

Decision 09-11-020 November 20, 2009

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

CommPartners, LLC (U6910C),

Complainant,

vs.

Pacific Bell Telephone Company, dba  
AT&T California (U1001C),

Defendant.

Case 08-01-007  
(Filed January 14, 2008)

**ORDER EXTENDING STATUTORY DEADLINE**

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 proceeding has been categorized as adjudicatory, and the 12-month deadline for resolving this matter was January 14, 2009. In Decision (D.) 08-11-051 and D.09-07-009, the Commission extended the statutory deadline until April 14, 2009 and October 9, 2009.

CommPartners, LLC (CommPartners) alleges that Pacific Bell Telephone Company, doing business as AT&T California discriminated against it under state and federal law by refusing to relieve CommPartners of its 911 trunking obligations under their interconnection agreement. It seeks disconnection of specified Enhanced 911 trunks, removal of all associated billing charges, reimbursement, and sanctions.

While categorized as an adjudicatory matter, the parties indicated that evidentiary hearings were not required, and briefed the legal questions at issue. Post-briefing, the parties cooperatively addressed a number of attendant technical issues which have further clarified the proceeding record. The statutory deadline is applicable only in a case that requires a hearing. (See, § 1701.2(a).) A draft decision will issue imminently.

### **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 decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 14.6(c)(4), the otherwise applicable period for public review is waived.

### **Assignment of Proceeding**

Timothy Alan Simon is the assigned Commissioner and Jacqueline A. Reed is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. This proceeding was initiated on January 14, 2008.
2. While designated as an adjudicatory matter, the parties indicated that evidentiary hearings were not required in this proceeding.
3. An additional extension of the 12-month deadline is necessary because of the complexity of the issues to be addressed.

**Conclusions of Law**

1. The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended an additional 90 days, until January 7, 2010, because the deadline is not applicable where an adjudicatory case does not require a hearing.
2. This order should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended until January 7, 2010.

This order is effective immediately.

Dated November 20, 2009, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners