date for EH is now January 8, 2013.

Based on the current schedule, there will not be sufficient time to issue a decision in this case by February 24, 2013. Therefore, an additional extension of the statutory deadline is reasonable to allow for the conclusion of the EH,

² Disposition of CPSD's motion in R.11-02-019 was addressed by separate ALJ ruling on October 12, 2012.

adequately provide for post hearing briefing, and to issue a decision on the case. The extension is also necessary because of the possibility that one of the parties would file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure or that a Commissioner will file a request for review of the decision within the 30-day period provided for such requests in Rule 14.4(b). Because of these circumstances, we conclude that it is appropriate to further extend the deadline in this case to February 24, 2014.

3. 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.

4. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Amy C. Yip-Kikugawa is the assigned ALJ in this proceeding.

Findings of Fact

1. This proceeding was initiated on February 24, 2011.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. Decision 12-03-021 extended the statutory deadline for this proceeding to February 24, 2013.
4. An additional extension of the 12-month deadline is necessary in order to conclude the scheduled evidentiary hearings, provide fair opportunity for post hearing briefing, and to issue a decision on this case. The extension is also

necessary to provide the parties time to decide whether to file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, and allow any Commissioner to decide whether to request review of the decision within the 30-day period provided for such requests in Rule 14.4(b).

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to February 24, 2014.
2. This order should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to February 24, 2014.

This order is effective today.

Dated November 8, 2012, at San Francisco, California.

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