

Decision 11-04-022 April 14, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Hal Miller,

Complainant,

vs.

Kingvale Property Owners and Water Users, Inc.,
a non profit corporation and Mutual Water
Company,

Defendant.

Case 10-04-001
(Filed April 1, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.2(d) provides that adjudicatory matters such as this one 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 that deadline. In this proceeding, the 12-month deadline for resolving the case is April 1, 2011. However, additional time is necessary for the presiding officer's decision to be issued for the reasons stated below. Therefore, this order extends the time for completion of this proceeding until October 1, 2011.

Background

The complaint in this matter was initially filed on April 1, 2010, under the Commission's Expedited Complaint Procedure. By ruling issued May 25, 2010,

the assigned Administrative Law Judge (ALJ) terminated the case and recalendared it for hearing under the Commission's regular procedure, pursuant to Rule 4.5(g), of the Commission's Rules of Practice and Procedure. By ruling of the Chief ALJ dated December 14, 2010, the complaint was categorized as adjudicatory.

An evidentiary hearing was held in Sacramento on July 27, 2010, and the matter was submitted on that date. Two days later, on July 29, the assigned ALJ went on extended medical leave. He did not return to work until October 11, 2010, at which time he commenced to address a backlog of work that had been pending during his absence, as well as newly assigned matters of varying priorities. Issuance of the decision in this proceeding was delayed by these events.

Discussion

Based on the current status of the case, this proceeding cannot be completed by April 1, 2011. Therefore, an extension of time of six months is necessary for resolution of this matter.

Waiver of Comment Period

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

Michael R. Peevey is the assigned Commissioner and Victor D. Ryerson is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The schedule for concluding this proceeding has been materially delayed by the extended absence of the ALJ for medical reasons, and by other events following his absence.
2. This proceeding cannot be completed by April 1, 2011.

Conclusions of Law

1. It is appropriate to extend the 12-month deadline set forth in Pub. Util. Code § 1701.2(d) and waive the 30-day period for review and comment of this order for the reasons set forth in the Findings of Fact.
2. The deadline should be extended for a period of six months in order to ensure timely issuance of the final order in this matter.

IT IS ORDERED that:

1. The time for completion of this proceeding is extended until October 1, 2011.
2. The 30-day period for review and comment on this order is waived.

This order is effective today.

Dated April 14, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK FERRON
Commissioners