

RE: Docket 12-0213, Title 83, Chapter I, Subchapter c, Part 468 – "Distributed Generation Installer Certification"

To Whom it May Concern:

Hello. We have composed this note, along with the attached comments, addressing the current draft of the ICC's Distributed Generation Installer Certification with acute regard to the public hearing on the matter held on December 10, 2012.

My colleague, Garrison Riegel, and I have collaborated on these comments as technical industry professionals who are currently employed as distributed generation (DG) professionals in the state of Illinois. We are co-workers at Solar Service Inc. located in Niles, IL and have each been responsible for well over the # of installs (20) that the ICC's draft language is currently requires one to have to be considered a "qualified person" as a DG Installer. We have successfully designed an implemented over 500 renewable energy systems in Illinois and nationally. We are both recognized by the North American Board of Certified Energy Practioners (NABCEP), the Nation's leading renewable energy certifying body, as Certified PV Installers. We are members of the "Green Economy" in Illinois and have played an important part in the growth and deployment of DG and renewable energy throughout the state. It is from this experience and perspective that we approach the Distributed Generation Installer Certification document that the ICC has drafted.

The documents that we have attached to this note highlight some major changes that we feel are necessary to the current draft of the document in order to achieve a safe and successful DG industry in Illinois. We believe that, with the suggested changes outlined, the ICC can ensure that DG installations will be done professionally and safely while encouraging and sustaining the growth of the industry, in both infrastructure and economically.

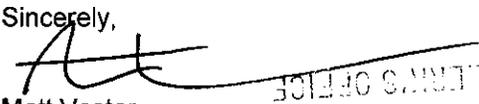
As established professionals employed and working in the DG industry in Illinois, it is not an overstatement to say that the drafted document will be harmful to the current industry. Not only will the document limit the industries ability to grow, adapt, and thrive, but it will also have the negative impact of stalling out and, possibly, eliminating much of the current progress being made in the DG industry in Illinois.

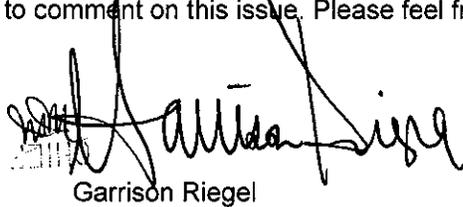
As stated previously, we are employed at Solar Service Inc. in Niles, IL, which has been in the business of implementing renewable energy systems since 1977 and DG systems since 2001. It is safe to say that, if the currently drafted document was in place in the year 2000, our business would not have experienced the growth, longevity and respect in the marketplace that we currently have today. Our years as a continuous presence in the Illinois DG industry are a very rare quality that our company is fortunate to have. However, many businesses currently operating in the DG industry in Illinois do not benefit from the same history and likely do not meet the extremely narrow criteria as it is laid out in the current docket. With no ability to determine the experience or quality of these businesses, other than a very large number of completed installations or a very specific type of training, these companies will no longer be allowed to carry out work that they are well qualified to do. The results of something like this cannot be overstated: companies currently operating in the industry will be forced to close their doors. These companies may also choose to relocate to a state with more inclusive legislation (all of our bordering states), or restructure their companies to meet this new criteria, but this would certainly result in layoffs of current, highly experienced employees who do not meet the new requirements. We can also ensure the ICC that higher prices for DG installations will be a result due to the much higher labor costs that come along with employing electrical contractors who have completed a Dept. of Labor approved apprenticeship program.

The costs of implementing the current language into law are huge. Businesses currently operating successfully, safely and profitably in the Illinois DG industry will close, leave, shrink or undergo costly restructuring at best. The companies who are on the ground and paving the way for further development and implementation of DG technologies will be lost. We believe that a quick assessment of DG installations in Illinois to date would show that a large number of completed projects would have never taken place had the document been written into law years ago. Illinois will lose not only these DG systems moving forward, but also the companies who actively promote and develop the market for them. We believe that it is easy enough to deduce that large DG businesses that operate on a national scale will continue to stay out of Illinois, choosing to do business elsewhere, where the regulations are easier to navigate and the costs of doing business are lower.

You will find the changes that we find necessary for a viable, safe and successful DG industry in Illinois on the following pages. Thank you for the chance to comment on this issue. Please feel free to contact either one of us if you would like further comments or clarity.

Sincerely,

  
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Suggested Revisions:

What strikes us as the most important change that needs to be made is the exclusivity of the "qualified person" definition, along with how a "qualified person" is able to facilitate a DG installation. In the language that currently exists, there is a very narrow pathway to become a "qualified person" (Section 468.20 "Definitions", Section 468.60 "Certification Requirements", d).

According to the current language, one has to be established in the industry currently (20 documented DG installations to date) or has to be a journeyman electrician who has gone through an exclusive Department of Labor approved training program. While it is clear that those are both good and appropriate requirements, they provide an extremely narrow definition of what makes a person qualified and the pathway to becoming certified by the ICC as a "Certified DG Installer" very limited. Throughout the process of drafting this document, there have been numerous qualifications, certifications and licenses that have been presented, many of which carry merit when been judged as "qualified" or "unqualified". To name a few, North American Board of Certified Energy Practitioners (NABCEP), electrical contractors who have been licensed by AHJ's and/or municipalities throughout IL, Electronics Technicians Association Int'l (ETA Int'l) are recognized and credentialed bodies who have been identifying such "qualified persons" that the ICC is seeking for quite some time.

It is definitely of concern and benefit to the state of Illinois that DG systems being installed are installed by parties who are qualified, and who demonstrate excellence in their fields of practice. What does not make sense is putting into practice a "one-size-fits-all" approach to DG installations. "Distributed Generation" includes, but is not limited to the following sub-industries: Fuel Cells, Wind Turbines, Solar Photovoltaic Panels, Hydro Turbines, Combined Heat and Power, Hydrogen Energy Systems. These fields have the potential to be vastly different from one another. And no single qualification can be expected to accurately judge the merits of a "qualified person" who is responsible for system installation.

Additionally, it is hard to imagine that any interested party in this conversation would state categorically that they know what the DG industry in IL (or the country) will look like in the years to come. Because this is an emerging and growing industry for the state, it is in the state's interest to allow as much market flexibility as possible, while guaranteeing safe and appropriate installations. That includes taking a hard look at what qualifications a person should have to install these systems. By opening the definition of "qualified persons" to include a larger number of industry-recognized entities, the ICC and the State of Illinois will better position itself to oversee and encourage the deployment of its' DG systems.

In addition to selecting from a larger pool of currently identified certifications, licenses and experiences, we also recommend that the ICC allows for further expansion of the definition of "qualified persons", left to ICC discretion after the final document is approved. This will allow the ICC to adapt to changes that the DG industry will certainly see in months and years to come. Once a rule like "DG Installer Certification" is passed into practice, it will immediately be outdated by the changing technologies and practices. By leaving discretion to the ICC on what constitutes a "qualified person", it will allow it to run more efficiently and safely in the future.

Aside from the definition of "qualified persons", we believe that revisions need to be made to the actual practice on installation by the qualified person and their ability to facilitate a successful DG installation. (Section 468.60 "Certification Requirements", d) As the language currently exists, the only people who can participate in DG installations are "qualified persons", an electrical contractor under direct supervision or a DOL registered electrician apprentice under direct supervision. We agree that those are people who should be able to perform DG installations under the circumstances dictated in the document. However, we believe that an addition should be made to include:

- "Employees or subcontractors of the Certified DG Installation Entity who is not a qualified person, provided he/she is directly supervised by a qualified person."

This addition to the list of who can perform DG installations will ensure that the entity that the ICC has certified will be able to complete the installation to the standards of the ICC as well as maintain their own quality and continue to develop their professional workforce, leading to installations of increased safety and performance.

The definition of the term "Install" should also be met with some revisions/additions in order to better suite the needs of the ICC and the DG Industry as it currently finds itself. (Section 468.20 "Definitions") To the definition of the term "install", we suggest adding language that would read as follows:

- "Install means to complete the on-premise electrical wiring and connections necessary to interconnect the distributed generation facility with the electric utility's distribution system *at the point of interconnection between the facility and the utility.*"

We also recommend revisions to the fee structure to for an entity to become a Certified DG Installer. The current fee structure is quite high in comparison with other professional state licenses. We recommend the following changes to the fee structure:

- The following fees shall apply:

- 1) Application for certification \$3,000  
\$150
- 2) Annual recertification report \$500  
\$75
- 3) Application to restore an expired certification/reinstate  
a revoked certification \$1,500  
\$150

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: ELECTRIC UTILITIES

PART 468  
DISTRIBUTED GENERATION INSTALLER CERTIFICATION

Section	
468.20	Definitions
468.30	Applicability
468.40	Application Procedures
468.50	Required Application Information
468.60	Certification Requirements
468.70	Certifications Conditioned Upon Compliance
468.80	Annual Recertification and Reporting
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468.120	Fees
468.130	Notification Requirements for Retail Customers Seeking Net Metering Service
468.140	Initial Compliance Date

AUTHORITY: Implementing Section 16-128A of the Public Utilities Act [220 ILCS 5/16-128A] and authorized by Sections 16-128A and 10-101 of the Public Utilities Act [220 ILCS 5/128A and 10-101].

SOURCE: Adopted at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 468.20 Definitions**

Terms defined in Section 16-128A of the Act shall have the same meaning for purposes of this Part as they have under Section 16-128A of the Act, unless further defined in this Part.

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

"Applicant" means a person or entity that files an application with the Illinois Commerce Commission (Commission) requesting certification pursuant to Section 16-128A of the Act to install distributed generation facilities. Will persons or entities follow the same path to certification?

"Certificate holder" means an Entity that has received certification pursuant to this Part and that is in good standing with the Commission. Per above (definition of "applicant"), can certificate holders also be individuals (persons)? Or will "qualified persons" be required to be part of an entity to be certified as a DG Installer?

"Directly supervised" means that there is a person on-site who meets the qualifications to perform distributed generation (DG) installations who is available for consultation and review of work performed by apprentices or electric contractors who may be performing installations.

"Distributed generation facility" shall have the same meaning as the term "distributed renewable energy generation device" as defined in Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10].

"DOL registered electrician apprenticeship program" and "United States Department of Labor registered electrician apprenticeship program" means an electrician apprenticeship training program that is registered with the United States Department of Labor (DOL).

"DOL certification of satisfactory completion" means that person has received a nationally recognized and portable Certificate of Completion from an electrician apprenticeship program that is registered with the DOL.

"Entity" means an organization, institution or individual that has its own existence for legal or tax purposes and is involved in the business of installing distributed generation.

"Install" means to complete the on-premise electrical wiring and connections necessary to interconnect the distributed generation facility with the electric utility's distribution system. The meaning of "install" in this Part specifically does not include:

Electrical wiring and connections to interconnect the distributed generation facility performed by utility workers on the electric utility's distribution system;

Electrical wiring and connections internal to the distribution facility performed by the manufacturer; or

Any racking, balance of system (BOS) or installation practices or items not directly having to do with electrical connections of the distributed generation system.

Tasks not associated with the electrical interconnection of the distributed generation facility, including those relating to planning and project management performed by individuals such as an inspector, management planner, consultant, project designer, contractor or supervisor for the project.

"NEC" shall mean the National Electric Code adopted by the National Fire Protection Association, Inc. of 1 Batterymarch Park, Quincy, MA 02169 (NFPA 70E), effective August 25, 2010.

"Qualified person" means a person who performs installations on behalf of the certificate holder ~~and who has either satisfactorily completed at least 20 installations of distributed generation technologies prior to effective date of this Part, or has completed an apprenticeship as a journeyman electrician from a DOL registered electrical apprenticeship and training program and received a certification of satisfactory completion, and who has satisfactorily completed one or more of the requirements from the list of "Requirements for Qualified DG Installer"~~

Requirements for Qualified DG Installer:

- NABCEP PV Installer Certification (for PV DG Only)
- NABCEP Small Wind Certification (for Wind DG Only)
- Successful and documented completion of at least 5 DG Installations in related DG Technology

- Completion of an apprenticeship as a journeyman electrician from a DOL registered electrical apprenticeship and training program and received a certification of satisfactory completion
- Licensed Electrical Contractor licensed by an Illinois municipality or other approved IL entity able to license electrical contractors.
- Other trade licenses or certificates bestowed by a recognized body or authority that proves competence and ability to successfully deploy and install corresponding DG Technology. Eligibility to be determined by ICC Committee overseeing DG Installations.

"Retail customer" means the same as that term is defined in Section 16-102 of the Act. For purposes of this Part, a "retail customer" includes that retail customer's employees, officers, and agents.

*"Self-installer" means an individual who leases or purchases a cogeneration facility for his or her own personal use; and installs such cogeneration or self-generation facility on his or her own premises without the assistance of any other person. [220 ILCS 5/16-128A(a)]*

### **Section 468.30 Applicability**

After the initial compliance date specified in this Part, with the exception of self-installers, all entities that install distributed generation facilities shall be certified by the Commission under this Part prior to installing any distributed generation facilities in the State of Illinois.

### **Section 468.40 Application Procedures**

- a) The applicant shall file its application for certification under this Part and provide all information required by this Part.
- b) Contents of documents filed by applicants shall be consistent with Subpart B of the Commission's Rules of Practice (83 Ill. Adm. Code 200).
- c) Applications for certification shall be submitted with the appropriate fee payment. The application fee shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/DG Certification". The application fee is nonrefundable.
- d) Applications for certification under this Part shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.130).

### **Section 468.50 Required Application Information**

Applications for certification under this Part shall contain the following information:

- a) The applicant's name (including d/b/a, if any), street address, telephone number, facsimile number, website, and email address. The applicant shall provide the business name as that name appears on its Illinois Secretary of State's Office registration. The applicant shall provide assumed business names if and only if those names are registered with the Illinois Secretary of State's Office. This information

shall be kept current and any change shall be filed with the Chief Clerk of the Commission at the Commission's Springfield office within 15 days after the change occurs;

- b) Contact information, including names, addresses, telephone numbers, facsimile numbers and email addresses for persons or entities responsible for issues related to processing the application;
  - c) Applicant's Federal Employer Identification Number (FEIN) or Taxpayer Identification Number (TIN), as applicable;
  - d) A certification that the applicant will comply with informational and reporting requirements established under this Part;
  - e) A statement that the Applicant 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);
  - f) An organizational chart demonstrating the applicant's corporate structure, including all affiliated companies, if applicable;
  - g) An exhibit containing an internal corporate organizational chart indicating the position and name of the qualified persons who will perform or supervise installations to satisfy the requirements of this Part; and
  - h) An exhibit (with any confidential personal information such as a Social Security number redacted) containing the following information for each qualified person who will perform or supervise installations to satisfy the requirements of this Part:
    - 1) ~~A copy of the DOL certification of satisfactory completion of a DOL registered electrician apprenticeship program; and/or~~
    - 2) ~~Proof of the satisfactory completion, prior to the effective date of this Part, of at least twenty installations of distributed generation facilities.~~
- 1) NABCEP PV Installer Certification (for PV DG Only)
  - 2) NABCEP Small Wind Certification (for Wind DG Only)
  - 3) Successful and documented completion of at least 5 DG Installations in related DG Technology
  - 4) Completion of an apprenticeship as a journeyman electrician from a DOL registered electrical apprenticeship and training program and received a certification of satisfactory completion
  - 5) Licensed Electrical Contractor licensed by an Illinois municipality or other approved IL entity able to license electrical contractors.
  - 6) Other trade licenses or certificates bestowed by a recognized body or authority that proves competence and ability to successfully deploy and install corresponding DG Technology. Eligibility to be determined by ICC Committee overseeing DG Installations.

#### **Section 468.60 Certification Requirements**

An applicant shall be certified if its application satisfies the following requirements:

- a) The applicant certifies that it will remain in compliance with all applicable laws and regulations and Commission rules and orders including, but not limited to, the requirements of Sections 16-128(a) and 16-128A of the Act and this Part.
- b) The Applicant certifies that it will ensure that its employees, agents or contractors, or the employees, agents or contractors of any entity, agent or contractor with which it has contracted to perform those functions within the State of Illinois, shall:
  - 1) Comply with applicable building and electrical codes, including those contained in the NEC;
  - 2) Comply with the distributed generation facility manufacturer's installation instructions;
  - 3) Install only distributed generation facilities that meet recognized industry standards; and
  - 4) Ensure that all obligations required under this Part and Sections 16-128(a) and 16-128A of the Act are met prior to the placing into, or returning into, use any distributed generation facility that the certificate holder installed.
- c) The applicant certifies that it will comply with applicable licensing and municipal bonding requirements to do business in the State of Illinois.
- d) The Applicant certifies that every installation of a distributed generation facility will be performed only by:
  - 1) qualified persons; or;
  - 2) an electrical contractor who is not a qualified person, provided he/she is directly supervised by a qualified person; or;
  - 3) a person enrolled in a DOL registered electrician apprenticeship program who is not a qualified person, provided he/she is directly supervised by a qualified person; or;
  - 4) an employee or subcontractor of the certified DG Installation entity who is not a qualified person, provided he/she is directly supervised by a qualified person
- e) The applicant certifies that it is licensed to do business in the State of Illinois.

#### **Section 468.70 Certifications Conditioned Upon Compliance**

Each certification issued to an applicant is conditioned upon compliance with the provisions of this Part and Sections 16-128(a) and 16-128A of the Act. Violation of this Part or the Act make the certificate holder subject to penalties, including suspension, revocation, fines or a combination of sanctions.

## **Section 468.80 Annual Recertification and Reporting**

- a) A certificate holder shall recertify annually to remain in good standing with the Commission.
- b) By April 1 of each year, each certificate holder shall submit a recertification report identified with the name of the certificate holder as it appears in the most recent Commission order granting certification under this Part. The report shall be filed with the Chief Clerk of the Commission and shall be verified by a corporate officer pursuant to Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
- c) The recertification report shall contain the following information:
  - 1) A statement certifying that the certificate holder continues to maintain the required qualifications for the service authority granted in its certificate;
  - 2) A verified statement, with supporting documentation, of any changes to the original certification qualifications. For each supporting piece of documentation provided, the certificate holder shall state how this information complies with each applicable subsection of this Part;
  - 3) A statement confirming the certificate holder's continuing compliance with all requirements set forth in this Part and Sections 16-128(a) and 16-128A of the Act; and
  - 4) The number of distributed generation facilities, classified by installed generation capacity and fuel energy source (solar, wind, natural gas, etc.), that the certificate holder installed during the prior calendar year in each electric utility's service area.
- c) The report shall not contain customer identifying information.
- d) All reports shall provide the name, telephone number, email address and mailing address of at least one person who is designated by the certificate holder to address questions pertaining to the report.

## **Section 468.90 Complaint Procedures**

Complaints shall be filed in conformance with 83 Ill. Adm. Code 200.160 and 200.170 and 83 Ill. Adm. Code 280.170. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

## **Section 468.100 Commission Oversight**

- a) Upon complaint or on the Commission's own motion, the Commission may investigate all activities subject to this Part or Sections 16-128(a) or 16-128A of the Act, including violations of this Part or the statutes.
- b) If an entity is installing distributed generation facilities without Commission certification, the Commission shall issue penalties for noncompliance.

### **Section 468.110 Maintenance of Records**

The applicant shall agree to adopt and follow procedures ensuring that documentation regarding the installation of distributed generation facilities are retained for a period of not less than three calendar years after the calendar year in which they were created. These records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis.

### **Section 468.120 Fees**

a) The following fees shall apply:

1) Application for certification	\$3,000
	\$150
2) Annual recertification report	\$500
	\$75
3) Application to restore an expired certification/reinstate a revoked certification	\$1,500
	\$150
4) Revision of a certification/petition for address change	\$30
5) Penalty for noncompliance	\$6,000
6) Late filing annual recertification report (minimum \$30)	\$10/day
7) Returned check fee	\$25

b) Application and recertification fees are nonrefundable.

### **Section 468.130 Notification Requirements for Retail Customers Seeking Net Metering Service**

Electric utilities shall require retail customers who seek net metering service from an electric utility to provide the following information related to the installation of the retail customer's distributed generation facility:

- 1) The business name, address and phone number of the entity that installed the distributed generation facility;
- 2) The Commission docket number in which the entity obtained a certificate from the Commission; and
- 3) A copy of the invoice for the installation services or other information demonstrating that the designated entity installed the distributed generation facility.

### **Section 468.140 Initial Compliance Date**

The initial date for compliance with this Part is six months after the effective date of this Part.