

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIAXO Communications Services, LLC
(U5553C),

Complainant,

vs.

Vaya Telecom, Inc. (U7122C),
DOES 1-100

Defendant.

Case 12-12-018
(Filed December 21, 2012)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in this proceeding to June 21, 2014.

Background

Public Utilities Code Section 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 matter has been categorized as adjudicatory, and the 12-month deadline for resolving this proceeding is December 21, 2013.

On December 21, 2012, XO Communications Services, LLC (XO) filed complaint Case (C.) 12-12-018, seeking that the Commission resolve the dispute with Vaya Telecom, Inc. (Vaya), regarding whether Vaya was required to pay intrastate switched access termination charges for intrastate toll calls pursuant to

XO's intrastate switched access tariff, which has been on file with the California Public Utilities Commission (Commission) since 1997.

Subsequent to filing the complaint both parties to the complaint requested the Commission hold the matter in abeyance to allow them time to continue settlement discussions. Parties indicated that they believed that settlement discussions would allow them to come to an agreement and finalize a settlement. On December 12, 2013, XO filed a motion to dismiss the complaint because parties had settled the matter. A decision has been drafted addressing the motion to dismiss that will be placed before the Commission shortly.

An extension of the statutory deadline to June 21, 2014 is reasonable to allow the Commission time to render its final decision.

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 proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review is being waived.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Katherine Kwan MacDonald is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The complaint C.12-12-018 was initiated on December 21, 2012.
2. Based upon the statutory deadline, these proceedings must be resolved within 12 months of their initiation, unless this date is extended.
3. A decision resolving the matter has been drafted and will be placed before the Commission shortly.

4. An extension of the 12-month deadline to June 21, 2014, is necessary to allow the Commission to render its final decision.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until June 21, 2014.

2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until June 21, 2014.

This order is effective immediately.

Dated _____, at San Francisco, California.