

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pasadena Avenue Monterey Road Committee,

Complainant,

vs.

Los Angeles County Metropolitan Transportation
Authority, the Los Angeles to Pasadena Metro
Blue Line Construction Authority, and the City of
South Pasadena,

Defendants.

Case 06-10-015
(Filed October 10, 2006)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.2(e) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings as to why that deadline cannot be met and issues a decision extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint is October 11, 2015. However, additional time is necessary for completion of the 30-day public review of the proposed decision and so that the Commission may deliberate on the proposed decision. Therefore, this decision extends the time for completion of this proceeding until January 11, 2016.

No anticipated costs of this extension of time are foreseen.

1. Background

This proceeding involves a complaint filed by the Pasadena Avenue Monterey Road Committee (the Complainant), alleging that the Los Angeles County Metropolitan Transportation Authority (Transportation Authority), the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority), and the City of South Pasadena (City) (jointly, the Defendants) have failed to comply with a number of measures required by the settlement agreement approved by the Commission in Decision (D.) 05-02-032, and modified in D.05-09-040. The Complainant also alleges that results of noise tests required by D.05-02-032 have not been provided. The Construction Authority and the Transportation Authority contend that the Commission lacks jurisdiction over some or all of the subject matter in the complaint.

Early in this proceeding, parties agreed to delay formal proceedings to allow further work in implementing the settlement agreement. In a September 2013 Status Report, the City confirmed that it had completed all but one of its measures from the settlement agreement: the Glendon Way - El Centro reconfiguration project, which was anticipated to be completed by the end of September 2013.¹ On July 31, 2014, the assigned Administrative Law Judge issued a Ruling requesting parties to respond to three sets of questions regarding a) the remaining issues in this proceeding, b) the specific issue of jurisdiction, and c) the need for hearing. In addition, the Ruling required the City to file documents related to the completion of the Glendon Way - El Centro project.

¹ September 2013 Status Report of Defendant City of South Pasadena, September 4, 2013.

The Committee, the City, and, jointly, the Transportation Authority and the Construction Authority all filed comments to the Ruling in September 2014. The Committee, the City and the Transportation Authority each filed replies to the comments, also in September 2014. On September 10, 2015, a proposed decision was issued resolving and closing the case.

2. Discussion

The Commission has issued a proposed decision in this case. However, additional time is needed to allow for the completion of the 30-day public review period for the decision pursuant to Public Utilities Code Section 311 and to allow the Commission to deliberate on the proposed decision.

Based on the current status of the case, this proceeding cannot be completed by October 11, 2015. An extension of time for an additional three months is necessary for resolution of this matter.

3. Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(4) of the Commission 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(e). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

4. Assignment of Proceeding

Michael Picker is the assigned Commissioner and Kelly A. Hymes is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Parties agreed to delay formal proceedings to allow further work in implementing the settlement agreement.

2. The Defendants contend that the settlement agreement has been implemented following the completion of the Glendon Way - El Centro project.

3. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before October 11, 2015, unless this date is extended.

4. A proposed decision in this case has been issued.

5. Additional time is needed for completion of the public review process and deliberation by the Commission.

Conclusions of Law

1. Pub. Util. Code § 311 requires proposed decisions to be subject to a 30-day public review period.

2. It will not be possible to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(e).

3. The 12-month statutory deadline should be further extended for six months to allow for resolution of this proceeding.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, October 11, 2015, is extended for an additional three months, until January 11, 2016.

This order is effective today.

Dated _____, at San Francisco, California.