

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



**FILED**

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Application of Pacific Gas and Electric  
Company for Approval of Modifications to  
its SmartMeter™ Program and Increased  
Revenue Requirements to Recover the  
Costs of the Modifications (U39M)

Application 11-03-014  
(Filed March 24, 2011)

And Related Matters.

Application 11-03-015  
Application 11-07-020

MOTION FOR PARTY STATUS FOR CENTER FOR ACCESSIBLE TECHNOLOGY

CENTER FOR ACCESSIBLE TECHNOLOGY  
MELISSA W. KASNITZ  
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June 28, 2012

## **I. INTRODUCTION**

Pursuant to Rule 1.4 of the Commission’s Rules of Practice and Procedure, the Center for Accessible Technology (CforAT) respectfully requests to be granted party status in this proceeding.

### **A. Compliance With Rule 1.4(b)**

Rule 1.4(b) provides that a person seeking party status by filing a motion to become a party shall:

(1) fully disclose the persons or entities in whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding; and

(2) state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

CforAT seeks party status in order respond to the legal issues raised in the Assigned Commissioner’s Ruling Amending Scope of Proceeding to Add a Second Phase (Phase 2 Ruling) regarding the applicability of disability access laws and other statutes to the opt-out options set out by the Commission in the Opt-Out Decisions (D.12-02-014 (PG&E), D.12-04-019 (SDG&E) and D.12-04-018 (SCE). The Phase 2 Ruling specifically asks the parties to brief the issue of “whether the Americans with Disabilities Act or Pub. Util. Code § 453(b) limit the Commission’s ability to adopt opt-out fees for those residential customers who are required to have an analog meter for medical reasons.”<sup>1</sup>

CforAT intends to demonstrate in its brief that federal and state law prohibit the application of surcharges to people who need accommodation due to their disability; this argument will be directly responsive to the questions raised in the Phase 2 Ruling. At this time, CforAT does not expect to participate in the proceeding beyond addressing the legal issues for which briefing has been requested.

CforAT intends to coordinate its participation on this issue to the extent feasible with the other intervenors with similar interests. CforAT is not requesting any changes to

the briefing schedule set forth in the Phase 2 Ruling, and no party will be prejudiced by the addition of CforAT as a party to this proceeding.

**B. Service List Request**

CforAT requests that its formal appearance be entered in this proceeding as follows:

Melissa W. Kasnitz  
Center for Accessible Technology  
3075 Adeline Street, Suite 220  
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**II. CONCLUSION**

For the foregoing reasons, CforAT respectfully requests to be granted party status in this proceeding.

Respectfully submitted,

/s/ Melissa W. Kasnitz

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<sup>1</sup> Phase 2 Ruling at p. 5.