

Docket No: 12-0212
Bench Date: 04-17-13
Deadline: 02-28-14

MEMORANDUM

TO: The Commission

FROM: John D. Albers, Administrative Law Judge

DATE: April 8, 2013

SUBJECT: Illinois Commerce Commission
On Its Own Motion

Certification Requirements Applicable to Vendors that Install Electric Vehicle Charging Stations.

RECOMMENDATION: Enter the attached Second Notice Order concerning 83 Ill. Adm. Code 469, "Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations."

On March 21, 2012, the Commission entered an Order initiating this proceeding for the purpose of implementing Section 16-128(A)(d) of the Public Utilities Act ("Act"). This portion of the Act requires the Commission to adopt rules establishing certification requirements for persons or entities that install, maintain, or repair electric vehicle ("EV") charging stations.

After several workshops, Staff and the intervening parties developed a draft rule they all generally agreed was acceptable for use as a first notice rule. On November 8, 2012, the Commission entered a First Notice Order authorizing the submission to the Secretary of State of 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" ("Part 469"). The proposed rule was published in the *Illinois Register* on November 26, 2012.

At the conclusion of the 45-day first notice period, the Commission received a handful of comments. Commonwealth Edison Company ("ComEd"), Ameren Illinois Company ("AIC"), Associated Builders and Contractors, Illinois Chapter, Inc., and the Illinois Chamber of Commerce ("Chamber") each submitted comments. Commission Staff ("Staff") and Local Union 51, IBEW, AFL-CIO ("IBEW") each submitted reply comments. To resolve the contested issues, an effort has been made to consider the intent of the relevant statutory language in conjunction with State and Commission EV policy, as well as the Commission's conclusions in Docket No. 12-0213. After considering all of the comments, a Proposed Second Notice Order was served on the intervening parties on March 14, 2013. IBEW, ComEd, and Staff each filed a Brief on Exceptions. The Chamber, AIC, and Staff each filed a Brief in Reply to Exceptions.

The more substantive differences from the first notice rule include a revised, broader definition of "qualified person," the narrowing of information that must be submitted with an application to become an EV installer, and the restructuring of the obligations of electric utilities, EV installers, and retail customers. One other significant revision includes the addition of language to comply with Section 16-128A(d)(12). The requirements of this statutory section were omitted from the first notice rule. To address this omission, an Administrative Law Judge ruling solicited the input of the parties, which is discussed in the Second Notice Order and reflected in the second notice rule.

Additionally, pursuant to Section 2-107 of the Act, the Commission must accept from Illinois residents comments on matters before the Commission through its web site and toll-free telephone number. A report on the comments must be provided to the Commission before the relevant vote on each matter. Accordingly, the Commission is advised that as of April 8, 2013, no comments have been received through e-Docket or the Commission's toll-free telephone number.

With the end of the first notice period, the Commission can now submit the second notice of the proposed rule to the Joint Committee on Administrative Rules ("JCAR"). The attached Second Notice Order authorizes the submission of the proposed rule to JCAR. The statutory deadline for the adoption of a final rule is February 28, 2014.

JDA