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January 4, 2008

Elia Germani, Chairman  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: Docket 3876 (Rules amendment for residential terminations)

Dear Chairman Germani:

I write on behalf of the George Wiley Center to comment on the Commission's proposed rulemaking.

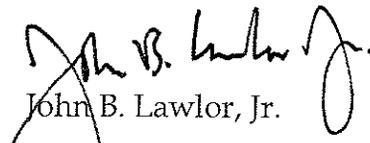
On pages 45-46, the Commission intends, essentially, to foreclose the possibility of presenting a petition for emergency restoration to the PUC in the first instance. The present rules permit such a petition, and experience has shown that the procedure has been necessary to remedy much suffering and injustice. Indeed, the possibility of such a procedure appears to be necessary as a matter of law. Title II of the Americans with Disabilities Act anticipates and requires, in the case of a disabled person (as so many terminated customers are), that the state agency that promulgated a program of uniform regulations will, on occasion, have to make an individualized exception as an accommodation in a particular case. The federal ADA regulation provides as follows:

A public entity shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

28 CFR § 35.130(b)(7). The idea is that the ADA requires the PUC to make an exception for particular disabled persons to its termination regulations. This is a not a novel concept, certainly not for the Rhode Island General Assembly, which incorporated this very regulation by reference in Rhode Island's cognate state ADA statute. *See* R.I. Gen. Laws § 42-87-3(6). There needs to be a PUC procedure in place to receive such a petition. The present rules allow such a ruling by way of a petition to the PUC for emergency restoration. The PUC intends to eliminate that procedure by amending the rules.

The Wiley Center wishes to comment that the proposed amendment is unwise, unjust, and illegal.

Very truly yours,

  
John B. Lawlor, Jr.