

Decision 21-09-016 September 9, 2021

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

Order Instituting Investigation on the Commission's Own Motion into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds Previously Demanded by the Commission's Division.

Investigation 18-07-009

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in this proceeding until December 17, 2021.

**1. Background**

Pub. Util. Code § 1701.2(i) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the California Public Utilities Commission (Commission) makes findings as to why that deadline cannot be met and issues an order extending that deadline. The 12-month statutory deadline for this proceeding was July 12, 2019.

Previously, the statutory deadline in this proceeding was extended to give the parties time to conclude their participation in the alternative dispute

resolution program at the Commission.<sup>1</sup> Pending the dismissal of three members of the California's One Million New Internet Users Coalition (Coalition), the approval of a proposed settlement, and an evidentiary hearing to resolve the proceeding through the formal process for the remaining respondent, Community Union, Inc. (Community Union) the statutory deadline was extended.<sup>2</sup>

After the evidentiary hearing, on October 29, 2020, Community Union filed a Motion for Disqualification of Commissioner Clifford Rechtschaffen for Cause (Bias/Prejudice) and Request for New Evidentiary Hearing. On November 13, 2020, Consumer Protection and Enforcement Division (CPED) filed a response.

On December 18, 2020, the Commission dismissed the Asian Pacific Community Fund, Black Business Association, and Soledad Enrichment Action - Charter Schools from the proceeding and approved the proposed settlement of CPED and Korean Churches for Community Development.<sup>3</sup>

On March 3, 2021, the statutory deadline was extended to September 13, 2021.<sup>4</sup>

On April 15, 2021, the Commission approved Resolution L-609 denying Community Union's motion to disqualify Commissioner Rechtschaffen.

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<sup>1</sup> Decision (D.) 19-06-037, D.20-02-028.

<sup>2</sup> D.20-08-015

<sup>3</sup> D.20-12-055.

<sup>4</sup> D.21-03-021

On August 16, 2021, the Presiding Officer's Decision (POD) in the instant proceeding was issued for public review and comment; however, the proceeding will not be completed by September 13, 2021. An extension of the statutory deadline to December 17, 2021, is necessary to provide parties time to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and any concerned Commissioner to decide whether to request review of the POD pursuant to Rule 14.4(b).

## **2. 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(i). Under the circumstances of this proceeding, it is appropriate to waive the 30-day period for public review and comment.

## **3. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner and Zhen Zhang is the assigned Administrative Law Judge and presiding officer in this proceeding.

### **Findings of Fact**

1. On July 12, 2018, the Commission initiated this Order Instituting Investigation into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds.
2. The 12-month statutory deadline for this proceeding is July 12, 2019.
3. Decision 19-06-037 extended the statutory deadline to February 12, 2020.
4. Parties were engaged in alternative dispute resolution from February 2019 to February 2020.
5. Decision 20-02-028 extended the statutory deadline to August 12, 2020.

6. D.20-08-015 extended the statutory deadline to March 12, 2021 to give Community Union, Inc. time to formally resolve this proceeding.

7. The evidentiary hearing examining issues specific to Community Union, Inc., was held on Monday, August 24, 2020 through Thursday, August 27, 2020.

8. On October 29, 2020, Community Union, Inc. filed Community Union, Inc.'s Motion for Disqualification of Commissioner Clifford Rechtschaffen for Cause (Bias/Prejudice) and Request for New Evidentiary Hearing.

9. On December 18, 2020, the Commission approved the settlement between Korean Churches for Community Development and the Commission's Consumer Protection and Enforcement Division.

10. On December 18, 2020, the Commission granted the motion to dismiss from this proceeding the Asian Pacific Community Fund, the Black Business Association, and the Soledad Enrichment Action - Charter Schools.

11. D.21-10-021 extended the statutory deadline until September 13, 2021.

12. On April 15, 2021, the Commission approved Resolution L-609 denying Community Union, Inc.'s motion to disqualify Commissioner Rechtschaffen.

13. On August 16, 2021, the POD in the instant proceeding was issued for public review and comments.

14. An extension of the statutory deadline to December 17, 2021, is necessary to provide parties time to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and any concerned Commissioner to decide whether to request review of the POD pursuant to Rule 14.4(b).

### **Conclusion of Law**

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), the statutory deadline should be extended to December 17, 2021.

**IT IS ORDERED** that the statutory deadline for completion of this proceeding is extended until December 17, 2021.

This order is effective today.

Dated September 9, 2021, at San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners