

Decision 10-07-025 July 29, 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

This order extends the time for completion of this proceeding until October 15, 2010.

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 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

Pub. Util. Code § 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 completion of this proceeding, as set in the scoping memo, was October 5, 2009. In Decision (D.) 09-10-020, the Commission extended the statutory deadline until December 17, 2009. The statutory deadline was subsequently extended until February 15, 2010 in D.09-12-037, until April 16, 2010 in D.10-02-004, until June 15, 2010 in D.10-04-018, and until August 16, 2010 in D.10-06-013.

Based on the complexity of the case and its current status, this proceeding cannot be completed by August 16, 2010. An extension of 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 proposed decisions extending the deadline for resolving quasi-legislative proceedings. Accordingly, the otherwise applicable period 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 in this proceeding.

Findings of Fact

1. This proceeding was initiated on October 5, 2006.
2. The 18-month deadline set in the scoping memo for completion of this proceeding was October 5, 2009, unless this date is extended.
3. On October 15, 2009, in D.09-10-020, the Commission extended the statutory deadline for completion of this proceeding for an additional 60 days until December 17, 2009.
4. On December 17, 2009, in D.09-12-037, the Commission extended the statutory deadline for completion of this proceeding for an additional 60 days until February 15, 2010.
5. On February 4, 2010, in D.10-02-004, the Commission extended the statutory deadline for completion of this proceeding for an additional 60 days until April 15, 2010.
6. On April 12, 2010, in D.10-04-018, the Commission extended the statutory deadline for completion of this proceeding for an additional 60 days until June 15, 2010.
7. On June 3, 2010, in D.10-06-013, the Commission extended the statutory deadline for this proceeding until August 16, 2010.
8. Due to the complexity of this issue, additional time is needed to resolve this proceeding.
9. This deadline for completion of this proceeding should be extended until October 15, 2010, pursuant to Pub. Util. Code § 1701.5(a).

Conclusion of Law

The 18-month statutory deadline for completion of this proceeding should be extended for 60 additional days until October 15, 2010.

IT IS ORDERED that the statutory deadline in this proceeding is extended for an additional 60 days, until October 15, 2010.

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