

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Maria V. Lawrence,

Complainant,

vs.

Pacific Gas and Electric Company (U39M),

Defendant.

Case 10-02-026
(Filed February 25, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.2(d) 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. In this proceeding, the 12-month deadline for resolving the complaint is February 24, 2011. 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 February 24, 2012.

No anticipated costs of this extension of time are foreseen.

Background

This case arises from a dispute concerning the installation of gas and electric line extensions at complainant’s residence. Complainant contends that

defendant Pacific Gas and Electric Company violated tariff requirements in accomplishing the work.

The case was originally calendared to be decided under the Commission's Expedited Complaint Procedure, but in recognition of the nature and amount of relief sought by the complainant, on May 25, 2010, the assigned Administrative Law Judge (ALJ) ruled that it was recalendared for hearing under the Commission's regular procedure. In addition, he referred the case to mediation under the Commission's Alternative Dispute Resolution program, and it was assigned to mediation with the parties' consent. Two Neutral ALJs were assigned to handle the mediation on August 6, 2010.

The mediation was conducted on September 8, 2010, and produced a partial settlement. The parties were unable to resolve the remaining issues. A prehearing conference was held on October 25, and the evidentiary hearing commenced on November 29, 2010. The case was submitted on December 2, 2010.

The progress of this matter necessarily reduced the remaining time available to meet the statutory deadline, and that deadline must be extended in order to ensure that the Commission will have sufficient time to issue a timely order.

Discussion

Based on the current status of the case, this proceeding cannot be completed by February 25, 2011. Therefore, an extension of time for an additional 12 months is necessary for resolution of this matter.

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.

Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and Victor D. Ryerson 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 recalendaring and by referral of the matter to mediation since it was filed
2. This proceeding cannot be completed by February 25, 2011.

Conclusions of Law

1. It is appropriate to extend the 12-month deadline set forth in Pub. Util. Code § 1701.2(d) and waive the 30-day period for review and comment of this order for the reasons set forth in the Findings of Fact.
2. The deadline should be extended for a period of 12 months in order to ensure timely issuance of the final order in this matter.

IT IS ORDERED that the time for completion of this proceeding is extended until February 24, 2012.

This order is effective today.

Dated _____, at San Francisco, California.