

Decision 09-01-028 January 29, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fones4All Corporation (U6338C),

Complainant

v.

Pacific Bell Telephone Company d/b/a
AT&T California (U1001C),

Defendant.

Case 07-12-030
(Filed December 28, 2007)

Pacific Bell Telephone Company d/b/a
AT&T California (U1001C),

Complainant

v.

Fones4All Corporation (U6338C),

Defendant.

Case 08-02-009
(Filed February 8, 2008)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities (Pub. Util.) Code § 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 consolidated matter has been

categorized as adjudicatory, and the 12-month deadline for resolving this proceeding is February 8, 2009.

In August 2008, Fones4All Corporation (Fones4All) filed for bankruptcy protection. Fones4All's bankruptcy filing automatically stayed, by operation of law, Case (C.) 08-02-009, which sets forth certain Pacific Bell Telephone Company¹ counterclaims against Fones4All. The interconnectedness between the parties' claims against each other makes proceeding with Fones4All's complaint against AT&T California untenable while AT&T California's counterclaims are stayed. In addition, Fones4All and AT&T California assert that there is a likelihood that the bankruptcy process may result in resolution of both parties' respective claims against the other. Consequently, at the joint request of the parties, the assigned Administrative Law Judge stayed² Fones4All's complaint against AT&T California pending the outcome of Fones4All's bankruptcy proceeding. An extension of the statutory deadline is reasonable to accommodate the stay granted these consolidated complaints until the resolution of Fones4All's bankruptcy case and the issuance of the presiding officer's decision on any unresolved issues.

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 decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 14.6(c)(4), the otherwise applicable period for public review is waived.

¹ Pacific Bell Telephone Company does business as AT&T California.

² By ruling issued on January 13, 2009.

Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and Jacqueline A. Reed is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This consolidated proceeding was initiated on February 8, 2008.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary because of the complexity of the issues to be addressed.

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended 180 days to accommodate the stay granted these consolidated complaints until the resolution of Fones4All's bankruptcy case and the issuance of the presiding officer's decision on any unresolved issues in these proceedings.
2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended 180 days.

This order is effective today.

Dated January 29, 2009, at San Francisco, California.

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