

Decision 10-02-004 February 4, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion into the application of the California Environmental Quality Act to applications of jurisdictional telecommunications utilities for authority to offer service and construct facilities.

Rulemaking 06-10-006
(Filed October 5, 2006)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.5(a) provides that quasi-legislative cases, such as this one, shall be resolved within 18 months of the date on which the scoping memo is issued, unless the Commission makes findings regarding why that deadline cannot be met and issues an order extending that deadline for a period not exceeding 60 days. In this proceeding, the 18-month deadline for resolving this proceeding was originally October 18, 2009. In Decision (D.) 09-10-020, the Commission extended this deadline for an additional 60 days until December 17, 2009. In D.09-12-037, the Commission again extended this deadline for an additional 60 days, until February 15, 2010. However, additional time is necessary for the proposed decision to be issued for the reasons stated below. Therefore, this order extends the time for completion of this proceeding until April 16, 2010.

Estimated Costs: No anticipated costs of this extension of time are foreseen.

Background

On October 5, 2006, the Commission opened this Order Instituting Rulemaking (OIR) to consider changes to the Commission's application of the California Environmental Quality Act (CEQA) to telecommunications utilities under its jurisdiction. The scoping memo and ruling was issued on April 18, 2008. The stated goals of this OIR are to develop rules and policies that will:

- Ensure that the Commission's practices comply with the current requirements and policies of CEQA;
- Promote the development of an advanced telecommunications infrastructure, particularly with regard to facilities that provide broadband facilities; and
- To make certain that the application of CEQA in the area of telecommunications does not cause undue harm to competition, particularly intermodal competition.

This proceeding involves consideration of a number of complex issues relevant to the Commission's application of CEQA to telecommunications providers.

Discussion

Based on the complexity of this case, additional time is needed to complete this proceeding.

Based on the current status of the case, this proceeding cannot be completed by February 15, 2010. An extension time for an additional 60 days is necessary for resolution of this matter.

Waiver of Comments on Proposed Decision

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 draft decisions extending the deadline for resolving quasi-legislative proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise

applicable Public Utilities Code Section 1701.2(d) statutory deadline for public review and comment is being waived.

Assignment of Proceeding

John A. Bohn is the assigned Commissioner and Myra J. Prestidge is the assigned Administrative Law Judge and presiding officer in this proceeding.

Findings of Fact

1. This proceeding was initiated on October 5, 2006 and a scoping memo and ruling issued on April 18, 2008.

2. Based upon the 18-month deadline set in the scoping memo, the original statutory deadline for completion of this proceeding was October 18, 2009.

3. On October 15, 2009, the Commission adopted D.09-10-020, which extended the statutory deadline for completion of this proceeding for an additional 60 days until December 17, 2009.

4. On December 17, 2009, the Commission adopted D.09-12-037, which extended the statutory deadline for completion of this proceeding for an additional 60 days until February 15, 2010.

5. Due to the complexity of this issue, additional time is needed to resolve this proceeding.

6. The deadline for completion of this proceeding should be extended until April 16, 2010, pursuant to Public Utilities Code Section 1701.5(a).

Conclusion of Law

The 18-month statutory deadline for completion of this proceeding, set in the scoping memo filed on April 18, 2008 pursuant to Public Utilities Code Section 1701.5(a), should be extended for 60 additional days until April 16, 2010.

IT IS ORDERED that the statutory deadline in this proceeding, which was previously extended until February 15, 2010 in Decision 09-12-037, is extended for an additional 60 days, until April 16, 2010.

This order is effective today.

Dated February 4, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners