

Decision 08-12-033 December 18, 2008

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the Water and Service Quality of Alco Water Company (Alco).

Respondent.

Investigation 07-06-020  
(Filed June 21, 2007)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline for resolution of this matter until April 30, 2009. The presiding officer's decision is still pending and due to the 30-day appeal and review period as well as the 15-day response period, it is impossible for this proceeding to be resolved by the statutory deadline of December 20, 2008.

**Background**

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.

On June 21, 2007, the Commission issued Order Instituting Investigation (OII) 07-06-020, into the water and service quality of Alco Water Company. Due to extensions requested by the parties, it was impossible for the final decision to issue by the statutory deadline of June 20, 2008. An order extending the statutory deadline to December 20, 2008, was issued on May 16, 2008, to ensure that no violation of Pub. Util. Code § 1701.2(d) occurs.

The presiding officer's decision is still pending release and the 30-day appeal and review period as well as the subsequent 15-day period for responses cannot toll before the current statutory deadline of December 20, 2008.

Therefore, we will extend the statutory deadline to April 30, 2009.

### **Waiver of Comments**

Under Rule 14.6(a)(7) of the Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 14.6(a)(7), the otherwise applicable § 1701.2(d) statutory deadline for public review and comment is being waived.

### **Assignment of Proceeding**

John A. Bohn is the assigned Commissioner and Linda Rochester is the assigned Administrative Law Judge for this proceeding.

### **Findings of Fact**

1. This proceeding was initiated on June 21, 2007, as an adjudicatory proceeding.
2. On May 16, 2008, the Commission extended the 12-month statutory deadline to December 20, 2008, due to extensions requested by the parties.
3. Issuance of the presiding officer's decision is still pending and considering the 30-day appeal and review period as well as the 15-day response period, the statutory deadline of December 20, 2008, cannot be met.
4. A final decision in this proceeding is to be issued on or before April 30, 2009.

### **Conclusions of Law**

1. The 12-month deadline imposed by Pub. Util. Code § 1701-2(d) should be extended until April 30, 2009.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended until April 30, 2009.

This order is effective today.

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

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