

**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.)

**BRIEF ON EXCEPTIONS 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 Brief on Exceptions concerning the Proposed Second Notice Order (PSNO) and Rule establishing certification requirements for entities installing distributed generation facilities. Revised text of the Rule including substitute language reflecting IBEW’s exceptions is attached hereto as Appendix A.

Section 469.10 Definitions: Qualified Person

IBEW takes exception with the PSNO’s inclusion of two qualification standards that do not satisfy the requirements of Section 16-128(a): (1) UL Electric Vehicle Charging System Installation Certification or (2) five installations of EV charging stations. Neither of these standards is consistent with the statutory mandate. IBEW acknowledges that Section 16-128(a) does not explicitly require an apprenticeship to be *DOL-registered*. However, 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. Thus, as a factual matter, even if not explicitly stated, it was enrollment in and completion of a DOL-registered apprenticeship program that the General Assembly found would establish the requisite knowledge, skill, training, experience, and competence levels consistent with those required of or by the electric utilities in this State as of January 1, 2007. While the Commission

is free to endorse some other apprenticeship program, IBEW believes it must ensure that program enables its participants to attain the same knowledge, skill, training, experience, and competence levels and it should rely on DOL standards as a benchmark. Unlike many other states, Illinois does not maintain its own state apprenticeship agency.¹ Thus, it is appropriate for the Commission to look to federal standards for guidance regarding what constitutes a generally acceptable apprenticeship program. *See, e.g.*, 29 CFR 29.2 definitions of “Apprentice” and “Apprenticeship program” and 29 CFR 29.5 (“Standards of apprenticeship”).

The work of installing, maintaining and repairing EV charging stations is electrical work and requires a broader base of knowledge than can be gained simply by performing a handful of installations. To the extent the PSNO attempts to create a separate qualification solely based upon the number of EV charging stations an individual has installed or focused narrowly on a single limited certification, it misses this fundamental point. Whether an individual has installed 5 or 25 EV charging stations or has obtained an EV charging system installation certificate through completion of a 2.5 hour self-paced course and an online test tells us nothing about that individual’s knowledge, skill, training, experience, and competence levels with regard to the broader electrical work skills potentially necessary to safely and competently resolve issues that arise in installation, maintenance and repair of these facilities.

The PSNO observes that it is possible for an apprenticeship program or other route to qualification to be consistent with these standards without being identical, a premise the IBEW also does not dispute. However, there is not one shred of evidence that either of the two alternate paths to certification included in the Proposed Second Notice Rule is in any way consistent with the standards established by the statute. The PSNO acknowledges that the Commission simply

¹ See <http://www.doleta.gov/oa/stateagencies.cfm> for a listing of state apprenticeship agencies; Illinois is not among them. Last visited March 20, 2013.

doesn't know whether UL certification also requires any hands-on training: "*If* the UL program requires a lab or field component where students can obtain hands-on experience with EV charging station technology, *this would arguably be consistent* with on-the-job training." PSNO at 7 (emphasis added). In fact, IBEW has already explained that UL certification does not include a lab or field component and no other party has put forward evidence to the contrary. As the IBEW has already explained, the UL "program" consists of a 2.5 hour self-paced course followed by an online assessment. See IBEW Verified Reply Comments at 3-4 and IBEW Exhibit 1.0. UL identifies its "target audience" as "[q]ualified electricians with knowledge and experience performing electrical work according to the National Electrical Code (NEC) as well as other trade practices" but it does not limit enrollment to electricians with any amount of actual experience. *Id.* The PSNO would have the Commission reduced to unnecessary speculation about the actual requirements of UL certification (requirements which clearly could be known and about which evidence could have been taken) but nonetheless endorsing it as an appropriate route to qualification despite an apparent lack of factual certainty. The result is a rule-making not based upon substantial evidence or, in fact, any evidence at all.

The IBEW also takes exception to the PSNO's *sua sponte* inclusion of a "years of employment" standard based on a number of installations. The PSNO notes that no party put forward a number of installations that would be sufficient to render an individual "qualified" for purposes of the rule and yet the PSNO would have the Commission take upon itself the task of developing such a standard. The Commission should refrain from such activism and in any event must ensure that any such standard complies with statutory directives. The language of Section 16-128(a) is plain and while the Commission is free to establish a "years of employment" based standard, it must ensure that any such standard is consistent with the benchmark standard set

forth in the statute. The GA's use of the phrase "specified and several years of employment" indicated its belief that there was a value to multiple years of experience in performing a given work function and an expertise that could only be gained through the passage of years. In the context of utility work, several years of employment performing a given work function would result in the performance of that function many hundreds if not thousands of times. To suggest that the same level of expertise could be gained by performing a given function only five times stretches credulity.

IBEW acknowledges that there is an interest in allowing individuals who are already working in the industry to continue doing so. The Commission can create a path to qualified status for those individuals without doing violence to the statutory mandate and without jeopardizing the safety and reliability of the state's electrical grid. In the view of the IBEW, if the Commission wishes to create such a path, it must start by requiring a term of employment performing hands-on electrical work commensurate with that provided by a DOL-registered electrical apprenticeship program: no less than 8,000 hours of combined hands-on electrical work and/or related instruction. To ensure that such employees also have the requisite knowledge, skill, training and competence, in addition to hands-on experience with electrical work, the Commission could find such an employee to be a qualified person if he or she also obtains a certification from either UL or the Electric Vehicle Infrastructure Training Program (EVITP).² This alternative track is reflected in the substitute language attached hereto as Appendix A. The IBEW's position with regard to this issue is also reflected in substitute

² EVITP is a non-profit collaboration of electrical industry organizations that supports developing electric vehicle charging infrastructure for residential and commercial markets. *See* About EVITP and Training Programs EVITP downloaded from www.evitp.org and attached hereto as IBEW Exhibit 2.0. EVITP offers training and certification for electricians installing electric vehicle charging stations. *Id.* EVITP Phase 1 is a 24-hour course that includes classroom and hands-on learning. *Id.*

language for Sections 469.40 (Required Application Information) and 469.50 (Certification Requirements).

Conclusion

For all of the foregoing reasons, the IBEW respectfully requests that the Commission adopt the IBEW's Exceptions to the PSNO and Rule and for such other relief as the Commission finds warranted under the circumstances.

Respectfully submitted,

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