May 3, 2017

Eric Schlaf
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
Via e-mail (eschlaf@icc.illinois.gov)

Re: Comments on utility-scale installer rulemaking pursuant to 220 ILCS 5/16-128A(g)

Dear Dr. Schlaf:

The Illinois Solar Energy Association (“ISEA”) appreciates the opportunity to provide input as the Commission Staff (“Staff”) drafts a rule to implement 220 ILCS 5/16-128A(g) concerning the qualifications of installers of new utility-scale solar projects and new utility-scale wind projects. The informal workshop hosted by Staff on April 25, 2017 and the invitation to submit written comments both provide meaningful ways to assist in the development of this rule.

ISEA is a non-profit organization that promotes the widespread application of solar and other forms of renewable energy through education and advocacy. ISEA serves as a resource for renewable energy related policy developments, educational classes, events, and access to local renewable energy businesses. Members include local and national residential and commercial solar installers, utility-scale developers, and a variety of businesses that support renewable energy.

Multiple aspects of the draft rule are of interest to ISEA. Before discussing specific suggestions, however, ISEA notes that it is aware of the currently pending Senate Bill 71 (“SB71”). SB71 removes utility-scale wind projects from the scope of the qualified installer rule required by Section 16-128A(g) of Public Act 99-0906. If SB71 becomes law, ISEA does not believe that its comments will be impacted. ISEA’s comments relate to five areas of the draft rule, which are discussed separately below.

A. Qualified Person

The definition of “Qualified person” in Section XXX.10 of the draft rule identifies training programs that upon the satisfactory completion of which a person will be considered qualified to install utility-scale solar projects. The draft rule mirrors the training programs reflected in the 83 Illinois Administrative Code 468, “Distributed Generation Installer Certification,” (“Part 468”). ISEA notes, however, that two of the listed training programs may not be available or applicable to utility-scale work. Specifically, ISEA does not believe that the Underwriters Laboratories distributed generation technology certification program is available and does not believe that the Electronics Technicians Association distributed generation technology certification program applies to utility-scale work. While ISEA is not aware of any community colleges currently providing utility-scale installation training, it is hesitant to assume that none do or none ever will. ISEA also suggests that in some localities, the appropriate permitting authority may have sufficient knowledge and expertise to evaluate the qualifications of installers and submits that the rule should allow for
such determinations by the local permitting authority. To that end, ISEA suggests that following revisions to the definition of “Qualified Person:”

"Qualified person" means a person who performs installations on behalf of the certificate holder and who has completed at least one of the following programs requiring lab or field work and received a certification of satisfactory completion: an apprenticeship as a journeyman electrician from a DOL registered electrical apprenticeship and training program; a North American Board of Certified Energy Practitioners (NABCEP) distributed generation technology certification program; an Underwriters Laboratories (UL) distributed generation technology certification program; an Electronics Technicians Association (ETA) distributed generation technology certification program; or an Associate in Applied Science degree from an Illinois Community College Board approved community college program in the appropriate generation technology. A “qualified person” may also be a person who is the licensed electrician identified on the construction or electrical permit from the authority having jurisdiction over a project site. To be considered a “qualified person”, the experience and/or training relied upon must be with the same type of generation technology for which the qualification status is sought.

To the extent that other stakeholders may suggest a minimum number of installations or years of experience qualify an applicant, ISEA is willing to consider such proposals.

B. Applicability

Section XXX.20 of the draft rule concerns the applicability of the rule. The proposed language provides:

After June 1, 2017, all entities that install new utility-scale solar or new utility-scale wind projects in the State of Illinois shall be certified by the Commission under this Part.

Arguably, this language indicates that a utility-scale developer itself need not be certified under the rule so long as the contractors it hires to actually install the project are certified under the rule. This type of business model is utilized at the distributed generation level. The rule language should be clarified to assure utility-scale developers that they may operate in the same manner. The following suggested revision to Section XXX.20 is one way in which to provide this clarification:

After June 1, 2017, all entities that install new utility-scale solar or new utility-scale wind projects in the State of Illinois shall be certified by the Commission under this Part. A developer of utility-scale projects need not be certified under this Part so long as it contractually ensures that any entity that it engages to actually install a utility-scale project is certified under this Part.

Pursuant to Section 16-128A(h)(1), the Commission has the authority to determine which entities are subject to certification.

C. Scope of Certification

During the course of the April 26, 2017 workshop on the draft rule, a question arose as to whether the certification under this rule should be valid for one year for all utility-scale projects on which a qualified installer works, or whether an entity should obtain certification as a qualified installer for each project it
works on during the year. To minimize confusion and the expenditure of resources and to maintain consistency with Part 468, ISEA recommends that a one-time certification be applicable to all utility-scale projects on which an installer works during the year.

D. Application Fee

ISEA is concerned by the difference in the proposed application fee for utility-scale installers and that used or proposed under other installer rules. ISEA notes that under Part 468, distributed generation installers pay a $50 application fee; under 83 Illinois Administrative Code 469, “Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations,” (“Part 469”), installers of electric vehicle charging stations pay a $50 application fee; and under the proposed rule governing the certification of installers of energy efficiency measures, applicants would pay a $100 fee. While on its surface it may seem as if large utility-scale developers will be paying the application fee, in practice it is more likely to be the electrical contracting firms applying for certification and paying the fee. ISEA understands that Staff chose not to try to assess the full processing fee on other smaller scale applicants in the other installer rulemaking proceedings. ISEA respectfully submits that Staff do so again in light of the typical applicant under these rules being comparable to the applicants subject to the other installer rules. To that end, ISEA suggests that the initial application fee be no more than $100.

E. Initial Compliance Date

Another concern relates to the initial compliance date by which installers of utility-scale projects must be certified under the rule. As currently written, the draft rule is effective June 1, 2017, the same date on which Staff expects the Commission to adopt the draft rule as an emergency rule. As such, no installer will be in compliance when the rule becomes effective and several weeks will likely pass before the Commission can enter orders approving any entity as a certified installer. Although Section XXX.40(e) provides that an entity may complete the certification after completing the installation of a new project, ISEA submits that the lack of certification prior to installation may introduce an unnecessary level of risk for developers and investors.

To remedy this problem, ISEA requests that Staff revise the draft rule to reflect a later compliance date. Precedent exists for doing so. Specifically, Part 469 became effective December 1, 2013, yet Section 469.130 provided that the initial date for compliance with the rule was January 1, 2014. Moreover, Section 16-128A(g) grants the Commission 18 months to adopt the rules at issue. In light of the Commission action anticipated on June 1, 2017, the Commission will be able to adopt final rules with a later compliance date and still fall within the 18 months provided by statute.

Given the likelihood that there are more installers of utility-scale wind and solar projects than installers of electric vehicle charging stations and the likelihood that many installers are not aware of the forthcoming certification requirement, ISEA recommends that the initial compliance date be at least 90 days after the adoption of the emergency rule. Allowing entities until at least August 30, 2017 to become certified with the Commission should allow the Commission sufficient time to standardize its processing of installer applications and enable more installers to learn of the new certification requirements.

Again, ISEA thanks Staff for this opportunity to share its comments on the draft utility-scale installer rule. ISEA also appreciates Staff’s efforts in preparing and circulating the draft rule. ISEA recognizes that Staff has a tremendous amount of work to do in relation to Public Act 99-0906. If Staff would like to discuss any of ISEA’s comments or seeks more information, please do not hesitate to contact me.
Sincerely,

Illinois Solar Energy Association

By: [Signature]

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