

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lost Creek Canyon Ranch Certified Organics,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

Case 12-01-011
(Filed January 18, 2012)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to May 9, 2013.

Background

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as this complaint case shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the 12-month deadline. In this proceeding, the 12-month deadline for resolving the case is January 17, 2013.¹

¹ On January 18, 2012, Lost Creek Canyon Ranch Certified Organics (Lost Creek) filed its formal complaint against Southern California Edison Company (SCE)

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In its complaint, Lost Creek alleges that SCE had overcharged Lost Creek for 75,291 kWh of electricity between 2007 and 2011. Lost Creek also alleges that SCE failed to respond to its concerns about safety and excessive energy use. Lost Creek seeks a refund of the alleged overcharges.

A telephonic prehearing conference was held on April 12, 2012. The Assigned Commissioner and Administrative Law Judge's Scoping Memo and Ruling was issued on May 11, 2012. Evidentiary hearings were held on August 6, 2012. The parties submitted their opening briefs on September 5, 2012 and their reply briefs on September 19, 2012. Each party submitted an exhibit containing complainant's billing statements from 2008 - 2011. However, billing statements for 2007 were not included.

On November 14, 2012, the assigned administrative law judge (ALJ) issued a ruling reopening the record for submission of billing statements for the remaining period of the claim. SCE submitted additional information about customer usage on November 30, 2012 along with a motion to file the customer usage statements under seal.

Under all the circumstances of this case, we believe that an extension of time until May 9, 2013 should be sufficient to allow for the drafting and issuance of the Presiding Officer's Decision (POD), provide parties with time to decide whether to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and provide any concerned Commissioner with sufficient time to decide whether to request review of the POD pursuant to Rule 14.4(b).

and on February 9, 2012, Lost Creek filed an amended complaint to add several attachments to the original complaint.

Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

Assignment of Proceeding

Mark J. Ferron is the assigned Commissioner and Jeanne McKinney is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The complaint in this case was filed on January 18, 2012, and the amended complaint was filed on February 9, 2012.
2. An extension of time until May 9, 2013 should allow the ALJ adequate time to draft a POD, provide parties with time to decide whether to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and provide any concerned Commissioner with sufficient time to decide whether to request review of the POD pursuant to Rule 14.4(b).

Conclusions of Law

1. Because of the need for SCE to submit additional information on customer usage, it will not be possible to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(d).
2. The 12-month statutory deadline should be extended to May 9, 2013, to allow for resolution of this proceeding.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to and including May 9, 2013.

This order is effective today.

Dated _____, at San Francisco, California.