

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)
On its Own Motion)
) **Docket No. 12-0212**
Certification Requirements Applicable)
To Vendors that Install Electric Vehicle)
Charging Stations.)

**VERIFIED REPLY COMMENTS OF LOCAL UNION 51, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO**

Local Union 51, International Brotherhood of Electrical Workers, AFL-CIO (IBEW), by and through its undersigned counsel, respectfully submits its Verified Reply Comments concerning a proposed Illinois Commerce Commission (“Commission”) rule establishing certification requirements for entities installing, maintaining and repairing electric vehicle (“EV”) charging stations. These comments respond to initial comments filed by the Associated Builders and Contractors, Illinois Chapter, Inc. (“ABCIL”) and the Illinois Chamber of Commerce (“Chamber”) as they relate to the proposed rule’s definition of a “qualified person.” For the reasons outlined below, the IBEW believes the proposed rule’s definition of “qualified person” is both appropriate and consistent with the statutory requirements and should therefore remain as proposed by Staff.

On October 31, 2011, Public Act 97-0616 (“PA 97-0616”) became effective. Among other things, PA 97-0616 added Section 16-128A to the Public Utilities Act (“Act”) (subsequently amended by Public Act 97-1128). Section 16-128A(d) requires the Commission to initiate a rulemaking proceeding “to establish certification requirements... applicable to persons or entities that install, maintain, or repair electric vehicle charging stations.” As part of that mandate, the Commission is required to “ensure that persons or entities that install, maintain, or repair electric vehicle charging stations have the requisite knowledge, skills, training, experience,

and competence to perform functions in a safe and reliable manner as required under subsection (a) of Section 16-128” of the Public Utilities Act. 220 ILCS 5/16-128A(d)(3).

Section 16-128(a) sets forth minimum requirements for the knowledge, skill, training, experience, and competence levels of employees working in the electric utility industry. In that section, the General Assembly (“GA”) first affirmed that “[t]he reliability and safety of the electric system has depended and depends on a workforce of skilled and dedicated employees, equipped with technical training and experience.” 220 ILCS 5/16-128(a)(1). The GA further found that it was “necessary to assure that employees of electric utilities and employees of contractors or subcontractors performing work on behalf of an electric utility operating in the deregulated industry have the requisite skills, knowledge, training, experience, and competence to provide reliable and safe electrical service under this Act.” 220 ILCS 5/16-128(a). The GA set a benchmark date of January 1, 2007 and directed that the “knowledge, skill, training, experience, and competence levels to be demonstrated shall be consistent with those required of or by the electric utilities in this State...with respect to their employees and employees of contractors or subcontractors performing work on their behalf” as of that date. *Id.* The GA noted this was a minimum threshold and that nothing in the law would prohibit establishment of higher standards. The GA further found that “[a]n adequate demonstration of requisite knowledge, skill, training, experience, and competence shall include, *at a minimum*, completion or current participation and ultimate completion by the employee of an accredited or otherwise recognized apprenticeship program for the particular craft, trade or skill, or specified and several years of employment performing a particular work function that is utilized by an electric utility.” *Id.* (emphasis added).

Section 16-128(a), together with Section 16-128A, establishes unequivocally that persons or entities who perform the work of installing, repairing or maintaining an electric vehicle charging station must, *as a minimum qualification threshold*, possess the knowledge, skill, training, experience, and competence levels required by electric utilities of their employees as of January 1, 2007. The statute further prescribes that an employee may meet that minimum threshold by having completed or being a participant in “an accredited or otherwise recognized *apprenticeship program* for the particular craft, trade or skill.” To the best of IBEW’s knowledge and belief, employees of Illinois utilities in January of 2007 were, overwhelmingly, participants in or graduates of DOL-registered electrical apprenticeship programs. Such programs provide thorough training and hands-on experience with electrical work over a multi-year course of work and study. Although IBEW concedes that Section 16-128(a) does not stipulate a *DOL-registered* electrical apprenticeship program, that is, in fact, the type of apprenticeship program that was completed by individuals employed by Illinois utilities in 2007 and it is the type of apprenticeship program completed by employees of Illinois utilities today.

The “craft, trade or skill” associated with installation, maintenance and repair of electric vehicle charging stations is unequivocally and undisputedly “electrical work,”¹ for which the best preparation is participation in and successful completion of a DOL-recognized electrical apprenticeship program. It is important to note that the alternative certification put forward by the ABCIL, that which is offered by Underwriters Laboratories (“UL”), is *not an electrical training program at all*, let alone an apprenticeship program, but rather a 2.5 hour self-paced (i.e., independent study) course followed by an online test. A true and accurate copy of the description of the UL Electric Vehicle Charging System Installation Certification Process taken

¹ Without support in the record, the Chamber of Commerce describes certain installations of EV charging stations as being akin to installing washer/dryer outlets (a characterization the IBEW takes issue with) but it does not dispute that the work is clearly electrical in nature.

from the web-site of UL is attached hereto as IBEW Exhibit 1.0. Such a 2.5 hour self-taught course plainly cannot ensure that its certificants possess the knowledge, skill, training, experience, and competence levels required by electric utilities of their employees as of January 1, 2007.

Neither party proposing this alternative certification alleges that DOL-registered electrical apprenticeship programs in the state of Illinois are insufficient to meet the need for individuals qualified to install, maintain and repair EV charging stations. The Chamber asserts, without explaining why, that relying solely on DOL-registered apprenticeship programs to supply qualified persons would “create a huge impediment to the growth of the EV market in Illinois.” With more than seventeen DOL-registered electrical apprenticeship programs currently training electricians in the state of Illinois (including one in the Chicago area that graduates approximately 200 apprentices each year and another operated by ABCIL itself),² it is difficult to see any impediment to growth. Because neither party has provided data concerning the number of individuals who actually possess the proffered UL certification, it is impossible to determine whether deeming those people qualified would increase the number of qualified persons. Neither party suggests, nor can they, that the training provided by the state’s DOL-registered electrical apprenticeship programs would not qualify their participants and graduates to install, maintain and repair EV charging stations.

ABC’s suggestion that the proposed rule “improperly creates independent State standards inconsistent with and not supported by federal law” is inapposite. ABC does not suggest, nor can it, that this area of regulation is pre-empted by federal law. Illinois is clearly free to establish regulations in this area; contrary to ABC’s insinuation, a federal regulation defining

² A conservative estimate places the number of current participants and graduates of DOL-registered electrical apprenticeship programs working or available for work in the state of Illinois at well over 10,000 individuals.

“journeyworker” has no effect on the legislature’s ability to establish standards of knowledge, skill, training, experience, and competence for individuals whose work directly affects the provision of electrical service to the citizens of the state. In fact, to the extent the Commission wishes to establish a rule that is consistent with federal standards as well as Section 16-128(a), the federal regulations cited by ABC provide an instructive definition of apprenticeship program. *See, e.g.*, 29 CFR 29.2 definitions of “Apprentice” and “Apprenticeship program” and 29 CFR 29.5 (“Standards of apprenticeship”). Given that the State of Illinois maintains no state apprenticeship agency of its own,³ it is entirely appropriate to look to federal standards concerning apprenticeship in order to flesh out state legislation.

WHEREFORE, IBEW Local 51 respectfully requests that the Commission maintain the definition of “qualified person” as it appears in the First Notice Rule; and for such other relief as is warranted under the circumstances.

Respectfully submitted,



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³ See <http://www.doleta.gov/oa/stateagencies.cfm> for a listing of state apprenticeship agencies; Illinois is not among them. Last visited January 16, 2013.

STATE OF MISSOURI)
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CITY OF ST. LOUIS)

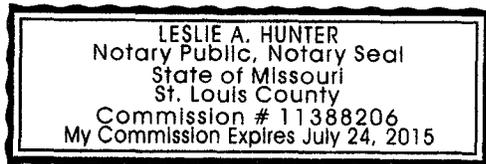
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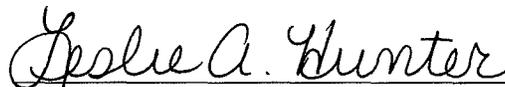
I, Rochelle G. Skolnick, first being duly sworn upon my oath, depose and state that I am one of the attorneys for IBEW Local 51, that I have read the above and foregoing Verified Reply Comments of IBEW Local 51 and know the contents thereof; and that said contents are true in substance and in fact.



Rochelle G. Skolnick

Subscribed and sworn to before me this 17th day of January, 2013.





Notary Public

My Commission Expires: 7/24/15