

Decision 08-09-043 September 18, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN JOSE WATER COMPANY (U168W) for an Order Approving the Sale of the Main Office under Section 851 and Authorizing the Investment of the Sale Proceeds under Section 790.

Application 07-01-035
(Filed January 22, 2007)

ORDER EXTENDING STATUTORY DEADLINE

1. Summary

Pub. Util. Code § 1701.5(a)¹ provides that ratesetting cases shall be resolved within 18 months of the date the Scoping Memo is issued unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 18-month deadline for resolving this matter is September 30, 2008.

Pursuant to § 311(d), a proposed decision (PD) was filed with the Commission and served upon all parties to the proceeding on August 19, 2008, and it is possible that the Commission may resolve this proceeding within the 18-month statutory deadline. Nevertheless, this decision extending the statutory deadline for this proceeding is issued to ensure the Commission has an opportunity to fully consider the PD, including time to consider an alternate decision, if the Commission chooses to do so.

¹ All statutory references are to the Public Utilities Code unless otherwise indicated.

2. Waiver of Comment Period

Under Rule 14.6(c)(10) of the Commission's Rules of Practice and Procedure (Rules), the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment on an extension order issued pursuant to § 1701.5(a) is being waived.

3. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Richard Smith is the assigned ALJ in this proceeding.

Findings of Fact

1. The Scoping Memo in this proceeding was issued on March 30, 2007.
2. The normal 18-month statutory deadline for resolving this ratesetting proceeding is September 30, 2008.
3. An additional 60-day extension for resolving this proceeding is required to ensure the Commission has an opportunity to fully consider the PD, including time to consider an alternate decision, if the Commission chooses to do so.

Conclusion of Law

Effective immediately, the 18-month statutory deadline imposed by § 1701.5(a) should be extended for a period of 60 days beyond September 30, 2008.

IT IS ORDERED that:

1. The 18-month statutory deadline in this proceeding, September 30, 2008, is extended until November 29, 2008.

2. Application 07-01-035 remains open.

This order is effective today.

Dated September 18, 2008, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners