

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



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Order Instituting Rulemaking to Add  
Speech Generating Devices to the Deaf and  
Disabled Telecommunications Program

R.13-03-008  
Filed March 21, 2013

CENTER FOR ACCESSIBLE TECHNOLOGY'S COMMENTS ON  
ADMINISTRATIVE LAW JUDGE RULING ENTERING DOCUMENTS INTO THE  
EVIDENTIARY RECORD AND SEEKING COMMENTS

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## **I. INTRODUCTION**

In accordance with the schedule set in the Administrative Law Judge Ruling Entering Documents into the Evidentiary Record and Seeking Comments (ALJ Ruling), issued on August 16, 2016, the Center for Accessible Technology (CforAT) submits these comments on the documents attached to the ALJ Ruling. Each document is discussed in sequence. CforAT's recommendations for further action to be taken in this proceeding follow.

## **II. DISCUSSION**

### **A. Attachment 1: CFILC PowerPoint (Titled: SGD Pilot Project)**

The PowerPoint presentation prepared by the California Foundation for Independent Living Centers (CFILC) was presented at a workshop held in Sacramento on January 27, 2016. The PowerPoint presentation outlines a project plan for a Tablet Pilot Program to distribute iPads preloaded with selected speech apps to Californians with speech disabilities who do not have the desire or ability to obtain a dedicated Speech Generating Device (SGD) following consultation with a Speech Language Pathologist (SLP). This Tablet Pilot was authorized by the Commission to be developed under the existing DDTP program through D.13-12-054, the Phase 1 Decision in this proceeding,<sup>1</sup>

CforAT begins by noting that CFILC was retained by the Commission to conduct an SGD Tablet Pilot, without consultation with the parties to this proceeding. While CforAT has a close relationship with CFILC and knows that they are a dedicated and competent organization, it has never previously been made clear why work to develop the SGD Tablet Pilot has bypassed the existing procurement and distribution structure of DDTP.<sup>2</sup>

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<sup>1</sup> D.13-12-054 at pp. 38-39 and Attachment B (Supplemental Telecommunications Equipment Rules).

<sup>2</sup> This choice is discussed in the Staff Report on the status of the Tablet Pilot, which was created by CD staff in June of this year. This Staff Report, and its explanation of why CTAP was bypassed, is discussed in Subsection C, below.

Notwithstanding the lack of transparency that went into the development of a contract with CFILC to conduct the Tablet Pilot, CforAT has sought to participate actively and help develop a successful program. Unfortunately, the overall process has also lacked clarity and opportunity for stakeholder participation.

The workshop at which the PowerPoint presentation was delivered serves as an example. No timely notice to parties in the proceeding was provided about this workshop, and CforAT had to affirmatively seek out information in order to participate. The materials upon which the workshop was based were over two years old at the time, and no opportunity was provided for parties to submit updated information, notwithstanding the speed at which technology (particularly tablets and apps) develop. Parties were not given effective notice that this was to be the forum for selecting apps to be included in a tablet pilot. The PowerPoint now attached to the ALJ Ruling was utilized, but was not provided to the parties at that time, and was only circulated subsequently following multiple party requests.<sup>3</sup>

The PowerPoint states that the project length is set as 18 months from startup to completed evaluation.<sup>4</sup> It is unclear what date marks “startup,” but, as discussed below, presuming that the initial date was January of 2016 (when the workshop was held), the project appears to be behind schedule. Additionally, the PowerPoint indicates that the project was designed a year prior to the delivery of the presentation,<sup>5</sup> yet there is no information on why the actual presentation was delayed for such a substantial period of time.

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<sup>3</sup> One request came from Jennifer Coggiola, an SLP who was an active party in the proceeding and whose input has been very valuable as a resource who has hands-on experience with clients who use SGD and with the application process. Unfortunately, Ms. Coggiola has withdrawn from the proceeding as of May of 2016 when she changed jobs. Thus the ongoing delays in developing the Tablet Pilot have resulted in the loss of a useful source of information and guidance.

<sup>4</sup> The PowerPoint slides are not numbered, but this reference is on the 3d page with the heading “Project Length & Goals” (PowerPoint at p. 3).

<sup>5</sup> PowerPoint at p. 3.

The PowerPoint continues with a discussion of work with an “established Advisory Work Group” to determine which apps to include.<sup>6</sup> Presumably CforAT is included in this group, as we were invited to the workshop, but there has never been any clear designation of the attendees as an ongoing advisory group. No progress reports have been provided at any time until this release of documents in conjunction with the ALJ Ruling. Similarly, there is a notation that a third-party evaluator will be retained,<sup>7</sup> but the advisory group has never been given further information on the selection process for such an evaluator. Pilot Goals are presented,<sup>8</sup> but no metrics on how to evaluate whether these goals are met via the pilot are provided. Finally, as discussed in Section E (Attachment 5), below, it is unclear who at CFILC is working to implement this contract.

Because of the lack of clarity on the schedule, the progress, the staffing, the success metrics, and even the most basic selection of the apps for use in the Pilot Program, CforAT suggests that this PowerPoint presentation is not useful for providing information to interested parties regarding the status of the Tablet Pilot.

**B. Attachment 2: CFILC Contract Excerpt: Criteria for Success**

As noted above, at some point in time following the issuance of D.13-12-054, the Commission entered into a contract with CFILC to conduct the SGD Tablet Pilot authorized in the Phase 1 Decision of this proceeding.<sup>9</sup> CforAT has long been seeking information on the metrics by which the pilot will be evaluated. This single-page excerpt,<sup>10</sup> issued for the first time on August 16, 2016 in conjunction with the ALJ

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<sup>6</sup> This reference is on the 6th page, with the heading “Startup Phase” (PowerPoint at p. 6).

<sup>7</sup> PowerPoint at p. 6.

<sup>8</sup> PowerPoint at p. 3.

<sup>9</sup> The Staff Update (Attachment 3 to the ALJ Ruling, discussed below) states in passing that the CPUC received approval to enter into a contract with CFILC on November 20, 2015. To CforAT’s knowledge, this is the first time this information has been provided. It is not clear whether the contract date is the same as the date of authorization to enter into the contract.

<sup>10</sup> The single-page attachment has a notation at the bottom identifying its source as “CFILC Contract, Scope of Work Section, Pages 4-6.” In fact, the same information is provided in Attachment 5 to the ALJ Ruling, and is discussed below.

Ruling, represents the first opportunity for CforAT or other stakeholders to review the criteria for success of the Tablet Pilot.

This document increases, rather than decreases, CforAT's confusion regarding the timeline for the Tablet Pilot's progress and the process for evaluating its success. To the extent that it is an excerpt from the Scope of Work section of the contract with CFILC, it should have been in place before the workshop led by CFILC in January of 2016.

Nevertheless, it appears that this document must have been created after the workshop, since it references the PowerPoint presentation delivered at that workshop as the source for its statement of the Tablet Pilot Goals. If neither the Pilot Goals nor the contract (including the Scope of Work) were in place prior to the workshop, it is unclear what governed the Commission's work with CFILC at the time of the workshop. Moreover, as noted in CforAT's Motion Requesting Status Conference, the stakeholders participating at the workshop "were unaware of the Phase 1 Decision and the fact that the development of the [tablet pilot] program is based on the work done in this formal proceeding."<sup>11</sup> This adds to the confusion regarding the authority that governed interactions between CD and CFILC prior to 2016.

CforAT notes that some level of work with CFILC on tablet distribution appears to predate even the Proposed Decision that was issued during the summer of 2015 and subsequently then withdrawn without being presented to the Commission for a vote. The withdrawn Phase 2 PD would have closed this proceeding without addressing the Tablet Pilot. In comments on that proposed decision, CforAT noted that we had been told via direct conversations with CD staff that CD was "working with CFILC on development of the pilot. However, staff at CFILC were unaware of this open proceeding as the impetus for development of the pilot program."<sup>12</sup> It appears that none of this work was

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<sup>11</sup> CforAT Motion for Status Conference, filed on February 10, 2016, at pp. 4-5.

<sup>12</sup> See Center for Accessible Technology's Opening Comment on Proposed Decision Resolving Phase 2 Issues and Closing the Proceeding (Phase 2 PD Comments), filed on July 9, 2015, at p. 8.

documented in any way (or, alternatively, no such documentation has ever been identified to parties to this proceeding).

Given the length of time that some form of interaction between CD and CFILC has been underway, CforAT is confused as to what was accomplished and why there was no documentation regarding the success criteria for the tablet pilot until after the workshop held in January of 2016. Moreover, even these much delayed criteria contain no actual metrics or criteria for determining stating what would constitute a “successful” pilot. Rather, they identify a survey process and state a goal of collecting various types of feedback, with no indication of how this feedback will be evaluated. This was the subject of extensive discussion at the recent Status Conference, during which CforAT indicated a need to understand how the pilot results would be evaluated to determine whether expansion of the program and/or transfer of the program to DDTP would be appropriate.<sup>13</sup> Because there are no metrics and no actual criteria for success provided, nor is there any process identified for determining whether to continue tablet distribution and through what channels, CforAT does not find this to be a useful document. Metrics for determining the success of the pilot and future plans for tablet distribution still require development.

C. **Attachment 3: Staff Update of Summary of Tablet Pilot Status as of June 20, 2016**

This document was created by CD Staff following the Status Conference held on June 20, 2016. Notwithstanding the direct terms of D.13-12-054 authorizing the creation of a tablet pilot,<sup>14</sup> CD staff at that Status Conference asserted that “It is our understanding, the staff’s understanding, that the Tablet Pilot Program does not need -- is not to be designed in a formal proceeding.”<sup>15</sup> As counsel for CforAT stated at the Status

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<sup>13</sup> See Status Conference Transcript at pp. 43:11-48:28.

<sup>14</sup> D.13-12-054 at pp. 48-49, OP 2 and OP 6.

<sup>15</sup> Tr. Vol. 1 (Phase 2 Status Conference), dated June 20, 2016, at p. 32:7-10.

Conference, we find this ongoing disconnect between the open proceeding and the efforts to implement the Tablet Pilot to be troubling.

As noted above, the Staff Update for the first time purports to explain why the SGD Tablet Pilot bypasses the existing CTAP program structure, notwithstanding its existing network and experience serving the needs of telecommunications customers with disabilities. In particular, the Update states that CTAP does not have specific experience with augmentative and alternative communication (AAC). The Staff Update does not provide any plan to consider transferring the Tablet Program to CTAP upon completion of the pilot.

CforAT previously provided recommendations on how a new program could be developed that recognizes the work and commitment of the existing DDTP programs, while effectively expanding service to include SGD tablets. These recommendations were provided in our Comments submitted on February 11, 2014,<sup>16</sup> and included developing a Task Force to select appropriate apps, separating the process for purchasing hardware from the process of selecting apps, and working with the existing DDTP Committees.<sup>17</sup> These comments have not been acknowledged by CD staff, nor have they been discussed in any formal Ruling or Decision issued by the Commission.

While the process that has been utilized to date cannot be changed, CforAT would like to see the process going forward incorporate more transparency and collaboration among stakeholders and staff, as discussed at length at the recent Status Conference and in conformance with the recommendations provided in our 2/11/14 Comments. In particular, CforAT would like ongoing input into the actual launch of the pilot, which appears to have stalled again since the Workshop was held in January of 2016, as well as input into the development of success metrics and survey documents.

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<sup>16</sup> Center for Accessible Technology's Response to ALJ Inquiries (2/11/14 Comments).

<sup>17</sup> February 11, 2014 Comments at pp. 3-10.

To date, opportunities for such input have been limited, and feedback on the input that has been provided is virtually nonexistent. For example, the Staff Update states that this workshop “reached consensus using five communication apps to be loaded onto the Tablet Pilot iPads.” This is the first time that it has been communicated to CforAT that the results of the workshop have been adopted, despite the fact that a CforAT representative was one of the workshop participants. Additionally, the Staff Update states that “the remaining phases [of the tablet pilot] will include, but are not limited to, acquisition of the iPads, survey design, publicizing the Tablet Pilot, and evaluation.” While this update was prepared in June, it does not indicate what, if any, of these tasks have been completed since the workshop was held in January. At the Status Conference, parties were told that the Pilot would launch in July; the summary does not provide any update to that statement and other information indicates that staff at CFILC assigned to the Tablet Pilot is in flux.<sup>18</sup> To the extent that CforAT is part of an “Advisory Work Group,” we have not been told of any activity to select a third party evaluator or to develop surveys for potential pilot participants. The Staff Update states in a single sentence that “the CPUC conducted interviews of potential candidates for a third-party evaluator.” It is not clear who was interviewed, or why other stakeholders were not consulted. Additionally, as discussed above, it is not clear what metrics any potential third-party evaluator would use to consider whether or not the pilot program is a success.

**D. Attachment 4: Deaf and Disabled Telecommunications Program Report on Speech Generating Devices Distribution June 2014 through December 2015 (Staff Report)**

In October of 2015, the previous ALJ assigned to this proceeding held a Phase 2 PHC, at which parties were informed that a staff report updating information on the distribution of SGD. This report was due to be produced in the first quarter of 2016. It was eventually provided to parties with the ALJ Ruling in August of 2016. CforAT has

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<sup>18</sup> See discussion of Attachment 5, below.

repeatedly requested that regular program reports be produced and made public.<sup>19</sup> We renew this suggestion here.

While CforAT understood that this Report was intended to address SGD distribution and funding, it also identifies “challenges” facing the SGD program. One such challenge referenced in the staff report is lack of awareness among the SGD community.<sup>20</sup> It further identifies the creation of a webinar by CFILC as a tool used to address this barrier. CforAT discussed this webinar in our Phase 2 PD Comments, noting that we were told in private discussions with CD about its creation after the fact. In our comments, filed on July 9, 2015, we noted:

“[CforAT was] unable to find this webinar with basic web search tools. Through a direct conversation with the Ability Tools staff, we located the webinar at <https://www.youtube.com/watch?v=ahH4qVxzRMQ> (captioned video) and 042115\_transcript\_sgd-application-process\_webinar.doc (transcript). The YouTube video has been viewed approximately 35 times, and staff estimated that approximately 40 people participated in the initial forum. Ability Tools staff were unaware that CD identified this webinar as a primary mode of outreach about the program.”<sup>21</sup>

As of the date of these comments, the webinar has been viewed approximately 107 times. There remains no indication that this resource has been highlighted among the SGD community nor that sufficient outreach has been done to providers such as SLPs. For example, Ms. McDonald-Peltier, CforAT’s representative who attended the workshop, is a member of various listservs and other resource groups for professionals who work with clients who have disabilities impacting their ability to speak, and has not seen information about the SGD program in circulation among these groups.

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<sup>19</sup> See, e.g. Status Conference Transcript at p. 20:15-21:16 (suggesting quarterly or semi-annual reports on the SGD and Tablet programs).

<sup>20</sup> Staff Report at p. 16.

<sup>21</sup> Phase 2 PD Comments at p. 3.

The Staff Report identifies an additional challenge of “Changes in Industry and Insurance Reimbursement Policy.”<sup>22</sup> CforAT notes that parties to this proceeding have provided multiple rounds of comments on the impact of such changes and the effect they may have on the SGD program. There is no indication in the Staff Report that the information provided in such comments was given consideration, and CforAT is unaware of any efforts by staff to reach out to parties to access their expertise with reimbursement issues.

Finally, while CforAT understood that this Staff Report was intended to address the SGD program, it also provides some limited discussion about the Tablet Pilot. Among other items, it identifies a goal of the Tablet Pilot as an effort to “determine the funding needs of Californians seeking tablets that function as SGDs.”<sup>23</sup> This goal statement is problematic, as the Tablet Pilot is intended to function as a lending program, without involving funding issues that are relevant to dedicated SGDs requested via consultation with an SLP. The discussion of the Tablet Pilot also states as a goal that it will evaluate “the feasibility of self-selection of an SGD tablet as opposed to recommended by an SLP.” This too is a problematic goal statement, as the question of whether to allow a person with a speech disability to self-select a device without an obligation to consult with an SLP has already been considered by the Commission and resolved in D.13-12-054, after substantial input from interested parties. Any determination that a person must obtain a recommendation of an SGD from an SLP would only be valid upon a further Commission decision, presumably in response to a Petition for Modification of the Phase 1 Decision in this proceeding.

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<sup>22</sup> Staff Report at pp. 13-15.

<sup>23</sup> Staff Report at pp. 3 and 10.

**E. Attachment 5: CFILC Contract, Scope of Work**

As noted above, it is unclear to CforAT when the contract between CD and CFILC was effectuated.<sup>24</sup> Notwithstanding that confusion, and regardless of when the official project began, the actual implementation of the contract appears to be behind schedule. In particular, the first phase of the contract includes the selection of apps to include in the Tablet Pilot. While it was not clear to CforAT at the time, we now understand that this task was completed at the Workshop held in January, 2016. It remains unclear whether the additional Phase 1 tasks, which were supposed to be completed in Months 1-2 of the contract (including selection of a third-party evaluator), have been advanced, despite the fact that the app selection process was apparently complete over six months ago.<sup>25</sup>

This confusion is heightened by the lack of clarity over who is responsible for implementation of the contract. On August 2, 2016, an email was sent from Tyrone Chin of CD to the workshop participants, including Jennifer McDonald-Peltier of CforAT. The email introduced Caroline Zentner and stated that she “is the new program manager for CFILC working specifically on the Tablet Pilot and may be reaching out to you all for any questions regarding the five apps.” Following the release of the ALJ Ruling in this proceeding, on August 24, 2016, Ms. McDonald-Peltier reached out via email to Ms. Zentner with questions on the Tablet Pilot. The same day, she received a response saying the questions were being referred to Kim Cantrell, who presented the information on the Pilot at the January Workshop. No substantive response to the questions was ever provided by either Ms. Zentner or Ms. Cantrell, leaving CforAT unclear about the staffing of the Pilot Program, as well as the status of implementation efforts.

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<sup>24</sup> See footnote 9, above.

<sup>25</sup> To add to the confusion, the limited information provided in the Staff Update indicates that third-party evaluators have been interviewed by the CPUC (presumably CD staff), though the Scope of Work indicates that it is CFILC’s responsibility to contract with a third party evaluator.

Without knowing the effective date of the contract, from which the Scope of Work sets its tasks, or the staffing for implementation of the contract, it is impossible to evaluate the adequacy of its progress. The limited information available, however, suggests ongoing delays in this long-overdue pilot program. In particular, it appears that none of the Phase 2 tasks, which were planned to take place in Months 2-3 of the contract, have been completed (or even initiated), nor have the Phase 3 efforts to publicize the pilot program taken place. At the Status Conference, the CD staff representative stated that the pilot was slated to begin in July.<sup>26</sup> It is not clear what was done since the contract was authorized in November, or since the workshop was held in January. Nor is it clear that additional work has been conducted since July. CforAT would like to see a more definitive timeline for execution of the contract, as well as development of the actual metrics by which it will be determined whether the pilot is a success, and, of course, the actual distribution of tablets preloaded with speech apps.

**F. Attachment 6: SGD Application and Forms**

It appears that the Application material attached to the ALJ Ruling is unchanged from when it was first posted on the Commission website at the initiation of the SGD Program.<sup>27</sup> CforAT further notes that the ALJ Ruling only attaches the “Application Packet” and not the additional associated documents that are linked on the Commission website, including an Authorization for Release, a Provider Release Form, and a Responsibility Letter.<sup>28</sup>

While the ALJ Ruling provides the first explicit invitation for parties to comment on these forms, CforAT previously volunteered information about ways in which the documents could be improved back in February of 2014. For convenience, these comments, which are already part of the record of this proceeding, are restated in full

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<sup>26</sup> Status Conference Transcript at p. 33:8-12.

<sup>27</sup> CforAT notes that the documents are identified as “V 1.0” in the lower right-hand corner.

<sup>28</sup> See <http://www.cpuc.ca.gov/sgd/>, accessed on September 5, 2016.

here.<sup>29</sup> Some additional annotations are provided in footnotes and are noted as “new annotation.” Also, as noted further below, there have been changes in the way federal funding for SGDs is issued since these forms were first posted. CforAT is not an expert on funding for SGDs, but is aware that the changes may impact the accuracy of the information provided to applicants through these forms, as well as the need for the information sought from applicants. Comments on the impact of changes to federal funding for SGDs were previously sought from parties to this proceeding, and the parties’ input is part of the record.<sup>30</sup>

CforAT’s prior comments:

Since the ALJ Inquiries were issued, Communications Division has posted a Deaf and Disabled Telecommunications Program Speech Generating Device application package on the Commission website. In an email dated February 3, 2014, informing parties to this proceeding about the application package, the CD representative noted that “The ALJ has invited parties to the rulemaking to provide comments on issues to be considered in Phase II.” While this is not an express invitation to comment on the application packet, in our review of the material CforAT identified several concerns which we hereby seek to bring to the attention of the Commission.

**a. Requirement for Recommendations from Both SLP and Additional Medical Professional**

The statute adding SGDs to the list of equipment covered by DDTP requires that program applicants seeking SGDs must be certified by “a licensed physician, licensed speech-language pathologist, *or* qualified state or federal agency.”<sup>31</sup> Notwithstanding the language of the statu[t]e that requires certification from *either* an SLP or a physician, the

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<sup>29</sup> See Center for Accessible Technology’s Response to ALJ Inquiries, filed on February 11, 2014, at pp. 12-16.

<sup>30</sup> See Comments filed by CforAT and ATLC on November 20, 2015 and Reply Comments filed by CforAT on December 11, 2015.

<sup>31</sup> Cal. Pub. Util. Code § 2881(d)(1) (emphasis added).

application package appears to require approval of *both* an SLP and a physician.<sup>32</sup> This requirement to obtain approval from two professionals puts an extra burden on customers beyond what is contemplated in the statute.

If certification from both a physician and an SLP is necessary to obtain funding from either public or private insurance, this additional obligation may be appropriate as a way to avoid creating an unnecessary financial burden on DDTP. However, it is not clear from any information provided in either the record of this proceeding or the application package whether this is the case.

Unless certification from both an SLP and a physician is required in order to obtain available funding, the application package should be revised to allow certification by an SLP only. If both are required for funding purposes, this should be explained and authority provided to demonstrate that this is the case.

***b. Customer Medical Records (Including Full SLP Report)***

The application package calls for customer to sign a release form that broadly authorizes the Commission to access any of the customer's "medical records, information and any other health information."<sup>33</sup> Separately, th[r]ough a provider release form, it calls for access to the customer's completed SLP Evaluation Form.<sup>34</sup> The releases also call for the Commission to have full access to all insurance documentation, documentation of device costs and documentation of potential alternative funding sources.

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<sup>32</sup> New annotation: This requirement can be found in Section 3 of the Application Packet (page 5 of 8 of Attachment 6), requiring a signature from an SLP, and Section 6 of the Application Packet (page 7 of 8 of Attachment 6) requiring a physician or other medical professional providing the SGD prescription.

<sup>33</sup> New annotation: the release form is linked on the Commission website, but is not included as part of Attachment 6 to the ALJ Ruling. It can be found at: [ftp://ftp.cpuc.ca.gov/SGD\\_Files/AuthorizationForRelease.pdf](ftp://ftp.cpuc.ca.gov/SGD_Files/AuthorizationForRelease.pdf).

<sup>34</sup> New annotation: the provider release form is also linked on the Commission website, but is not included as part of Attachment 6. It opens as a Word document when the link from the main application page is accessed.

CforAT understands and supports the need for the Commission to have access to all documentation regarding insurance, device costs and funding, since the program makes the Commission responsible for costs that are potentially quite substantial. In contrast, there is no clear reason for the Public Utilities Commission to have complete access to an individual's medical records, and release of such documentation imposes substantial privacy concerns that should not accompany participation in a telecommunications program.<sup>35</sup> To the extent that a customer obtains the proper determination from an appropriate medical professional or professionals that he or she has a speech disability that requires a DME SGD for access the telecommunications network, the Commission has no reason to inquire or care about the underlying medical basis for the speech disability. No one at the Commission has the capability or the authority to review or second-guess the medical information that is sought, nor should they. Assuming that appropriate medical certification is provided to show that a customer needs a device, no detailed medical documentation in support of such certification should be required.<sup>36</sup>

***c. Potential Impacts on Benefits and/or Taxes***

The application package includes a form entitled "Applicant Responsibility Letter" which makes clear to any customer who obtains a DME SGD that the device, as well as any associated accessories, mounting system, and/or telecommunications component, will become the customer's property upon delivery.<sup>37</sup> The purpose of this

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<sup>35</sup> CforAT recognizes that the release form includes a statement that the Commission will "handle all information that it receives confidentially in compliance with all applicable federal and state laws." However, it would be better for the Commission to avoid the need to address confidentiality by declining to request documentation for which it has no genuine need.

<sup>36</sup> CforAT notes that the application to participate in the DDTP equipment distribution program for devices other than DME SGDs asks for professional certification regarding the appropriate category of disability of the applicant, but does not require any detailed medical documentation.

<sup>37</sup> New annotation: once again, this document is linked on the Commission website but not included as part of Attachment 6. It can be accessed here: [ftp://ftp.cpuc.ca.gov/SGD\\_Files/ResponsibilityLetter.pdf](ftp://ftp.cpuc.ca.gov/SGD_Files/ResponsibilityLetter.pdf). It is unclear to CforAT whether the

document as written appears to be to inform the customer that he or she will be responsible for any necessary maintenance or repair of the device. However, ownership of an expensive asset may also result in other repercussions, including impacts on the customer's eligibility for certain benefits (some of which base eligibility on the accumulated assets of the person seeking assistance) and/or tax implications.

CforAT has no direct expertise on issues regarding eligibility for benefits or taxes. In order to ensure that distribution of DME SGDs does not inadvertently result in additional liabilities for the customers who need such devices, CforAT recommends that CD research these issues and determine whether the acquisition of a valuable medical device would result in impacts on benefits or taxes.

Alternatively, the Applicant Responsibility Letter could identify this concern and direct the applicant to consult with his or her benefits counsellor and/or tax professional to determine whether there are any impacts. However, such a statement may deter some customers who would otherwise seek a DME SGD from doing so, particularly if they do not have access to such professionals. Because the goal is to ensure that eligible customers have access to SGDs and discouraging participation would inhibit that goal, CforAT believes it would be preferable for the Commission to obtain a better understanding of any potential tax and/or benefit implications rather than throw the issue back to the individual consumer.<sup>38</sup>

***d. Difficult or Confusing Instructions***

Multiple sections of the main application form are difficult to understand or confusing for a potential applicant. Some examples identified by CforAT include:

- Section 2: Family Contact/Legal Guardian: It is unclear whether an applicant is required to identify such a contact or guardian. The form

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information in this form remains accurate given the changes in federal funding impacting SGDs between the time this form was developed and today.

<sup>38</sup> New annotation: Again, it is unclear to CforAT whether this issue has been impacted by the changes to federal funding impacting SGDs between the time this form was developed and today.

identifies the purpose of this contact as follows: “The legal guardian or family contact is the person who is the emergency contact or who is assisting the applicant.” An applicant may not need assistance, but if the purpose is to provide an emergency contact, the requested information may be needed.

- In the same section, there is a request for a contact number for the family contact/legal guardian. In large letters, the form states that “THIS EMERGENCY PHONE MUST BE DIFFERENT FROM THE APPLICANT’S HOME PHONE NUMBER.” In smaller type, the form then provides a box to check if no alternative phone number is available. It is not clear what impact it will have on the status of the application if no alternative emergency number is provided.
- Section 4 SGD Set Up: This section of the form requests that the applicant identify and provide contact information for at least one individual to be involved in the set-up of the SGD device, any accessories (including software), any mounting system, and any applicable telecommunications component. Immediately after requesting this information, the form notifies the applicant that “it is the CPUC’s understanding that the applicant or family contact/legal guardian will coordinate with the speech language pathologist and SGD provider on the set-up of the SGD and associated accessories, mounting system, and applicable telecommunications component, and required training.” If set-up and coordination are the responsibility of the applicant and his or her family contact/guardian, why does the form require identification and contact information for individuals responsible for set-up?
- Other aspects of the application packet are duplicative in the information requested.

### III. CONCLUSION

At the Status Conference held on June 20, 2016, CforAT requested ongoing transparency and ongoing opportunities for stakeholders to participate in the work to improve the ongoing SDG program and to launch the much-delayed STE (Tablet) Pilot. Between the Status Conference and the ALJ Ruling, there was no additional information on either program provided to parties. Despite staff statements of interest in informal collaboration, none of the recommendations previously submitted by parties has ever been taken up in any way, nor has there been any invitation to discuss any aspect of either program.

CforAT believes that informal consultation is an ineffective way to ensure stakeholder input and access to the SGD and the STE Programs. In order to provide more effective participation, CforAT makes the following recommendations:

- Staff should be directed to provide semi-annual reports on both the SGD and the STE programs. These reports will be public documents and will be posted on the Commission website, including direct links from the DDTP page (<http://ddtp.cpuc.ca.gov/>) and from the general page providing access to Commission Reports (<http://www.cpuc.ca.gov/General.aspx?id=5655>). While this proceeding remains open, they will also be served on the service list of the proceeding.
- The existence of the “Advisory Work Group” in support of the Tablet Pilot (as referenced in the CFILC PowerPoint Presentation) will be formalized and regular Work Group meetings will be held every eight weeks or more often if appropriate. Intervenors in this proceeding will be authorized to seek compensation for time spent participating in the Work Group.

- The Advisory Work Group will be empowered to assist in the implementation and evaluation of the Tablet Pilot. In particular, this group will participate in selecting a third party evaluator, establishing metrics for determining whether the pilot is a success, and developing the survey documents called for in the Scope of Work. Additional tasks may be assigned to the Work Group as appropriate.
- A firm schedule, including the official launch date, for the Tablet Pilot will be either established (if it is not yet in place) or publicized.
- Formal recommendations for additional action will be provided to the Commission and served on the service list to this proceeding upon completion of the Tablet Pilot. The Advisory Group will assist in preparing the recommendations. Upon submission of the recommendations, the Commission will prepare a formal decision indicating the subsequent plan for distribution of Tablets preloaded with speech apps in California.
- A structured process, complete with a timetable and deadlines, will be established for updating the information and forms in use for the SGD program.
- Guidance will be issued regarding the impact in changes to federal funding authority for SGDs on the SGD distribution program.

CforAT appreciates the opportunity to provide these comments, and looks forward to the development of a more transparent and effective process for providing oversight to both the SGD and the STE (Tablet) distribution programs.

[Signature block on following page]

Respectfully submitted,

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