

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
: **12-0212**
Certification Requirements :
Applicable to Vendors that Install :
Electric Vehicle Charging Stations. :

FIRST NOTICE ORDER

By the Commission:

On October 26, 2011, the Illinois General Assembly voted to override the gubernatorial veto of Senate Bill 1652, which resulted in the passage of Public Act 97-0616 ("PA 97-0616"). PA 97-0616 became effective on the same day. Among the statutory changes stemming from PA 97-0616 was the addition of Section 16-128A(d) to the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq. This new subsection required the development of rules applicable to vendors that install electric vehicle ("EV") charging stations. On August 28, 2012, however, the Governor signed House Bill 5071, which became Public Act 97-1128 ("PA 97-1128"). PA 97-1128 became effective on the same day. PA 97-1128 significantly expanded the scope of the rulemaking required under the original Section 16-128A(d). The expanded rule is applicable to "persons or entities that install, maintain, or repair" EV charging stations and must include thirteen requisites set forth in the statute.

To implement Section 16-128A(d) of the Act as it was originally enacted, the Illinois Commerce Commission ("Commission") entered an Order on March 21, 2012 initiating this rulemaking proceeding. The enactment of PA 97-1128 has been factored into the development of the rules. Pursuant to due notice, status hearings were held in this matter before a duly authorized Administrative Law Judge of the Commission at its offices in Springfield on April 17, May 16, July 31, September 4, and September 19, 2012. The following entities intervened: Commonwealth Edison Company; Mt. Carmel Public Utility Company; Citizens Utility Board; MidAmerican Energy Company; Local Union 51, IBEW, AFL-CIO; Ameren Illinois Company; Illinois Solar Energy Association; Environmental Law and Policy Center; Associated Builders and Contractors, Illinois Chapter, Inc.; and the Illinois Chamber of Commerce. The Attorney General and City of Chicago entered appearances. Commission Staff ("Staff") participated as well. The parties engaged in several informal discussions and workshops outside of the status hearings. Staff hosted workshops on July 13, July 26, August 27, and September 17, 2012.

In accordance with the discussion at the September 19 status hearing, on October 19, 2012, Staff filed a proposed rule accompanied by its supporting verified

comments. While some differences of opinion exist, those at the September 19 status hearing indicate that the version of the rule that Staff proposes is generally acceptable for use as a first notice rule. Staff's comments describe the various sections of the rule.

In light of the parties' collaboration on the proposed rule and upon reviewing Staff's comments, the Commission is satisfied that the proposed rule filed by Staff on October 19, 2012 is supported by the record. The Commission finds it appropriate to submit the proposed rule to the Secretary of State for the purpose of initiating the first notice period under the Illinois Administrative Procedure Act, 5 ILCS 100/1-1 et seq.

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the subject matter herein;
- (2) Staff's October 19, 2012 verified comments support the proposed rule;
- (3) the recitals of fact set forth in the prefatory portion of this First Notice Order are supported by the record and are hereby adopted as findings of fact; and
- (4) the first notice of the proposed rule at 83 Ill. Adm. Code 469, "Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations," as set forth in the attached Appendix, should be submitted to the Secretary of State for publication in the *Illinois Register*, thereby initiating the first notice period under Section 5-40 of the Illinois Administrative Procedure Act.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the first notice of the proposed rule at 83 Ill. Adm. Code 469, "Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations," as reflected in the attached Appendix, be submitted to the Secretary of State, pursuant to Section 5-40 of the Illinois Administrative Procedure Act.

IT IS FURTHER ORDERED that this First Notice Order is not final; it is not subject to the Administrative Review Law.

By order of the Commission this 8th day of November, 2012.

(SIGNED) DOUGLAS P. SCOTT

Chairman