

Decision 10-04-005 April 8, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

<p>Community Hospital of Long Beach,</p> <p style="text-align: right;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>Verizon California, Inc. (U1002C),</p> <p style="text-align: right;">Defendant.</p>		<p>Case 09-05-010 (Filed May 11, 2009)</p>
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ORDER EXTENDING STATUTORY DEADLINE

Public Utilities Code Section 1701.2(d) (Section 1701.2(d)) provides that adjudicatory matters such as this complaint case shall be resolved within 12 months after filed, unless the Commission makes findings why that statutory deadline cannot be met and issues an order extending the 12-month deadline.

In this proceeding, the 12-month deadline for resolving this case is May 11, 2010. Defendant Verizon California, Inc. (Verizon) recently requested an extension of time in the procedural schedule in order to file a Motion for Summary Judgment. Although it is possible that this proceeding will be resolved by the statutory deadline, it is also possible that the time required to consider the motion, together with the possibility that the Commission may delay consideration of the presiding officer’s proposed decision beyond the 30-day period provided in Section 311(d), could delay issuance of a final decision

until after May 11, 2010. Because of these circumstances, we have concluded that it is appropriate to extend the 12-month deadline in this case for an additional 12 months, until May 11, 2011.

Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Section 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Christine M. Walwyn is the assigned Administrative Law Judge (ALJ) and presiding officer in this proceeding.

Findings of Fact

1. The complaint in this case was filed on May 11, 2009.
2. An extension of time until May 11, 2011 should allow the assigned ALJ adequate time to consider all pleadings and prepare a proposed decision and also allow the Commission adequate time to issue a final decision.

Conclusions of Law

1. Although it is possible that this proceeding will be resolved by the statutory deadline, it is also possible that the time required to consider the pleadings now scheduled to be filed, together with the possibility that the Commission may delay consideration of the presiding officer's proposed decision beyond the 30-day period provided in Section 311(d), could delay issuance of a final decision until after May 11, 2010.

2. The 12-month statutory deadline should be extended for 12 months to allow for resolution of this proceeding.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to and including May 11, 2011.

This order is effective today.

Dated April 8, 2010, at San Francisco, California.

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