

Decision 20-02-028 February 6, 2020

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 August 12, 2020.

1. Background

Public Utilities (Pub. Util.) Code Section 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 is July 12, 2019.

On July 12, 2018, the Commission initiated this Order Instituting Investigation (OII) into the California's One Million New Internet Users

Coalition's Misuse of California Advanced Services Fund Grant Funds. Responses to the Order to Show Cause were filed by Asian Pacific Community Fund and Korean Churches for Community Development/Faith and Community Empowerment. A Prehearing Conference (PHC) was held on November 14, 2018, to discuss the issues of law and fact, determine the need for hearing, and discuss the schedule for resolving the matter.

On December 18, 2018, the Assigned Commissioner's Scoping Memo and Ruling was issued setting the issues to be determined and setting the proceeding for evidentiary hearings. Parties agreed to participate in the Alternative Dispute Resolution (ADR) program and the proceeding schedule was modified accordingly to allow parties enough time to focus on the ADR negotiations. Parties made progress in settlement and the assigned Administrative Law Judge (ALJ) issued a Ruling on May 9, 2019, suspending the proceeding schedule and requesting parties to submit a joint settlement status update by June 7, 2019. On June 27, 2019, Decision (D.) 19-06-037 extended the statutory deadline to February 12, 2020. Since then the parties have worked diligently and are close to submitting a comprehensive settlement agreement.

An extension of the statutory deadline to August 12, 2020 is necessary to review the settlement agreement when filed, to issue a proposed decision for public review and comments, and to allow enough time for the Commission to deliberate and to issue its final decision.

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 OII into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds.

2. On August 20, 2018, Asian Pacific Community Fund filed its Response to the Order to Show Cause.

3. On September 21, 2018, Korean Churches for Community Development/Faith and Community Empowerment filed its Response to the Order to Show Cause.

4. A PHC was held on November 14, 2018.

5. On December 18, 2018, the Assigned Commissioner's Scoping Memo and Ruling was issued.

6. Parties are in settlement negotiations and on May 9, 2019, the ALJ issued a ruling suspending the proceeding schedule and requesting parties to submit a joint settlement status by June 7, 2019.

7. The 12-month statutory deadline for this proceeding is July 12, 2019.

8. Decision 19-06-037 extended the statutory deadline to February 12, 2020.

9. This proceeding cannot be completed by February 12, 2020.

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 August 12, 2020.

IT IS ORDERED that the statutory deadline for completion of this proceeding is extended until August 12, 2020.

This order is effective today.

Dated February 6, 2020, at Bakersfield, California.

LIANE M. RANDOLPH
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
MARTHA GUZMAN ACEVES

Commissioners

President Marybel Batjer, being
necessarily absent, did not participate.