

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's own motion into the operations, practices, and conduct of Telseven, LLC, Calling 10 LLC dba California Calling 10, (U7015C), and Patrick Hines, an individual, to determine whether Telseven, Calling 10, and Patrick Hines have violated the laws, rules and regulations of this State in the provision of directory assistance services to California consumers.

Investigation 10-12-010
(Filed December 16, 2010)

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline in this proceeding to June 16, 2014.

Background

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as this enforcement investigation 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. Decision (D.) 11-12-011 issued on December 1, 2011, extended the 12-month deadline for resolving this enforcement investigation to December 16, 2012. On November 29, 2012, D.12-11-047 further extended the 12-month deadline to December 16, 2013.

The Commission on its own motion on December 16, 2010, instituted this enforcement investigation into the operations, practices, and conduct of

Telseven, LLC (Telseven), Calling 10 LLC dba California Calling 10 (Calling 10), and Patrick Hines, to determine whether Telseven, Calling 10, and Patrick Hines have violated the laws, rules and regulations of this State in the provision of directory assistance services to California consumers.

On June 10, 2011, a Prehearing Conference was held adopting the schedule noted in the Scoping Ruling dated June 21, 2011. Evidentiary Hearings were held starting on November 15, 2011, and concluded the proceeding with the filing of reply briefs on May 4, 2012.

Also on May 4, 2012, the Commission's Consumer Protection and Safety Division, now renamed the Safety and Enforcement Division (SED), filed a motion for official notice that respondents Teleseven, LLC, and Calling 10, LLC, had sought bankruptcy protection in the United States Bankruptcy Court for the Middle District of Florida effective April 20, 2012. The Commission obtained an order from that Court determining that the automatic stay is inapplicable to the Commission's proceeding or, in the alternative, granting relief from the stay, which SED presented for the record with a motion for official notice on October 18, 2012.

Kelley, Drye, and Warren, LLC, the law firm representing respondents Teleseven, LLC, Calling 10 LLC, and Patrick Hines, individually, filed a motion seeking to leave to withdraw as counsel of record due to nonpayment of outstanding invoices for legal services related to this proceeding.

No party objected to the motions for official notice from the SED, and no party opposed the motion to withdraw from the law firm. All three motions were granted by ruling dated November 28, 2012.

From January 7, 2013 through November 4, 2013, SED has actively filed several motions in this proceeding and parties have responded to those motions.

On September 6, 2013, the assigned Administrative Law Judge (ALJ) issued a Ruling Requiring Update Filing. On November 20, 2013, the Presiding Officer's Decision (POD) was filed and served to the parties.

Under all the circumstances here, an extension of time is necessary to allow the parties time to file an appeal and to allow time to the Commission to file a request for review of the POD. Also, the Commission will need time to deliberate on the Modified POD if an appeal is filed. Accordingly, an extension of time until June 16, 2014 is warranted.

Waiver of Period

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 investigation, it is appropriate to waive the 30-day period for public review and comment.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Maribeth A. Bushey is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The enforcement investigation was instituted on December 16, 2010.
2. Evidentiary Hearings have been concluded.
3. The United States Bankruptcy Court for the Middle District of Florida granted the Commission's motion to find the stay inapplicable or, in the alternative, to lift the stay on September 17, 2012.
4. The enforcement investigation proceeding schedule was resumed and the Presiding Officer's Decision was filed and served to the parties on November 20, 2013.

5. An extension of time is necessary to allow the parties time to file an appeal and to allow time to the Commission the file a request for review if it so desires.

Conclusions of Law

1. Because of the current schedule of this proceeding, it will not be possible to resolve this investigation within the 12-month period provided for in Pub. Util. Code § 1701.2(d).

2. The 12-month statutory deadline should be extended until June 16, 2014.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to June 16, 2014.

This order is effective today.

Dated _____, at San Francisco, California.