

Decision 10-07-034 July 29, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Building Industry Association,

Complainant,

vs.

Pacific Bell Telephone Company d/b/a AT&T
California (U1001C),

Defendant.

Case 09-09-016
(Filed September 18, 2009)

DECISION EXTENDING STATUTORY DEADLINE

Public Utilities (Pub. Util.) Code § 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 September 18, 2010.

In this proceeding, the parties initially attempted to mediate the case but the mediation proved unsuccessful. Evidentiary hearings are now scheduled for July 27 and 28, 2010, with post hearing briefing to conclude by the end of August 2010. Therefore, an extension of the statutory deadline is reasonable to allow for the conclusion of the evidentiary hearings, provide for post hearing briefing, and to issue a decision on the case. The extension is also necessary because of the possibility that one of the parties would file an appeal of the

decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure or that a Commissioner will file a request for review of the decision within the 30-day period provided for such requests in Rule 14.4(b). 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 September 18, 2011.

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

Dian M. Grueneich is the assigned Commissioner and Myra J. Prestidge is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This proceeding was initiated on September 18, 2009.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary in order to conclude the scheduled evidentiary hearings, provide for post hearing briefing and to issue a decision on this case. The extension is also necessary to provide the parties time to decide whether to file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, and allow any Commissioner to decide whether to

request review of the decision within the 30-day period provided for such requests in Rule 14.4(b).

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be further extended until September 18, 2011.

2. This order should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until September 18, 2011.

This order is effective today.

Dated July 29, 2010, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

TIMOTHY ALAN SIMON

NANCY E. RYAN

Commissioners