COMMENTS OF ELEVATE ENERGY IN RESPONSE TO ENERGY EFFICIENCY INSTALLER RULEMAKING WORKSHOP

Elevate Energy submits these Comments in Response to the Illinois Commerce Commission’s (“ICC” or “Commission”) April 26, 2017 Workshop to review Staff’s initial draft of a rule regarding certification for energy efficiency installers in advance of an anticipated rulemaking. The intent of this proceeding is to establish new rules regarding certification for energy efficiency installers as directed in Section 16-128B of the Public Utilities Act. (220 ILCS 5/16-128B)

As background, Elevate Energy is a 501(c)(3) not-for-profit corporation with a mission of Smarter Energy Use for All. We design and implement energy and water-saving programs that lower costs, protect the environment, and ensure the benefits of energy efficiency, demand response, and renewable energy reach those who need them most. Since 2008, Elevate Energy has partnered with stakeholders across sectors to keep housing costs manageable for working families by reducing utility costs through energy and water efficiency. Our range of programs includes efficiency retrofits in childcare centers and affordable homes, educating native Spanish speakers on energy and water efficiency, and administering hourly pricing programs that connect participants to the benefits of the smart grid.
Elevate Energy has reviewed Staff’s initial draft of the Energy Efficiency Installer Rule ("EE Installer Rule" or "Draft Rule") and is providing a redlined copy containing proposed changes, along with questions that aim to clarify the intent of certain provisions. This document outlines those edits and includes context for our suggestions to help inform Staff and other stakeholders on the reasons for our proposal. Elevate Energy looks forward to continuing to work with the ICC and other interested parties in developing a rule that is acceptable to all.

**Section xxx.10 Definitions**

Many of the provisions contained within the draft rule rely on the phrase “major activities and actions required to…” however there is no definition of “major activities and actions”. Elevate Energy encourages Staff to define the threshold for which activities constitute major actions and are thereby subject to the certification requirements. Without further clarification on this matter, Elevate Energy has a hard time understanding how entities will know whether their work is subject to provisions of the rule such as the requirement for persons to be, or be supervised by, a qualified person. Recertification requirements including reporting on the number of measures installed also rely on the definition of “major activities”. In some instances it may even impact whether an entity would need to apply for certification at all.

While Elevate Energy does not offer a specific definition for “major activities and actions” at this time, it does suggest that by nature of the word *major*, activities such as low-voltage lighting applications should be excluded.
Section xxx.40 Required Application Information

The draft rule, in Section xxx.40(f)(3), outlines a requirement for an applicant to have its general liability insurance countersigned by the Surplus Line Association of Illinois. (Draft Rule at 5)

Elevate Energy questions what benefit this requirement yields, especially as it compares to the amount of effort that may be required to comply. If Staff or other parties believe that this requirement is necessary, Elevate Energy would recommend that clarification be added so that applicants understand who is responsible for acquiring the signature and the process through which it is done.

Section xxx.50 Certification Requirements

There is one substantive change that Elevate Energy is proposing as it pertains to the certification requirements. The edit adjusts the language in Section xxx.50(d)(3) to allow for on the job training. It is the opinion of Elevate Energy that the way this requirement is written in the draft rule would prohibit any persons not enrolled in a formal training program from learning the trade by gaining hands on experience. We strongly believe that persons in this line of work should not be required to enroll in a formal training program, which could act as an insurmountable burden for many potential workers. Based on the discussion at the workshop on April 26, 2017, Elevate Energy understands that Staff did not intend to exclude on the job training, so this proposed change aims to resolve that unintended outcome.

Section xxx.70 Annual Recertification and Reporting

The draft rule enumerates several pieces of information that must be contained in an applicant’s recertification report, one of which is to document the number of efficiency measures installed
by customer class. (Draft Rule at 7) Elevate Energy questions whether the “by customer class” portion of the requirement is overly burdensome, and perhaps more importantly, how an installer would know which class the customer was in. If the intent of this particular detail is to identify the number of projects being completed for residential versus commercial customers, Elevate Energy would not object to documenting such information, but it would suggest that the rule explicitly state that distinction as there are far more customer classes used by the utilities in their billing structures.

Section xxx.110 Fees

Elevate Energy wants to ensure that small businesses are not excluded from becoming certified energy efficiency installers under this rulemaking. With this mission in mind, we would argue that a minimum late filing fee of $100 is excessive, and that it would be more appropriate to set the maximum at $100. (Draft Rule Section xxx.110(a)(2) at 8)

Additionally, Elevate Energy recommends that the Commission accept checks written from the applicant’s personal or business account, subject to the $25 returned check fee. This would eliminate the need to make a trip to the bank prior to applying or recertifying, which for a small or understaffed business could mean the difference in getting their application in on time. (Draft Rule Section xxx.110(a)(3) at 8)

Section xxx.120 Obligations of Electric Utilities

This section is of particular concern to Elevate Energy. We understand that the Commission is obligated by the legislation to include this requirement, but it is now the responsibility of the
parties in this process to prevent it from creating significant project implementation barriers.

Elevate Energy has three key concerns:

1. How will we ensure that customers are aware of the requirement that their energy efficiency installers be certified?

2. What evidence is necessary to certify that the work was done either by a self-installer or a properly certified entity? Where will that evidence be identified and will customers/installers have access to forms through which to provide this information?

3. What energy efficiency measures would qualify a project for this requirement and how will the customer be made aware of that threshold? If, for example, a customer is having air sealing, insulation and efficient lighting installed would they need to submit the evidence under this section to receive their rebate? And if so, would it be the entire rebate at stake, or only the amount related to the lighting work?

Elevate Energy does not want to encounter a scenario in which incentives are withdrawn or withheld from customers due to this Rule. It is not difficult to imagine how that would generate a terrible customer service experience, not to mention the complications that would arise if a project was completed only for the customer to then find out that the installer was not properly certified.

Generally speaking, if the process under this requirement is burdensome it would slow the implementation of projects, causing backups for installers, delays in expected timelines for customers, and increasing the potential for non-payment.
Section xxx.130 Initial Compliance Date

Elevate Energy would like to note that it does not take issue with setting the compliance date later than the effective date of the EE Installer Rule in order to allow entities subject to the requirements time to comply.

Conclusion

Elevate Energy thanks Staff for its work in drafting this Rule and is dedicated to participating in discussions with all parties to create an EE Installer Rule that satisfies the legislative requirement and can be successfully implemented in the field.

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Respectfully Submitted,

ELEVATE ENERGY

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