



2001 Center Street, Fourth Floor
Berkeley, California 94704-1204
Telephone: (510) 665-8644
Facsimile: (510) 665-8511
TTY: (510) 665-8716
www.dralegal.org

BOARD OF DIRECTORS

William F. Alderman
Orrick, Herrington & Sutcliffe LLP
Leslie Aoyama
Nordstrom Inc.
Mark A. Chavez
Chavez & Gertler LLP
Linda Dardarian
*Goldstein, Demchak, Baller,
Borgen & Dardarian*
Benjamin Foss
Intel Corporation
Lucy Lee Helm
Starbucks Coffee Company
Pat Kirkpatrick
Fundraising Consultant
Joshua Konecky
*Schneider Wallace Cottrell
Brayton Konecky LLP*
Janice L. Lehrer-Stein
Consultant
Bonnie Lewkowicz
Access Northern California
Jessica Lorenz
*Independent Living Resource Center
San Francisco*
Laurence Paradis
Disability Rights Advocates
Eugene Alfred Pinover
Willkie Farr & Gallagher LLP
Cristina Rubke
Shartsis Friese LLP
Michael P. Stanley
Legal Consultant

ATTORNEYS AND FELLOWS

Laurence Paradis
Executive Director
Sid Wolinsky
Litigation Director
Melissa Kasnitz
Managing Attorney
Kevin Knestrick
Supervising Staff Attorney
Mary-Lee Kimber Smith
Staff Attorney
Anna Levine
Staff Attorney
Ronald Eisberry
Staff Attorney
Julia Pinover
Staff Attorney
Karla Gilbride
Staff Attorney
Becca Von Behren
Staff Attorney
Rebecca Williford
LD Access / Ryder Foundation Fellow

ADVISORY BOARD

Joseph Cotchett
Cotchett, Pitre & McCarthy
Hon. Joseph Grodin
Retired Justice, Calif. Supreme Court
Kathleen Hallberg
Ziffren, Brittenham & Branca
Karen Kaplowitz
New Ellis Group
Hon. Charles Renfrew
Retired, United States District Judge
Margaret R. Roisman
Roisman Henei LLP
Guy T. Saperstein
Todd Schneider
*Schneider Wallace Cottrell
Brayton Konecky LLP*
Fernando M. Torres-Gil, Ph.D.
University of Calif. Los Angeles
Gerald Uelmen
Santa Clara University School of Law

October 21, 2010

Karen Miller
Public Advisor
Kyle DeVine
Assistant Public Advisor
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Re: Comment on Resolution CSID – 004

Dear Ms. Miller & Ms. DeVine:

Disability Rights Advocates (DisabRA) respectfully submits these comments to the draft resolution CSID – 004 that would create a pilot program to provide limited English proficient (LEP) consumers with an in-language education, complaint resolution and outreach program for energy matters, to be provided by community-based organizations (CBOs). As noted in the draft resolution, the Community Help and Assistance with Natural Gas and Electricity Services (CHANGES) pilot program reflects the success of California Public Utilities Commission's Telecommunications Education and Assistance in Multiple-Languages (TEAM) program. DisabRA commends the Commission for extending the TEAM program, and appreciates that the TEAM program recognizes that people with disabilities, like LEP consumers, often require assistance with their telecommunication needs.

While we understand, based on the recent All Party Meeting, that the CHANGES pilot will only include a sub-set of the CBOs that currently participate in the TEAM program, we specifically urge the Commission to include Deaf Counseling, Advocacy & Referral Agency (DCARA) for two reasons: first, it is the only disability CBO that currently participates in the TEAM program; second, it is a step towards full inclusion of consumers with sensory disabilities¹ in the CHANGES program. Consumers with sensory disabilities should be part of the pilot

¹ Individuals with sensory disabilities include individuals who are blind, have low vision, are deaf, hard of hearing or hearing-impaired.

program because their needs as consumers are essentially the same as the needs of LEP consumers.²

The “Decision Addressing the Needs of Telecommunications Consumers Who Have Limited English Proficiency” (D.07-07-043) lists the Commission’s rationale for creating the TEAM program; many of these reasons also apply to consumers with disabilities. As described in detail below, consumers with sensory disabilities may not be able to read or understand communications relevant to their energy services, are therefore susceptible to a greater risk of fraud and abuse than consumers without disabilities, and often use CBOs to help “translate” the information provided by utility companies into alternative formats.³ Finally, because there is substantial overlap between LEP consumers, low-income consumers and consumers with disabilities, DisabRA urges the Commission to consider including consumers with disabilities in the TEAM/CHANGES to the maximum extent possible.

I. LIKE LEP CONSUMERS, CONSUMERS WITH SENSORY DISABILITIES MAY NOT BE ABLE TO READ OR UNDERSTAND COMMUNICATIONS RELATING TO ENERGY SERVICES

Consumers with sensory disabilities face many barriers to understanding communications from energy companies similar to those faced by LEP consumers. Like LEP consumers, consumers who are blind or have low vision cannot read print communications that are sent to their homes. Consumers who are deaf may also not be able to read written communication, since many individuals who are deaf are not fluent in English.

Many individuals who are born deaf learn American Sign Language as their primary language. ASL is a separate and distinct language from written or spoken English, and uses its own grammatical rules and syntax. Therefore, just like other LEP consumers who learn English as a second language, many individuals who are deaf learn English only after they have reached fluency in ASL. As a result, deaf persons vary widely in their ability to understand and to communicate using written and spoken English. Because deaf individuals are often not fluent in English; they face the exact same communication barriers to understanding written communications as other LEP consumers.

Because blind consumers cannot read printed material and many deaf consumers may not be able to understand printed material, they should have access to communications in alternative formats so that they can access the same outreach, education and dispute-resolution materials that will become available to LEP consumers.

² DisabRA has routinely argued before the Commission that each energy utility has an independent legal obligation under state and federal law to ensure that it communicates effectively with disabled customers, including through use of alternative formats as appropriate. Nevertheless, extending the TEAM program to individuals with sensory disabilities may be an effective supplement that will assist vulnerable consumers.

³ This comment is limited to written communications from the energy utilities. To the extent that energy utilities use other forms of communication, like pre-recorded telephone messages, these communications must also be available in alternative formats.

It is crucial that consumers have reliable access to information so that they can make informed choices about utility services. Historically, choice among energy utilities has not been relevant; however, as energy utilities move to dynamic pricing scenarios, protecting consumer choice will become more important. Even before such changes are implemented, effective communication and choices can be vital in negotiating payment plans and taking other steps to avoid service disconnection. Including consumers with sensory disabilities in the TEAM/CHANGES program is imperative because it will provide them with access to sufficient information which will help them make informed choices about their energy needs and bills.

II. LIKE MANY LEP CONSUMERS WHO STRONGLY IDENTIFY WITH AND TRUST CBOS, CONSUMERS WITH SENSORY DISABILITIES OFTEN UTILIZE RESOURCES FROM DISABILITY ORGANIZATIONS TO ACCESS INFORMATION AND SUPPORT

Just as CBOs play an important role in bridging communication and cultural barriers to effective communications between utilities and LEP consumers, CBOs can also help provide access to information in alternative formats for consumers with sensory disabilities. There are a range of disability services agencies throughout the state of California that serve individuals with sensory disabilities.⁴ Because the infrastructure for direct services to these individuals is already in place, these CBOs could relatively easily expand their services to cover energy-related consumer education and outreach.

While DisabRA recognizes the limited scope of the pilot program, we urge the Commission to begin preparations for expansion of the program to reach more consumers with disabilities. As discussed in the All Party Meeting on October 19, 2010, the administrators of the pilot will report to the Commissioner six months after the implementation of the pilot and again after one year. Assuming the pilot program is determined to be effective at these reviews, DisabRA encourages the administrators to include a recommendation for expanding the program to reach more people with disabilities in these reports.

III. PROCEDURAL RECOMMENDATION

As mentioned during the All Party Meeting, there is no reference to the Disconnection Proceeding (R.10-02-005) in Resolution CSID – 004. All parties understand that the motivation to expand the TEAM program from telecommunications to energy was motivated, at least in part, by efforts to help consumers avoid disconnection. However, it would be helpful for future proceedings if CSID – 004 noted this history directly.

IV. CONCLUSION

DisabRA urges the Commission to recognize that the communication challenges facing the LEP community are directly analogous to the challenges facing consumers with sensory disabilities. Moreover, consumers with sensory disabilities utilize the

⁴ DisabRA has continuously supplied each energy utility with a list of disability CBOs for their individual service territories. Attached hereto is a list of selected disability-oriented CBOs. See Attachment 1.

resources provided by CBOs to access information in alternative formats in a similar manner as LEP consumers. Accordingly, DisabRA respectfully requests that the Commission include consumers with sensory disabilities in the pilot program to ensure that written materials are provided in alternative formats and that disability-related CBOs are included in the Commission's ongoing outreach and education efforts, including any expansion of the CHANGES program following a review of the pilot.

We look forward to working with the Commission as it develops the CHANGES program. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Melissa W. Kasnitz

cc: Service list for R.10-02-005

\\Server\cases\PUC_Projects\Disconnects\Pleadings\Comment_LEP_draft_resolution_letterform.doc

Partial list of CBOs serving consumers with disabilities

Deaf/Hard of Hearing

1. Center on Deafness-Inland Empire (CODIE) / Riverside
2. Center on Deafness-Inland Empire (CODIE) / San Bernardino
3. Deaf and Hard of Hearing Service Center (DHHSC) / Fresno
4. Deaf and Hard of Hearing Service Center (DHHSC) / Merced
5. Deaf and Hard of Hearing Service Center (DHHSC) / Monterey County
6. Greater Los Angeles Agency on Deafness (GLAD) / Los Angeles
7. ** Deaf Counseling, Advocacy & Referral Agency (DCARA) / Bay Area
8. Orange County Deaf Equal Access Foundation (OCDEAF) / Orange County
9. NorCal Center on Deafness / Sacramento
10. The Association of Late-Deafened Adults (ALDA) / San Jose

Blind/Low Vision

1. East Bay Center for the Blind / Berkeley
2. Society for the blind / Sacramento
3. Vista Center for the Blind and Visually Impaired / Palo Alto
4. Vista Center for the Blind and Visually Impaired / Santa Cruz
5. Lighthouse for the Blind & Visually Impaired / SF
6. Lions Center for the Blind / Oakland
7. Santa Clara Valley Blind Center / San Jose
8. California Council for the Blind (CCB) / Statewide
9. National Federation of the Blind of California (NFBC) / Statewide

Cross-Disability

1. Auburn - Placer Independent Resource Services (PIRS)
2. Independent Living Center of Kern County (ILCKC) / Bakersfield, CA
3. Center for Independent Living (CIL) / Bay Area
4. Chico - Independent Living Services of Northern California (ILSNC)
5. Redding - Independent Living Services of Northern California (ILSNC)
6. Claremont - Services Center for Independent Living (SCIL)
7. West Covina - Services Center for Independent Living (SCIL)
8. Concord - Independent Living Resource (ILR)
9. Fairfield - Independent Living Resources (ILR)
10. Downey - Southern California Rehabilitation Services (SCRS)
11. Eureka - Tri-County Independent Living, Inc. (TILI)
12. Fresno - Resources for Independence, Central Valley (RICV)
13. Merced - Center for Independent Living (CIL), Fresno
14. Visalia - Center for Independent Living (CIL), Fresno
15. Madera - Center for Independent Living (CIL), Fresno
16. Garden Grove - Dayle McIntosh Center (DMC)
17. Laguna Niguel - Dayle McIntosh Center (DMC)
18. Hayward - Community Resources for Independent Living (CRIL)

DisabRA Attachment 1

19. Livermore - Community Resources for Independent Living (CRIL)

20. Fremont- Community Resources for Independent Living (CRIL)
21. Long Beach - Disability Resource Center, Inc. (DRC)
22. Central Los Angeles - Communities Actively Living Independent & Free (CALIF)
23. East Los Angeles - Community Rehabilitation Services (CRS)
24. San Gabriel - Community Rehabilitation Services (CRS)
25. West Los Angeles - Westside Center for Independent Living (WCIL)
26. Marin - Marin Center for Independent Living (MCIL)
27. Modesto - Disability Resource Agency for Independent Living (DRAIL)
28. Sonoma - Disability Resource Agency for Independent Living (DRAIL)
29. Stockton - Disability Resource Agency for Independent Living (DRAIL)
30. San Joaquin Office
31. Nevada City - FREED Center for Independent Living (FREED)
32. Marysville - FREED Center for Independent Living (FREED)
33. Riverside - Community Access Center (CAC)
34. Indio - Community Access Center (CAC)
35. Banning/Beaumont - Community Access Center (CAC)
36. Sacramento - Resources for Independent Living (RIL)
37. Salinas - Central Coast Center for Independent Living (CCCIL)
38. Capitola - Central Coast Center for Independent Living (CCCIL)
39. Hollister - Central Coast Center for Independent Living (CCCIL)
40. San Bernardino - Rolling Start, Inc. (RSI)
41. Victorville - Rolling Start, Inc. (RSI)
42. San Diego - Access to Independence (formerly the Access Center of San Diego)
43. Imperial - Access to Independence (A2I),
44. San Francisco - Independent Living Resource Center of San Francisco (ILRC-SF)
45. San Jose - Silicon Valley Independent Living Center (SVILC)
46. Gilroy - Silicon Valley Independent Living Center (SVILC)
47. San Mateo - Center for Independence of the Disabled (CID)
48. Daly City - Center for Independence of the Disabled (CID)
49. Santa Barbara - Independent Living Resource Center (ILRC)
50. San Luis Obispo - Independent Living Resource Center (ILRC)
51. Santa Maria - Independent Living Resource Center (ILRC)
52. Ventura - Independent Living Resource Center (ILRC)
53. Santa Rosa - Disability Services & Legal Center (DSLCL)
54. Napa - Disability Services & Legal Center (DSLCL)
55. Ukiah - Disability Services & Legal Center (DSLCL)
56. Van Nuys - Independent Living Center of Southern California (ILCSC)
57. Lancaster - Independent Living Center of Southern California (ILCSC)

** Already participating in the TEAM program.