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September 14, 2010

Commissioner Dian Grueneich
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

The Commission Should Consider the Discrepancies in Disconnection Rates, Consumer Outreach and Language Access During Phase II of the Residential Disconnections Proceeding.

Dear Commissioner Grueneich,

The Greenlining Institute, Disability Rights Advocates, the Division of Ratepayer Advocates, the National Consumer Law Center, and the Utility Reform Network (collectively the "Consumer Groups") have several concerns related to Administrative Law Judge's Ruling Providing Opportunity for Comments and Addressing Other Phase II Issues dated August 26, 2010, in Rulemaking 10-02-005 (the "Ruling"). The Consumer Groups believe that the Ruling does not adequately reflect the Interim Decision Implementing Methods to Decrease the Number of Gas and Electric Utility Service Disconnections, Decision 10-07-048 of July 29, 2010 (the "Interim Decision"). The Interim Decision outlined twelve issues that were to be addressed in the second phase of the proceeding in R.10-02-005. Unfortunately, the Ruling only allows comment on three.

The Consumer Groups are specifically concerned about four of the issues that have been deferred by the Ruling: (a) how to address the discrepancy between shutoff rates for CARE and non-CARE customers; (b) how to address the discrepancy between disconnection rates of PG&E and SCE as compared to the Sempra utilities; (c) the role of customer service representatives in educating customers about assistance programs and completion of CARE applications; and (d) whether customers should be provided the opportunity to select a language for utility communications and associated costs.

The Commission Should Examine the Discrepancy Between the Disconnection Rates of CARE and non-CARE Customers and Between the Various Utilities.

As you are aware, the Consumer Groups have been concerned about the discrepancy in CARE and non-CARE customer disconnection rates and the

discrepancy between the disconnection rates of PG&E and SCE compared to the Sempra Utilities, and support the recommendation that the Commission establish benchmarks to evaluate disconnection rates. We were encouraged that the Interim Order acknowledged the two discrepancies and committed to address them in Phase II. Unfortunately, the Ruling does not take the opportunity to fulfill this commitment in Phase II, but rather indicates that the CARE/non-CARE discrepancy will be addressed in the context of the utilities' general rate cases ("GRCs"). This is inadequate for a number of reasons. First and foremost, the Ruling overlooks the discrepancies between the various utilities. Simply put, an individual utility's GRC cannot address the discrepancy among the several utilities' disconnection rates. Second, a GRC does not appear to be an adequate and timely forum to address the underlying factors causing the CARE/non-CARE discrepancy. For example, PG&E is currently in the midst of its GRC, so the earliest the discrepancy could be addressed would be 2013. This does nothing to assist the most vulnerable class of customers who were hardest hit by the current recession. Finally, the Ruling is far narrower than the Interim Decision which specifically stated that the causes of *and* solutions to limit the two discrepancies would be evaluated. We are extremely concerned that the Ruling neglects these two crucial issues.

The Commission Should Hold PG&E and SCE Accountable for Customer Outreach and Language Access Issues.

In addition, the Consumer Groups note that the Ruling is inconsistent with the Interim Decision with respect to the role of the utilities' customer service representatives and in-language communications. It also fails to address the need for accessible communications for people with disabilities. The Ruling indicates that the role of CSRs, in-language, and accessible communication issues will be addressed through a "Pilot Program." Based on discussions with advisors, we understand this program will be an expansion of the Telecommunications Education and Assistance in Multiple Languages ("TEAM") Program¹ into the electric and gas sectors. The Consumer Groups support the expansion of the TEAM program and look forward to working with the Commission to bring this to fruition, but believe this does not go far enough to advance the goals of the Interim Decision. Specifically, this will not address the role of the utilities' customer service representatives in customer education and outreach. Rather, it diverts the onus and expense of customer outreach and relations from the most well funded parties (the utilities) to community based organizations, many of whom are struggling to secure funding in this tight economic climate. Moreover, it completely fails to address the question of whether customers should be able to choose the language for utility communications. Having community organizations translate a bill for a customer is a valuable corollary, but should not be a replacement for in-language or accessible communications. The utilities, not community based

¹ The TEAM program provides education and assistance to customers who are not proficient in English and is currently limited to the telecommunications sector.

organizations, bear the responsibility for educating and effectively communicating with their consumers.

The Consumer Groups are concerned that deferring these issues sends a signal that PG&E's and SCE's reluctance and delay are successful ways to thwart the Commission's objective of quickly implementing ways to decrease disconnection rates.

The Consumer Groups would like to meet with you at your earliest convenience to discuss how to address these issues more fully.

Sincerely,



Samuel Kang
Managing Attorney
The Greenlining Institute



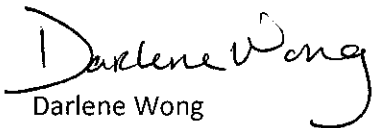
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