

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

David MacKinnon, Jr.,

Complainant,

vs.

San Diego Gas & Electric Company (U902M),

Defendant.

Case 15-02-022  
(Filed February 27, 2015)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in this proceeding to February 26, 2017.

**1. Background**

Public Utilities Code Section 1701.2(e) 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 was February 27, 2016. On February 11, 2016, the Commission issued Decision (D.) 16-02-006 extending the statutory deadline to August 26, 2016.

On February 27, 2015, Mr. David MacKinnon, Jr., (Complainant), filed a complaint against San Diego Gas & Electric Company (SDG&E or Defendant). Mr. MacKinnon, Jr. is a residential customer of SDG&E. He has palm trees on his

property. Fronds from the palm trees can grow beyond Complainant's property line. Alongside Complainant's property, SDG&E has facilities that serve Complainant and his neighbors. For public safety, SDG&E trims Complainant's palm trees in accordance with its Commission-approved vegetation management program to ensure that the fronds from Complainant's palm trees do not come into contact with conductors and other facilities located on SDG&E's distribution lines. Complainant asserts that SDG&E's vegetation management plan is overly aggressive and that on at least one occasion SDG&E contractors entered his property without permission with the intent of cutting down the palm trees.

A Prehearing Conference (PHC) was scheduled for June 1, 2015; however, on May 29, 2015, the Parties filed a Motion to hold the proceeding in abeyance until December 1, 2015. On September 25, 2015, the Parties filed a joint settlement status statement, and SDG&E also filed a motion to dismiss. On October 6, 2015, Mr. MacKinnon filed a reply opposing the motion to dismiss. A PHC was held on November 2, 2015. At the PHC, the assigned Administrative Law Judge (ALJ) ordered the parties to prepare, file and serve post PHC briefs. SDG&E filed its post PHC brief on November 20, 2015. Mr. MacKinnon filed his brief on November 23, 2015. SDG&E filed a reply on November 30, 2015, and Mr. MacKinnon responded on December 1, 2015. The instant proceeding was held in abeyance at the Parties' request for over four months.

On July 18, 2016, the proposed decision was issued for public review and comments. Therefore, an extension of the statutory deadline to February 26, 2017, is necessary to review the public comments and to allow the Commission time to deliberate and issue its final decision.

**2. 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.

**3. Assignment of Proceeding**

Liane M. Randolph is the assigned Commissioner and W. Anthony Colbert is the assigned ALJ and presiding officer in this proceeding.

**Finding of Fact**

1. In D.16-02-006 the Commission extended the 12-month statutory deadline for resolving this proceeding to August 26, 2016.
2. On July 18, 2016, the proposed decision was issued for public review and comments.
3. An extension of time until February 26, 2017, is necessary to review the public comments and to allow the Commission time to deliberate and issue its final decision.

**Conclusions of Law**

1. The deadline for resolving this proceeding should be extended until February 26, 2017.
2. This order should be effective immediately.

**O R D E R**

**IT IS ORDERED** that the time for completion of this case is extended until February 26, 2017.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.