

Decision 10-11-026 November 19, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Calaveras Telephone Company (U 1004 C),  
Cal-Ore Telephone Co. (U 1006 C),  
Ducor Telephone Company (U 1007 C),  
Foresthill Telephone Co. ( U 1009 C),  
Happy Valley Telephone Company (U 1010 C),  
Hornitos Telephone Company (U 1011 C),  
Kerman Telephone Co. (U 1012 C),  
Pinnacles Telephone Co. (U 1013 C),  
The Ponderosa Telephone Co. (U 1014 C),  
Sierra Telephone Company Inc. (U 1016 C),  
and Volcano Telephone Company (U 1019 C),

Complainants,

v.

CommPartners, LLC (U 6910 C) and  
CommPartners Holding Company,

Defendants.

Case 10-01-016  
(Filed January 15, 2010)

**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as this above-titled complaint case shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be

met and issues an order extending the 12-month deadline. In this proceeding, the 12-month deadline for resolving the case is January 15, 2011.

On June 14, 2010, counsel for CommPartners, LLC and CommPartners Holding Company (CommPartners or Defendants) advised the Commission that they had filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The filing of the bankruptcy petition immediately put into place an automatic stay, pursuant to 11 U. S. C. § 362, which prohibits and enjoins any acts against the debtors, including the instant complaint, Case 10-01-016. An extension of the statutory deadline is reasonable to accommodate the stay granted this complaint until the resolution of CommPartners' bankruptcy case and the resumption and resolution of this matter before this Commission.

The Commission has determined that it is appropriate to extend the 12-month deadline in this case for an additional 18 months, until July 15, 2012, to fully accommodate the bankruptcy process, the drafting and issuance of a Presiding Officer's Decision (POD), and a decision by the Commission and the parties whether to adopt it or to consider an appeal.

### **Waiver of Comments on Proposed Decision**

Under Rule 14.6(c)(4) of the 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 Pub. Util. Code § 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**

Nancy Ryan is the assigned Commissioner and Jacqueline A. Reed 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 January 15, 2010.
2. An extension of time until July 15, 2012 should allow time for resolution of the bankruptcy process, permit this Commission to resolve this matter, and provide parties with time to decide whether to file an appeal of the POD, pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and allow any concerned Commissioner to decide whether to request review of the POD pursuant to Rule 14.4(b).

### **Conclusions of Law**

1. Because there is an automatic stay of this complaint while Defendants are in bankruptcy proceedings, it will not be possible to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(d).
2. The 12-month statutory deadline should be extended for 18 months to allow for resolution of this proceeding.

**IT IS ORDERED** that the 12-month statutory deadline in Case 10-01-016, January 15, 2011, is extended to and including July 15, 2012.

This order is effective today.

Dated November 19, 2010, at San Francisco, California.

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