

Decision 18-11-053 November 29, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Jennifer Vera Gutierrez,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

Case 18-01-008

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline for this proceeding to July 9, 2019.

Background

Public Utilities Code Section 1701.2(i) provides that adjudicatory matters such as this complaint case 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. In this proceeding, the 12-month deadline for resolving the case is January 9, 2019.

A Scoping Ruling in this proceeding was issued on April 24, 2018. It was determined that an evidentiary hearing was necessary. The hearing was scheduled for July 2, 2018. On May 23, 2018, Defendant Pacific Gas and Electric

Company (PG&E) filed a motion for reconsideration of the adopted schedule, requesting a later hearing date due to unavailability of key personnel. The assigned Administrative Law Judge (ALJ) re-set the hearing date for August 24, 2018, and directed Complainant Jennifer Gutierrez (Ms. Gutierrez) to serve any and all documents she intended to submit as physical evidence, on the service list by August 13, 2018.

On August 23, 2018, Ms. Gutierrez filed an emergency motion for reconsideration of the adopted schedule, requesting to reschedule the hearing due to a family emergency. The assigned ALJ granted the request, reminding Ms. Gutierrez to serve her physical evidence on the service list, which Ms. Gutierrez had thus far not done. The Commission held the evidentiary hearing on October 3, 2018. By e-mail ruling dated October 26, 2018, the assigned ALJ suspended the deadlines for the parties to file and serve opening and reply briefs, upon which the matter will be submitted unless the assigned ALJ determines a need for further information.

Based on the post-hearing schedule, it will not be possible to resolve this case within the one-year period provided in Pub. Util. Code Section 1701.2(d). Specifically, more time is needed to issue a Presiding Officer's Decision (POD) and allow time for a possible appeal of the POD within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, or a request for review of the POD within the 30-day period provided for such requests in Rule 14.4(b). Because of these circumstances, we have concluded that it is appropriate to extend the 12-month deadline in this case for six months, until July 9, 2019.

Waiver of Comments on Proposed Decision

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

Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Valerie U. Kao is the assigned Administrative Law Judge and presiding officer in this proceeding.

Findings of Fact

1. The complaint in this case was filed on January 10, 2018.
2. The 12-month deadline for resolving the case is January 9, 2019.
3. An extension of time until July 9, 2019 should allow the Commission adequate time to issue a POD, provide parties with time to decide whether to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and any concerned Commissioner to decide whether to request review of the POD pursuant to Rule 14.4(b).

Conclusions of Law

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

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

IT IS ORDERED that the 12-month statutory deadline in this proceeding, January 9, 2019, is extended to and including July 9, 2019.

This order is effective today.

Dated November 29, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners