

Decision 11-09-010 September 8, 2011

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

Order Instituting Investigation on the Commission's Own Motion Into the Planned Purchase and Acquisition by AT&T Inc. of T-Mobile USA, Inc., and its Effect on California Ratepayers and the California Economy.

Investigation 11-06-009  
(Filed June 9, 2011)

**DECISION MODIFYING ORDER INSTITUTING INVESTIGATION 11-06-009**

Order Instituting Investigation (OII) 11-06-009, as issued, inadvertently lacked one procedural component that is consistently provided in newly issued OII's and Orders Instituting Rulemaking. This is the authorization for the assigned Commissioner and/or assigned Administrative Law Judge to set and/or modify the schedule as necessary and appropriate to ensure the reasonable and efficient conduct of the proceeding.

While modification to include such authority could perhaps be done by an order correcting error (i.e., an Executive Director order pursuant to Section 16.5 of the Commission's Rules of Practice and Procedure that corrects an obvious typographical error or omission) the best approach given the significant schedule concerns in this docket is to do this by an order modifying the OII.

**Exemption from Comments**

This is an order amending an OII. Accordingly, as provided by Rule 14.7 of the Commission Rules of Practice and Procedure, the 30-day period for public review and comment does not apply.

**Assignment of Proceeding**

Catherine J. K. Sandoval is the assigned Commissioner and Jessica T. Hecht is the assigned ALJ in this proceeding.

**Finding of Fact**

The assigned Commissioner and/or the assigned Administrative Law Judge are generally given the authority in newly initiated Orders Instituting Investigation and Orders Instituting Rulemaking to set and/or modify any adopted schedule as necessary for the reasonable and efficient conduct of the proceeding.

**Conclusion of Law**

The authority for the assigned Commissioner and/or Administrative Law Judge to set and/or modify the schedule of this OII, as necessary for the reasonable and efficient conduct of this proceeding, was inadvertently not included in the OII as issued.

**O R D E R**

**IT IS ORDERED** that the assigned Commissioner and/or the assigned Administrative Law Judge may modify the schedule of this Order Instituting Investigation by ruling as necessary for the reasonable and efficient conduct of the proceeding.

This order is effective today.

Dated September 8, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners