

Decision 08-10-031 October 16, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mr. & Mrs. Stephen H. Schimmel,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

Case 07-11-012
(Filed November 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 November 19, 2007. The presiding officer's decision was issued on May 27, 2008. The presiding officer thereupon resigned from the Commission, and the case was reassigned to Administrative Law Judge Sarah Thomas on May 28, 2008. Southern California Edison Company filed an appeal of the presiding officer's decision on June 26, 2008. Due to the press of other caseload, the case was reassigned to Administrative Law Judge Hallie Yacknin on September 25, 2008.

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 appeal. Accordingly, we find that the 12-month deadline for resolving this case pursuant to Pub. Util. Code § 1701.2(d) cannot be met, and that an extension in the schedule will be required. An extension through February 20, 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. Administrative Law Judge Kim Malcolm, who was the presiding officer in this case, retired from the Commission after issuance of the presiding officer's decision on May 27, 2008.
2. The case was reassigned to Administrative Law Judge Sarah Thomas on May 28, 2008, and then, due to the press of other caseload, to Administrative Law Judge Hallie Yacknin on September 25, 2008.
3. Southern California Edison Company filed an appeal of the presiding officer's decision on June 26, 2008.
4. An extension of the 12-month statutory deadline is necessary to allow time for further review of the presiding officer's decision and the appeal.

Conclusion of Law

The 12-month deadline for resolving this case pursuant to Pub. Util. Code § 1701.2(d) should be extended until February 20, 2009.

IT IS ORDERED that the statutory deadline for resolving this proceeding is extended until February 20, 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