

Decision 10-09-029 September 23, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pacific Bell Telephone Company, California
Corporation d/b/a AT&T California (U 1001 C),

Complainant,

vs.

Sprint Spectrum, L.P., WirelessCo., L.P., and
Sprint Telephony PCS, L.P., jointly d/b/a Sprint
PCS (U 3064 C),

Defendant.

Case 09-09-003
(Filed September 8, 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 proceeding has been categorized as adjudicatory, and the 12-month deadline for resolving this matter is September 8, 2010. However, additional time is necessary for the presiding officer's decision to be issued for the reasons stated below. Therefore, this decision extends the time for completion of this proceeding until September 8, 2011.

For the past four months, the parties have been engaged in settlement discussions, which they have recently suspended in order to get further guidance

from the assigned Administrative Law Judge on certain issues and options going forward. Based on the current status of the case, this proceeding cannot be completed by September 8, 2010. An extension of time for an additional 12 months is necessary for resolution of this matter.

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

Dian M. Grueneich is the assigned Commissioner and Karl Bemesderfer is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This proceeding was initiated on September 8, 2009.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. Given the current status of the case, this proceeding cannot be completed by September 8, 2010.
4. An extension of time until September 8, 2011 is necessary for further settlement discussions and consideration of options going forward leading to the resolution of this matter.

Conclusion of Law

The 12-month statutory deadline imposed by the Pub. Util. Code § 1701.2(d) should be extended until this proceeding is resolved.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, September 8, 2010, is extended for an additional 12 months, until September 8, 2011.

This order is effective today.

Dated September 23, 2010, at San Francisco, California.

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

Commissioner John A. Bohn, being
necessarily absent, did not participate.