



May 5, 2023

RE: Illinois Power Agency Equity Eligible Contractor Criteria

To whom it may concern,

The Equity Eligible Contractor designation created under the Climate and Equitable Jobs Act (CEJA) is designed to ensure that a significant portion of the ratepayer funded Adjustable Block Program incentives benefit historically underserved and emerging contractors in the renewable energy space. While this is admirable in its intent, the designation does not supplant the established requirements set forth by the Illinois Commerce Commission (ICC), the Adjustable Block Program (ABP), and municipal contractor registration and licensure policies. Further, the program as currently written in the ABP Guidebook leaves behind a significant number of Equity Eligible Persons (EEP), Certified Disadvantaged Business Enterprises (DBE), and contractors based in Equity Investment Communities.

The IPA has recognized the fact that the workforce development programs authorized through CEJA have only recently been issued Notices of Funding Opportunities (NOFO) and will take time to generate the training programs and graduates once the Illinois Department of Commerce and Economic Opportunity (DCEO) awards grants for this purpose. Including graduates and those currently enrolled in the workforce development programs authorized under the Future Energy Jobs Act (FEJA) in paragraphs (a)(1), (a)(2), and (a)(3) of Section 16-108.21 of the Public Utilities Act is a great way to meet the demand for EEP and EEC in accordance with the MES for Adjustable Block Program (ABP), and other IPA REC contracts. Currently, the IPA only recognizes the Solar Pipeline (a)(1), and the Multicultural Training Program (a)(3) in this definition of an EEP. The Craft Apprenticeship Program (a)(2), facilitated by the Illinois IBEW Renewable Energy Fund (ILIBEWREF), needs to be added to this qualification option.

The ILIBEWREF trained more 2,000 individuals in the first round of Craft Apprenticeship funding. That is more than the other two FEJA funded programs combined. Training partners are established at 25 training centers across the State that include IBEW Apprenticeship Schools, High Schools (all in environmental justice communities), Community Colleges, and with Community-based Organizations supporting returning citizens and the justice involved. Our programs are all designed to lead to careers in the electrical industry by offering electrical pre-apprenticeship, and Department of Labor (DOL) registered electrical construction apprenticeship opportunities. Thus, creating a pathway to be designated as a Qualified Person per the Illinois Commerce Commission (ICC) Distributed Generation (part 468), and New Utility Solar (part 461) certifications required for all solar work in Illinois.

The ILIBEWREF, now operating under a grant with the DCEO, has trained over 300 new individuals since July 1, 2022, and has over 200 students currently enrolled with our various training partners that will complete the programs by June 30, 2023 (1st year of the two-year grant). All of our graduates are provided job placement with established electrical contractors who are available for subcontracts to meet the MES requirements. By not including the Craft Apprenticeship Program, the IPA has excluded over 2,00 graduates and current participants in our programs, many employed by Certified Disadvantaged Business Enterprises (DBEs) all across Illinois. This number represents 60% of all workers trained through the FEJA funded workforce development programs.

The current reading of the EEC requirements is also missing a key requirement of the ABP Approved Vendor designation. Specifically, certification as an ICC Distributed Generation Installer in good standing. This certification is also required by the ICC for interconnection of renewable energy systems with the local utility distribution network (Part 466 Electric Interconnection of Distributed Energy Resources Facilities).

Another requirement for the construction of all electrical power producing (and electrical distribution) systems, is an electrical permit issued by a local municipality. Electrical permits are issued to locally licensed and registered electrical contractors by the hosting municipality after thorough plan review based on the enforced electrical code in their jurisdiction. The electrical permit, and the inspections to the permitted design that follow, are required by the local utilities based on the ICC interconnection policies.

We propose the following language to clarify the efforts of this designation and apply other requirements to perform the work detailed in CEJA.

“Equity Eligible Contractor” means a certified Disadvantaged Business Enterprise (DBE, MBE, WBE, or VBE) Licensed Electrical Contracting business that is majority owned by Equity Eligible Persons, or a certified Disadvantaged Business Enterprise (DBE, MBE, WBE, or VBE) Licensed General Contracting business, nonprofit, or cooperative that employs licensed electrical subcontractors and is majority-governed by Equity Eligible Persons as defined below:

- 1) Persons who graduate from or are current participants in any of the following:
 - a. Workforce Development Programs authorized under the Future Energy Jobs Act (Solar Pipeline, Craft Apprenticeship, Multicultural Solar Training programs).
 - b. Workforce Development Programs authorized under the Climate and Equitable Jobs Act (Clean Jobs Workforce Network, Clean Energy Contractor Incubator, IL Climate Works Pre-apprenticeship, Returning Citizens Clean Jobs Training, or Clean Energy Primes Contractor Accelerator programs).
- 2) Persons who are graduates of or currently enrolled in the foster care system.
- 3) Persons who were formerly Incarcerated, excluding contract fraud convictions.
- 4) Persons whose primary residence, or established primary place of business is in an Equity Investment Eligible Community.

The recommended changes to this program ensure that the contractors benefiting from the EEC designation are appropriately Licensed, are Certified Disadvantaged Business Enterprises, that all graduates of Workforce Development Programs authorized under FEJA are represented, that participants do not have histories including a conviction of contract fraud, and includes businesses based in and creating employment opportunities in Equity Investment Eligible Communities. Currently, 10% of all REC contracts in all Adjustable Block Program are required to be issued to Equity Eligible Contractors. This percentage will increase to 40% in coming years. Without these recommended changes, this lucrative program is vulnerable to fraud, excludes large portions of the community from participating, and will not create the opportunity it is designed to do.

Respectfully submitted,



Robert Hattier, Executive Director
Illinois IBEW Renewable Energy Fund