

Decision 12-04-039 April 19, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cox California Telcom, LLC (U5684C),

Complainant,

vs.

Vaya Telecom, Inc. (U7122C),

Defendant.

Case 11-09-007
(Filed September 9, 2011)

ORDER EXTENDING STATUTORY DEADLINE

Summary

The date for resolution of this complaint case is extended by six months to March 8, 2013.

Discussion

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 September 8, 2012.

By joint motion filed on March 30, 2012, Cox California Telecom, LLC (Cox) and Vaya Telecom, Inc. (Vaya) ask the Commission to extend that deadline for six months, which would require resolution of this case on or before March 8, 2013. Cox and Vaya explain that time devoted to mediation prior to the

prehearing conference, subsequent discovery delays attributable to technology problems, and a scheduling change in another Commission complaint case filed by Cox all have contributed to the need for more time here. The parties ask for the additional time so that they may complete their discovery, prepare for hearing (now reset for June 12, 2012), and brief this complaint case after hearing.

Cox and Vaya accurately state that this case no longer can be concluded by September 8, 2012. An extension of the statutory deadline to March 8, 2013, is reasonable to allow the parties to fully prepare for hearing, to file briefs afterward, and to provide the assigned Administrative Law Judge (ALJ) adequate time to prepare and file a Presiding Officer's Decision, so that a final decision of the Commission issues in a timely manner.

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, pursuant to this rule, the otherwise applicable period for public review is being waived.

Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Jean Vieth is the assigned ALJ in this proceeding.

Findings of Fact

1. The 12-month deadline for resolving this complaint case is September 8, 2012.
2. A six-month extension of time until March 8, 2013, should give the parties adequate time to prepare for hearing and file briefs afterward and to provide the

assigned ALJ adequate time to complete the Presiding Officer's Decision, so that a final decision of the Commission issues in a timely manner.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until March 8, 2013.
2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until March 8, 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