

Decision 11-01-039 January 27, 2011

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

Application of California Water Service Company (U60W) for an order confirming its discontinuance of the ESP program as provided in D.07-12-055, Ordering Paragraph 19, approving accounting for the residual affiliate transaction, and confirming under D.07-12-055, Ordering Paragraph 16 that Applicant's residual services to its affiliate CWS Utility Services comply with applicable law.

Application 08-05-019  
(Filed May 12, 2008)

**ORDER EXTENDING STATUTORY DEADLINE**

Public Utilities Code Section 1701.5 provides that ratemaking matters such as this application shall be resolved within 18 months of issuance of the scoping memo for the proceeding, unless the Commission makes findings why that statutory deadline cannot be met and issues an order extending the 18-month deadline.

In this proceeding the scoping memo issued on October 2, 2009, therefore the 18-month deadline for resolving the proceeding is April 2, 2011. The procedural schedule set forth in the scoping memo relied on the Commission providing policy guidance in its affiliate rulemaking proceeding, Rulemaking (R.) 09-04-012; a final decision in R.09-04-012 was anticipated to be issued by July 2010.

On October 19, 2010, the Commission issued its decision in R.09-04-012. Because of this six-month delay, we conclude it is prudent to extend the deadline in this proceeding for an additional six months, until October 2, 2011. A proposed extension order was discussed at the pre-hearing conference (PHC) on November 30, 2010 and no party objected to this action. The next PHC is scheduled for January 20, 2010.

Based on the discussion above, we should extend the statutory deadline for this proceeding until October 2, 2011.

### **Waiver of Comment Period**

Under Rule 14.6(c)(10) 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 ratesetting proceedings. We waive the period for public review and comment pursuant to this rule.

### **Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Christine M. Walwyn is the assigned Administrative Law Judge (ALJ) in this proceeding.

### **Findings of Fact**

An extension of time until October 2, 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. Pursuant to the authority granted the Commission under Public Utilities Code Section 1701.5, the 18-month statutory deadline for this proceeding should be extended for six months to allow for resolution of this proceeding.

2. Pursuant to Rule 14.6(c)(10), the comment period for the proposed decision should be waived.

**O R D E R**

**IT IS ORDERED** that the 18-month statutory deadline in this proceeding is extended to and including October 2, 2011.

This order is effective today.

Dated January 27, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

Commissioners

Commissioner Timothy Alan Simon,  
being necessarily absent, did not  
participate.