

Decision 12-03-047 March 22, 2012

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

Maria Carmen Ozuna and Serapio Garcia,  
  
Complainants,  
  
vs.  
  
Southern California Edison Company (U338E),  
  
Defendant.

Case 11-06-014  
(Filed June 13, 2011)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

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. This matter has been categorized as adjudicatory, and the 12-month deadline for resolving this proceeding is June 12, 2012, but the Scoping Ruling and Memo issued on November 18, 2011, set March 30, 2012, as the deadline for resolving this proceeding.

On June 13, 2011, Maria Carmen Ozuna and Serapio Garcia<sup>1</sup> (Complainants), filed a complaint against Southern California Edison Company (SCE or Defendant), alleging that SCE employed flawed methodology in

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<sup>1</sup> Mr. Garcia has subsequently died.

determining the extent of the Complainants unauthorized use of electricity. The Complainants also contend that SCE has incorrectly applied the relevant statute of limitations provisions in determining how far back in time SCE can re-bill the Complainants for their unauthorized use of electricity. SCE contends that it has properly applied the Commission approved tariff that governs the adjustment of bills for the unauthorized use of electricity and used the most accurate procedure in determining the level/extent of unauthorized use by the Complainant.

A Prehearing Conference was held on September 23, 2011. On November 18, 2011, the assigned Commissioner issued a scoping memo and ruling setting the scope of the proceeding, encouraging the parties to benefit from the Alternative Dispute Resolution Program, and confirming the preliminary determination of the need for hearing.

In Response to Scoping Memo and Ruling of Assigned Commissioner the parties were to file issue briefs, concurrently, on December 19, 2011. SCE filed its brief on December 19, 2011. On December 1, 2011 Complainant and her counsel, separately, filed a "Declaration in Support of Complaint." The Complainants' issue brief has not been filed.

An extension of the statutory deadline to October 1, 2012, is reasonable to allow the assigned Administrative Law Judge (ALJ) adequate time to complete the Presiding Officer's Decision (POD) and for the Commission to have a final decision in this complaint case.

### **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.

### **Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and W. Anthony Colbert is the assigned ALJ and presiding officer in this proceeding.

### **Findings of Fact**

1. The 12-month deadline for resolving this complaint cases is June 12, 2012, but the Scoping Ruling and Memo issued on November 18, 2011, set March 30, 2012, as the deadline for resolving this proceeding.

2. An extension of time until October 1, 2012, should give the assigned ALJ adequate time to complete the POD and for the Commission to have a final decision in this complaint case.

### **Conclusions of Law**

1. The deadline for resolving this proceeding set in Scoping Ruling and Memo issued on November 18, 2011, should be extended until October 1, 2012.

2. This matter should be effective immediately.

**IT IS ORDERED** that the time for completion of this complaint case is extended until October 1, 2012.

This order is effective today.

Dated March 22, 2012, at San Francisco, California.

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