

Decision 08-10-033 October 16, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pac-West Telecomm, Inc. (U5266C),

Complainant,

vs.

Telscape Communications, Inc. (U6589C),

Defendant.

Case 07-10-018
(Filed October 19, 2007)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. This case was initiated on October 19, 2007. The Presiding Officer's Decision was issued on July 10, 2008. It found Telscape liable to Pac-West for unpaid call termination charges. Both parties appealed the decision. The appeals raise a variety of substantive and procedural issues including complex issues of overlapping state and federal jurisdiction.

Under the circumstances and because of the nearness of the approaching statutory deadline, an extension of the statutory deadline is necessary to accommodate the Commissioners' further review of the presiding officer's decision and the appeals. Accordingly, we find that the 12-month deadline for resolving Case 07-10-018 pursuant to Pub. Util. Code § 1701.2(d) cannot be met,

and that an extension in the schedule will be required. An extension through March 31, 2009, should provide a reasonable allowance of time to accommodate the necessary further review.

Comments on Proposed Decision

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 and comment is waived.

Findings of Fact

1. Case 07-10-018 involves numerous complex substantive and procedural issues including issues of overlapping state and federal jurisdiction.
2. All parties appealed the Presiding Officer's Decision.
3. An extension of the 12-month statutory deadline is necessary to allow time for further review of the Presiding Officer's Decision and the appeals.

Conclusion of Law

The 12-month deadline for resolving Case 07-10-018 pursuant to Pub. Util. Code § 1701.2(d) should be extended until March 31, 2009.

IT IS ORDERED that the statutory deadline for resolving Case 07-10-018 is extended until March 31, 2009.

This order is effective today.

Dated October 16, 2008, at San Francisco, California.

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