

Decision 12-02-031 February 16, 2012

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

Level 3 Communications, LLC (U-5941-C),

Complainant,

vs.

Hypercube Telecom, LLC (U-6592-C),

Defendant.

Case 10-02-027  
(Filed February 23, 2010)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as Case (C.) 10-02-027, 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.

On December 2, 2010, the Commission issued Decision (D.) 10-12-009 extending the 12-month deadline for resolving this proceeding to February 23, 2012. On July 14, 2011, on a similar proceeding involving the same parties and a similar set of facts, the Commission issue D.11-07-033 granting rehearing of D.10-05-029 and vacating the decision. Due to this development, the Commission does not anticipate resolving this case before the expiration of the statutory deadline referenced above. For that reason, an extension is needed.

The Commission has determined that it is appropriate to extend the 12-month deadline in this case for an additional 12 months, until February 23, 2013.

### **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 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**

Catherine J.K. Sandoval is the assigned Commissioner and Regina DeAngelis is the assigned Administrative Law Judge (ALJ) and presiding officer in this proceeding.

### **Findings of Fact**

1. Case 10-02-027 was filed February 23, 2010.
2. An extension of time until February 23, 2013 should allow the ALJ adequate time to draft a presiding officer's decision (POD), provide parties with time to decide whether to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and any concerned Commissioner to decide whether to request review of the POD pursuant to Rule 14.4(b).

### **Conclusions of Law**

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until February 23, 2013.
2. This matter should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in Case 10-02-027 is extended to and includes February 23, 2013.

This order is effective today.

Dated February 16, 2012, at San Francisco, California.

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