

Draft – For Discussion Purposes Only  
ELPC Comments and Suggested Revisions – in tracked changes  
Draft Rule  
Electric Vehicle Charging Station Installer Rulemaking  
Docket No. 12-0212  
June 27, 2012

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER \_\_: \_\_\_\_\_  
PART \_\_\_\_  
CERTIFICATION REQUIREMENTS FOR VENDORS (PERSONS OR ENTITIES) THAT INSTALL  
(MAINTAIN, OR REPAIR) ELECTRIC VEHICLE CHARGING STATIONS

**Comment [A1]:** ELPC believes that the vast majority of the requirements set out in the statute should apply to the company or business that does the installation, maintenance and repair, not each individual performing the work. To that end we suggest using "entity" throughout the rule and "person" only where appropriate. Our edits reflect this change.

**Section xx.x Purpose**

The purpose of this Part is to establish requirements for ~~vendors (persons or entities)~~ entities that install (maintain, or repair) electric vehicle charging stations in accordance with the requirements of Section 16-128A (and subsection (a) of Section 16-128) of the Illinois Public Utilities Act [220 ILCS 5/16-128A and 220 ILCS 5/16-128(a)].

**Section xx.x Definitions**

Terms defined in Section 16-128A (and subsection (a) of Section 16-128) of the Illinois Public Utilities Act [220 ILCS 5/16-128A and 220 ILCS 5/16-128(a)] shall have the same meaning for purposes of this Part as they have under Section 16-128A (and subsection (a) of Section 16-128) of the Illinois Public Utilities Act, unless further defined in this Part.

"Act" means the Illinois Public Utilities Act [220 ILCS 5].

"Applicant" means ~~a vendor (person or entity)~~ an entity that files an application with the Illinois Commerce Commission requesting certification pursuant to Section 16-128A to install (maintain, or repair) electric vehicle charging stations.

"Commission" means the Illinois Commerce Commission.

"Electric vehicle" means (i) a battery-powered electric vehicle operated solely by electricity or (ii) a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

"Electric vehicle charging station" means any facility or equipment that is used to charge a battery or other energy storage device of an electric vehicle. For the purposes of this Part, an electric vehicle charging station shall constitute a distribution facility or equipment as that term is used in subsection (a) of Section 16-128 of the Act.

"Entity" means an organization, institution or being that has its own existence for legal or tax purposes and is involved in the business of electric vehicle charging stations.

**Comment [A2]:** We think it is necessary to define entity. It may also be necessary to define "person".

"Install" means the major activities and actions required to connect, in accordance with applicable building and electrical codes, the conductors, ~~the electric vehicle~~ connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses ~~mounted specifically for the purpose of that are directly involved in~~ delivering energy from the premises wiring to the electric vehicle charging station. Plugging a charging station cord into an electrical outlet or connecting an electric vehicle to an electric vehicle charging station does not constitute installing an electric vehicle charging station.

"Fast charge electric vehicle charging stations" means electric vehicle charging stations powered by Direct Current or by voltage greater than 240 Volts Alternating Current.

"Maintain" means the major activities and actions required to keep in an appropriate condition, operation, or force the conductors, ~~the electric vehicle~~ connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses ~~mounted specifically for the purpose of that are directly involved in~~ delivering energy from the premises wiring to the electric vehicle charging station.

"Repair" means the major activities and actions required to restore to a good or sound condition the conductors, ~~the electric vehicle~~ connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses ~~mounted specifically for the purpose of that are directly involved in~~ delivering energy from the premises wiring to the electric vehicle charging station.

"Retail customer" means a single entity using electric power or energy at a single premises and that (A) either (i) is receiving or is eligible to receive tariffed services from an electric utility, or (ii) that is served by a municipal system or electric cooperative within any area in which the municipal system or electric cooperative is or would be entitled to provide service under the law in effect immediately prior to June 30, 2006, or (B) an entity which on June 30, 2006 was receiving electric service from a public utility and (i) was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or (ii) was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on the effective date of this Act. For purposes of this Part, a retail customer includes that retail customer's employees, officers, and agents.

"Self-installer" means an individual who (i) leases or purchases an electric vehicle charging station for his or her own personal use and (ii) installs an electric vehicle charging station on his or her own premises without the assistance of any other person. For these purposes of this definition "personal use" means any non-commercial use of the electric vehicle charging station.

"Standard electric vehicle charging stations" means all electric vehicle charging stations that are not classified as fast charge electric vehicle charging stations under this Part.

**Comment [A3]:** ELPC believes that this definition, as well as the definitions for "repair" and "maintain" should only apply to the physical wiring connection of the EV station to the electric grid. Any repair work inside the station, such as software work, should be exempted, as should minor maintenance and repair such as replacing and fixing nuts and bolts and knobs and switches. We think the changes here reflect that concern.

**Comment [A4]:** We believe this is the appropriate system size cut-off for fast chargers. A 2010 presentation for NFPA (creators of the NEC) explains how various organizations categorize charging stations. (<http://www.nfpa.org/assets/files//research%20foundation/rfevcharging.pdf>) The Electric Power Research Institute (EPRI) and the Society of Automotive Engineers (SAE) both agree with the 240V AC maximum for Level 2 chargers. We are interested to hear the discussion on this.

**Comment [A5]:** We're not entirely sure this definition is necessary or if it is, if it couldn't just reference the definition in the Public Utilities Act.

## Section xx.x Applicability

This Part sets forth minimum requirements that shall apply to all ~~vendors~~ ~~[persons or entities]~~ entities that install (*maintain, or repair*) electric vehicle charging stations in the State of Illinois. For purposes of this Part, a self-installer of an electric vehicle charging station is not required to be certified by the Commission. With the exception of a self-installer, all ~~vendors~~ ~~[persons or entities]~~ entities that install (*maintain, or repair*) electric vehicle charging stations in the State of Illinois shall be certified by the Commission under this Part prior to installing, maintaining, or repairing electric vehicle charging stations. Certification under this Part constitutes compliance with Section 16-128A and subsection (a) of Section 16-128 of the Act.

**Comment [A6]:** This should be stated explicitly. Entities should not have to guess whether there are additional actions they need to take or interpret the statute themselves to see if they are in compliance.

## Section xx.x Types of Certification

An Applicant may seek certification for the installation, maintenance and repair for standard electric vehicle charging stations or fast electric vehicle charging stations. An Applicant that obtains certification for the installation, maintenance and repair of fast electric vehicle charging stations under this Part is allowed to perform installation, maintenance and repair work on standard electric vehicle charging stations.

**Comment [A7]:** We added a new section on types of certification since there are different requirements for standard and fast chargers.

## Section xx.x Required Application Filings and Procedures for Certification

- a) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- b) The Commission shall develop a Standard Application for certification entities that install, maintain and repair electric vehicle charging stations in Illinois. The applicant shall provide the following: all information required by the Standard Application, including the entity's name, address, contact information, and the documentation required in subsection (c) below.

**Comment [A8]:** We recommend a standard application form as part of this Part or made available on the Commission's website.

~~1) Applicant's Name (including d/b/a, if any). If the applicant is a business registered with the Illinois Secretary of State's Office, then the applicant should provide the business name as that name appears on its Illinois Secretary of State Office registration. It should provide assumed business names if and only if registered with the Illinois Secretary of State's Office.~~

~~2) Applicant's Address.~~

~~3) A description of how the applicant is organized, including whether the applicant is an individual, Partnership, Corporation. If the applicant is not organized as an individual, Partnership, Corporation, then the applicant~~

~~should describe how it is organized. If the applicant is a Corporation, the applicant should include the date and state of incorporation and attach a copy of articles of incorporation. An applicant that is a business that is not incorporated in Illinois should submit a copy of its Certificate of Authority to Transact Business in Illinois as issued by the Illinois Secretary of State.~~

- ~~4) Applicant's Federal Employer Identification Number (FEIN) if the applicant has a FEIN.~~
- ~~5) Contact Information including name(s), address(es), telephone number(s), and e-mail address(es), for personnel or entities responsible for issues related to processing the application.~~
- ~~6) Contact Information including name(s), address(es), telephone number(s), and e-mail address(es), for the applicant's designated agent. Applicants must have an Illinois In-State Designated Agent listed. An additional Out-of-State Designate Agent is permitted, but not required. An applicant shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.1050).~~

c) Itemized filing requirements for the application for certification under this Part.

- 1) At the time a vendor (person or entity) an entity files an application for certification under this Part, the applicant shall also file a statement certifying that the applicant meets and will continue to meet the requirements of Section 16-128A of the Act, subsection (a) of Section 16-128 of the Act, and this Part, which sets forth the requirements for compliance with Section 16-128A and subsection (a) of the Act.
- 2) The applicant shall file documentation demonstrating that it is licensed and bonded to do business in the State of Illinois. [220 ILCS 5/16-128A(d)(2)].
- 3) The applicant shall file a statement certifying that installation, repair and maintenance of electric vehicle charging stations will be performed by individuals who meet the applicable criteria set out in Section xx.x [Technical Certification Requirements] submit documentation that identifies the courses, programs or training that the applicant does and will rely on to comply with the technical requirements of this Part. The applicant shall indicate whether the program is accredited and by whom. If the program is not accredited, the applicant shall provide a description of the program and a summary as to why the applicant believes the program complies with the requirements of this Part. If the applicant

**Comment [A9]:** The statement can be part of the standard application form. If necessary, the Commission can require the signature of a notary public on these statements.

**Comment [A10]:** Again, this statement should be in the standard application form and could require the signature of a notary public.

~~adds additional programs, courses, or training in the future that the applicant does and will rely on to comply with the technical requirements of this Part, then the applicant shall submit to the Commission updated information reflecting the additional courses, programs, or training.~~

3) At the time ~~a vendor (person or entity)~~an entity files an application for certification to install, (maintain, or repair) electric vehicle charging stations under this Part, the applicant shall submit to the Commission an application fee for certification. The application fee for certification under this Part shall be \$xxx. The fee shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/EV". The certification fee is non-refundable.

**Comment [A11]:** If the Commission uses a standard application form the expenses to administer the program should be minimal. We suggest no fee or a nominal fee.

d) Contents of documents filed by applicants shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200).

~~e) Certification is deemed effective upon filing, unless the applicant is notified by the Commission that the application is deficient or the application is otherwise not in compliance with this Part. Certification shall remain valid unless suspended upon Commission action as described in Section xx.x.~~

**Comment [A12]:** If the entity is certifying they're complying with all of the requirements set forth in this Part then the entity should be considered certified. We do not suggest that entities should have to "re-up" their certification, and therefore suggest it is in good standing unless removed by the Commission.

#### Section xx.x General Certification Requirements

a) ~~All vendors (persons or entities)~~Any entity certified pursuant to this Part, its employees, its agents, its subcontractors, or any persons acting for or on behalf of the applicant shall:

1) ~~Comply with the technical certification requirements of this Part. all applicable laws and regulations and Commission rules and orders including, but not limited to, the requirements of Section 16-128A of the Act, subsection (a) of Section 16-128 of the Act, and this Part.~~

2) Comply with applicable building and electrical codes. [220 ILCS 5/16-128A(d)(5)].

3) Submit notifications to the servicing electric utility in accordance with the requirements specified in applicable tariffs of the servicing electric utility, Section 16-128A of the Act, and this Part. The ~~applicant-certified entity~~ shall submit notifications to the servicing electric utility of plans to install an electric vehicle charging station, and within thirty days of the date that the installation is complete, a notification that the charging station has been installed. The ~~applicant-certified entity~~ shall, when submitting such notices to the servicing electric utility, include the date of intended

installation, the actual completion date of the installation, the identity of the installer, the entity's Commission issued ~~certificate~~ certification number, the technical specifications of the charging station(s), an identification/nomenclature system for each charging station(s), the location of each charging station(s), and the name, address, contact information, and electric utility account number for the retail customer on whose behalf the electric vehicle charging station is being installed.

**Comment [A13]:** This notification process should be as simple as possible. A standard form or even a web page on the utility's website should be sufficient.

- 1) ~~Prior to taking any actions to install, (maintain, or repair) electric vehicle charging stations, have the requisite knowledge, skills, training, experience, financial, and competency requirements, as set forth in this Part, to perform those functions in a safe and reliable manner as required under Section 16-128A of the Act and Section 16-128(a) of the Act.~~

**Comment [A14]:** This is duplicative of the revised requirement in (a)(1).

### Section xx.x Technical Certification Requirements

- a) ~~To qualify for certification for standard electric vehicle charging stations, the entity must certify that installation, repair and maintenance is performed or supervised by an electrician licensed in at least one municipality in the State of Illinois.~~

~~A person with an electrician's license in at least one municipality in Illinois shall be deemed to possess the requisite knowledge, skills, training, experience, and competency requirements to perform functions to install (maintain, or repair) standard electric vehicle charging stations in a safe and reliable manner as required under subsection (a) of Section 16-128 of the Act if that individual meets any of the following criteria:~~

- 1) ~~Completion or current participation and ultimate completion by the individual of a state or federally approved electrical apprenticeship program with a minimum of xxx hours of on job training and a minimum of xxx hours of related classroom and laboratory instruction.~~
- 2) ~~Completion by the person of an accredited or otherwise recognized apprenticeship program for the particular craft, trade or skill involved in performing functions to install, (maintain, or repair) standard electric vehicle charging stations, including but not limited to, the Electric Vehicle Infrastructure Training Program.~~
- 3) ~~xxx years of employment performing a particular work function that is comparable to performing functions to install, (maintain, or repair) standard electric vehicle charging stations.~~

**Comment [A15]:** The standard work on the customer's side of the meter does not require additional training or expertise.

- b) To qualify for certification for fast electric vehicle charging stations, the entity must certify that installation, repair and maintenance is performed or supervised by an electrician licensed in at least one municipality in the State of Illinois and that the work is performed or supervised by an individual that meets at least one of the following criteria:

~~A person with an electrician's license in at least one municipality in Illinois shall be deemed to possess the requisite knowledge, skills, training, experience, and competency requirements to perform functions to install (maintain, or repair) fast charge electric vehicle charging stations in a safe and reliable manner as required under subsection (a) of Section 16-128 of the Act if that individual meets any of the following criteria:~~

- 1) Completion or current participation and ultimate completion by the individual-person of a state or federally approved electrical apprenticeship program with a minimum of xxxx hours of on job training and a minimum of xxx hours of related classroom and laboratory instruction; or
- 2) Completion by the person of an accredited or otherwise recognized apprenticeship program for the particular craft, trade or skill involved in performing functions to install, (maintain, or repair) fast charge electric vehicle charging stations, including but not limited to:
  - i) the Electric Vehicle Infrastructure Training Program
  - ii)
  - iii)
  - iv) ; or
- 3) xxxx years of employment performing a particular work function that is comparable to performing functions to install, (maintain, or repair) fast charge electric vehicle charging stations; or
- 4) The satisfactory completion of at least twenty installations of standard electric vehicle charging stations.

**Comment [A16]:** We do not have suggestions for specific number of years of employment or hours of on the job training, except that the numbers should be reasonably low as to not prohibit employees and employers from entering into the market.

#### Section xx.x Financial Certification Requirements

- a) An individual-entity shall be deemed to possess the requisite financial requirements for compliance under this Part to install (maintain, or repair) standard electric vehicle charging stations if the individual entity is licensed and bonded to do business in the State of Illinois ~~obtains a certificate of insurance in the amount of xxx.~~

**Comment [A17]:** These requirements should be applicable to the entity, not the individual.

**Comment [A18]:** No additional insurance is needed to perform this work other than general business insurance. We cannot find any evidence for additional insurance requirements for installing other appliances or systems into the grid. We also don't see why there should be different requirements for standard and fast chargers. We would request that evidence for additional requirements is provided by those advocating for it.

- b) ~~An individual shall be deemed to possess the requisite financial requirements for compliance under this Part to install (maintain, or repair) fast charge electric vehicle charging stations if the individual obtains a certificate of insurance in the amount of xxx and names the servicing electric utility as an additional insured.~~

**Comment [A19]:** If the entity is required to list the utility as an additional insured, which is not required in the Commission's interconnection standards, that will present a major market barrier.

#### Section xx.x Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of a ~~certificate holder~~ certified entity under any Section of this Part.
- ~~b) For a first violation, the Commission may, in its discretion, after notice and hearing, suspend the certificate of the certificate holder so disciplined for a period of no less than one month. In determining whether to suspend the certificate of the certificate holder and the length of any suspension to be imposed, the Commission shall consider whether the violation was deliberate or inadvertent and the harm or potential for harm to customers. For a second violation within a 5-year period, the Commission shall suspend the certificate of the disciplined certificate holder for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the certification of the disciplined certificate holder for a period of not less than 2 years. A vendor whose certificate is suspended may reapply to the Commission for certification.~~
- ~~(b) If it appears from the investigation that a certified entity may have violated the provisions of any Section of this Part, the Commission may:~~
- ~~(1) Request the certified entity to take appropriate corrective action;~~
  - ~~(2) Request the certified entity to meet informally with the Commission's staff and the complainant to resolve the issue;~~
  - ~~(3) Require the certified entity to appear before the Commission and show cause why disciplinary action should not be taken against the certified entity; and~~
  - ~~(4) Take such other actions as the Commission deems appropriate under the circumstances.~~
- ~~c) Suspension of certification for dangerous, deliberate, wanton or repeated violations:~~

(1) For a violation that cannot appropriately be resolved by the provisions described in (b), the Commission may, in its discretion, after notice and hearing, suspend the certification of the certified entity.

(2) In determining whether to suspend the license of the certified entity and the length of any suspension to be imposed the Commission shall consider whether the violation was deliberate or inadvertent as well as, the harm or potential for harm to customers.

(3) A certified entity whose certification is suspended may reapply to the Commission for certification.

~~e) Penalties collected for noncompliance with this Part shall be \$xxx.~~

**Comment [A20]:** We do not suggest penalties as the removal of certification is penalty enough.

#### Section xx.x Effective Date

The initial date for compliance with the rules is xxx.