

**COMMENTS OF DISABILITY RIGHTS ADVOCATES ON THE STAFF
REPORT ON PUBLIC POLICY PROGRAMS**

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INTRODUCTION

Disability Rights Advocates (“Disab.R.A.”)¹ hereby submits these Comments, as requested in the Notice of Two-Day Workshop on Universal Service Public Policy Programs, regarding the Staff Report on Public Policy Programs (“PPP Report”), issued on April 14, 2006. Generally, Disab.R.A. believes that the staff has identified important issues that are appropriate for consideration by the Commission in a formal proceeding. Disab.R.A. respectfully submits, however, that the Commission should consider the unique telecommunication needs of people with disabilities independent from the general population, as it evaluates the existing Public Policy Programs (“PPPs”). As discussed below, part of the review to be initiated by the Commission should assess the PPPs in light of the unique needs of people with disabilities.

I. THE COMMISSION SHOULD EVALUATE AND ENHANCE COMMUNICATION AND OUTREACH TO CONSUMERS WITH DISABILITIES

The PPP Report notes that each of the PPPs seeks to maximize participation among eligible customers.² In evaluating how well the PPPs meet this goal, and in looking to enhance participation in the PPPs, the upcoming proceeding should include an evaluation of the accessibility of all forms of community outreach and communication, including mailings, targeted outreach campaigns, internet websites, community service announcements, and even the Commission’s own meetings and other actions.³ This evaluation could take place as part of a general review of outreach efforts, or as a targeted evaluation of the ways in which the PPPs serve people with disabilities.

¹ Based on the recent name change of the Office of Ratepayer Advocates to Division of Ratepayer Advocates, Disability Rights Advocates has adopted this new acronym (“Disab.R.A.”) for CPUC filings.

² Staff Report on Public Policy Programs, April 14, 2006 (“PPP Report”), p. 31.

³ For example, the Commission has taken positive steps to provide access to the upcoming workshops, including an audio webcast and providing sign language interpreters and captioners in San Francisco. The overall accessibility of these workshops, however, is limited. For example, a deaf person who cannot attend the workshop in person could not access the information without an online video with closed captioning or a text transcription of the audio webcast.

As part of the upcoming proceeding, the Commission should also investigate ways to ensure that every contact with a customer is used to provide education about all PPPs, thus maximizing both efficiency and outreach. For example, if a customer is told about the ULTS program at the same time as the DDTP program, the customer achieves a greater benefit and the Commission obtains more effective outreach.⁴ While this is a particular benefit for people with disabilities, who are the targeted beneficiaries of the DDTP program, it would likely also create greater efficiencies and effectiveness for other consumer groups and the Commission.

Finally, the Commission should consider how to increase the involvement of Community-Based Organizations (“CBOs”) as a meaningful part of its outreach and communication efforts. For example, by using CBOs to collect and distribute information about PPP services, the Commission would likely maximize the number of potential customers contacted. The Commission should also review restructuring the enrollment system for ULTS to allow CBOs an active role in signing up eligible consumers. Finally, the Commission should increase efforts to work with CBOs specializing in disability-related issues to enhance the participation of people with disabilities.

II. THE COMMISSION SHOULD REVIEW THE DDTP TO PROMOTE EFFECTIVE SERVICE AND TECHNOLOGY NEUTRALITY

As noted in the PPP Report, technology advances have already had a significant impact on telecommunications accessibility for people with disabilities, though not all such advances have been captured in the existing PPPs.⁵ In light of this, Disab.R.A.

⁴ The PPP Report also raises questions about means-testing for DDTP programs, which is not currently done. Disab.R.A. would oppose such means-testing; however, if such means-testing were adopted, coordination of eligibility between the PPPs such as ULTS (through the CertA) and DDTP would be more efficient and less burdensome on consumers than separate eligibility processes for each PPP.

⁵ PPP Report, p. 34.

supports the idea of a formal review of the DDTP program,⁶ including ways to increase participation in the DDTP and efforts to move toward technology neutrality. However, as Disab.R.A. has noted in numerous other Commission proceedings, alternative technologies (such as VoIP and wireless) each have problems that are of particular concern to certain segments of the disability community. For example, while E-911 has increased the efficiency of emergency services through traditional wireline technology, the unavailability of E-911 with VoIP and wireless is problematic for some people with disabilities who may have difficulty communicating their location in an emergency. Similarly, people with disabilities relying on adaptive equipment that uses electricity (such as respirators or dialysis machines) may not risk relying on VoIP for their telecommunication needs because of VoIP's unreliability in the event of a power outage.

In order to address such concerns in conjunction with any evaluation regarding expansion of the existing PPPs to alternative technologies, the Commission should simultaneously evaluate how to ensure that consumers' individual needs are considered and met by the PPPs. This would have to include substantial educational efforts to ensure that consumers are aware of the limitations of various new technologies. These efforts would help avoid "one-size-fits-all" options that may not serve a person with a disability, or any other consumer. Similarly, to the extent that the Commission evaluates bundled services for inclusion with ULTS as part of the upcoming proceeding, it must also consider the accessibility of any service included in the bundle, and the availability of options to meet the needs of disabled consumers.

⁶ In the interest of full disclosure, Disab.R.A. would like to inform the Commission and staff that Shelley Bergum, the CEO of the California Communications Access Foundation and former Executive Director of DDTP, sits on the Board of Directors of Disability Rights Advocates. Ms. Bergum does not have any active involvement regarding the positions Disab.R.A. takes in Commission proceedings.

III. ANY RE-EVALUTATION OF “BASIC SERVICES” SHOULD CONSIDER THE NEEDS OF PEOPLE WITH DISABILITIES

The PPP Report notes that the current definition of “basic service” has not been reviewed since 2002, and describes how, in the most recent evaluation, the Commission declined to include broadband internet access as a basic service. Since then, broadband and wireless services have become more widely available, and new services such as VoIP have been developed.⁷ In light of such technological advances and increased evidence of the “digital divide,”⁸ Disab.R.A. agrees that it is appropriate for the Commission to revisit the definition of “basic service.” However, the question cannot simply be whether internet access should be part of “basic services.” As Disab.R.A. noted in the pending URF proceeding, people with disabilities often require the use of services that may be unnecessary for non-disabled consumers as a way to effectively utilize a telephone. For example, custom calling features (e.g. priority ringing) that make life easier for most consumers are absolutely critical to some Californians with disabilities. Given the fact that such services may be necessary for people with disabilities, any evaluation of “basic services” should include a separate review of the unique needs of people with disabilities to ensure their basic telecommunications needs are also met.

Based on the PPP Report, it also appears the Commission may determine that such concerns about “basic service” should be addressed through the issue of service bundles. If the Commission determines that this is the appropriate path to take, it should separately work to identify appropriate service bundles for people with disabilities. This would be necessary to ensure that people with disabilities are not forced to buy services that are not accessible, or forced to buy expensive bundles to meet their basic needs. Disab.R.A. respectfully submits that, should the Commission review the possibility of

⁷ PPP Report, pp. 3, 31-32.

⁸ As noted in the Commission’s 2005 report on broadband usage in California, people with disabilities have the lowest level of broadband connectivity of any demographic group studied. *See generally* California Public Utilities Commission Report: Broadband Deployment in California, May 5, 2005.

“basic service” bundles, the needs of people with disabilities, as a unique constituency with distinct “basic” telecommunication needs, must be separately addressed.

IV. IMPLEMENTATION AND REPORTING MECHANISMS SHOULD SPECIFICALLY TRACK INFORMATION REGARDING PEOPLE WITH DISABILITIES

The PPP Report suggests that the Commission will consider creating various implementation and reporting measures to ensure accurate and efficient performance of the PPPs.⁹ Disab.R.A. respectfully submits that, as part of any reporting mechanism considered, the Commission should ensure that it specifically tracks issues affecting people with disabilities. Disab.R.A. has seen in other proceedings that the lack of information on disability-orientated concerns has limited the Commission’s ability to set effective policy. Effective monitoring and reporting requirements for the PPPs can improve this situation for the future. Disab.R.A. strongly supports meaningful reporting requirements to allow greater understanding of the overall effectiveness of the PPPs.

CONCLUSION

Disab.R.A. supports the idea of a comprehensive review of the PPPs to ensure that the programs are transparent, technology neutral, well managed and effective. Disab.R.A. also supports efforts to ensure that information about the programs is widely available to consumers, and that information about the effectiveness of the programs is available to policymakers. Also, Disab.R.A. generally believes that the PPP Report has raised appropriate issues for such a review. While Disab.R.A. would have preferred more time to review this initial analysis and prepare for the preliminary workshops, we anticipate being active participants in the upcoming proceeding, and working with the Commission and other parties to ensure that any revisions to the PPPs include consideration of the unique telecommunication needs of people with disabilities.

⁹ PPP Report, p. 36.

Respectfully submitted,

DATED:

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