

Decision 11-07-051 July 28, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Highway 68 Coalition, a social welfare organization, pursuant to Internal Revenue Code Section 501(c)4,

Complainant,

vs.

California-American Water Company,
Monterey Division, (U210W),

Defendant.

Case 10-08-022
(Filed August 31, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as this complaint case 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 12-month deadline. In this proceeding, the 12-month deadline for resolving the case is August 31, 2011. Although it is likely that a Presiding Officer's Decision (POD) will be served on the parties by that date, it is possible that one of the parties will file an appeal of the POD within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, or that a Commissioner will file a request for review of the POD within the 30-day period provided for such requests in Rule 14.4(b).

Thus, even if a POD were to be issued by the end of August 2011, it may not be possible to resolve this case within the one-year period provided in Pub. Util. Code § 1701.2(d). Because of these circumstances, we have concluded that it is appropriate to extend the 12-month deadline in this case for four months, until December 31, 2011.

Discussion

Under all the circumstances of this case, we believe that a four month extension of time, until December 31, 2011, should be sufficient to allow for the drafting and issuance of a POD and a decision by the Commission in the event of an appeal or request for review of the POD.

Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(4) of the 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

Michel Peter Florio is the assigned Commissioner and Maribeth A. Bushey is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The complaint in this case was filed on August 31, 2010.
2. An extension of time until December 31, 2011 should allow adequate time for the ALJ to draft a POD, and for the Commission to resolve this matter in the event of an appeal or request for review of the POD.

Conclusions of Law

1. Because of the need to allow time for Commission deliberation in the event of an appeal or request for review of the POD, it may not be possible to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(d).
2. The 12-month statutory deadline should be extended for four months to allow for resolution of this proceeding.
3. Pursuant to Rule 14.6(c)(4), public review and comment should be waived.
4. Today's order should be effective immediately.

IT IS ORDERED that public review and comment on today's decision is waived, and the 12-month statutory deadline in this proceeding, August 31, 2011, is extended to and including December 31, 2011.

This order is effective today.

Dated July 28, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners