

Decision \_\_\_\_\_

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

O1 Communications, Inc. (U6065C),

Complainant,

vs.

Verizon California, Inc. (U1002C),

Defendant.

Case 08-02-013  
(Filed February 15, 2008)

And Related Matter.

Case 09-06-025

**ORDER EXTENDING STATUTORY DEADLINE**

Public Utilities Code Section 1701.2(d) provides that adjudicatory matters shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. This consolidated proceeding is categorized as adjudicatory, and the deadline for its resolution is August 15, 2012. As explained below, the deadline should be extended.

This matter has been delayed due to significant staffing constraints and the press of other urgent business.<sup>1</sup> Progress towards final resolution is being made,

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<sup>1</sup> See Decision (D.) 09-01-024, D.10-02-005, D.10-12-012, and D.12-02-007.

however. The proceeding was assigned to a new Administrative Law Judge (due to the retirement of the previously assigned Presiding Officer). Significant progress has been made in the drafting of a Presiding Officer's Decision (POD). It is unlikely, however, that the POD can be filed, and the matter finally concluded, before August 15, 2012. Accordingly, we have determined that the deadline for resolving this consolidated proceeding should be extended for six months, until February 15, 2013.

### **Waiver of Comments on Proposed Decision**

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**

Mark J. Ferron is the assigned Commissioner and Burton W. Mattson is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. On February 15, 2008, the complaint in Case (C.) 08-02-013 was filed by O1 Communications, Inc. (O1).
2. On June 30, 2009, the complaint in C.09-06-025 (a counterclaim to O1's complaint in C.08-02-013) was filed by Verizon California, Inc., and the two complaints were subsequently consolidated.
3. The deadline for resolving this consolidated proceeding is August 15, 2012.
4. An extension of time until February 15, 2013 should give the assigned ALJ adequate time to complete and file the POD, with the matter finally resolved 30 to 60 days thereafter.

**Conclusions of Law**

1. The deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until February 15, 2013.
2. This decision should be effective immediately.

**IT IS ORDERED** that the comment period on the proposed decision to extend the deadline is waived. The deadline to resolve this consolidated proceeding is extended to February 15, 2013.

This order is effective today.

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