

Decision 15-06-033 June 11, 2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Utility Consumers' Action Network,

Complainant,

vs.

U.S. TelePacific Corp., dba TelePacific
Communications (U5721C),

Defendant.

Case 14-07-007
(Filed July 17, 2014)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to January 17, 2016.

1. Background

Public Utilities (Pub. Util.) 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. Case (C.) 14-07-007 has been categorized as adjudicatory and the 12-month deadline for its resolution is July 17, 2015. This decision extends the statutory deadline to January 17, 2016.

On July 17, 2014, the Utility Consumers' Action Network (UCAN) filed C.14-07-007 against U.S. TelePacific Corp., dba TelePacific Communications (TelePacific) alleging a series of violations to the Pub. Util. Code Sections regarding unauthorized charges to customers' bills, unjust and unreasonable rates, and many other allegations regarding inaccurate information to customers and to Commission Staff.

On September 2, 2014, TelePacific timely filed its answer alleging that the services that are the subject of the complaint fall within the definition of "Voice over Internet Protocol," as defined by Public Utilities Code Section 239. Therefore, pursuant to § 710, the subject matter of the complaint is outside of the Commission's jurisdiction. (Answer at Page 2)

On September 26, 2014, a prehearing conference was held to identify the issues of the complaint, set the schedule and procedures to follow. On October 10, 2014, TelePacific filed a motion to dismiss the complaint because the Commission lacks jurisdiction over the disputed subject. UCAN, on November 3, 2014, timely filed its response requesting the Commission to deny the motion to dismiss.

In order to address the question of jurisdiction under Section 710 and to have sufficient time to address all issues raised in the complaint, we conclude that it is appropriate to extend the 12-month statutory deadline in this case to January 17, 2016.

2. 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, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

3. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Jeanne McKinney is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. C.14-07-007 was initiated on July 17, 2014 and the 12-month statutory deadline to resolve this complaint is July 17, 2015.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An additional extension of the 12-month deadline is necessary in order to address the question of jurisdiction under Section 710 and to have sufficient time to address all issues raised in the complaint.

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to January 17, 2016.
2. This order should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline for Case 14-07-007 is extended to January 17, 2016.

This order is effective today.

Dated June 11, 2015, at San Francisco, California.

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

Commissioners

Commissioner Liane M. Randolph, being necessarily absent, did not participate.