

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U 902 M) for Approval of Low-Income Assistance Programs for Program Years 2007 and 2008.	Application 06-06-032 (Filed June 30, 2006)
Application of Southern California Gas Company (U 904 G) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2007 and 2008.	Application 06-06-033 (Filed June 30, 2006)
Application of Pacific Gas and Electric Company (U 39 M) for Approval of the 2007 and 2008 California Alternative Rates for Energy and Low Income Energy Efficiency Programs and Budget.	Application 06-06-034 (Filed June 30, 2006)
Southern California Edison Company's (U 388-E) Application for Approval of Low-Income Assistance Programs and Budgets for Program Years 2007 and 2008.	Application 06-07-001 (Filed July 3, 2006)

**RESPONSE OF DISABILITY RIGHTS ADVOCATES TO LARGE UTILITY
2007-2008 LOW-INCOME BUDGET AND PROGRAM APPLICATIONS**

DISABILITY RIGHTS ADVOCATES
MELISSA W. KASNITZ
MARY-LEE E. KIMBER
2001 Center Street, Third Floor
Berkeley, California 94704-1204
Telephone: 510-665-8644
Fax: 510-665-8511
TTY: 510-665-8716
pucservice@dralegal.org

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I. INTRODUCTION

Pursuant to Rule 2.6 of the Rules of Practice and Procedure, Disability Rights Advocates files this response to the 2007- 2008 Large Utility Low-Income Applications (A.06-06-032, A.06-06-033, A.06-06-034 and A.06-07-001). DisabRA's response to the applications focuses on additional issues that the Commission should consider when acting on these applications. Specifically, Disab.R.A is concerned about the needs of persons with disabilities.

In this proceeding, DisabRA seeks to represent energy consumers with disabilities. It is a unique, though diverse population, with two key commonalities. First, energy consumers with disabilities, as with most persons with disabilities, are disproportionately low-income and accordingly, and have a vested interest in the low-income assistance programs and funding. Second, energy consumers with disabilities are disproportionately dependent on energy for maintaining both their health and necessary assistive technology.

While DisabRA does not protest any of these applications, it does have serious concerns about the failure of the applications to address, where appropriate, the unique needs of energy consumers with disabilities. Specifically, DisabRA is concerned about the Cool Centers, capitation fee contracts, outreach, telephone enrollment and recertification, and the re-certification period for persons on SSDI.

DisabRA has extended an invitation to each of the utilities to meet and discuss these issues, in an attempt to resolve them without the need for Commission action. At this time, SCE has agreed to meet with DisabRA. DisabRA is still awaiting responses from the other utilities.

II. COOL CENTERS MUST BE ACCESSIBLE

SDG&E and SCE both propose a continuation of the Cool Center Program, which is designed to allow low-income, senior and disabled populations, who can least afford

high energy costs, to visit a Cool Center in lieu of cooling their own home. DisabRA whole-heartedly supports the continuation of such programs. DisabRA believes these Cool Centers are of the utmost importance for both the elderly and persons with disabilities.

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.¹ 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.² 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 on having 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.

First, DisabRA 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. DisabRA commends SCE on recognizing this need and accordingly proposing that all Cool Center sites be accessible to persons with disabilities.³ SDG&E is silent on this issue; DisabRA

¹ 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.

² 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.

³ A.06-07-001 at p.36.

seeks to ensure that SDG&E will also make all Cool Center sites fully accessible to persons with disabilities.⁴

Second, DisabRA asks the Commission to require that transportation provided to and from the Cool Centers similarly be accessible to persons with disabilities. SDG&E proposes the use of travel vouchers and bus passes to enable low income seniors and disabled customers to reach the Cool Center sites.⁵ Before this proposal can be approved SDG&E must ensure that at least one of the covered modes of travel is accessible. SCE did not discuss its proposed transportation, though it provides a budget for transportation.⁶ Again, the Commission must ensure that SCE provides accessible transportation to and from the Cool Center sites.

Finally, DisabRA urges the Commission to explicitly require that all communications relating to the Cool Center Program be available in accessible formats. For example, brochures need to be available in large print. Such a format is logical given that the target group of these Cool Centers includes both seniors and persons with disabilities.

III. THE CAPITATION FEE PROJECT MUST INCLUDE DISABILITY-RELATED COMMUNITY-BASED ORGANIZATIONS

All of the utilities propose an increase in the capitation fees – the amount that the utilities pay contracted entities for each new customer whom they enroll in the CARE program – from \$12 to \$15.⁷ DisabRA supports this increase. However, DisabRA requests that further consideration be given to the process for selecting the CBOs so as to ensure that disability-related CBOs are given an opportunity to participate. This may

⁴ A.06-06-032 at p. 12.

⁵ A.06-06-032 at p. 12

⁶ A.06-07-001 at p. 38.

⁷ A.06-06-032 at p. 9; A.06-06-033 at 9; A.06-06-034 at 9; A.06-07-001 at 3-6.

initially require an explicit invitation to such CBOs to apply for capitation contracts since such CBOs may not currently be aware of the capitation fee project.

IV. OUTREACH MUST BE ACCESSIBLE

During the Winter Initiative, the utilities substantially improved the accessibility of their application forms for low-income assistance programs while instituting plans to improve their respective TTY service. DisabRA commends these improvements. However, DisabRA is disappointed that, in addressing their outreach strategies, none of the utilities discussed accessible outreach. Indeed, D.05-10-044, the decision implementing the provisions of the Winter Initiative, explicitly required that “all outreach materials [be] made accessible for persons with disabilities.”⁸ Much of the utilities outreach relies on printed materials (i.e. bill inserts, direct mailings, etc) and, while the utilities do offer in-language communications for these printed materials, they still do not appear to offer alternate formats such as large print.⁹

Further, many of the utilities mention their website as a part of continuing outreach. Indeed, all of the utilities propose internet-based enrollment (and in some cases re-certification) for the CARE program.¹⁰ DisabRA reminds both the Commission and the utilities that under California state law,¹¹ any entity in receipt of state funds must comply with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations. Section 508 requires, *inter alia*, that websites be accessible to persons with disabilities, and sets out the standards for accessible websites.

⁸ D.05-10-044 at p. 30.

⁹ See A.06-06-032 at p. GEL-4; A.06-07-001 at p. 10-11; A.06-06-033 at pp. 6-8.

¹⁰ See A.06-06-033 at p. CAR-13; A.06-06-032 at p. CAR-16; A.06-07-001 at p.12; A.06-06-034 at p. 3-4.

¹¹ Cal. Gov’t Code § 11135(d)(2)

Finally, persons with disabilities must be included among groups to be targeted for outreach regarding these low-income assistance programs. Of the four utilities, only PG&E mentioned persons with disabilities as a part of their targeted outreach.¹² The Commission should direct the other utilities to explicitly include persons with disabilities as one such group which will be targeted for outreach regarding low income assistance programs.

V. TELEPHONE ENROLLMENT AND RE-CERTIFICATION MUST BE ACCESSIBLE

SCE, SDG&E and SoCalGas all propose the continued use of telephone enrollment and re-certification for the CARE program.¹³ While DisabRA does not wholly oppose this proposal, it is concerned about the accessibility of this outreach strategy.

As noted previously in the context of the Winter Heating Initiative, telephone outreach is problematic for persons with specific disabilities.¹⁴ Persons with hearing impairments can only be contacted by a utility if the utility knows the customer is hearing impaired and accordingly contacts them using either TTY or California Relay Service. Further, Voice Recognition Units are inaccessible for many consumers with disabilities. For consumers with restricted use of hands and arms, visual impairments, or who are using a telecommunications relay service, it may be difficult or impossible to enter responses in the limited time given, especially when longer responses are required (such as entry of an account number). Such systems also have great difficulty understanding the voices of the 2.5 million Americans with speech disabilities, including individuals with conditions such as cerebral palsy, muscular dystrophy, stuttering, and strokes.

¹² A.06-06-034 at p. 3-2.

¹³ A.06-06-033 at p.CAR-11 and CAR-15; A.06-06-032 at p. CAR-14.

¹⁴ See *Reply Comments of Disability Rights Advocates* in R.04-10-006 (October 19, 2005), p. 3.

In sum, DisabRA cautions that telephone enrollment or re-certification may discriminate against persons with specific disabilities. Accordingly, DisabRA asks that the Commission require the utilities, to the extent that they can identify customers with impairments preventing the use of the voice recognition system, to contact these individuals using a live customer service representative, with TTY or California Relay Service is necessary. If contacting persons with such impairments is not possible, DisabRA asks the Commission to order the utilities to ensure that persons with disabilities are targeted using other forms of outreach.

VI. THE RE-CERTIFICATION PERIOD MUST BE EXTENDED FOR THOSE ON SSDI

All the utilities propose that the re-certification period for CARE customers with fixed-incomes be extended.¹⁵ The utilities mention that possible sources of fixed-income which would qualify include Social Security, Supplemental Security Income and/or pensions. DisabRA supports the extension of the re-certification period from two to four years.

However, DisabRA believes that Social Security Disability Insurance (SSDI) should be among the sources of income which should qualify as fixed-income. SSDI is a federal assistance program providing cash benefits to people who are unable to work for a year or more because of a disability. Benefits continue until you are able to work again on a regular basis. Accordingly, persons on SSDI, as with anyone on CARE, would be obligated to report to the utility if their income changed, in this case, if they were no longer eligible for SSDI. However, it is important to note that many of the persons on SSDI are permanently disabled and SSDI is their only source of income until they qualify for any retirement benefits.

¹⁵ SoCalGas, SDG&E and PG&E favor extending the re-certification to four years while SCE proposes recertification every three years. (See A.06-06-033 at CAR-14; A.06-06-32 at CAR-17; A.06-06-034 at 3-5; A.06-07-00 at 15).

VII. CONCLUSION

Disability Rights Advocates appreciates the opportunity to represent persons with disabilities in this proceeding. DisabRA will continue to try to work directly with the utilities to address the access issues raised in this response. DisabRA hopes that its recommendations ultimately will be incorporated into the approved applications, either through its discussions with the utilities or by order of the Commission.

Respectfully submitted,

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DISABILITY RIGHTS ADVOCATES
MELISSA KASNITZ
MARY-LEE KIMBER
2001 Center St., Third Floor
Berkeley, CA 94704
Telephone: 510-665-8644
Fax: 510-665-8511
TTY: 510-665-8716
Email: pucservice@dralegal.org

/s/ Melissa W. Kasnitz
Melissa W. Kasnitz