

Decision 12-02-010 February 1, 2012

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

Leatherbury & Lowell Family Trusts,

Complainant,

vs.

San Diego Gas & Electric Company (U902E),

Defendant.

Case 11-02-009  
(Filed February 9, 2011)

**ORDER EXTENDING DEADLINE**

**Summary**

Public Utilities (Pub. Util.) 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 February 8, 2012.

For the past four months, the parties have been engaged in voluntary mediation, during which time further proceedings in this docket have been held in abeyance. The parties have now informed the assigned Administrative Law Judge that mediation has been unsuccessful and have requested an adjudication of the matter. Because of these circumstances we have concluded that it is

appropriate to extend the 12-month deadline in this case for an additional nine months until November 8, 2012.

### **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**

Timothy Alan Simon is the assigned Commissioner and Karl J. Bemserfer is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. This proceeding was initiated on February 9, 2011.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of initiation unless this date is extended.
3. An extension of the 12-month deadline is necessary in order to provide time to issue a formal decision of this matter, including time for the parties to decide whether to appeal such a decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, and time for any Commissioner to decide whether to request review of the decision within the 30-day period provided for such requests in Rule 14.4(b).

### **Conclusions of Law**

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be further extended until November 8, 2012.

2. This order should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended until November 8, 2012.

This order is effective immediately.

Dated February 1, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

Commissioner Michel Peter Florio being necessarily absent, did not participate