

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

William R. Sarale, Julie Ann Sarale, Julie Ann Sarale as Trustee of the James J. Cavalli Testamentary Trust, and Julie Ann Sarale, as Trustee of the Eva M. Cavalli 2007 Trust,

Complainants,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

Case 11-06-024
(Filed June 27, 2011)

ORDER EXTENDING STATUTORY DEADLINE

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 has been extended to July 31, 2013.¹

¹ The Scoping Ruling and Memo issued on November 18, 2011, set May 30, 2012, as the deadline for resolving this proceeding.

On June 27, 2011, William R. Sarale, Julie Ann Sarale, Julie Ann Sarale as Trustee of the James J. Cavalli Testamentary Trust, and Julie Ann Sarale, as Trustee of the Eva M. Cavalli 2007 Trust (Complainants), filed a complaint against Pacific Gas and Electric Company (PG&E or Defendant), alleging that PG&E excessively trimmed their walnut trees. PG&E owns, operates, and maintains two sets of 115 Kilovolt transmission lines and associated towers which are located on an easement and right-of-way (granted in 1915) on the Complainant's property.

A Prehearing Conference was held on September 6, 2011. On November 18, 2011, the assigned Commissioner issued a scoping memo and ruling setting the scope of the proceeding, encouraging the parties to benefit from the Alternative Dispute Resolution Program, raising discovery issues, and confirming the preliminary determination as to category and the need for hearing.

Evidentiary Hearings were held on December 21 and 22, 2011. On February 3, 2012, parties filed the last set of briefs. The assigned Administrative Law Judge (ALJ) issued rulings on May 24 and June 29, 2012 regarding vegetation management on the Sarale's property pending issuance of a decision. On May 10, 2012, the Commission issued an order extending the statutory deadline for completion of the proceeding until November 26, 2012. On November 8, 2012 the statutory deadline for completion of the proceeding was extended to April 30, 2013. The Presiding Officer's Decision (POD) in this matter is being drafted. It is reasonable to allow the assigned Administrative Law Judge (ALJ) adequate time to complete the POD and for the Commission to have a final decision in this complaint case.

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.

Assignment of Proceeding

Michel Peter Florio 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 has been extended to April 30, 2013.
2. An extension of time until July 31, 2013, is necessary to allow the assigned ALJ adequate time to complete the POD and for the Commission to have a final decision in this complaint case.

Conclusions of Law

1. The deadline for resolving this proceeding should be extended until July 31, 2013.
2. This matter should be effective immediately.

O R D E R

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

This order is effective today.

Dated _____, at San Francisco, California.