



SoCore Energy's Comments on Rulemaking Docket 12-0213 Concerning the Illinois

Distributed Generation Installer Certification Rules

SoCore Energy, LLC ("SoCore") appreciates this opportunity to comment on the Illinois Distributed Generation Installer Certification Rules, 83 Ill. Adm. Code 468, published for First Notice in the November 2, 2012 Volume of the Illinois Register, 36 Ill. Reg. 15413 (November 12, 2012). SoCore is a commercial-sector solar energy developer based in downtown Chicago. We have designed and installed over 75 commercial solar installations in ten states, amounting to more than ten (10) megawatts ("MW") of total capacity, with approximately 100 MW of projects in our one-two year pipeline. Our client list includes several global and national retailers as well as leading commercial property owners and real estate investment trusts. In 2012, we completed the two largest distributed solar generation systems in Illinois in Bolingbrook and Schaumburg.

We are very concerned that the proposed DG Installer Certification Rules ("the Rules") will negatively impact the solar industry in Illinois by imposing unnecessarily narrow and costly certification requirements on DG installers. Specifically, we are concerned about two specific elements of the proposed rule, namely: (1) the definition of a "qualified person," and (2) the proposed fees. We address each of these concerns respectively below and offer suggested replacement language for the Commission's consideration.

(1) The ICC’s definition of “qualified person” is unnecessarily narrow, will preclude otherwise qualified installers from being able to work in Illinois, and will increase the costs of solar installations.

The Rules were developed to implement Section 16-128A of the Illinois Public Utilities Act (“the Act”) (220 ILCS 5/16-128), which established “certification requirements ensuring that entities installing distributed generation facilities are in compliance with the requirements of Subsection (a) of Section 16-128 of this Act” (220 ILCS 5/16-128A). Section 16-128 is intended to protect “the reliability and safety of the electric system,” and the safety of utility employees by ensuring that those who work on the electric distribution system have the “requisite skills, knowledge, training, experience and competence to provide reliable and safe electrical service” (220 ILCS 5/16-128). The proposed Rules establish two paths for a person to obtain the necessary qualifications to perform DG installations on behalf of a certified entity: (1) Either a person must have “completed an apprenticeship as a journeyman electrician from a DOL registered electrical apprenticeship and training program and received a certification of satisfactory completion”; or (2) “satisfactorily completed at least 20 installations of distributed generation technologies prior to the effective date” of the Rules (Rules at Page 15418, 36 Ill. Reg).

These options are unnecessarily narrow. As written, the Rules will have the unintended consequence off eliminating existing solar installers from the Illinois workforce, erecting undue barriers to new, would-be workforce entrants, reducing competition in the Illinois solar market and ultimately, raising costs for consumers without further enhancing safety or reliability concerns.

According to the information on the Illinois Department of Employment Security's website, DOL registered electrical apprenticeship programs are offered by six International Brotherhood of Electrical Workers (IBEW) union locals in Illinois as well as the Illinois Chapter of the Associated Builders and Contractors (ABC).¹ These are 4-5 year programs with limited and selective enrollment and limited geographic availability. They offer a broad spectrum of training and experience in electrical work. They also offer optional renewable energy/distributed generation training, but it is not part of the mandatory curriculum. If DOL registered electrical apprenticeship programs become the only avenue for obtaining certification, this Rule will create first a shake out, and then a bottleneck in the Illinois solar workforce. The majority of solar installers currently doing business in the State of Illinois have not gone through an eligible DOL registered training program, nor have they completed twenty installations of distributed generation technologies. They will become immediately ineligible to do their jobs for which they have been properly trained. Those who choose to enroll will first have to meet enrollment requirements (the IBEW programs require a participant to be a resident of the IBEW Zone in which the program is offered, for instance), and receive four to five years of electrical training (even if he or she is already a licensed electrician) before becoming eligible to resume installing solar. This is an untenable, anti-competitive outcome and certainly not what the legislature intended.

Fortunately, there are additional options available to the ICC that will ensure that DG installers have the "requisite skills, knowledge, training, experience and competence" they need to install safe and reliable DG systems. In most states, a person is eligible to install solar as long as they are legally qualified to carry out the classification of labor required for the project. A solar project is made up of a variety of labor classifications including electrical and sometimes

¹ The IL DES website lists programs offered by IBEW locals in Alsip, Aurora, Elgin, Joliet, Libertyville, and Lisle and the ABC Illinois Chapter in Elk Grove Village. See <http://www.ides.illinois.gov/page.aspx?item=38>

carpentry, steel, masonry, labor, iron, etc. Existing licensing programs are already in place for these classes of labor in Illinois through the state or local governments. Local authorities having jurisdiction (AHJs) already apply training, experience and testing requirements to their licensing protocol, and these existing licensing programs have thus far ensured the safety and reliability of the electric grid in Illinois when applied to DG systems. To our knowledge, there has been no evidence put forth in this docket to the contrary. Nor has there been any evidence put forth that supports the position of applying an additional layer of mandatory training and certification for DG installers specifically, as opposed to electricians that conduct other types of electrical tasks (installing the electrical wiring and connections necessary to interconnect a new building, for example). Therefore, our recommended approach is to allow the local government AHJs that are currently and ably responsible for licensing electricians and performing safety inspections to continue to perform these functions for our industry, just as they will continue to perform these functions for electricians engaged in other electrical tasks.

Our preferred recommendation amends the definition of “Qualified Person” to read:

“Qualified person” means a person who performs installations on behalf of the certificate holder and holds a current electrician’s license, issued or recognized by the authority having jurisdiction in the district in which the distributed generation facility is to be installed.”

However, if the Commission determines that the existing licensing regime does not satisfy the new statutory requirements, we recommend allowing for other routes to certification as alternatives to successful completion of a DOL registered electrical apprenticeship and training program. The North American Board of Certified Energy Practitioners (NABCEP)

certification program,² the Underwriters Laboratories (UL) PV System Installer Certification program,³ and the Electronics Technicians Association (ETA) Renewable Energy Photovoltaic and Small Wind Installer Certifications⁴ are nationally recognized as the pre-eminent certification credentials for DG installers. The NABCEP certification is accredited by the American National Standards Institute (ANSI), the UL PV System Installer Certification is accredited by the International Association for Continuing Education and Training (IACET), and the ETA Installer Certification is accredited by the International Certification Accreditation Council (ICAC) and aligns with ISO-17024 standards. These programs have training and experience prerequisites, and require the successful completion of a rigorous exam that allows installers to demonstrate competence in their field. They base their curriculum on the National Electric Code and meet the criteria in the Act as “accredited or otherwise recognized apprenticeship program for the particular craft, trade or skill” (220 ILCS 5/16-128). We also recommend that the ICC enable a framework for accepting new certification programs as they become available.

In this scenario, we propose the following as replacement language:

"Qualified person" means a person who performs installations on behalf of the certificate holder and who holds a current electrician's license, issued or recognized by the authority having jurisdiction in the district in which the distributed generation facility is to be installed, and has either (1) satisfactorily completed at least 10 installations of distributed generation technologies prior to effective date of this Part, OR (2) completed an apprenticeship as a journeyman electrician from a DOL registered electrical apprenticeship and training program and received a certification of satisfactory completion, OR (3) received certification under the North American Board of Certified Energy Practitioners (NABCEP) certification program, OR (4) received certification under the Underwriters

² See <http://www.nabcep.org/>

³ See http://lms.ulknowledgeservices.com/catalog/display_resource.aspx?resourceid=285439

⁴ See http://www.eta-i.org/renewable_energy_certifications.html

Laboratories (UL) PV System Installer Certification program, OR (5) received certification under the Electronics Technicians Association (ETA) Renewable Energy Photovoltaic and Small Wind Installer Certifications. The Commission will review this definition regularly and add new accredited certification programs that meet its criteria, as they become available.

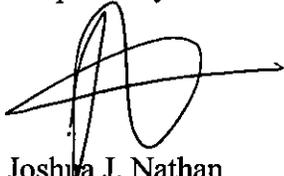
Adopting this replacement language would allow installers multiple avenues to meet the new certification requirements, avoid the bottleneck that would result if all DG installers were forced through multi-year, limited-enrollment, union-dominated apprenticeship programs, maintain competitive options for consumers in Illinois. Further, adopting the replacement language will ensure the safety and reliability of the distribution grid.

(2) The proposed fees are too high and not commensurate with other licensing fees in the State of Illinois.

We were pleased to hear at the public hearing on December 10, 2012 that the ICC staff would be submitting a revised fee schedule to reduce fees to around \$50 (fifty dollars), down from \$3000 (three thousand dollars), as currently proposed. The originally proposed IL DG certification fee is well above the average Illinois license fee for other trades (according to the list available on the Illinois Department of Employment Security's website).⁵ SoCore submitted an Exhibit at the December 10th Public Hearing that outlined the applicable fees for solar licenses in other states. Illinois' proposed fee far exceeds all of the comparables. We respectfully request that the ICC not impose unreasonably high fees on our industry, and we will gladly support Staff's anticipated replacement language.

⁵ See <http://www.ides.illinois.gov/page.aspx?item=171>

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Joshua J. Nathan'. The signature is stylized with a large, sweeping initial 'J' and a horizontal line extending to the right.

Joshua J. Nathan
General Counsel

A handwritten signature in black ink, appearing to read 'Madeleine Klein'. The signature is written in a cursive style with a prominent initial 'M'.

Madeleine Klein
VP of Policy