

Decision 11-12-045 December 15, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Level 3 Communications, LLC (U5941C),

Complainant,

vs.

Pacific Bell Telephone Company, d/b/a
AT&T California (U1001C),

Defendant.

Case 10-12-018
(Filed December 29, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities Code Section 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 matter has been categorized as adjudicatory, and the 12-month deadline for resolving this proceeding is December 29, 2011.

On December 29, 2010, Level 3 Communications, LLC (Level 3), filed complaint Case (C.) 10-12-018, seeking to resolve a dispute with Pacific Bell Telephone Company d/b/a AT&T California (AT&T), regarding the enforcement of the terms of the interconnection agreement (ICA) they entered into, which the Commission approved on April 21, 2005. One portion of the relief requested in the complaint, is the enforcement of the terms of the ICA and applicable federal law requiring AT&T to provide collocation competitive local exchange carriers (CLEC) Cross-Connects to Level 3 at Total Element Long-Run

Incremental Cost-based rates in all of AT&T's wire centers in California in which Level 3 requests such CLEC Cross-Connects.

A Prehearing Conference was scheduled for May 6, 2011, but was removed from the calendar and the matter suspended pending the Commission's issuance of a rehearing decision on the same issue in Decision (D.) 10-07-005. There is also a pending case in Federal District Court concerning the same issues.

An extension of the statutory deadline to December 29, 2012, is reasonable to allow the Commission to address the rehearing of D.10-07-005 and to allow the Federal District Court to address the case pending on the same issue.

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 proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review is being waived.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Katherine MacDonald is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The complaint Case 10-12-018 was initiated on December 29, 2010.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary to allow the Commission to address the rehearing of D.10-07-005 and to allow the Federal District Court to address the case pending concerning the same issue.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until December 29, 2012.
2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until December 29, 2012.

This order is effective immediately.

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