

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing Post-2003 Low Income Assistance Programs.

R. 04-01-006

And Related Matters:

A.05-06-005
A.05-06-009
A.05-06-012
A.05-06-013

COMMENTS OF DISABILITY RIGHTS ADVOCATES

DISABILITY RIGHTS ADVOCATES

MELISSA W. KASNITZ
MARY-LEE E. KIMBER
2001 Center St., Third Floor
Berkeley, CA 94704
Telephone: 510-655-8644
Fax: 510-655-8511
TTY: 510-655-8716
pucservice@dralegal.org

December 5, 2005

I. INTRODUCTION

Disability Rights Advocates (DRA) first entered this proceeding as an invited participant at the October 6, 2005 *en banc* hearing regarding responses to anticipated price hikes in natural gas for the coming winter heating season. During this hearing and the subsequent briefings, DRA explained the unique impact that the anticipated price increases will have on persons with disabilities. In so doing, DRA sought to alert the utility companies to issues that will create serious risks for low income persons with disabilities. While DRA is encouraged by the Commission's final decision with regard to the natural gas price increase issue, DRA is aware that all energy issues have an impact on persons with disabilities, who are disproportionately low income. Accordingly, notwithstanding the fact that we are relatively new participants in this proceeding, DRA offers the following comments to the ALJ draft decision on low income programs and funding in Rulemaking 04-01-006.

II. DRA URGES THE COMMISSION TO TAKE ACTION TO ENSURE THE CONTINUATION OF THE COOLING CENTER PROGRAM

The Cool Center Program operates to create a central, cool location open for customers to provide relief from severe hot weather conditions. The Draft Decision reports that Southern California Edison (SCE) will not operate the Cool Center Program in 2006.¹ SCE explains that its decision stems from the Commission's new restrictions on reimbursement and income-qualifying Cool Center attendees (D.05-04-052), which have led past program operators to decline to participate in the program. As a result, some regions will have no cool centers available.² Like ORA and SCE,³ DRA believes these cool centers are of the utmost importance for both the elderly and persons with disabilities.

¹ Draft Decision, p. 9. We also note that the decision refers repeatedly to a plan for the program to be discontinued in 2005; however, we believe that this should be 2006.

² Draft Decision, p. 10.

³ *Id.* at p. 11.

Persons with disabilities are affected by extreme heat in three ways. First, persons with disabilities are disproportionately low-income and thus, more likely to be limited in their ability to pay for air conditioning in their homes. Persons with disabilities have the highest unemployment rate (68%) of any minority population in the United States.⁴ Accordingly, many persons with disabilities depend on a fixed income of government assistance. Those persons with disabilities that do work often can only work part-time, placing them in the low income bracket. Second, persons with disabilities spend more time at home than their non-disabled counterparts.⁵ Because of the high unemployment rate, architectural barriers and difficulties with transportation, many persons with disabilities cannot depend on spending the hottest parts of the day in an air conditioned workplace, or even have reliable access to other air conditioned venues. Finally, persons with certain disabilities (i.e. multiple sclerosis, ectodermal dysplasias, etc) are extremely sensitive to heat. Accordingly, they must maintain constant body temperatures. To do so during the summer months may require the use of a cool center.

Fortunately, the Draft Decision also seems to recognize the importance of cool centers. Accordingly, the decision states that the Commission may consider modifications to its decision placing restrictions on the Cool Center Program if necessary to revive participation by SCE. DRA strongly supports the necessary modifications to the Commission's past decision to ensure that SCE will operate cool centers in 2006. Without such centers, persons with disabilities may be at risk of serious harm from severe heat during the summer months.

In addition, DRA reminds both the Commission and the utilities that existing federal and state law requires places such as cool centers, to be physically accessible to people with disabilities. Such accessibility requires accessible restrooms as well.

⁴ According to the National Organization on Disability-Harris Poll in 2000, among adults with disabilities of working age (18 to 64), 32% work full or part-time, compared to 81% of those without disabilities.

⁵ National Organization on Disability-Harris Poll in 2000 found that people with disabilities are less likely to socialize and participate in leisure activities outside the home.

Further, DRA encourages all communications relating to the Cool Center Program be available in accessible formats.

III. DRA RECOMMENDS THAT ENERGY EDUCATION WORKSHOPS INCLUDE DISABILITY-FOCUSED COMMUNITY-BASED ORGANIZATIONS

Disability Rights Advocates participated in the recent meeting convened by SoCalGas on November 9, 2005 to discuss energy education workshops, pursuant to the Commission's decision in D.05-10-044. While the general consensus of the meeting was to refer the issue to the Standardization Team with recommendations, DRA wishes to re-iterate its two recommendations.

First, DRA would like to see that the community-based organizations selected to host these workshops include disability-focused groups. Since persons with disabilities are disproportionately low-income, any money-saving, energy efficiency techniques are particularly important. Independent Living Centers (ILCs) are an excellent example of a disability focused CBO that could be selected to host a workshop. The twenty-five ILCs spread across the state of California serve persons with all types of disabilities including visual, hearing and mobility impairments and cognitive and psychiatric disabilities.⁶ In addition, such workshops will have a ripple effect: not only would the attendees be educated in energy efficiency techniques but the center's employees will also be educated. These employees counsel and advise persons with disabilities on a daily basis and will be able to continue to provide energy education beyond the workshops during their one-on-one interactions with constituents.

Second, DRA would like to ensure that both the location of and the materials distributed at these energy education workshops are accessible. Accordingly, the building where such programs take place must be fully accessible, including accessible restrooms, even if the particular community group targeted is not persons with

⁶ For more information about ILCs, view their website at <http://www.cfilc.org>.

disabilities. Further, brochures and other literature provided at the meeting must be available in accessible format (i.e. large print). Finally, utilities must publicize the availability of sign language interpreters for these workshops and provide this service at no charge to consumers when requested.

IV. CONCLUSION

DRA is pleased with much of the Draft Decision. In particular, the decision notes the requirement for the State to take additional steps to pursue automatic enrollment for CARE.⁷ DRA strongly supports all such efforts.⁸

However, DRA continues to participate in this proceeding to ensure that the unique considerations relating to persons with disabilities are taken into account by both the utilities and the Commission. Accordingly, we urge the Commission to take action to ensure the continuation of the Cool Center Program. Further, we ask the Commission to take whatever action necessary to ensure that energy education workshops include and are accessible to the disabled population.

Respectfully submitted,

DATED: December 5, 2005

DISABILITY RIGHTS ADVOCATES
2001 Center St., Third Floor
Berkeley, CA 94704
Telephone: 510-655-8644
Fax: 510-655-8511
TTY: 510-655-8716
Email: pucservice@dralegal.org

/s/ Melissa W. Kasnitz

Melissa W. Kasnitz

⁷ Draft Decision, p. 4.

⁸ DRA also has expressed such support for automatic enrollment in the context of the pending UTLS proceeding. See R.04-12-001.

CERTIFICATE OF SERVICE

I certify that I have, by electronic mail to the parties to which an electronic mail address has been provided, served a true copy of “Comments of Disability Rights Advocates” on all known parties to R04-01-006.

Dated December 5, 2005, at Oakland, California.

/s/ Jenny Tsai
Jenny Tsai