

Decision 15-06-032 June 11, 2015

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

Jordan Rosenberg,

Complainant,

vs.

Pacific Bell Telephone Company,  
dba AT&T California (U1001C),

Defendant.

Case 13-07-004  
(Filed July 12, 2013)

And Related Matter.

Case 14-05-014

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in these consolidated proceedings to January 12, 2016.

**1. 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. These consolidated matters have been categorized as adjudicatory, and the Commission in Decision 14-07-010, extended the statutory deadline for resolving these proceedings to July 12, 2015.

On July 12, 2013, Jordan Rosenberg (Complainant) filed a complaint under the Commission's Expedited Complaint Procedure (ECP) Case (C.) 13-07-004, seeking that the Commission resolve the dispute with Pacific Bell Telephone Company dba AT&T California (AT&T), regarding billing charges, request for a refund and transfer of service.

On August 12, 2013, AT&T filed its answer denying the charges and requesting the complaint be dismissed. In the interest of resolving this matter, AT&T credited the disputed charges and as of July 23, 2013, Complainant's account was left at zero. On May 15, 2014, Complainant filed a second Complaint C.14-05-014 alleging that his telephone service had not been transferred to his new address. C.14-05-014 was filed as a regular complaint pursuant to Rule 4.2(a) of the Commission's Rule of Practice and Procedure.

On May 21, 2014, the assigned Administrative Law Judge (Judge) issued a ruling terminating ECP C.13-07-004, pursuant to Rule 4.5 and converting the expedited complaint into a complaint pursuant to Rule 4.2(a). On May 22, 2014, the proceeding was reassigned to Judge Patricia B. Miles.

On May 27, 2014, the Chief Administrative Law Judge issued a ruling categorizing C.13-07-004 as adjudicatory and determining that hearings were necessary, unless the matter is otherwise resolved by the parties. The ruling also consolidated C.13-07-004 with C.14-05-014.

A prehearing conference was held on August 12, 2014. The evidentiary hearing was originally set on December 11 and 12, 2014, but rescheduled at the request of counsel for AT&T due to an unforeseen medical necessity. Judge Miles held evidentiary hearing on February 11, 2015. The parties submitted post hearing briefing and the matter stood submitted on March 31, 2015. The

Presiding Officer's Decision (POD) is being drafted and it is expected to be mailed in the second quarter of 2015.

Due to these developments, additional time is necessary to file and serve upon all parties the POD and allow parties the necessary time to appeal and to the Commission to request for review of the POD. Therefore the statutory deadline for resolving these consolidated complaints should be extended to January 12, 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, the otherwise applicable period for public review is being waived.

## **3. Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Patricia B. Miles is the assigned Administrative Law Judge in these proceedings.

## **Findings of Fact**

1. The complaint Case 13-07-004 was initiated on July 12, 2013 under the Commission's ECP and later converted into a regular Complaint pursuant to Rule 4.2(a).
2. A new Complaint Case 14-05-014 was initiated on May 15, 2014 and later consolidated with Case 13-07-004.
3. Prehearing Conference occurred August 12, 2014. An evidentiary hearing was held on February 11, 2015 and the matter was submitted on March 31, 2015, with the submission of briefs.

4. Based upon the statutory deadline, these proceedings must be resolved within 12 months of their initiation, unless this date is extended.

5. An extension of the statutory deadline is necessary to file and serve the POD and allow the parties the necessary time to appeal and to the Commission to request for review of the POD.

**Conclusions of Law**

1. The statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until January 12, 2016.

2. This order should be effective immediately.

**IT IS ORDERED** that the statutory deadline in these proceedings is extended until January 12, 2016.

This order is effective immediately.

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.