

Decision 11-12-042 December 15, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's own motion into the alleged failure of TracFone Wireless, Inc. (U-4321-C) to collect and remit public purpose program surcharges and user fees on revenue from its sale of intrastate telephone service to California consumers, in violation of the laws, rules and regulations of this State; Order to Show Cause why Respondent should not immediately be ordered to pay all such outstanding sums plus interest, and be subject to penalties for such violations.

Investigation 09-12-016
(Filed December 17, 2009)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d)¹ provides that adjudicatory matters, such as this proceeding, 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. Today's decision extends the statutory deadline until December 17, 2012.

This proceeding was filed on December 17, 2009. Delays occurred in processing this docket due to uncertainties caused by a pending application for rehearing by TracFone of Resolution T-17235 and the subsequent amendment of

¹ All subsequent code references are to the Public Utilities Code unless otherwise indicated.

this Investigation by Decision 10-05-021. To accommodate these delays, the statutory deadline was extended for 12 months, until December 17, 2011, by an Assigned Commissioner's scoping memo dated September 30, 2010.

A Presiding Officer's Decision was issued on November 18, 2011. It is not anticipated, however, that this case will be resolved before the expiration of the current statutory deadline referenced above. Therefore, it is appropriate to extend this 12-month deadline for an additional 12 months, until December 17, 2012.

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 § 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

Michel Peter Florio is the assigned Commissioner and Regina M. DeAngelis is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

Findings of Fact

1. The Commission issued this Investigation on December 17, 2009.
2. The Assigned Commissioner extended the statutory deadline applicable to this proceeding on September 30, 2011 for a 12-month period of time, until December 17, 2011.
3. An additional extension of time until December 17, 2012 is needed to continue to resolve this Investigation.

Conclusion of Law

It is reasonable to extend the 12-month statutory deadline for an additional 12 months, until December 17, 2012, to allow for resolution of this proceeding as it will not be possible to resolve this case within the period of time provided for in Pub. Util. Code § 1701.2(d) as initially extended by the September 30, 2011 scoping memo.

IT IS ORDERED that the 12 month statutory deadline in this proceeding is extended to December 17, 2012.

This order is effective today.

Dated December 15, 2011, at San Francisco, California.

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