

Decision 12-03-045 March 22, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Maria V. Lawrence,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

Case 11-04-018
(Filed April 25, 2011)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.2(d) 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 is April 20, 2012.

Maria V. Lawrence (Complainant) originally filed a complaint against Pacific Gas and Electric Company (PG&E or Defendant) on February 25, 2010, (Case [C.] 10-02-026), alleging a number of wrongful actions by the Defendant in relation to the initial placement and subsequent relocation of gas and electric lines on her property. On April 25, 2011, Complainant filed the instant complaint alleging that the Defendant improperly collected the Income Tax Component of Contribution (ITCC) in connection with the relocation of an

electric service line on her property; the line relocation was one of the subjects/issues of C.10-02-026. On that same date, Complainant also filed a related complaint, C.11-04-019.

The Complainant seeks to require Defendant to refund all moneys received from customers for ITCC or produce all records of the customers charged pursuant to the ITCC in order to determine if the charges were correct and applicable. She also seeks to have Defendant pay a substantial fine for charging customers under ITCC and have the Commission require Defendant to end its ITCC billing practices. PG&E contends that ITCC was properly collected and that as a matter of law PG&E is required to collect Federal Income Taxes on "Contributions," which include "cash, services, facilities, labor, property and related income taxes provided by a person or agency to PG&E."¹ Defendant asserts that the Complainant's claims on behalf of other customers are outside of the scope of the proceeding.

A Prehearing Conference was held on August 10, 2011. On December 7, 2011, the assigned Commissioner issued a scoping memo and ruling setting the scope of the proceeding, encouraging the parties to benefit from the Alternative Dispute Resolution Program, and confirming the preliminary determination of the need for hearing.

On January 13, 2012, PG&E filed Issues Brief and a Motion for Request for Official Notice of document in connection with PG&E's issues brief submitted in this matter. Complainant also filed her issue brief on January 13, 2012.

¹ PG&E Answer to Complaint at 1.

An extension of the statutory deadline to October 31, 2012, is reasonable to allow the assigned Administrative Law Judge (ALJ) adequate time to coordinate this proceeding with the related proceedings, C.10-02-026 and C.11-04-019, complete the Presiding Officer's Decision (POD), and for the Commission to have a final decision in this complaint case and the related proceedings.

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 W. Anthony Colbert is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The 12-month deadline for resolving this complaint cases is April 20, 2012.
2. An extension of time until October 31, 2012, should give the assigned ALJ adequate time to complete the POD and for the Commission to have a final decision in this complaint case.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until October 31, 2012.
2. This matter should be effective immediately.

IT IS ORDERED that the time for completion of this complaint case is extended until October 31, 2012.

This order is effective today.

Dated March 22, 2012, at San Francisco, California.

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