

Decision 11-02-021 February 24, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's own motion into the operations and practices of Americatel Corporation, (U5918C), to determine whether it has violated the laws, rules and regulations governing the way in which consumers are billed for products or services, by billing consumers for dial-around long distance monthly service without authorization.

Investigation 10-02-003
(Filed February 4, 2010)

ORDER EXTENDING DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why the deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is February 3, 2011.

A May 21, 2010 Assigned Commissioner's Scoping Memo set this matter for evidentiary hearings in October 2010, with the Presiding Officer's decision due at a date in early 2011 to be determined. However, before the October hearing dates, the parties requested the matter be referred to the Commission's Alternative Dispute Resolution (ADR) program to explore settlement. The assigned Administrative Law Judge (ALJ) Melanie Darling issued a ruling on

October 4, 2010 that extended the discovery cut-off date and postponed the hearings to provide an opportunity for ADR.

On October 15, 2010, the Chief ALJ, Karen V. Clopton, issued a notice of referral of this proceeding to a neutral ALJ for purposes of exploring resolution of the issues. The ADR process was successful and on January 11, 2011, the parties submitted a motion to Adopt Settlement Agreement which resolves all issues among the parties.

Under Rule 14.6(c) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment on draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 14.6(c), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

Findings of Fact

1. The proceeding was initiated on February 3, 2010.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before February 3, 2011, unless the date is extended.
3. Because of the parties' request for referral to Alternative Dispute Resolution so that they could conduct settlement negotiations, there is insufficient time to resolve this proceeding before the 12-month statutory deadline runs.
4. Public review and comment regarding today's decision should be waived.

Conclusions of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended until August 3, 2011.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, February 3, 2011, is extended until August 3, 2011.

This order is effective today.

Dated February 24, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
Commissioners

Commissioner Catherine J.K. Sandoval, being necessarily absent, did not participate.