

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Complainant,

vs.

Halo Wireless, Inc. (U3088C),

Defendant.

Case 12-02-007
(Filed February 13, 2012)

ORDER EXTENDING STATUTORY DEADLINE

1. Summary

This decision extends the statutory deadline in this proceeding to April 13, 2013.

2. Background

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint is February 12, 2013. A decision granting the Joint Motion to approve Settlement Agreement filed by Pacific Bell Telephone Company d/b/a AT&T California (AT&T California or AT&T) and Halo Wireless, Inc. (Halo),

through its Chapter 7 bankruptcy trustee, is before the Commission on its January 24, 2013 Meeting Agenda.

This case arises from a complaint filed by AT&T California on February 13, 2012, against Halo. AT&T California alleges that on May 4 and May 5, 2010, the parties executed an interconnection agreement (ICA) which authorized Halo to send only wireless-originated traffic to AT&T California. AT&T California alleges that Halo breached the ICA by sending traffic to AT&T California that was not wireless-originated traffic, but was instead landline-originated interstate, interLATA, or intraLATA toll traffic.

On April 13, 2012, Halo filed its Answer to AT&T California's complaint and denies that it breached the ICA. Halo claims to provide commercial mobile radio service and sells telephone exchange service to Transcom Enhanced Services, Inc., Halo's high-volume customer.

On August 8, 2011, Halo had filed a Chapter 11 bankruptcy proceeding with the U.S. Bankruptcy Court for the Eastern District of Texas, Sherman Division (Case 11-42464). In July of 2012, the Commission learned that Halo's bankruptcy had been converted to a Chapter 7 liquidation. Following this development, the parties engaged in settlement discussions which resulted in the filing of the Joint Motion to Approve Settlement Agreement.

Additional time is necessary to allow the Commission time to deliberate and vote on the proposed decision in this proceeding. Therefore, this order extends the time for completion of this proceeding until April 13, 2013.

3. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline

set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

4. Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Robert Mason is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. A decision granting the Joint Motion to approve Settlement Agreement filed by AT&T California and Halo is before the Commission on its January 24, 2013 Meeting Agenda.

2. Additional time is necessary to allow the Commission time to deliberate and vote on the proposed decision.

Conclusions of Law

1. It is appropriate to extend the 12-month deadline set forth in Pub. Util. Code § 1701.2(d) until April 13, 2013.

2. The 30-day period for review and comment of this should be waived.

IT IS ORDERED that the statutory deadline for completion of this proceeding is extended until April 13, 2013.

This order is effective today.

Dated _____, at San Francisco, California.