

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



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Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets	Application 11-05-017 (Filed May 16, 2011)
Application of Southern California Gas Company (U904G) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2012-2014	Application 11-05-018 (Filed May 16, 2011)
Application of Pacific Gas and Electric Company for Approval of the 2012-2014 Energy Savings Assistance and California Alternate Rates for Energy Programs and Budget (U39M)	Application 11-05-019 (Filed May 16, 2011)
Application of San Diego Gas & Electric Company (U902M) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2012-2014	Application 11-05-020 (Filed May 16, 2011)

**CENTER FOR ACCESSIBLE TECHNOLOGY'S COMMENTS ON PROPOSED  
DECISION ON LARGE INVESTOR-OWNED UTILITIES' 2012-2014 ENERGY  
SAVINGS ASSISTANCE (ESA) (FORMERLY REFERRED TO AS LOW  
INCOME ENERGY EFFICIENCY OR LIEE) AND CALIFORNIA ALTERNATE  
RATES FOR ENERGY (CARE) APPLICATION**

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## **I. INTRODUCTION**

In accordance with Rule 14.3 of the Commission's Rules of Practice and Procedure, the Center for Accessible Technology (CforAT) submits these comments on the pending proposed decision regarding the 2012-2014 budgets for ESAP and CARE (the PD). Overall, the proposed decision errs as a matter of law by failing to provide adequate attention to CARE's role as the mechanism by which the state purports to implement its statutory mandate to provide affordability energy for low-income households. The PD also errs in shifting the CARE program's priorities away from penetration among low income households and its failure to appropriately address enrollment and verification issues, and concerns about CARE customers with the highest levels of electricity use. While CforAT supports some of the policy conclusions in the proposed decision, particularly in regard to the ESA program, modifications to the decision are needed in order to appropriately move the CARE and ESA programs forward through the next budget cycle.

## **II. THE PD ERRS IN FAILING TO CONSIDER CARE'S ROLE AS CALIFORNIA'S PRIMARY AFFORDABILITY PROGRAM**

California law recognizes that "electricity is a basic necessity," and mandates that "all residents of the state should be able to afford essential electricity and gas supplies," directing the Commission to "ensure that low-income ratepayers are not jeopardized or overburdened by monthly energy expenditures."<sup>1</sup> The primary tool to implement this affordability mandate is the CARE program.<sup>2</sup> The CARE subsidy is supposed to be based on an assessment of customer need.<sup>3</sup> Nevertheless, the PD fails to consider affordability and/or customer need as either independent policy mandates or as guidance

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<sup>1</sup> Cal. Pub. Util. Code § 382(b). As discussed below, the Commission is also charged with conducting periodic assessments of the needs of low-income ratepayers to "consider whether existing programs adequately address low-income electricity and gas customers' energy expenditures, hardship, language needs, and economic burdens." Cal. Pub. Util. Code § 382(d).

<sup>2</sup> Cal. Pub. Util. Code § 739.1(b)(1). In this provision mandating the creation of the CARE program, the Commission is also charged with ensuring "that the level of discount for low-income electric and gas customers correctly reflects the level of need." *Id.*

<sup>3</sup> Cal. Pub. Util. Code § 382(a); *see also* Cal. Pub. Util. Code §739.1(b)(1).

for considering proposed changes to the program, and thus the PD errs as a matter of law in its conclusions regarding CARE.

**A. Affordability**

The CARE program is the most prominent mechanism by which the state, through the Commission, seeks to provide affordable supplies of essential electricity, calculated as the “baseline quantity of . . . electricity which is necessary to supply a significant portion of the reasonable energy needs of the average residential consumer.”<sup>4</sup> By statute, the purpose of the CARE program, as managed by the Commission, is to “ensure that the level of discount for low-income electric and gas customers correctly reflects the level of need.”<sup>5</sup> While the statute references a cap on the CARE rate for electricity of 80% of the corresponding non-CARE rate (through tier 3, with exclusions),<sup>6</sup> the requirement is to ensure affordability, not to provide a standard level of discount. Thus, the PD errs in its description and overview of CARE when it states that the program “is aimed at providing eligible low income households with a 20% discount on their electric and natural gas bills.”<sup>7</sup> The goal of the program is not to provide a certain percentage discount off of bills; it is to ensure that essential amounts of energy are affordable to low-income households.<sup>8</sup>

In recent decisions, the Commission has recognized that energy affordability is a challenge, particularly for low income customers, and it has noted the need for further

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<sup>4</sup> Cal. Pub. Util. Code § 739(b). While ESAP can also provide affordability assistance to low-income households, the PD makes clear that it views the primary purpose of ESAP as an energy resource program. PD at pp. 15-16. Other modest mechanisms to promote affordability are also available, including FERA, as authorized in Cal. Pub. Util. Code § 739.1(e)(2); *see also* Cal. Pub. Util. Code §382(c) (“nothing in this section shall be construed to prohibit electric and gas providers from offering any special rate or program for low-income ratepayers that is not specifically required in this section”).

<sup>5</sup> Cal. Pub. Util. Code § 739.1(b).

<sup>6</sup> Cal. Pub. Util. Code § 739.1(b)(4).

<sup>7</sup> PD at p. 18.

<sup>8</sup> In recent comments filed jointly by CforAT and the Greenlining Institute in A.10-02-028, consumers provided detailed arguments on the legal requirements and the important policy considerations in integrating affordability as a key focus in designing residential rates. Center for Accessible Technology and the Greenlining Institute’s Reply Comments Addressing Policy Issues Related to Time-Variant Pricing and Residential Rate Design In Response to the Joint Ruling Issued on February 7, 2012 (Joint Consumer

review to ensure that low-income households can obtain necessary energy supplies, as mandated by statute. This includes general statements regarding the need to ensure affordable energy, such as those made by the Commission in R.10-02-005 addressing the issue of service disconnection,<sup>9</sup> as well as targeted conclusions such as those affecting PG&E customers in Phase 2 of PG&E’s most recent General Rate Case, in which certain PG&E proposals were rejected due to concerns about their impact on affordability.<sup>10</sup> CforAT also expects affordability concerns to be a key focus in the anticipated upcoming rulemaking on residential rate design.<sup>11</sup>

While the Commission should give affordability meaningful consideration in multiple forums, including any rulemaking on rate design, there is no question that affordability is intended to be the touchstone of the CARE program. Indeed, in setting rates for CARE customers, the Commission is expressly charged with complying with the affordability language of §382, including the requirement to “ensure that low-income ratepayers are not jeopardized or overburdened by monthly energy expenditures,” and the requirement to ensure that “the level of the discount for low-income electricity and gas ratepayers correctly reflects the level of need” as determined by the mandated needs assessment.<sup>12</sup> Overall, the PD fails to recognize its obligations to address affordability

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Policy Comments), filed on April 26, 2012 in A.10-02-028 *et al.* CforAT incorporates these arguments by reference here.

<sup>9</sup> D.12-03-054 at p. 41 (If service disconnections remain high for CARE customers, the Commission will open a new rulemaking to address “not only the types of disconnections practices that we have considered and adopted in this proceeding, but also the broader issue of affordability for customers generally and low-income customers in particular”).

<sup>10</sup> D.11-05-047 at p. 15 (recognizing “the importance of avoiding rate shock and keeping essential energy needs affordable, particularly for low-income households”). Affordability and the cumulative impact of PG&E’s proposals regarding residential rate structure are also already flagged as the key concerns in PG&E’s 2012 Rate Design Window Application, A.12-02-020, in which PG&E is again seeking to make changes to its baseline allocation that were specifically rejected in its Phase 2 Application.

<sup>11</sup> See generally the Joint Consumer Policy Comments, filed in A.10-02-028 *et al.*, describing how policy comments in that proceeding are being treated as a preview of the anticipated residential rate design rulemaking, and setting out arguments on the importance of affordability in designing residential rates.

<sup>12</sup> Cal. Pub. Util. Code §739.1(b)(3). This statute refers to the needs assessment required by Cal. Pub. Util. Code § 382(d), which requires such assessments to be conducted “periodically,” beginning in 2002. Only one such needs assessment has been conducted, resulting in a “Final Report on Phase 2 Low Income Needs Assessment,” prepared by KEMA, Inc. and issued on September 7, 2007 (KEMA Report). The need for an updated needs assessment is discussed at Section II.D, below.

and to ensure that the CARE program is designed so that it provides for the level of need demonstrated by CARE customers and ensures that such customers are not jeopardized or overburdened by energy expenditures.

This deficiency is evident throughout the Proposed Decision, which never once uses the word “affordability,” but it is most evident in the disdain with which it treats issues regarding enrollment, verification, and recertification, and the hostility with which it views customers who use the greatest amounts of energy. These sections of the PD are filled with language that is suspicious of low-income customers, their intentions, and their need for the CARE program, and it never addresses their energy needs or affordability concerns. For example, the PD is critical of the existing process of categorical eligibility, referring to customers who are “deemed” qualified “if they happen to be enrolled” in a qualifying program.<sup>13</sup> But families do not merely “happen to be enrolled” in SNAP (foodstamps) and their children do not simply “happen to” receive school lunch as one might “happen to” stumble on an interesting program on television; these families deliberately chose to enroll (and had their applications accepted) in various low-income programs because they are low-income households. To treat these customers’ situations as questionable happenstance in need of further review and scrutiny is to fail to address the statutory role of CARE to provide necessary assistance to low-income families.

Similarly, the PD talks about CARE penetration rates “that should raise some eyebrows” and seeks to identify “loopholes” in the program;<sup>14</sup> again, through the very language used in the PD, CARE households are treated as suspect, and the emphasis of the program is expressly shifted away from penetration among the low-income population to scrutiny of existing customers in order to pursue “quality enrollments.”<sup>15</sup>

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<sup>13</sup> PD at p. 172.

<sup>14</sup> PD at p. 176.

<sup>15</sup> PD at pp. 179-180.

This tone and emphasis directly contradicts the statutory justification and goals of the CARE program, which focus on customer need and affordability.

While the specifics of these provisions of the PD are discussed in greater detail below and in the filings of other consumer groups, which CforAT has reviewed and expressly endorses,<sup>16</sup> the PD as a whole errs in its characterization of the CARE program and CARE customers, and should be reworked to respect the needs of low-income Californians and the goals of the program.

**B. Categorical Enrollment, Post-Enrollment Verification and Recertification**

CforAT has reviewed the comments prepared by Greenlining, DRA, TURN, and the National Consumer Law Center addressing concerns about the PD's treatment of categorical enrollment, post-enrollment verification, and recertification. CforAT endorses the comments prepared by each of these consumer groups and shares their concerns. In particular, CforAT agrees that the PD errs in its treatment of these issues as follows:<sup>17</sup>

- The PD errs in concluding that high penetration rates for CARE are indicative of problems with the program, notwithstanding a longstanding emphasis on penetration as a program goal and minimal record evidence that ineligible customers are enrolled.
- The PD errs in removing CARE's emphasis on reaching 90% penetration among eligible households, a change that was not requested by any party.
- The PD errs in making sweeping changes to the program that will result in the removal of hundreds of thousands of eligible customers and effectively eliminate the availability of categorical enrollment.

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<sup>16</sup> CforAT supports the various discussions of categorical eligibility and enrollment and the discussions of post-enrollment verification and recertification in the comments of the Greenlining Institute (Greenlining), DRA, TURN, and the National Consumer Law Center.

<sup>17</sup> PD at pp. 176-180.

- The PD errs in failing to consider past Commission analysis regarding the favorable impact of categorical enrollment in enhancing penetration and providing administrative savings compared to the limited impact of potential enrollment of customers with incomes over the eligibility requirement.
- The PD errs in adopting an enormous expansion in post-enrollment verification, a change that goes well beyond the request of any party, without adequate record evidence that this will impact ineligible customers as opposed to eligible customers.
- The PD errs in requiring all customers to provide income documentation upon recertification, another change adopted without record evidence that it will impact ineligible as opposed to eligible consumers.
- The PD errs in identifying reductions in the number of eligible customers enrolled in the CARE program as “savings” to the fund.
- The PD errs in failing to consider record evidence showing that only a minimal number of customers who enroll in CARE based on categorical eligibility are not income-qualified.
- The PD errs in creating a large burden on CARE customers to demonstrate income-based eligibility either upon enrollment, shortly after enrollment, or upon recertification, without showing that such a burdensome process is necessary to remove ineligible households from the program.
- The PD errs in failing to provide alternative mechanisms for households to demonstrate income-based eligibility if their earnings are paid in cash and they do not have official forms to provide.
- The PD errs in disregarding the consensus among the parties that the issues involved in evaluating categorical eligibility require detailed

review of the various programs and is best accomplished through workshops.

The PD should be substantially revised to remove the changes to categorical eligibility and enrollment, post-enrollment verification, and recertification. Instead, the Commission should include this issue in the planned second phase of this proceeding, during which workshops can take place and a further record can be developed to determine whether changes are necessary and, if so, what such changes should be.

**C. High Use Customers**

The PD errs by adopting a plan that does not have the support of any party in order to address an issue where a virtual consensus has emerged on how to proceed; this issue concerns CARE customers with extremely high levels of energy use. The record shows that a small number of extremely high-usage CARE customers consume a large portion of the CARE fund, and the usage levels of these customers are high enough that their eligibility and the legitimacy of their usage for domestic consumption are suspect. Every consumer group agreed with PG&E, the IOU that first raised the issue, that this small group of customers consuming large amounts of energy needs further investigation and potential action. However, the consumer groups raised concerns about the lack of safeguards for high-use consumers, and proposed various forms of notice, an appeals process, and other protections to assist legitimate customers in preserving eligibility while reducing usage, and ensuring due process before customers are removed from the program. These safeguards ensure that eligible users are not unlawfully denied access to CARE, and support the twin goals of preventing ineligible customers from receiving CARE funds and assisting eligible users in reducing their usage. In testimony and briefing, over several iterations, PG&E agreed to all of the consumer groups' proposals. These issues are described in detail in TURN's comments, which CforAT has reviewed and fully supports.<sup>18</sup>

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<sup>18</sup> CforAT has also reviewed and endorses the discussion of this issue set forth in Greenlining's comments.

CforAT agrees with TURN that the PD should be revised to adopt a program for addressing extremely high-use CARE customers consistent with the proposal made by the consumer groups and endorsed by PG&E.

In addition to the substantive modifications agreed to by the parties and needed to incorporate necessary safeguards before customers are excluded from the CARE program, the PD needs further modification to remove language that again describes CARE customers with disdain. The PD alternatively refers to “CARE egregious usage customers” and “the egregious electric users on the CARE rate” in discussing this issue.<sup>19</sup> The PD should be modified to eliminate the use of the word “egregious,” as such language inappropriately passes judgment on these CARE consumers.

“Egregious” means “conspicuously bad; flagrant; outrageous.”<sup>20</sup> In referring to certain customers as “egregious” electricity users, the PD suggests that these low-income customers have “bad” or “outrageous” consumption levels, which connotes a value judgment. However, the Commission has not actually provided any of the customers falling under the rubric of “egregious” with an opportunity to explain the cause for their extremely high consumption levels. Plus, the Commission does not refer to non-CARE customers with exceptionally high consumption levels as “egregious users.” The Commission should not refer to low-income customers as “egregious” users without a fact-based examination of the circumstances at hand (after which the Commission might well conclude that a customer’s usage is egregious).

Instead of referring to “egregious” usage customers, the PD should be modified to refer to “extremely high” or “exceptionally high” usage customers. These terms are more appropriate for use in this Commission decision because they reflect the statistical distribution of usage in a factual, data-driven sense, by implicitly referencing the CARE usage mean and/or median.

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<sup>19</sup> See generally PD at pp. 180-183, 273 (FOF 115), 283 (COL 27-28) and 294(COL 116).

#### **D. Low Income Needs Assessment**

The record contains multiple calls<sup>21</sup> for the Commission to initiate a new Low-Income Needs assessment in order to refresh the data gathered in the KEMA Report<sup>22</sup> (which was issued in 2007 and relies on data collected earlier than that). The PD does not acknowledge these calls for a new Low Income Needs Assessment, but one should be initiated. The basis for such an assessment is statutory; Public Utilities Code Section 382(d) directs the Commission to conduct such reviews “periodically” and use them to “consider whether existing programs adequately address low-income electricity and gas customers’ energy expenditures, hardship, language needs, and economic burdens.” Both the economic conditions facing California and the energy market have changed substantially since 2007; a new assessment would assist the Commission in many proceedings concerning rates, rate design, and low income needs. The time is right for a new “periodic” review, and failure to consider calls for such a review constitutes error.

### **III. OTHER CARE ISSUES**

#### **A. Effective Communication/Alternative Formats/Disability Outreach**

The PD is silent on CforAT’s proposal to expand on the enrollment goal for ESAP, discussed below, and “ensure that outreach regarding CARE is specifically targeted to the disability community, using social media, CBOs, and the (limited and relatively inexpensive) paid media outlets serving this community.”<sup>23</sup> However, express adoption of CforAT’s proposals regarding outreach to the disability community would be consistent with the PD’s findings regarding ME&O to other hard-to-reach communities. The PD states that “an effective media outreach efforts [sic] in the low income programs

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<sup>20</sup> THE AMERICAN HERITAGE DICTIONARY 225 (4th ed. 1987).

<sup>21</sup> See CforAT Opening Brief at pp. 27-28, Response of The Utility Reform Network to the December 28, 2011 Questions of Administrative Law Judge Kim (Set 1, Category 2) at pp. 13-15; Greenlining Reply Brief at p. 2.

<sup>22</sup> Final Report on Phase 2 Low Income Needs Assessment, Prepared by KEMA, Inc., issued on September 7, 2007.

<sup>23</sup> CforAT Opening Brief at pp. 23-24; see also Comments of the Center for Accessible Technology on the Questions Attached to Administrative Law Judge’s Ruling Seeking Comments, Set No. 1 (Questions set for Response on January 13, 2012 (CforAT 1/13 Comments) at p. 4.

should likewise include community, local and ethnic media to better engage these communities and be tailored to the particular low income communities that are the hardest to reach.”<sup>24</sup>

The PD also fails to address CforAT’s proposal that the Commission “should ensure that all outreach and enrollment materials are available in multiple formats, not just large print, on request,” and that “standard material be provided with key information in large print.”<sup>25</sup> As noted by CforAT in earlier comments in this proceeding, this would be consistent with MOUs executed between each of the IOUs and either CforAT or its predecessor, Disability Rights Advocates.<sup>26</sup>

The PD should be modified to incorporate these proposals.

**B. Cool Centers**

The PD directs the IOUs to provide an annual report of information regarding each utility’s Cool Center program. In the past, the Commission has recognized that the IOUs have an obligation to ensure that their Cool Centers are physically accessible to people with disabilities, and that Cool Center information (both outreach about the existence of Cool Centers and the educational materials provided at Cool Centers) must be available in accessible formats.<sup>27</sup> The PD should reiterate these requirements and require the IOUs to include accessibility information in the annual reports to ensure that they are meeting this obligation.

**C. Capitation Fees**

CforAT supports the PD’s proposal to raise capitation fees for CBOs that enroll clients in CARE and ESAP,<sup>28</sup> since this will assist disability-oriented CBOs that have

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<sup>24</sup> PD at p. 56; the PD also supports efforts to utilize CBOs as a resource, *id.* at p. 57.

<sup>25</sup> CforAT 1/13 Comments at p. 4-5; *see also* CforAT Opening Brief at pp. 23-24. In D.08-11-031, the Commission stated that “[t]he utilities shall ensure accessible ME&O for CARE and LIEE by providing alternate formats for communications”; *see also* D.06-12-038 at pp. 14-15 (requiring structure, information and services related to CARE and LIEE to be accessible). This decision should reiterate and provide clarification on these earlier requirements, consistent with the recommendations set forth by CforAT.

<sup>26</sup> CforAT 1/13 Comments at fn. 5; *see also* CforAT Opening Brief at p. 8-9.

<sup>27</sup> D.06-12-038 at pp. 13-14.

<sup>28</sup> *See* CforAT Opening Brief at p. 24.

many competing interests and obligations in serving their clients in prioritizing this activity. At the same time, CforAT would like to clarify that its comments regarding the way in which CBO staff incorporate enrolling low income clients into CARE, as cited in the PD,<sup>29</sup> were not intended to be a universal statement about the way in which CBOs address this activity; rather, they describe only the experiences of those disability-related CBOs with which CforAT has consulted.<sup>30</sup>

#### **D. CHANGES Pilot**

CforAT supports the continuation of the CHANGES pilot, and intends to continue to address issues regarding CHANGES in Phase 2 of this proceeding. In previous filings regarding CHANGES, CforAT has noted the potential importance of the program for serving populations that have difficulty communicating in English due to a disability, including most notably the deaf population.<sup>31</sup> CforAT is aware that one CBO that serves the deaf community is already a participant in the pilot, and that the people staffing the pilot program agree on and support the incorporation of CBOs serving the deaf community more broadly. CforAT recommends that this understanding be included in the description of both the existing pilot program and the planned review process.

### **IV. ESAP ISSUES**

#### **A. Disability Outreach & Enrollment**

CforAT appreciates that the Proposed Decision approves the continuation of the existing 15% ESAP enrollment goal for households containing a person with a disability, as established in D.08-011-031.<sup>32</sup> At the same time, the PD declines to adopt any of CforAT's proposed refinements to the IOUs' enrollment process out of concerns about micromanaging the implementation efforts.<sup>33</sup> However, the clarifications proposed by

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<sup>29</sup> PD at p. 184.

<sup>30</sup> CforAT Opening Brief at p. 24; *see also* CforAT 1/13 Comments at p. 6.

<sup>31</sup> *See* Joint Letter from CforAT and the Greenlining Institute in support of Resolution CSID – 005, addressed to Loreen McMahon and dated October 25, 2011.

<sup>32</sup> PD at pp. 223 & 328 (OP 104).

<sup>33</sup> PD at pp. 223-224.

CforAT were intended to assist the IOUs in the identification process.<sup>34</sup> If the Commission declines to adopt the specific language proposed by CforAT in its testimony to clarify the process, the PD should still be modified to make clear that IOUs should ensure that their employees or contractors encourage voluntary self-identification of disabled household members without directly requiring a response.

Additionally, the PD is silent about CforAT's proposal to require each IOU to "take steps to ensure that data identifying households containing a person with a disability is incorporated into its main customer information data base so that it can draw on this information to support any other efforts it makes to ensure that its services and customer information are accessible to people with disabilities."<sup>35</sup> As noted by CforAT, in recent years, IOUs have often used participation in the Medical Baseline rate as a proxy for disability, but many households containing a person with a disability are not enrolled in Medical Baseline. For various efforts to reach out to disabled customers or otherwise address accessibility issues, the IOUs should be able to draw on information identifying certain households as containing a disabled household member. The PD should be amended to include this requirement.

#### **B. Calculating Eligible Populations**

The PD correctly declines to adopt the IOUs' proposed dramatic increases in estimates of the number of households that are "unwilling" to participate in ESAP, finding that it does not have adequate data to modify the existing 5% unwillingness factor.<sup>36</sup> The PD also directs the utilities to track and report customer unwilling/unable percentages, and to document the reasons that customers are unwilling and or unable to participate.<sup>37</sup> Consistent with its position throughout this proceeding, CforAT believes

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<sup>34</sup> As noted in CforAT's testimony, changes to the enrollment process were first sought through a Petition for Modification, submitted by the Sempra Utilities, to D.08-011-031. See Prepared Testimony of Dmitri Belser Addressing the Concerns of the Disability Community Regarding the IOUs' Proposals for Eligibility and Administration of the CARE and ESA Programs (Belser Testimony) at pp. 11-14.

<sup>35</sup> Belser Testimony at p. 14; CforAT Opening Brief at pp. 7-8.

<sup>36</sup> PD at pp. 216-221.

<sup>37</sup> PD at pp. 221 and 296 (COL 131-132).

that some number of participants may fail to enroll in ESAP because the information they receive about the program is not accessible. This is a situation that should be included as a possible basis for unwilling/unable calculations, and it should be tracked as part of the data requested from the IOUs.

**C. Energy Education Evaluation Study**

The PD declines to consider energy education as a standalone measure at this time, but it directs the IOUs to provide energy education to income-verified customers who have passed the modified 3MM Rule.<sup>38</sup> It also initiates a shared energy education evaluation study, including a group of high energy-use CARE participants. For both those households that are eligible for energy education in keeping with the direction of the PD and for purposes of the study, the PD is silent on the need to ensure that educational communications and materials are accessible to customers. CforAT has noted that “to the extent that the Commission determines that education is an important part of any efficiency program” it is necessary to ensure that people with disabilities that impact their ability to use standard forms of communication are not excluded.<sup>39</sup> “This means that written educational materials need to be available in alternative formats (Braille and large print) upon request. For customers who use ALS, oral presentations must be made accessible through use of a properly trained interpreter.”<sup>40</sup> The PD should be modified to include these requirements.

**V. CONCLUSION**

For the reasons stated herein, CforAT urges that substantial modification be made to the PD. In particular, CforAT urges that the PD be revised to acknowledge the importance of affordability as a statutory obligation for managing the CARE program and to remove language treating CARE customers as suspicious or problematic. CforAT also urges that the Commission reject the

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<sup>38</sup> PD at p. 202.

<sup>39</sup> CforAT Opening Br. at p. 10.

<sup>40</sup> CforAT Opening Br. at p. 10.

PD's changes to the program that effectively eliminate categorical eligibility and would result in the removal of numerous eligible customers from CARE. CforAT urges the Commission to order workshops to address potentially legitimate concerns about alignment of eligibility in qualifying programs with eligibility for CARE and to otherwise gather more information about categorical enrollment. For CARE customers with extremely high levels of electric use, CforAT urges the Commission to adopt the safeguards agreed upon by all parties to ensure that legitimate consumers can prove their eligibility and receive assistance in reducing their usage.

For other CARE issues and issues concerning ESAP, CforAT recommends that modifications to the PD be adopted consistent with these comments.

Respectfully submitted,

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