

Decision 12-04-038 April 19, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cox California Telcom, LLC (U5684C),

Complainant,

vs.

Verizon California, Inc. (U1002C), MCI Metro
Access Transmission Services (U5253C), MCI
Communications Services, Inc. (U5378C),

Defendants.

Case 11-05-012
(Filed May 9, 2011)

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 May 8, 2012.

On May 9, 2011, Cox California Telcom, LLC (Cox or Complainant), filed Case 11-05-012 against Verizon California, Inc., MCI Metro Access Transmission Services, and MCI Communications Services, Inc., (Defendants). The complaint arises from a dispute between the parties regarding the interpretation of two interconnection agreements.

On May 27, 2011, the Instruction to Answer was served on Defendants and on June 27, 2011, Defendants filed a Motion to Dismiss Complaint without Prejudice and an Answer to the Complaint.

Parties have been actively filing responses and motions. On September 20, 2011, the assigned Administrative Law Judge (ALJ) issued a ruling granting the motion of Cox for judicial notice of the August 26, 2011 order of the Florida Public Service Commission (FL PSC) in which Defendants' Florida affiliates asked to dismiss an intercarrier compensation dispute between them and a Florida-based Competitive Local Exchange Carrier. The FL PSC declined to dismiss the action. The September 20, 2011 ALJ Ruling also denied Defendants' motion to dismiss this proceeding without prejudice.

On February 24, 2012, the Scoping Ruling was filed setting the issues to be considered and the schedule for the proceeding. Due to a series of unforeseen circumstances, evidentiary hearings in this matter have been delayed until the latter part of May, 2012. Because of these circumstances we have concluded that it is appropriate to extend the 12-month deadline in this complaint case for an additional 12 months until May 9, 2013.

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 Karl J. Bemederfer is the assigned ALJ in this proceeding.

Findings of Fact

1. Case 11-05-012 was initiated on May 9, 2011.
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 due to the postponement of evidentiary hearings until the latter part of May, 2012.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until May 9, 2013.
2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until May 9, 2013.

This order is effective immediately.

Dated April 19, 2012, at San Francisco, California.

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