

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Michael Hetherington and Janet Hetherington,

Complainants,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

Case 10-10-010
(Filed October 13, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline for completion of this proceeding until April 13, 2016.

1. Background

Pub. Util. Code § 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 an order extending that deadline. The Commission has issued several decisions extending the 12-month statutory deadline and the most recent Decision (D.) 14-10-038 issued October 16, 2014, further extended the 12-month statutory deadline to October 13, 2015. However, additional time is necessary for the presiding

officer's decision to be issued for the reasons stated below. Therefore, this order extends the time for completion of this proceeding until April 13, 2016.

This case arises from a dispute concerning Complainants' request that Pacific Gas and Electric Company (PG&E) relocate PG&E's electric meter to a new location on Complainants' property. Complainants, Michael Hetherington and Janet Hetherington, filed this complaint on October 13, 2010, and Defendant, PG&E, answered in due course. The first prehearing conference (PHC) in this matter was held on April 8, 2011. At the PHC, parties agreed to enter into mediation with a Neutral Administrative Law Judge (ALJ) and a Neutral ALJ was assigned on April 18, 2011. Because of the ongoing mediation, Decision 11-10-008 extended the time for completion of this proceeding to October 13, 2012.

On February 9, 2012, complainants informed the assigned ALJ and the Neutral ALJ of their wish to suspend mediation efforts, and their intention to file an amended complaint. Complainants filed a first amended complaint on February 13, 2012 and a second amended complaint on March 29, 2012. A second PHC was conducted on April 5, 2012. At the PHC, parties agreed to continue discovery activities. A third PHC was conducted on May 25, 2012. Complainants filed a third amended complaint on July 30, 2012. Based on these amendments, D.12-10-043 found that it was necessary to issue a Scoping Ruling that reflected the amended complaint, and extended the proceeding to October 13, 2013.

On September 10, 2013 Complainants filed a "motion to strike" the first, second and third amended complaints, and to reinstate Complainants' original complaint. Based on those developments, D.13-10-009 extended the proceeding to October 13, 2014.

Following the issuance of D.13-10-009, the assigned ALJ was off work for extended periods in order to attend to family matters. For that reason, D.14-10-038 extended the proceeding to October 13, 2015.

Following the issuance of D.14-10-038, the Complainant amended several earlier pleadings, and beginning in March, 2015, the assigned ALJ allowed a number of filings by the Complainant and Defendant deemed necessary to complete the record in this proceeding. Finally, Complainants have filed three additional motions for relief between June and July, 2015, leading to the filing of responsive pleadings as recently as August 20, 2015. Although this proceeding remains behind schedule, a proposed decision is expected to be mailed by the end of October, 2015.

Based on the current status of the case as explained above, this proceeding cannot be completed by October 13, 2015. Therefore, an extension of time for an additional six months is necessary for resolution of this matter.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's 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.

3. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Stephen C. Roscow is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The schedule for concluding this proceeding has been materially delayed by subsequent amendments to the original Complaint, and the recent withdrawal of those amendments.
2. This proceeding cannot be completed by October 13, 2015.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(e), the statutory deadline should be extended to April 13, 2016.

IT IS ORDERED that:

1. The time for completion of this proceeding is extended until April 13, 2016.
2. The 30-day period for review and comment on this order is waived.

This order is effective today.

Dated _____, at San Francisco, California.