

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

PART 469
CERTIFICATION FOR THE INSTALLATION, MAINTENANCE OR REPAIR OF
ELECTRIC VEHICLE CHARGING STATIONS

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SOURCE: Adopted at 37 Ill. Reg. _____, effective December 1, 2013.

Section 469.10 Definitions

Terms defined in Section 16-128A of the Public Utilities Act [220 ILCS 5/16-128A] shall have the same meaning for purposes of this Part as they have under Section 16-128A of the Public Utilities Act, unless further defined in this Part. The following terms, when used in this Part, shall have the meaning ascribed to them in this Section.

"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, maintain or repair electric vehicle charging stations.

"Best's financial size category" refers to a numerical value that A.M. Best Company or its successor assigns to an insurance company based on the amount of that insurance company's policyholders' surplus and reserve funds.

"Best's rating" refers to a rating from A.M. Best Company or its successor that provides an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Certificate holder" or "Commission-certified IMR" means a person or entity that has received certification pursuant to this Part.

"Commercial general liability insurance" means insurance that covers suits against the insured for personal injury and property damages.

"Commercial purposes" means use by any person of an electric vehicle charging station not located on his or her own premises.

"Directly supervised" means that there is a qualified person on-site available for consultation and review of the installation, maintenance or repair work of electric vehicle charging stations performed by apprentices.

"DOL certification of satisfactory completion" means that person has received a nationally recognized and portable Certificate of Completion from a United States Department of Labor (DOL) registered apprenticeship program.

"DOL-registered electrician apprenticeship program" means an electrician apprenticeship training program that is certified by the DOL.

"Electric utility" means *a corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within Illinois, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity; or a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.* [220 ILCS 5/3-105 and 16-102]

"Electric vehicle" means *a battery-powered electric vehicle operated solely by electricity or a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.* [20 ILCS 627/10]

"Electric vehicle charging station" means *any facility or equipment that is used to charge a battery or other energy storage device of an electric vehicle.* [220 ILCS 5/16-128A(d)]

"Entity" means an organization, institution or being that has its own existence for legal or tax purposes and is involved in the business of installing, maintaining or repairing electric vehicle charging stations.

"IMR" or "IMRs" means electric vehicle charging station installers, maintainers or repairers.

"Install", "installing" or "installation" means the major activities and actions required to connect, in accordance with applicable building and electrical codes, the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"Maintain", "maintaining" or "maintenance" means the major activities and actions required to keep in an appropriate, safe condition and operation the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

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

"Premises and operations insurance" coverage pays for bodily injury or property damage that occurs on an entity's premises or as a result of an entity's business operations.

"Products and completed operations insurance" coverage pays for bodily injury and property damage that occurs away from an entity's business premises and is caused by the entity's products or completed work.

"Qualified person" means a person who performs installation, maintenance or repair of electric vehicle charging stations and who has either satisfactorily completed at least five installations of an electric vehicle charging station or has completed at least one of the following programs requiring lab or field work and received a certification of satisfactory completion: an apprenticeship as a journeyman electrician from a United States Department of Labor Registered Electrician Apprenticeship and Training Program or an Underwriters Laboratories (UL) electric vehicle charging station installation certification program.

"Repair" or "repairing" means the major activities and actions required to restore to a safe, sound condition and operation the conductors, connectors and all associated fittings, devices, power outlets or apparatuses mounted at the premises that are directly involved in delivering energy from the premises' electrical wiring to the electric vehicle charging station.

"Retail customer" means

a single entity using electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or that is served by a municipal system or electric cooperative; or

an entity that, on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]. For purposes of this Part, a "retail customer" includes that retail customer's employees, officers, and agents. [220 ILCS 5/16-128A(d)]

"Self-installer" means an individual who leases or purchases an electric vehicle charging station for his or her own personal use and installs an electric vehicle charging station on his or her own premises without the assistance of any other person. [220 ILCS 5/16-128A(d)]

"Surplus Line Association of Illinois" is an organization of Illinois surplus line producers as defined in Section 445.1 of the Illinois Insurance Code [215 ILCS 5/445.1].

Section 469.20 Applicability

After January 1, 2014, with the exception of a self-installer, all persons or entities that install, maintain or repair electric vehicle charging stations in the State of Illinois shall be certified by the Commission under this Part prior to installing, maintaining or repairing electric vehicle charging stations in the State of Illinois.

Section 469.30 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 applicable fee payment.
- 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 469.40 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 e-mail address. The applicant shall provide the business name as that name appears on its Illinois Secretary of State's registration, if applicable. The applicant shall provide assumed business names if and only if those names are registered with the Illinois Secretary of State. This information shall be kept current and any change shall be filed with the Chief Clerk of the Commission within 15 days after the change occurs.
- b) Contact information including names, addresses, telephone numbers, facsimile numbers and e-mail 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 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 directly supervise installations, maintenance, or repairs to satisfy the requirements of this Part:
 - 1) A copy of the certification of satisfactory completion of the relevant training programs; and/or
 - 2) An affidavit by each qualifying person attesting to having satisfactorily completed at least five installations of electric vehicle charging stations.
- g) An applicant shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.
 - 1) The applicant shall be deemed to have sufficient commercial general liability insurance, which is comprised of premises and operations insurance and products and complete operations insurance. The commercial general liability insurance shall have a coverage limit of at least \$100,000 per occurrence and \$300,000 aggregate limits for bodily injury.

- 2) In addition, the applicant shall have property damage insurance with limits of at least \$25,000 or shall have a policy with a single limit for bodily injury and property damage of up to \$300,000 per occurrence and \$300,000 aggregate limits.
- 3) The commercial general liability insurance must be maintained with an insurance company whose Best's rating is A- or better and whose Best's financial size category is VII or larger, and whose contract of insurance is issued pursuant to Section 445 or 445a of the Illinois Insurance Code [215 ILCS 5/445 or 445a] and countersigned by the Surplus Line Association of Illinois or its successor.
- 4) The applicant shall provide a certificate of insurance as part of its application for certification. If the applicant or Commission-certified IMR renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to a reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission. The IMR shall file a copy of the additional or replacement certificate of insurance with the Chief Clerk of the Commission and provide a copy to the "Policy Division – IMR Insurance Compliance" or its successor at least 15 days in advance of the effective date of the certificate of insurance. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the IMR as it appears in the most recent Commission order granting the IMR certification.

Section 469.50 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 of this Part.
- b) The applicant certifies that it will ensure that its employees, agents or contractors that install, maintain or repair electric vehicle charging stations, 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 electric vehicle charging station manufacturer's installation, maintenance and repair instructions;
 - 3) Install only electric vehicle charging stations that meet the standards UL2202 - Electric Vehicle (EV) Charging System Equipment, UL2231-1 - Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: General Requirements, UL2231-2 - Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: Particular Requirements for Protection Devices for Use in Charging System and UL2594 - Electric Vehicle Supply Equipment, developed by the Underwriters Laboratory, 333 Pfingsten Road, Northbrook IL 60062;
 - 4) Ensure that all IMR 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 electric vehicle charging station that the certificate holder installed, maintained or repaired; and
 - 5) Submit notifications to the servicing electric utility in accordance with the requirements specified in the applicable tariffs of the servicing electric utility, Section 16-128A of the Act, and this Part.
- c) The applicant certifies that it will comply with applicable municipal licensing and bonding requirements to do business in the State of Illinois.
- d) The applicant certifies that every installation, maintenance and repair of an electric vehicle charging station will be performed only by:
- 1) a qualified person;
 - 2) a person licensed as an electrical contractor in at least one municipality in the State of Illinois who is not a qualified person, provided he/she is directly supervised by a qualified person; or
 - 3) a person enrolled in a training program that upon satisfactory completion will meet the requirement to become 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 469.60 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 IMR subject to penalties, including certificate suspension, revocation, fines or a combination of sanctions.

Section 469.70 Annual Recertification and Reporting

- a) A certificate holder shall recertify annually to remain in good standing with the Commission. Recertification involves submitting a Recertification Report that includes the information required by subsection (c) of this Section and, for any late reports, any applicable late fees.
- 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 list of all persons who installed, maintained or repaired vehicle charging stations on behalf of the certificate holder during the previous calendar year. For each person, the report shall state whether the certificate holder provided the person's qualification to the Commission with the certificate holder's original application or with a recertification report. If the latter, the report shall identify the relevant recertification report for each person by the calendar year it covered;
 - 3) A list of all qualified persons currently employed by the certificate holder. For each person not listed in response to subsection (c)(2), the report shall state when the person began employment and provide for each person proof of the person's qualifications consistent with Section 469.40(f);
 - 4) 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
 - 5) The number of electric vehicle charging stations, classified by customer class and charging capacity, that the certificate holder installed during the prior calendar year in each electric utility's service area.
- d) The report shall not contain customer identifying information.
- e) All reports shall provide the name, telephone number, email address and mailing address of at least one person designated by the certificate holder to address questions pertaining to the report.

- f) A certificate holder that does not submit a Recertification Report within 30 days of the April 1 annual recertification date is subject to late fees as specified in Section 469.110.

Section 469.80 Complaint Procedures

Complaints shall be filed in conformance with 83 Ill. Adm. Code 200.160, 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 469.90 Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may investigate any and all activities subject to this Part or Sections 16-128(a) and 16-128A of the Act, including violations of this Part or of Sections 16-128(a) and 16-128A of the Act.
- b) If, after notice and hearing, the Commission determines that an IMR is installing, maintaining or repairing electric vehicle charging station facilities without Commission certification, the Commission shall issue penalties for noncompliance.

Section 469.100 Maintenance of Records

The certificate holder shall agree to adopt and follow rules and procedures ensuring that documentation regarding installing, maintaining and repairing electric vehicle charging stations 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 469.110 Fees

- a) The following fees shall apply:
 - 1) Application for certification \$50
 - 2) Late filing annual Recertification Report (minimum \$100) \$10/day
 - 3) Returned check fee \$25
- b) Application and recertification fees are nonrefundable.
- c) All fees under this Part shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/IMR Certification". Each payment shall be accompanied by documentation identifying what fee is being

paid, the IMR's name, address and Federal Employer Identification Number (FEIN)/Taxpayer Identification Number (TIN).

Section 469.120 Obligations of Electric Utilities, IMRs and Retail Customers

- a) Each electric utility shall file a tariff or tariffs with the Commission setting forth the documentation that each retail customer who owns, uses, operates or maintains an electric vehicle charging station in the electric utility's service territory must provide to an electric utility. The electric utility's tariffs shall require the following information from retail customers:
 - 1) The name, address, and electric utility account number of the retail customer who owns, uses, operates, or maintains the electric vehicle charging stations;
 - 2) The location of the electric vehicle charging stations;
 - 3) When an electric vehicle charging station is to be installed by an IMR, the business name, address and phone number of the IMR that is the certificate holder;
 - 4) When an electric vehicle charging station is to be installed by an IMR, the Commission docket number in which the IMR obtained a certificate from the Commission;
 - 5) The load and technical specifications of the charging stations;
 - 6) Whether the charging station is for personal or commercial use; and
 - 7) Upon completion of the installation of an electric vehicle charging station, a certification that the electric vehicle charging station was installed by the retail customer as a self-installer, or a copy of the invoice for the installation services or other information demonstrating that the designated IMR installed the electric vehicle charging station.
- b) Retail customers shall comply with the following:
 - 1) Prior to installation of an electric vehicle charging station, the retail customer shall provide notice in writing to the servicing electric utility of plans to install an electric vehicle charging station. The notice shall include the information specified in subsections (a)(1) through (a)(6);
 - 2) Within 30 days after the installation date, the retail customer shall submit to the servicing electric utility the information specified in subsection (a)(7);

- 3) If a retail customer self-installs an electric vehicle charging station and elects to convert the electric vehicle charging station from personal use to commercial purposes, the retail customer shall take the following actions:
 - A) Have a Commission-certified IMR inspect the electric vehicle charging station to evaluate the adequacy and safety of the electric vehicle charging station and provide the results of the inspection to the servicing electric utility; and
 - B) Provide notice to the servicing electric utility at least 30 days in advance of the customer's plans to use the electric vehicle charging station for commercial purposes;
 - 4) Each retail customer that installs an electric vehicle charging station, whether as a self-installer or through an IMR, shall ensure that documentation regarding the installation is retained for a period of not less than three calendar years after the calendar year in which the installation occurred; and
 - 5) Each retail customer that self-installs an electric vehicle charging station shall ensure that documentation regarding conversion of self-installed electric vehicle charging stations to commercial use is retained for a period of not less than three calendar years after the calendar year in which the conversion occurred.
- c) Electric vehicle charging station installers, maintainers and repairers shall comply with the following:
- 1) Each IMR that installs an electric vehicle charging station shall ensure that documentation regarding the installation is retained for a period of not less than three calendar years after the calendar year in which the installation occurred; and
 - 2) Each IMR involved in the inspection of a self-installed electric vehicle charging station converted to commercial use shall ensure that documentation regarding the conversion is retained for a period of not less than three calendar years after the calendar year in which the inspection occurred.

Section 469.130 Initial Compliance Date

The initial date for compliance with this Part is January 1, 2014.