

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the  
Commission's Own Motion to address the  
issue of customers' electric and natural gas  
service disconnection.

Rulemaking 10-02-005  
(Filed February 4, 2010)

**REPLY COMMENTS OF THE CENTER FOR ACCESSIBLE TECHNOLOGY  
ON THE PROPOSED DECISION ON PHASE II ISSUES: ADOPTION OF  
PRACTICES TO REDUCE THE NUMBER OF GAS AND ELECTRIC SERVICE  
DISCONNECTIONS**

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## I. INTRODUCTION

In accordance with Rule 14.3(d) of the Commission's Rules of Practice and Procedure, the Center for Accessible Technology (CforAT) submits these reply comments on the Proposed Decision on Phase II Issues (PD), issued on January 9, 2012. In addition, CforAT has had the opportunity to review the separate reply comments being prepared by The Utility Reform Network, the Greenlining Institute, and the National Consumer Law Center, each of which address issues of concern for all consumers; CforAT strongly supports the reply comments of each of these consumer groups.

## II. THE PD'S REQUIREMENTS THAT IOUS USE ACCESSIBLE COMMUNICATIONS MUST BE MAINTAINED

Both SCE and (more vigorously) PG&E seek to limit the PD's various requirements that the IOUs use accessible forms of communication to provide information relevant to service disconnections to those customers who cannot use standard forms of communication due to a disability. Except as noted below, these proposed modifications should be rejected.

### A. Key Information in Large Print

The PD would require "any written communication concerning the risk of service disconnection [to] provide key information, including the fact that service is at risk and a way to follow up for additional information, in large print such as 14 point sans serif font."<sup>1</sup> SCE identifies its past-due bills as a written communication with customers that concerns the risk of service disconnection, and specifically asks for the Commission to exclude this communication from the large print requirement.<sup>2</sup> CforAT does not object to this modification.<sup>3</sup>

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<sup>1</sup> PD at p. 24; *see also* p. 52 (Ordering Paragraph 2(j)).

<sup>2</sup> Southern California Edison Company's (U 338-E) Opening Comments on the Decision on Phase II Issues: Adoption of Practices to reduce the Number of Gas and Electric Service Disconnections (SCE Comments) at pp. 3-4.

<sup>3</sup> To the extent that SCE is planning to redesign its bills, it should plan to ensure that all types of key information, including information on past-due bills that service is at risk, can be provided in large print in the future. At this time, PG&E is in the middle of a redesign of its bills (through Phase 3 of A.10-03-014) and CforAT has been an active party in that proceeding to address accessible bill design.

PG&E asks to exclude information on how a customer can contact the utility to address service disconnections from the key information to be provided in large print, seeking to only provide a “tagline” that the customer’s service is at risk.<sup>4</sup> This is not appropriate. If a customer’s service is at risk, the customer needs to be informed of how he or she can work with the utility to preserve service. The entire point of this proceeding is to improve options for customers to reduce the number of service disconnections by IOUs; by failing to provide accessible key information to customers regarding how they can reach their utility to work out a payment plan or take other action, PG&E would unacceptably reduce the usefulness of all the Commission’s work on this issue for a substantial population of vulnerable customers.

PG&E also argues that its request is consistent with the agreement it negotiated with Disability Rights Advocates in the course of its most recent general rate case.<sup>5</sup> As noted in the actual quotation provided by PG&E, notices regarding the risk of service disconnection were expressly excluded from that agreement because heightened levels of notice were under consideration in this proceeding. It is not appropriate for PG&E to seek to rely on the terms of an agreement that expressly excludes these notices.

Finally, PG&E requests almost an entire year to provide key information in large print in its notices. The general issue of PG&E’s outrageous proposed timelines for compliance with the PD is addressed in greater detail in TURN’s reply comments, which CforAT fully supports. However, specifically on the issue of key information in large print in disconnection notices, PG&E provides no information as to why it cannot meet this obligation in 30 days. CforAT notes that in its agreement to provide comparable accessible notices, the Sempra Utilities committed to include an insert with their 48-hour notices in a variety of languages as well as large print “to provide customers with direction and contact information regarding how to seek

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<sup>4</sup> Pacific Gas & Electric Company’s (U 39 M) Opening Comments on the Proposed Decision in the Phase II Disconnections OIR (PG&E Comments) at pp. 6-7.

<sup>5</sup> *Id.* at p. 6.

help.”<sup>6</sup> CforAT would support a similar means of compliance for PG&E, if this would facilitate faster implementation.

**B. Use of Preferred Format for Notices**

The PD would require “for customers who have previously been identified as disabled and who have identified a preferred form of communication, the utility shall provide all information concerning the risk of disconnection in the customer’s preferred format.”<sup>7</sup>

PG&E dramatically overstates the extent of this obligation in seeking to put a greater burden on the customer who requests accessible communications. PGE asks for customers to have to certify that they would like to receive “specialized notification through an alternative channel within an established list.”<sup>8</sup> Since PG&E’s obligation as stated in the PD only applies to customers who have already been identified by the utility as having a disability and who have already specified their preferred means of communication (including customers who regularly receive either a Braille bill or a large print bill), there should be no need for any additional certification or any new set of communications options. Rather, the utility should be able to promptly identify the relevant (limited) customer base and provide disconnection notices in the same format that these customers have already selected.

SCE does not object to the requirement to communicate with disabled customers through the customer’s preferred form of communication, but it asks to have this obligation incorporated into its Alerts and Notifications Project proposed in its pending GRC.<sup>9</sup> While CforAT supports the goals of SCE’s proposal, the project is extensive and will take a substantial amount of time to

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<sup>6</sup> Settlement Agreement between the Sempra Utilities and consumer groups, approved by the Commission in D. 10-12-051, at §II.F.1. The specific language to be included in the Sempra insert states: “You are at risk for disconnection. We can help. You may be eligible for a payment plan. Please call [insert appropriate CSR number for that language].” *Id.*

<sup>7</sup> PD at p. 24; *see also* p. 52 (Ordering Paragraph 2(k)).

<sup>8</sup> PG&E Comments at pp. 7-8.

<sup>9</sup> SCE Comments at pp. 4-5.

implement.<sup>10</sup> In order to assist customers with disabilities who need help to avoid service disconnection now, a smaller, simpler process that focuses only on the group of customers identified in the PD is appropriate. In addition, along with the communications options offered in the Alert & Notification proposal (IVR, SMS, text, email, or social media), SCE should also provide Braille or large print notices regarding service disconnection, as appropriate, to customers who regularly receive Braille or large print bills or who have otherwise requested communication in these formats.

**C. Use of Live Representatives for Calls to Customers Who Use Non-Standard Forms of Telecommunication**

The PD requires that “for households identified as using non-standard forms of telecommunications, outgoing calls regarding the risk of disconnection should be made by a live representative.”<sup>11</sup> PG&E seeks to avoid this obligation and instead automate the process.<sup>12</sup> Advocates for people with disabilities have provided information in multiple proceedings regarding the inability of telecommunications relay services to effectively deliver automated calls. Entire industries dedicated to alternative forms of telecommunications have not yet solved this problem. There is no reason to think that PG&E will be able to successfully automate calls to people who use relay services when relay providers expressly say that their interpreters will not attempt to deliver automated calls. While calls to TTY-users can be automated as long the outgoing calling device has text capability and as a text message with the same content as the voice message is properly loaded, information provided by phone to customers who use relay service (and are already identified in the utility’s database) must be conveyed via live calls.

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<sup>10</sup> See SCE’s 2012 GRC, Exhibit SCE-04, Volume 4, Chapter III – Capitalized Software, at pp. 22-23, describing an iterative implementation schedule that will not begin until Q4 2012, and will continue until Q3 2014.

<sup>11</sup> PD at pp. 24-25; *see also* p. 52 (Ordering Paragraph 2(l)).

<sup>12</sup> PG&E Comments at p. 8.

### III. VULNERABLE CUSTOMERS

The PD would expand the definition of “vulnerable consumers” who cannot be disconnected without a field visit to include “customers who certify that they have a serious illness or condition that could become life threatening if service is disconnected,” as well as medical baseline and life support customers.<sup>13</sup> SCE and PG&E both discuss the interplay between the new category of vulnerable customers that would be created by the PD and the existing classification of customers enrolled in the Medical Baseline (MB) program.<sup>14</sup> Additional issues regarding the expanded definition of “vulnerable customers” set forth in the PD are addressed in the reply comments of NCLC, which CforAT supports in full. Beyond such issues, however, the interplay between the MB program and the identification of customers with disabilities is one that has been raised repeatedly before the Commission.

In the past, advocates for people with disabilities and the IOUs have often used enrollment in MB as a proxy for disability. While it is true that MB customers are disabled, it is not true that all disabled people participate in the MB program, nor should they. Medical Baseline is a rate structure, intended to benefit people with specific disabilities that impact the amount of energy a household consumes. Many disabilities do not have an impact on energy use. SCE appears to propose to fold customers whose overall usage is not necessarily impacted by their disability into the MB program, specifically in order to provide protections unrelated to usage through the MB designation. If this is the intent, the MB program should be subject to a broad review, to determine its overall purpose and to ensure that its purpose is effectively conveyed to potentially eligible customers. In the meantime, it is more appropriate to provide service disconnection protections to vulnerable customers in keeping with the terms set out in the PD.

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<sup>13</sup> PD at p. 29; *see also* p. 51 (Ordering Paragraph 2(b)).

<sup>14</sup> PG&E Comments at p. 5; SCE Comments at pp. 6-7.

#### IV. CONCLUSION

For the reasons set forth in the Opening Comments of the Consumer Groups, these reply comments, and the additional reply comments of the various consumer groups, the PD should be adopted with the modifications and clarifications proposed.

Respectfully submitted,

/s/ Melissa W. Kasnitz

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