COM/Staff/gd2  **Date of Issuance 3/26/2013**

**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. | FILEDPUBLIC UTILITIES COMMISSIONMARCH 21, 2013SAN DIEGO, CALIFORNIARULEMAKING 13-03-008 |

ORDER INSTITUTING RULEMAKING
TO ADD SPEECH GENERATING DEVICES TO THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM

# Summary

On October 2, 2011, Governor Edmund G. Brown, Jr. signed into law Assembly Bill (AB) 136 (Beall, Statutes 2011, Chapter 404, effective January 1, 2012). This legislation amended Public Utilities Code Section 2881, as it relates to telecommunications. As amended, Public Utilities Code Section 2881 modifies the Deaf and Disabled Telecommunications Program (DDTP) through the addition of Speech Language Pathologists to the list of agents that can certify individuals as being eligible to receive equipment from the DDTP. AB 136 also expands the equipment provided by the DDTP to include Speech Generating Devices (SGD). Per AB 136, the Commission must adopt rules to implement the SGD program by January 1, 2014.

The DDTP is a program that the Commission established for the purpose of providing assistive telecommunications equipment and services to individuals who are certified as having a hearing, speech, mobility, vision, or cognitive disability. This rulemaking is instituted to implement the provisions of AB 136, to design and implement a program to provide access and to distribute a SGD device to any subscriber who is certified as having a speech disability requiring this device.

# Background

## Establishment of the Deaf and Disabled Telecommunications Program

The Deaf and Disabled Telecommunications Program (DDTP) offers assistive telecommunications services and equipment to California residents who are certified as having a hearing, speech, mobility, vision, or cognitive disability. The Commission established a program to provide specialized equipment to persons who are deaf and hard of hearing through Commission decisions issued during the 1980’s. Subsequently, the Legislature codified the program through enactment of several provisions in Public Utilities Code Section 2881 et seq.[[1]](#footnote-2) To implement these legislative mandates, the Commission created the DDTP and its advisory committees. The legislative mandates governing the DDTP currently include:

1. Section 2881(a), which authorizes the provision of Teletypewriters (TTYs) to deaf or hard-of-hearing individuals;
2. Section 2881(b), which uses third-party intervention, also known as the California Relay Service (CRS), to connect telephone consumers who are deaf, hard-of-hearing, or speech-impaired with other parties; and
3. Section 2881(c), which authorizes the provision of other specialized telecommunications equipment to consumers with hearing, vision, mobility, speech, or cognitive disabilities.

The DDTP is funded via a surcharge on end-user telephone bills in California. Pursuant to Senate Bill 669 (1999) and Assembly Bill (AB) 1734 (2002), the DDTP Committee Fund, was created to hold these surcharge funds. The current DDTP surcharge rate is 0.20%, is designated as the "California Relay Service and Communications Devices Fund," and is capped at 0.50%. Additional information regarding key DDTP legislation is summarized in Attachment A.

Prior to enactment of AB 136, Section 2881(d) required that the DDTP would provide specialized telecommunications equipment such as amplified phones, speakerphones, and TTYs to consumers with hearing, vision, mobility, speech or cognitive disabilities. This equipment is provided through the DDTP’s California Telephone Access Program (CTAP). A dual-party relay system, now called the CRS, connects TTY users with any other telephone user.

# Expansion of the DDTP Pursuant to AB 136

AB 136 expands DDTP services to also include Speech Generating Devices (SGD), which, due to their medical nature, were previously outside the scope of the type of equipment provided by the DDTP.

AB 136 (2011) adds Speech Language Pathologists (SLP) to the list of Program Certifying Agents and expands the program to individuals with speech disabilities for the provision of SGDs, accessories, mounting systems, and specialized telecommunications equipment.

With the institution of AB 136, the annual DDTP expenditures will increase by approximately $12 million on an annualized basis. The fiscal year 2013 - 2014 budget includes $6.4 million, assuming SGD rules are in place by January 1, 2014, as required by the legislation. The current DDTP surcharge is expected to cover this increase in DDTP expenditures. As discussed later in Section 5.3 of this Order Instituting Rulemaking (OIR), this proceeding may be split into two phases in order to comply with the requirements of the legislation in a timely manner.

AB 136 provides opportunities and challenges for the DDTP. Namely, SGDs are beyond the scope of equipment that the DDTP program has provided in the past. The durable medical nature of these often custom devices, combined with the price (some estimates range from $8,000-$12,000), requires the Commission to develop a unique set of rules, guidelines and procedures for SGD distribution within the current DDTP framework. Earlier this year, the Commission held two forums in Northern and Southern California to receive comments from interested participants regarding SGD distribution. These forums included panelists representing clients, SLP and the SGD manufacturer/providers. During these forums, the Commission sought input from all attendees about how DDTP’s SGD distribution program might function. All of the manufacturers present urged the Commission to work with all entities involved (users, manufacturers and SLP) to develop program rules. Many of the participants at both forums expressed reluctance to participate in a formal Commission proceeding because of the of time and expense.

# Proposed AB 136 Modifications to DDTP

Given the legislative mandate of AB 136 to have rules in place by January 1, 2014 for adding SGD to the DDTP, we urge parties interested in commenting on the structure of the DDTP’s SGD distribution model to respond to or comment on the following questions and proposals in their opening and reply comments. We also anticipate receiving input via the working group.

## Certificate

In order to be eligible for DDTP equipment and/or services, California residents must first be certified as having a speech, hearing, vision, mobility, or cognitive disability. Prior to AB 136, the DDTP only accepted certifications from licensed physicians and qualified State or Federal agencies.

AB 136 adds licensed SLPs to the list of entities the DDTP accepts certifications from. The legislation also states that SGDs should be “appropriate to meet the subscriber’s needs for access to, and use of, the telephone network, based on the recommendation of a licensed speech-language pathologist.”

1. Should the DDTP limit acceptance of certifications for SGDs to only SLPs who hold a Certificate of Clinical Competence (CCC)?

## Definition of Qualified State or Federal Agency

In the past, the only State or Federal agencies from which the DDTP has accepted certifications are the Department of Rehabilitation, whose counselors may certify, and the California School for the Deaf Fremont/Riverside, where a Superintendent or audiologist may certify. The DDTP also has accepted certifications from licensed individuals from the following groups: medical doctors, optometrists, audiologists, hearing aid dispensers, physician assistants, and, with the inception of AB 136, SLPs.

1. For purposes of SGD certification, are there any other State or Federal agencies or professions from which the DDTP should accept certification?

## SGDs with Telecommunications Component

The DDTP largely provides only landline-based telecommunications equipment, although the DDTP now is expanding to include wireless telecommunications services. Per AB 136, SGDs must be a telecommunications device or have a telecommunications component in order to be funded by the Program.

* 1. A process will need to be established to identify a list of SGDs that are considered to be telecommunications devices or to have a telecommunications component. Currently, we are unaware that such a list exists.
		1. Does such a list exist? If so, provide copy of such list. If not, propose a process by which such a list can be developed.
	2. How do we determine what SGD equipment is a telecommunications device or includes a telecommunications component?
	3. What pieces of SGD equipment with a telecommunications component should be included on our list of approved devices? Should the list of approved SGD devices be
	re-evaluated or updated? If so, how often? What process should be used to update?

## SGD Distribution

The Commission will have to develop a process to distribute SGDs, and proposes the following:

### SGD Distribution in Cases Where the Commission is a Partial Funder

In many cases, we anticipate that the Commission will be a partial funder as a provider of last resort for SGDs. In cases where the Commission provides partial funding, we propose the following SGD funding mechanism guidelines:

1. The Commission will authorize payment of the unfunded portion of the SGD, with any Federal, State, Private insurance, or other monies applied first consistent with Section 2881(e)(1).
2. The funds will cover the cost of the SGD equipment that is not funded by other monies identified above.
3. The State will not pay for any costs associated with assessment, installation, training, ongoing monitoring, additional training or equipment repair etc.
4. Given the broad range of SGD equipment assessments/prescriptions, it is not cost effective for the DDTP to inventory SGD equipment and accessories. As such, the State, through the DDTP, as a provider of last resort, and also, in many instances a partial funder, should not take ownership of the SGD equipment and/or accessories.
5. Based on current industry practices, how are SLPs and SGD providers reimbursed for their services when public and private insurance copay, etc. are involved?
6. What documentation and reporting requirements should be in place prior to reimbursement, and for audit purposes?
7. What specific milestones need to be accomplished or conditions met to ensure that the SGD, including necessary accessories, is installed, operational, and meets the SGD user’s requirements for functionality (including ability to use or access the telephone) prior to Commission/DDTP funding?
8. What are the current industry practices for access or continued access to trouble-shooting and additional training, if required?
9. What are the current (pre-AB 136) industry practices regarding payment for equipment, installation and training provided by DDTP?
10. To whom or to what entity should the Commission issue payment for SGD equipment, accessories, and/or installation? How does this correspond to current industry practices?
11. What are the current industry practices regarding treatment of damage or loss of DDTP provided equipment? What audit trail is there for payment of repair or replacement of such equipment?

### SGD Distribution in Cases Where the Commission is the Sole Funder

1. What are the current (pre-AB 136) industry practices regarding payment for equipment, installation and training when the Commission provides all of the funding for DDTP provided equipment, services, and training?
2. To whom or to what entity should the Commission issue payment for SGD equipment, accessories, and installation if it is the sole provider of funds? How does this correspond to current industry practices?
3. What are the current industry practices regarding treatment of damage or loss of DDTP provided equipment when the Commission is the sole funder? What audit trail is there for payment of repair or replacement of such equipment?
4. If the Commission is the sole SGD funder, what documentation and reporting requirements should be in place prior to reimbursement, and for audit purposes?
5. Provide examples of instances where there is currently no upstream funding?

## Criteria to Obtain SGD

The Commission recognizes that special procedures and criteria must be put in place for users to obtain an SGD. The Commission is proposing and seeks comment on the following procedures:

* 1. Applicant must complete a two-step application requiring both DDTP/CTAP Certification and the submittal of an SGD application with SLP-CCC signature.
	2. At a minimum, the following items shall be included on the SGD application completed by the SLP:
		1. Applicant Name;
		2. Applicant’s Address;
		3. SLP-CCC Name;
		4. SGD Equipment (Manufacturer, Device and Accessories);
		5. Documentation confirming that the SGD contains a telephone component and provides a brief description of the telephone component;
		6. Funding source(s) in place;
		7. Unfunded/yet to be funded amount;
		8. Plan for set up/training/ongoing monitoring/
		trouble-shooting/additional training; and
		9. Signatures/titles with confirmation and attestations by Certifying Agent and SGD provider of upstream funding, installation, training, trouble-shooting, etc.
	3. Applicant must submit documentation demonstrating that he/she has exhausted all available funding resources, other than that provided by the Commission.

## Funding Sources

### Provider of Last Resort

Section 2881(e)(1) states that, “it is the intent of the Legislature that the commission be the provider of last resort and that eligible subscribers first obtain coverage from any available public or private insurance.” In order to comply with this requirement, the Commission proposes that applicants be required to submit, along with their application, documentation showing that funders whose services the applicant is eligible to receive (e.g. Medicare, Medi-Cal, schools, Department of Rehabilitation, private insurance, etc.) have denied SGD coverage to the applicant or are providing only partial funding. The Commission seeks comments on this proposed requirement.

### Documentation of Other Funding Sources

In part, Section 2881(e)(2) states “…the commission may require the subscriber to provide information about coverage for any or all of the cost of the device or equipment that is available from any public or private insurance, the cost to the subscriber of any deductible, copayment, or other relevant expense, and any related benefit cap information.”

 In order to comply with this requirement, the Commission proposes that applicants be required to submit information about coverage for any or all of the cost of the SGD device or equipment that is available from any public or private insurance, the subscriber’s deductible, copayment or other relevant costs and any related benefit cap information. Parties should comment on this proposed requirement.

## Mechanism to Make Sure Total Cost Does Not Exceed Medi-Cal Reimbursement Rate

Pursuant to Section 2881(e)(3) “ [t]he total cost of any device or equipment provided to a subscriber under this section shall not exceed the rate of reimbursement provided by Medi-Cal for that device or equipment.” We therefore pose the following questions:

1. Are parties aware of an official website or link providing a current list of Medi-Cal reimbursement rates for SGD devices or SGD equipment?
2. Are parties aware of any other process or industry practice that would facilitate obtaining this information?

## Additional Questions Regarding Current and Proposed Practices of SGD Manufacturers, Providers, and Distributors

The following questions should be answered regarding both current practice, and proposed practice based on AB 136:

* 1. How do SLP and SGD equipment and accessory manufacturers (SGD manufacturer) clients/customers use SGDs to access the telephone and/or make telephone calls?
	2. How do SLP and SGD manufacturers clients/customers secure SGD funding?
		1. For example, what funding sources are available?
		2. Approximately how much (in dollars and percent of total) of typical SGD costs do these funding sources cover?
		3. Explain how you determined the “typical SGD costs” referred to in Item 4.8.b.
	3. What is the overall funding process for manufacturers, providers, or distributors of SGDs?
1. What is the role of the funding departments of SGD manufacturers, providers, or distributors in the billing, coordination, and processing of SGD applications?
2. What is the role of SGD manufacturers, providers, distributors, or SLPs in the SGD funding process?
	1. With regards to your experience, which aspects of the overall process in providing an SGD:
		1. Work well; and
		2. Do not work well.
	2. With regards to your clients/customers experience, which aspects of the overall process in obtaining an SGD:
		1. Work well; and
		2. Do not work well.
	3. How do you or your company trouble-shoot your equipment distribution process, training, and follow-up process?
		1. What is the role of SLPs, if any, in
		trouble-shooting?
	4. How should the Commission/DDTP develop SGD assessment, installation, training, and support processes?
		1. What service delivery models should be considered?
		2. What are your recommendations in this area?
	5. What type of equipment does your company provide to access the telephone network?
		1. How can your company’s equipment be used to access the telephone network?
		2. What type of equipment would you recommend that provides access to the telephone network?
	6. What information should be required on the form which identifies the recommended SGD device and accessories (i.e., SGD order form)?

## Tax Consequences

The Commission understands that an individual who obtains full or partial SGD funding from the Commission may incur tax liabilities. The determination as to whether receipt of an SGD results in a tax liability is a matter for the Internal Revenue Service, the California Franchise Tax Board, or local jurisdictions to determine. The Commission will, however, notify applicants for SGD of the potential for tax liabilities, but applicants will be solely responsible for any Federal, State, or local tax obligations associated with the funding that they receive from the Commission for SGD equipment.

# Establishment of a Working Group

The Commission proposes establishment of a working group in order to learn more about how to best design an SGD distribution program and solicits interested persons or organizations for this working group. The working group should be comprised of SGD users and consumers, SLPs and others who perform SGD assessments, SGD manufacturers and distributors, government entities, and other organizations including non-profit organizations.

The working group will be charged with making recommendations to the Commission for developing SDG distribution program rules. The working group will provide a low-cost and streamlined way to gather key input from interested parties. The working group will also provide monthly, or more frequently as required, status reports to the Commission or Commission staff. Persons and/or organizations should inform the Commission of their interest in becoming a member of the working group by close of business on April 10, 2013. Interested persons and/or organizations should send a letter explaining their qualifications and interest and attaching a resume. Letters of interest should be sent via e-mail (with a copy to the service list of this proceeding) to Jonathan Lakritz in the Commission’s Communication Division (Jonathan.Lakritz@cpuc.ca.gov) who will forward the letters of interest to the assigned Administrative Law Judge (ALJ).

The ALJ should issue a ruling to commence the working group in May or June 2013 and should provide additional guidance to the working group and address logistics as needed. The final working report will be due by July 31, 2013, unless the assigned Commissioner or ALJ revises the schedule.

We delegate to the assigned ALJ the task of implementing our directive to create a working group. The assigned ALJ may delegate tasks and responsibilities regarding the working group to Communication Division staff, as necessary. The Commission will consider reimbursement for reasonable travel of working group members at currently applicable State per diem and mileage rates if working group members do not have any other means of paying for travel to attend working group meetings. Reasonable travel expenses are defined as transportation, lodging, meals and incidental expenses in conformance with Commission rules and regulations and within the Commission-approved DDTP budget. Working group members will be required to obtain pre-approval of travel expenses from the Commission designated Communication Division’s staff person assigned by the ALJ to assist the working group. Travel expenses, if approved, will be reimbursed at the same rate as provided for Commission employees, as outlined in Standard Form 262. The Commission may deny payment for all travel expenses not approved by the Commission/Communication Division in advance.

# Preliminary Scoping Memo

This OIR will be conducted in accordance with Article 6 of the Commission's Rules of Practice and Procedure.[[2]](#footnote-3) As required by Rule 7.3, this order includes a preliminary Scoping Memo as set forth below.

# Scope

The issues to be considered in the scope this proceeding, as discussed earlier in Section 4 of this OIR, address the establishment, pursuant to AB 136 and the modified Section 2881, of rules and procedures regarding distribution of SGDs as part of the DDTP. In summary, the scope of this proceeding includes the following:

1. SLP Certification;
2. Definition of Qualified State or Federal Agency;
3. SGDs with telecommunications component;
4. SGD distribution in cases where either the Commission is a partial or sole funder;
5. Criteria to obtain SGD;
6. Funding sources and funding source documentation;
7. Provider of last resort;
8. Mechanism to make sure total cost does not exceed Medi-Cal reimbursement rate; and
9. Current and proposed SGD manufacturer, provider, or distributor.

# Category of Proceeding and Need for Hearing

Rule 7.1(d) requires that an OIR preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is a “quasi-legislative” proceeding, as that term is defined in Rule 1.3(d). It is contemplated that this proceeding shall be conducted through written comments and possibly, Public Participation Hearings, without the need for evidentiary hearings.

Anyone who objects to the preliminary categorization of this OIR as “quasi-legislative,” or to the preliminary hearing determination, must state the objections in opening comments to this OIR. If the person believes hearings are necessary, the comments must state:

1. The specific disputed fact for which hearing is sought;
2. Justification for the hearing (e.g., why the fact is material);
3. What the party would seek to demonstrate through a hearing; and
4. Anything else necessary for the purpose of making an informed ruling on the request for hearing.

After considering any comments on the preliminary Scoping Memo, the assigned Commissioner may issue an amended Scoping Memo that, among other things, will make a final category determination. This determination is subject to appeal as specified in Rule 7.6(a).

# Schedule

For purposes of meeting the Scoping Memo requirements, and to expedite the proceeding, we establish the following preliminary schedule, which may include a phased determination (as discussed below) of the institution of AB 136:

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| DATE | EVENT |
| 20 days from mailing of this OIR | Deadline for requests to be on service list |
| April 10, 2013 (close of business) | Deadline to inform the Commission of your interest in becoming a member of the working group |
| 30 days from mailing | Opening Comments filed and served (on questions, issues, and proposals set out in Section 4 of this OIR) |
| 45 days from mailing | Reply Comments filed and served |
| May 2013 | Amended Scoping Memo issued |
| May or June 2013 | Working Group commences |
| July 31, 2013 | Final working group report due |
| 30 days after issuance of Final working group report | Comments filed and served on Final working group report |

The assigned Commissioner or the assigned ALJ by ruling with the assigned Commissioner’s concurrence may modify the schedule as necessary during the course of the proceeding. We anticipate this proceeding will establish rules and processes for the provision of SGD’s by January 1, 2014, but will, in any event, be resolved within 18 months of the Scoping Memo.

# Proposed Phased Deployment

The Commission is considering a phased deployment of the SGD program, which would allow us to institute interim rules and procedures by the January 1, 2014 (as set forth in AB 136); and final procedures at a later date that would benefit from the assessment of participants experience with the interim rules and procedures.

## Phase

The goal of the first phase of SGD deployment is to develop an interim structure that will allow the Commission to work directly with SLPs. This phase will target providing SGDs to potential applicants who meet the following criteria:

1. Have already been assessed for an SGD by a SLP-CCC, licensed physician or qualified State or Federal agency;
2. Already have an SGD prescription from a SLP-CCC, licensed physician or qualified State or Federal agency; and
3. Only need gap or partial funding (i.e. have already secured funding sources and are seeking funding for the remaining balance).

## Phase 2

In the second phase of the proceeding, the Commission may consider: 1) expanding SGD distribution to those who have not yet been assessed for an SGD and/or do not qualify for funding from any other funding source; and 2)  amending the scope of this proceeding to address concerns raised that were not otherwise considered in Phase 1.

# Service List and Subscription Service

Within 20 days from mailing the date of this order, any person or representative of an entity seeking to become a party to this Rulemaking
(i.e., actively participate in the proceeding by filing comments or appearing at workshops) should send a request to the Commission’s Process Office, 505 Van Ness Avenue, San Francisco, California 94102 (or Process\_Office@cpuc.ca.gov) to be placed on the official service list. Individuals seeking only to monitor the proceeding (i.e., but not participate as an active party) may request to be added to the service list as “Information Only.” Include the following information:

* Docket Number of the OIR;
* Name and party represented, if applicable;
* Postal address;
* Telephone number;
* E-mail address; and
* Desired status (Party or “Information Only”).

The service list will be posted on the Commission’s website, www.cpuc.ca.gov soon thereafter. The temporary service list for this proceeding is attached.

The Commission has adopted rules for the electronic service of documents related to its proceedings, including Rule 1.10 which are available on our web site at: <http://www.cpuc.ca.gov/PUC/documents/codelawspolicies.htm>. We will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served.

This Rule provides for electronic service of documents, in a searchable format, unless the appearance or State service list member did not provide an
e-mail address. If no e-mail address was provided, service should be made by United States mail. In this proceeding, concurrent e-mail service to all persons on the service list for whom an e-mail address is available will be required, including those listed under “Information Only.” Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this OIR proceeding should include, at a minimum, the following information on the subject line of the e-mail:
R.13-03-008 – OIR to add Speech Generating Devices to the Deaf and Disabled Telecommunications Program. In addition, the party sending the e-mail should briefly describe the attached communication; for example, “Comments.” Paper format copies, in addition to electronic copies, shall be served on the assigned Commissioner and the ALJ.

This OIR can also be monitored through the Commission’s document subscription service; subscribers will receive electronic copies of documents in this Rulemaking that are published on the Commission’s website. There is no need to be on the service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at <http://subscribecpuc.cpuc.ca.gov/>.

# Public Advisor

Any person or entity interested in participating in this OIR who is unfamiliar with the Commission’s procedures should contact the Commission’s Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail public.advisor@cpuc.ca.gov; or e-mail public.advisor.la@cpuc.ca.gov. The TTY number is (866) 836-7825.

# Intervenor Compensation

Any party that expects to request intervenor compensation for its participation in this OIR shall file its notice of intent to claim intervenor compensation in accordance with Rule 17 within 30 days of the filing of reply comments or of the prehearing conference, whichever is later.

# Ex Parte Communications

*Ex parte* communications are defined in Rule 8.1. In quasi-legislative proceedings such as this one, *ex parte* communications are allowed without restriction or reporting requirement as set forth in Rule 8.3.

**IT IS ORDERED** that:

1. An Order Instituting Rulemaking is instituted on the Commission’s own motion for the purpose of considering modifications to the Deaf and Disabled Telecommunications Program, including but not limited to those necessary to implement Public Utilities Code Section 2881(d) to (f) as recently amended by Assembly Bill 136 to add Speech Generating Devices to the Program and Speech Language Pathologists to the list of agents that can certify individuals as being eligible to receive equipment from the Program.
2. This Rulemaking is preliminarily determined to be a quasi-legislative proceeding, as that term is defined in Rule 1.3(d), and it is preliminarily determined that no hearings are necessary.
3. The Executive Director will cause this Order Instituting Rulemaking to be served on the initial service list, which consists of the attached list, and the service list for Rulemaking 11-03-013.
4. The preliminary schedule for this proceeding is as set forth in the body of this Order Instituting Rulemaking. The assigned Commissioner through his/her Scoping Memo and subsequent rulings, and the assigned Administrative Law Judge by ruling with the assigned Commissioner’s concurrence, may modify the schedule as necessary.
5. The issues to be considered in this Order Instituting Rulemaking (OIR) are those set forth in the body of this OIR. Comments and reply comments must be filed 30 and 45 days, respectively, from the mailing of this OIR, unless the assigned Commissioner or Administrative Law Judge modifies the schedule. Comments and reply comments shall conform to the requirements of the Commission’s Rules of Practice and Procedure.
6. Any persons objecting to the preliminary categorization of this Order Instituting Rulemaking (OIR) as “quasi-legislative,” or to the preliminary determination on the need for hearings, issues to be considered, or schedule shall state their objections in their opening comments of this OIR.
7. We delegate to the assigned Administrative Law Judge (ALJ) the task of implementing our directive to create a working group. The working group will be established for the purposes of recommending how to best design a Speech Generating Devices (SGD) distribution program. This working group should be comprised of SGD users and consumers, SLPs or other people who do SGD assessments, manufacturers and distributors, government entities, and other organizations including non-profit organizations. Persons or organizations shall inform the Commission of their interest in participating in the working group by sending a letter and resume of qualifications to Jonathan Lakritz at Jonathan.Lakritz@cpuc.ca.gov by April 10, 2013. The working group will provide status reports to the assigned ALJ. The final report will be due by July 31, 2013, unless the assigned Commissioner or ALJ modifies the schedule.
8. Within 20 days of the date of issuance of this order, any person or representative of an entity seeking to become a party to this Order Instituting Rulemaking must send a request to the Commission’s Process Office, 505 Van Ness Avenue, San Francisco, California 94102 (or Process\_Office@cpuc.ca.gov) to be placed on the official service list for this proceeding. Individuals seeking only to monitor the proceeding, but not participate as an active party may request to be added to the service list as “Information Only.”
9. After initial service of this order, a new service list for the proceeding shall be established following procedures set forth in this order. The Commission’s Process Office will publish the official service list on the Commission’s website (www.cpuc.ca.gov) as soon as practical. The assigned Commissioner, and the assigned Administrative Law Judge, acting with the assigned Commissioner’s concurrence, shall have ongoing oversight of the service list and may institute changes to the list or the procedures governing it as necessary.
10. Any party that expects to claim intervenor compensation for its participation in this Order Instituting Rulemaking shall file its notice of intent to claim intervenor compensation in accordance with Rule 17.1 of the Commission’s Rules of Practice and Procedure, within 30 days of the filing of reply comments or of the prehearing conference, whichever is later.

This order is effective today.

Dated March 21, 2013, at San Diego, California.

 MICHAEL R. PEEVEY

 President

 MICHEL PETER FLORIO

 CATHERINE J.K. SANDOVAL

 MARK J. FERRON

 CARLA J. PETERMAN

 Commissioners

ATTACHMENT A

Key Legislation Regarding the Deaf and Disabled

Telecommunications Program



 **(END OF ATTACHMENT A)**

ATTACHMENT B

Initial Service List for the Instant New OIR

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| **\*\*\*\*\*\*\*** **R.11-03-013 SERVICE LIST\*\*\*\*\*\*\*****\*\*\*\*\*\*\*\*\*\*\*\*\*\* PARTIES \*\*\*\*\*\*\*\*\*\*\*\*\*\*** Ramiz I. Rafeedie AT&T CALIFORNIA 525 MARKET STREET., ROOM 2024 SAN FRANCISCO CA 94105-2728 (415) 778-1465 ramiz.rafeedie@att.com For: AT&T \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Thomas J. Selhorst Senior Paralegal AT&T CALIFORNIA 525 MARKET STREET, RM. 2023 SAN FRANCISCO CA 94105 (415) 778-1482 thomas.selhorst@att.com Russell A. Selken BUTTE COUNTY OFFICE OF EDUCATION 1859 BIRD STREET OROVILLE CA 95965 (530) 532-5678 rselken@bcoe.org For: Butte County Office of Education \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Anna Leach-Proffer J.KENDRICK KRESSE Staff Attorney CALIFORNIA CENTER FOR LAW AND THE DEAF 14895 E. 14TH ST., SUITE 220 SAN LEANDRO CA 94578 (510) 483-0962 For: CCASDHH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Shelley Bergum CALIFORNIA COMMS. ACCESS FOUNDATION 1333 BROADWAY STREET, SUITE 600 OAKLAND CA 94612 (510) 446-7766 sbergum@ccaf.us Richard Chabran CALIFORNIA COMMUNITY TECHNOLOGY POLICY 1000 N ALAMEDA STREET, SUITE 240 LOS ANGELES CA 90012 (909) 234-1768 chabran@cctpg.org  | Melissa W. Kasnitz CENTER FOR ACCESSIBLE TECHNOLOGY 3075 ADELINE STREET, STE. 220 BERKELEY CA 94703 (510) 841-3224 X2019 service@cforat.org For: Center for Accessible Technology \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Beth Fujimoto Director-External Affairs CINGULAR WIRELESS PO BOX 97061 REDMOND WA 98073-9761 (425) 580-1822 beth.fujimoto@cingular.com Cindy Manheim CINGULAR WIRELESS PO BOX 97061 REDMOND WA 98073-9761 (425) 580-8112 cindy.manheim@cingular.com Patrick M. Rosvall SEAN P. BEATTY COOPER, WHITE & COOPER LLP 201 CALIFORNIA STREET, 17TH FL. SAN FRANCISCO CA 94111 (415) 433-1900 prosvall@cwclaw.com For: The Small LECs/SureWest Telephone/SureWest TeleVideo \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Mark P. Schreiber COOPER, WHITE & COOPER, LLP 201 CALIFORNIA STREET, 17TH FLOOR SAN FRANCISCO CA 94111 (415) 765-6228 mschreiber@cwclaw.com For: Calaveras/SureWest Telephone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_James Dolgonas President/Ceo CORPORATION FOR EDUCATION NETWORK 16700 VALLEY VIEW AVE., STE. 400 CYPRESS CA 90630-5042 (714) 220-3434 JDOLGONAS@CENIC.ORG For: Corporation for Education Network Initiatives in California (CENIC) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Douglas Garrett COX COMMUNICATIONS 3732 MT DIABLO BLVD., STE. 358 LAFAYETTE CA 94549 (925) 310-4494 douglas.garrett@cox.com Esther Northrup COX COMMUNICATIONS 5651 COPLEY DRIVE SAN DIEGO CA 92111 (858) 836-7308 esther.northrup@cox.com Suzanne Toller Attorney At Law DAVIS WRIGHT TREMAINE 505 MONTGOMERY STREET, SUITE 800 SAN FRANCISCO CA 94111-6533 (415) 276-6536 suzannetoller@dwt.com For: Cricket Communications, Inc. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Danielle Frappier DAVIS WRIGHT TREMAINE, LLP 1919 PENNSYLVANIA AVE. NW, STE. 800 WASHINGTON DC 20006-3401 (202) 973-4200 daniellefrappier@dwt.com For: Nexus Communications, Inc. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Suzanne K. Toller DAVIS WRIGHT TREMAINE, LLP 505 MONTGOMERY STREET, SUITE 800 SAN FRANCISCO CA 94111-6533 (415) 276-6536 suzannetoller@dwt.com For: Comcast Phone of California, LLC \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Phil Kaplan DDTPAC 19262 PEBBLE BEACH PLACE NORTHRIDGE CA 91326-1444 (818) 368-1303 philillini@aol.com For: DDTPAC(Telecommunication Access for the Deaf & Disabled Administrative Committee) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | DISABILITY RIGHTS ADVOCATES EMAIL ONLY EMAIL ONLY CA 00000 pucservice@dralegal.org For: Disability Rights Advocates \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Ann Ruth EQUIPMENT PROGRAM ADVISORY COMMITTEE 505 14TH STREET, SUITE 400 OAKLAND CA 94612 (510) 302-1100 annruth1@aol.com For: The Equipment Program Advisory Committee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Charles E. Born Manager - Gov'T. & External Affairs FRONTIER TELECOMMUNICATIONS OF CALIF. 9260 E. STOCKTON BLVD. ELK GROVE CA 95624 (916) 686-3570 Charlie.Born@ftr.com For: Frontier Telecommunications of California \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Robert Gnaizda Of Counsel 15 SOUTHGATE AVE., STE. 200 DALY CITY CA 94015 (415) 307-3320 RobertGnaizda@gmail.com For: National Asian American Coalition / Black Economic Council / Latino Business Chamber of Greater Los Angeles \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Lewis Golinker ASSISTIVE TECHNOLOGY LAW CENTER 401 EAST STATE STREET, SUITE 300 ITHACA NY 14850 (607) 277-7286 lgolinker@aol.com Jeanne B. Armstrong Attorney GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP 505 SANSOME STREET, SUITE 900 SAN FRANCISCO CA 94111 (415) 392-7900 JArmstrong@GoodinMacBride.com For: CTIA-The Wireless Association \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Earl Nicholas Selby LAW OFFICES OF EARL NICHOLAS SELBY 530 LYTTON AVENUE, 2ND FLOOR PALO ALTO CA 94301-1705 (650) 323-0990 selbytelecom@gmail.com For: Sprint Nextel \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Sarah E. Leeper MANATT, PHELPS & PHILLIPS, LLP ONE EMBARCADERO CENTER 30TH FLOOR SAN FRANCISCO CA 94111 (415) 291-7461 sleeper@manatt.com Jesus G. Roman MCIMETRO ACCESS TRANSMISSION SERVICES 2535 W. HILLCREST DR., MC CAM21LB NEWBURY PARK CA 91320 (805) 499-6832 jesus.g.roman@verizon.com For: VERIZON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Olivia B. Wein Attorney At Law NATIONAL CONSUMER LAW CENTER 1001 CONNECTICUT AVE., NW., STE. 510 WASHINGTON DC 20036-5528 (202) 452-6252 owein@nclc.org For: National Consumer Law Center \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Martin A. Mattes Attorney At Law NOSSAMAN GUTHNER KNOX & ELLIOTT, LLP 50 CALIFORNIA STREET, 34TH FLOOR SAN FRANCISCO CA 94111-4799 (415) 398-3600 mmattes@nossaman.com For: California Payphone Association \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Peter Hayes PACIFIC BELL TELEPHONE COMPANY 525 MARKET STREET, ROOM 1919 SAN FRANCISCO CA 94105 (415) 778-1473 peter.hayes@att.com  | Stephen H. Kukta SPRINT NEXTEL 201 MISSION STREET, STE. 1500 SAN FRANCISCO CA 94105-1831 (415) 572-8358 stephen.h.kukta@sprint.com Kristin L. Jacobson, Esq. Regulatory Counsel SPRINT NEXTEL CORPORATION 201 MISSION STREET, SUITE 1500 SAN FRANCISCO CA 94105 (707) 816-7583 Kristin.L.Jacobson@sprint.com Diana Aguirre Director Of Regulatory Affairs TELSCAPE COMMUNICATIONS, INC. (6589) 10440 N. CENTRAL EXPRESSWAY, STE. 700 DALLAS TX 75231 (214) 495-4847 AFLatt@sagetelecom.net For: Telscape, Inc. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Stephanie C. Chen SAMUEL S. KANG THE GREENLINING INSTITUTE EMAIL ONLY EMAIL ONLY CA 00000 (510) 898-0506 stephaniec@greenlining.org For: THE GREENLINING INSTITUTE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Christine Mailloux WILLIAM R. NUSBAUM THE UTILITY REFORM NETWORK 115 SANSOME STREET, SUITE 900 SAN FRANCISCO CA 94104 (415) 929-8876 X-353 cmailloux@turn.org For: TURN \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Regina Costa THE UTILITY REFORM NETWORK 115 SANSOME STREET, SUITE 900 SAN FRANCISCO CA 94104 (415) 929-8876 X312 rcosta@turn.org  |
| William Nusbaum THE UTILITY REFORM NETWORK SUITE 350 115 SANSOME STREET, SUITE 900 SAN FRANCISCO CA 94104 (415) 929-8876 bnusbaum@turn.org For: TURN \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_William D. Wallace Esq. VERIZON WIRELESS 1300 I STREET, N.W., SUITE 400 WEST WASHINGTON DC 20005 (202) 589-3790 Bill.Wallace@VerizonWireless.com Mike Bagley JOYCE MASAMITSU VERIZON WIRLESS BUILDING E. THIRD FLOOR 15505 SAND CANYON AVENUE IRVINE CA 92618 Michael.Bagley1@VerizonWireless.com Hien Vo Legal Division RM. 5135 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-3651 hcv@cpuc.ca.gov For: DRA Leon M. Bloomfield WILSON & BLOOMFIELD, LLP EMAIL ONLY EMAIL ONLY CA 00000 (510) 625-8250 lmb@wblaw.net For: T-Mobile West Corporation d/b/a T-Mobile/Omnipoint Communications, Inc. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Thomas Foley Executive Director WORLD INSTITUTE ON DISABILITY 510-16HT STREET, SUITE 100 OAKLAND CA 94612 (510) 251-4312 tom@wid.org  | **\*\*\*\*\*\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*\*\*\*\*\*\*** Natalie Billingsley Division of Ratepayer Advocates RM. 4209 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-1368 nxb@cpuc.ca.gov Maribeth A. Bushey Administrative Law Judge Division RM. 5017 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-3362 mab@cpuc.ca.gov Peter Y. Chang Communications Division AREA LOSA 320 West 4th Street Suite 500 Los Angeles CA 90013 (213) 576-7079 pyc@cpuc.ca.gov Christopher Chow Executive Division RM. 5301 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2234 crs@cpuc.ca.gov Nathan Christo Safety and Enforcement Division AREA 2-E 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-1069 nc2@cpuc.ca.gov Adam Clark Communications Division AREA 3-E 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-5212 ajc@cpuc.ca.gov  |
| Cherrie Conner Communications Division AREA 3-D 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2767 chr@cpuc.ca.gov Bezawit Dilgassa Safety and Enforcement Division AREA 2-E 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-5269 bez@cpuc.ca.gov Faline Fua Communications Division AREA 3-E 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-1989 fua@cpuc.ca.gov Robert Haga Legal Division RM. 5137 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2538 rwh@cpuc.ca.gov Xiao Selena Huang Division of Ratepayer Advocates RM. 4102 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-5247 xsh@cpuc.ca.gov William Johnston Executive Division RM. 5141 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2124 wej@cpuc.ca.gov Michele M. King Division of Ratepayer Advocates RM. 4209 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-1349 mki@cpuc.ca.gov  | Fe N. Lazaro Communications Division AREA 3-D 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2627 fnl@cpuc.ca.gov Alik Lee Division of Ratepayer Advocates RM. 4209 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2050 ayo@cpuc.ca.gov Janeen L. Long Safety and Enforcement Division 320 West 4th Street Suite 500 Los Angeles CA 90013 (213) 576-7109 jl3@cpuc.ca.gov Richard Maniscalco Communications Division AREA 3-E 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-2005 rcm@cpuc.ca.gov Elizabeth Podolinsky Executive Division RM. 5303 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-3201 pod@cpuc.ca.gov Benjamin Schein Communications Division AREA 3-D 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-1088 bda@cpuc.ca.gov Roxanne Scott Communications Division AREA 3-E 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-5263 rs2@cpuc.ca.gov  |
| Sindy J. Yun Legal Division RM. 4300 505 Van Ness Avenue San Francisco CA 94102 3298 (415) 703-1999 sjy@cpuc.ca.gov **\*\*\*\*\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*\*\*\*\*\*** John L. Darby ADMINISTRATIVE COMMITTEE, DDTP 1661 PINE STREET, APT.443 SAN FRANCISCO CA 94109-0416 (415) 447-5757 birdarby@yahoo.com Ross Allen Buntrock ARENT FOX LLP 1050 CONNECTICUT AVENUE, NW, 7TH FLOOR WASHINGTON DC 20036-5339 (202) 857-5734 Buntrock.Ross@ArentFox.com Michael Arrigo 7516 FOUNTAIN AVENUE W. HOLLYWOOD CA 90046 (323) 876-1414 michaelanthony@adelphi.net Edy Tardeo AT&T CALIFORNIA 525 MARKET STREET, 19TH FLOOR NO. 50 SAN FRANCISCO CA 94105 (415) 778-1311 edwina.tardeo@att.com Jeffrey Mondon Dir - Regulatory AT&T CALIFORNIA 525 MARKET STREET, ROOM 1924 SAN FRANCISCO CA 94105 (415) 778-1475 jeffrey.mondon@att.com Michael Foreman Associate Director-State Regulatory AT&T CALIFORNIA 525 MARKET STREET, 19TH FLOOR 30 SAN FRANCISCO CA 94105 (415) 778-1474 michael.foreman@att.com  | Hugh Osborne AT&T SERVICES, INC. 525 MARKET ST., ROOM 2028 SAN FRANCISCO CA 94105 (415) 778-1490 hugh.osborne@att.com Len Canty Chairman BLACK ECONOMIC COUNCIL 484 LAKE PARK AVE., SUITE 338 OAKLAND CA 94610 (510) 452-1337 lencanty@BlackEconomicCouncil.org Glenn Semow CALIFORNIA CABLE & TELECOMM. ASSOC. 1001 K ST., FL. 2 SACRAMENTO CA 95814-3832 (510) 628-8043 grs@calcable.org Anita Taff-Rice Counsel CALTEL 1547 PALOS VERDES, 298 WALNUT CREEK CA 94597 (415) 699-7885 anitataffrice@earthlink.net Betty Sanders Dir - Reg. Affairs CHARTER FIBERLINK CA-CCO, LLC EMAIL ONLY EMAIL ONLY CA 00000 (314) 288-3259 betty.sanders@chartercom.com For: Charter Communications (Charter Fiberlink CA-CCO, LLC) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_John A. Gutierrez COMCAST CABLE COMMUNICATIONS, INC. 3055 COMCAST PLACE LIVERMORE CA 94551 (925) 424-0164 John\_Gutierrez@cable.comcast.com E. Garth Black Attorney At Law COOPER, WHITE & COOPER, LLP 201 CALIFORNIA STREET, 17TH FLOOR SAN FRANCISCO CA 94111 (415) 433-1900 gblack@cwclaw.com  |
| Douglas Garrett COX CALIFORNIA TELCOM, LLC 3732 MT. DIABLO BLVD., SUITE 358 LAFAYETTE CA 94549 (925) 310-4494 douglas.garrett@cox.com Marcie Evans COX COMMUNICATIONS 5651 COPLEY DRIVE SAN DIEGO CA 92111 (858) 836-7313 Marcie.Evans@cox.com Marcie Evans COX COMMUNICATIONS 5651 COPLEY DRIVE SAN DIEGO CA 92111 (858) 836-7313 marcie.evans@cox.com Laurie Itkin Dir. CRICKET COMMUNICATIONS, INC. 10307 PACIFIC CENTER COURT SAN DIEGO CA 92121 (858) 882-6226 LItkin@leapwireless.com Melissa Slawson DAVIS WRIGHT TREMAINE EMAIL ONLY EMAIL ONLY CA 00000 MelissaSlawson@dwt.com DAVIS WRIGHT TREMAINE LLP EMAIL ONLY EMAIL ONLY CA 00000 (415) 276-6500 dwtcpucdockets@dwt.com Adam Shoemaker DAVIS WRIGHT TREMAINE LLP EMAIL ONLY EMAIL ONLY CA 00000 AdamShoemaker@dwt.com Jane Whang Attorney DAVIS WRIGHT TREMAINE LLP 505 MONTGOMERY STREET, SUITE 800 SAN FRANCISCO CA 94111-6533 (415) 276-6500 janewhang@dwt.com  | Judy Pau DAVIS WRIGHT TREMAINE LLP EMAIL ONLY EMAIL ONLY CA 00000-0000 (415) 276-6587 judypau@dwt.com Winston Ching DDTPAC 2133 GRANT STREET, 1 BERKELEY CA 94703 winson8@comcast.net Joe Chicoine Manager-State Government Affairs FRONTIER COMMUNICATIONS 9260 E. STOCKTON BLVD ELK GROVE CA 95624 (916) 686-3588 Joe.Chicoine@ftr.com Phyllis A. Whitten Assoc. Gen. Counsel - West Region FRONTIER COMMUNICATIONS 9260 E. STOCKTON BLVD. ELK GROVE CA 95624 (916) 686-3117 Phyllis.Whitten@ftr.com Gilbert Deltoro GREATCALL, INC. - JITTERBUG 12680 HIGH BLUFF DRIVE, STE 310 SAN DIEGO CA 92130 gilbert.deltoro@jitterbug.com Marilyn Finn HEARING LOSS ASSOCIATION OF CA 101 LAFAYETTE CIRCLE, APT. 1 LAFAYETTE CA 94549 (925) 284-2847 Faye Kuo 154 IH S 35, STE 225 AUSTIN TX 78704 fkuo@c-s-d.org Jorge Corralejo Chairman / President LAT. BUS. CHAMBER OF GREATER L.A. 634 S. SPRING STREET, STE 600 LOS ANGELES CA 90014 (213) 347-0008 JCorralejo@LBCgla.org  |
| Bill Stobbe MISSION CONSULTING 555 CAPITOL MALL, STE. 600 SACRAMENTO CA 95814-4581 (916) 446-5624 bstobbe@missionconsulting.com Aaron J. Lewis NATIONAL ASIAN AMERICAN COALITION 15 SOUTHGATE AVE., STE. 200 DALY CITY CA 94015 (650) 952-0522 X-235 alewis@naacoalition.org Faith Bautista President & Ceo NATIONAL ASIAN AMERICAN COALITION 15 SOUTHGATE AVE., STE. 200 DALY CITY CA 94015 (650) 952-0522 bautistafaith@yahoo.com Shalini Swaroop Sr. Staff Attorney NATIONAL ASIAN AMERICAN COALITION 15 SOUTHGATE AVE., STE. 200 DALY CITY CA 94015 (650) 953-0522 X-231 sswaroop@naacoalition.org Charles Harak NATIONAL CONSUMER LAW CENTER 7 WINTHROP SQUARE, 4TH FLOOR BOSTON MA 02110 (617) 523-8010 charak@nclc.org David Discher Attorney At Law PACIFIC BELL TELEPHONE COMPANY 525 MARKET STREET, RM. 2027 SAN FRANCISCO CA 94105 (415) 778-1464 david.discher@att.com Mark Seeger 1524 IH S 35, STE 225 AUSTIN TX 78704 mseeger@c-s-d.org  | Jacqueline R. Kinney Principal Consultant SENATE COMMITTEE ENERGY, UTILITIES & COM STATE CAPITOL, ROOM 5046 SACRAMENTO CA 95814 (916) 651-4107 jacqueline.kinney@sen.ca.gov Linda Burton SIERRA TELEPHONE COMPANY, INC. PO BOX 219 OAKHURST CA 93644-0219 (559) 642-0229 lindab@stcg.net Christy Doleshal SOLIX, INC. 100 S. JEFFERSON ROAD WHIPPANY NJ 07981 (973) 581-5242 cdolesh@solixinc.com Jack Donovan SOLIX, INC. 100 S. JEFFERSON ROAD WHIPPANY NJ 07981 (973) 581-5200 jdonova@solixinc.com Karen Haith SOLIX, INC. 100 S. JEFFERSON ROAD WHIPPANY NJ 07981 (973) 581-6718 khaith@solixinc.com Jeffrey Salazar SOUTHERN CALIFORNIA GAS COMPANY 555 WEST FIFTH STREET, GT14D6 LOS ANGELES CA 90013 JLSalazar@SempraUtilities.com Enrique Gallardo Legal Counsel THE GREENLINING INSTITUTE 1918 UNIVERSITY AVE., 2ND FLOOR BERKELEY CA 94704-1051 (510) 926-4017 enriqueg@greenlining.org  |
| Samuel Kang Managing Attorney THE GREENLINING INSTITUTE 1918 UNIVERSITY AVE., 2ND FLOOR BERKELEY CA 94704 (510) 926-4001 samuelk@greenlining.org Margaret Tobias Attorney At Law TOBIAS LAW OFFICE 460 PENNSYLVANIA AVE SAN FRANCISCO CA 94107 (415) 641-7833 marg@tobiaslo.com Regina Tochterman 1506 WENTWORTH AVENUE SACRAMENTO CA 95822 (916) 456-1663 RegGreco@yahoo.com Aaron J. Lewis UC-HASTINGS COLLEGE OF LAW 1472 FILBERT ST., APT. 408 SAN FRANCISCO CA 94109 (530) 400-9136 aaron.joseph.lewis@gmail.com Jacque Lopez VERIZON CALIFORNIA INC. 2535 W. HILLCREST DR., MC CAM21LB NEWBURY PARK CA 91320 (805) 499-6179 jacque.lopez@verizon.com Lorraine A. Kocen VERIZON CALIFORNIA INC. 2535 W. HILLCREST DRIVE, CAM21LS NEWBURY PARK CA 91320 (805) 498-3293 lorraine.kocen@verizon.com Phillip L. Cleverly VERIZON CALIFORNIA INC. 112 S LAKEVIEW CANYON RD, CA501LS THOUSAND OAKS CA 91362 (805) 372-7861 phillip.cleverly@verizon.com  | Donald C. Eachus VERIZON CALIFORNIA, INC. EMAIL ONLY EMAIL ONLY CA 00000 (805) 372-7626 don.eachus@verizon.com Justine Weldon 760 NORTH POINT STREET SUITE 101 SAN FRANCISCO CA 94109 (415) 474-4189 WORLD INSTITUTE ON DISABILITY 510-16TH STREET, STE. 100 OAKLAND CA 94612-1500  |

**\*\*\*\*\*\*\*\*\*\*\*\* *END OF* R.11-03-013 SERVICE LIST \*\*\*\*\*\*\*\*\*\*\***

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| --- | --- | --- |
| Name | Email Address | Organization |
| Jonathan Lakritz | jonathan.lakritz@cpuc.ca.gov | CPUC / Communications Division |
| Linda Gustafson | linda.gustafson@cpuc.ca.gov | CPUC / Communications Division |
| **Name**  | **Email Address**  | **Organization / Department** |
| Penney Legakis | penney.legakis@cpuc.ca.gov | CPUC / Communications Division |
| Shelley Bergum | sbergum@ddtp.org | California Communications Access Foundation |
| Barry Saudan | bsaudan@ddtp.org | California Communications Access Foundation |
| Jeff Dahlen | jeff@words-plus.com | Words +, Inc. |
| Josh Witt | josh.witt@mayer-johnson.com | DynaVox Mayer-Johnson |
| Kristen Kronfeld | kek.cons@prentrom.com | PRC |
| Cheryl Beitzel | clb@prentrom.com | PRC |
| Jacob Faircloth | jacob.faircloth@toby-churchill.com | Toby-Churchill |
| Ceasar Seabron | ccseabron@live.com | n/a |
| Al Millan | rockbot@att.net | Communication Tech. Education Ctr. Sacramento |
| Dr. Marilyn J. Buzolich | jmbuzolich@gmail.com | ACTS |
| Bill Barnaby | wbarnaby@csha.org | CA Speech-Language-Hearing Assn. (CSHA) |
| Lindsay Bariani | lindsay.bariani@hamiltonrelay.com | Hamilton Relay |
| Dr. Bob Segalman | drsts@comcast.net |   |
| Todd Metzler | todd.metzler@toby-churchill.com | Toby-Churchill |
| Bill O'Sullivan | bosullivan@missionconsulting.com | Mission Consulting |
| Carrie McCormick | carrie@yescjt.com | CJT Enterprises, Inc. (mounting) |
| Kathy Daigle | thedaiglegirls@gmail.com | Parent of SGD user |
| Jacqueline Jackson | jmsjackson4967@gmail.com | Blind/Low-Vision Rep EPAC |
| Molly Doyle | mdoyle@dhs.lacounty.gov | Rancho Los Amigos |
| Ruthie Nazarian | ruthie@malkacomm.com | Malka Communications Group, Inc. |
| Ileana Winterhalter | IW2924@att.com | AT&T |
| Phil Saines | Phil.Saines@tobiiati.com | Tobii/ATI |
| Dmitri Belser | dbelser@cforat.org | Center for Accessable Technology |
| Paul Mortola | slomortola@aol.com | Central Coast Assistive Technology Center |
| Amy Roman | amy.roman@sbcglobal.net | Forbes Norris ALS Research and Treatment Center |
| Robert Segalman | drsts@comcast.net |   |
| Margaret Perkins | mcp.cons@prentrom.com | PRC |
| Dave Hershberger | daveh@saltillo.com | Saltillo |
| Travis Tallman  | Travis.tallman@njid.org | Cerebral Palsey Lakeview School and Chidlren’s Center |
| Paul Richard | prichard@ocde.us | California State University Dominguez Hills & Orange County Department of Education / College of Extended & International Education |
| **Name**  | **Email Address**  | **Organization / Department** |
|   | codtraining@csun.edu  | California State University Northridge / Center on Disabilities |
| Jesse Knepper | Jesse.Knepper@csun.edu | California State University Northridge / The Tseng College |
| Barb Frye | Barb.Frye@csun.edu | California State University Northridge / The Tseng College |
| Caren Sax | csax@mail.sdsu.edu  | California State University San Diego / Department of Administration, Rehabilitation and Postsecondary Education |
| Nancy B. Robinson | nancyr@sfsu.edu | San Francisco State University / Department of Special Education/Communicative Disorders Program |
| Matthew Rouse  | matt.rouse@biola.edu | Biola University |
| Suzanne B. Miller | sbmiller@csuchico.edu | California State University, Chico / Communication Sciences and Disorders |
| Margaret Dee Parker | mparker@csudh.edu | California State University, Dominguez Hills / College of Extended & International Education |
| Nidhi Mahendra | nidhi.mahendra@csueastbay.edu  | California State University, East Bay / Department of Communicative Sciences and Disorders |
| Dr. Don Freed | donfr@csufresno.edu | California State University, Fresno / Department of Communicative Disorders and Deaf Studies |
| John Reinard | jreinard@fullerton.edu  | California State University, Fullerton / College of Communications Department of Human Communication Studies |
| Carolyn Conway Madding | carolyn.madding@csulb.edu | California State University, Long Beach / Department of Communicative Disorders |
| Edward S. Klein | eklein@cslanet.calstatela.edu  | California State University, Los Angeles / Department of Communication Disorders |
| Sinclair, J. Stephen | steve.sinclair@csun.edu | California State University, Northridge / Communication Disorders & Sciences |
| Celeste Roseberry-McKibbin | celeste@csus.edu;  | California State University, Sacramento / Speech Pathology & Audiology |
| Lynda Oldenburg, | oldenburgls@csus.edu | California State University, Sacramento / Speech Pathology & Audiology |
| Suzanne Moineau | SMoineau@csusm.edu | California State University, San Marcos / Communicative Sciences & Disorders |
| Judy K. Montgomery | montgome@chapman.edu | Chapman University / College of Educational Studies |
| **Name**  | **Email Address**  | **Organization / Department** |
| Terry D Douglas | cmsd@llu.edu | Loma Linda University / Department of Communication Sciences and Disorders |
| Beverly Wulfeck | bwulfeck@mail.sdsu.edu | San Diego State University / Speech, Language, and Hearing Sciences |
| Nancy B. Robinson | nancyr@sfsu.edu | San Francisco State University / Department of Special Education |
| Dr. June McCullough | june.mccullough@sjsu.edu | San Jose State University / College of Education - Communicative Disorders & Sciences  |
| Robert E. Hanyak | rhanyak@pacific.edu | University of the Pacific / Thomas J. Long School of Pharmacy and Health Sciences |
| Michael Groher  | michael\_groher@redlands.edu  | University of Redlands / Department of Communicative Disorders |
| Susan McDonald  | smcdonald@cerritos.edu | Cerritos College |
| Anne Mc Clanahan | amcclanahan@occ.cccd.edu | Orange Coast College |
| Rosemary Scott | Rxscott@pasadena.edu | Pasadena City College |
| Susan Kidwell | skidwell@deltacollege.edu | San Joaquin Delta College |
| Monica Porter  | porter\_monica@sac.edu | Santa Ana College |

 **(END OF ATTACHMENT B)**

1. All statutory references are to the Public Utilities Code, unless otherwise noted. [↑](#footnote-ref-2)
2. All references to Rules are to the Commission’s Rules of Practice and Procedure. [↑](#footnote-ref-3)