

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

City of Santa Barbara,

Complainant,

vs.

Verizon California, Inc. (U1002C),

Defendant.

Case 10-01-005  
(Filed January 19, 2010)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in this proceeding to January 19, 2015.

**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 January 19, 2014. Additional time is necessary for the presiding officer’s decision to be issued for the reasons stated below. Therefore, this order extends the time for completion of this proceeding until January 19, 2015.

This case arises from a dispute concerning the interpretation of a tariff that governs the undergrounding of existing telephone communications facilities in circumstances where a city creates a new underground utility district.

Complainant, the City of Santa Barbara (City), filed this complaint on January 19, 2010, and Defendant, Verizon California, Inc. (Verizon), answered in due course.

The original 12-month deadline for resolving this proceeding was January 19, 2011. In Decision (D.) 10-12-046, the Commission extended the statutory deadline to January 19, 2012. In D.12-01-025 the Commission extended the statutory deadline to January 19, 2013, and in D.13-01-011 the Commission extended the statutory deadline to January 19, 2014. The issues in this proceeding are complex and additional time is needed to review and resolve the issues. Based on the current status of the case, the need to review the additional material submitted for the record, the pending motions for summary judgment, and the additional parties who wish to participate in the case, this proceeding cannot be completed by January 19, 2014. Therefore, an extension of time for an additional 12 months is necessary for resolution of this matter.

### **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.

### **Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Stephen C. Roscow is the assigned ALJ and presiding officer in this proceeding.

**Findings of Fact**

1. The schedule for concluding this proceeding has been materially delayed by events that occurred during the pendency of this proceeding.
2. This proceeding cannot be completed by January 19, 2014.

**Conclusions of Law**

1. It is appropriate to extend the 12-month deadline set forth in Pub. Util. Code § 1701.2(d) and waive the 30-day period for review and comment of this order for the reasons set forth in the Findings of Fact.
2. The deadline should be extended for a period of 12 months in order to ensure timely issuance of the final order in this matter.

**IT IS ORDERED** that:

1. The time for completion of this proceeding is extended until January 19, 2015.
2. The 30-day period for review and comment on this order is waived.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.