

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS



LOCAL 99

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June 23, 2021

Hon. Representative Joseph J. Solomon, Jr.
Committee Chair
House Commerce Committee
Rhode Island State House

RE: Opposition to H-5327 and H-5327 Sub A AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- NET METERING

Dear Chairman Solomon,

As Business Manager for the International Brotherhood of Electrical Workers Local Union 99, I represent 800 Women and Men who provide their skills to my sixty-six signatory contractors in the Electrical Industry, in the State of Rhode Island and nearby Massachusetts.

I wish to express my **opposition for H-5327 and H-5327 Sub A** as presented. Although the solar industry is far from new, in Rhode Island, the creation of businesses and the workforce to support this industry are relatively new.

As this new division of our industry started to blossom a decade or so ago, IBEW Local Union 99 did something unprecedented. Now retired Business Manager Michael Daley and I worked to open up the industry to allow entities other than conventional electrical contractors to venture into the Rhode Island market. This was a result of many hours of discussion and weighing of the potential benefits, to not only our planet, but of course, to the people we represent. It was not without significant risk; however, we believed it was a manageable risk, if kept in check, would assure a future, just a bit better, for generations to come.

As anticipated, when we help to open the doors of opportunity, we often encounter those who had not made the investment legally required to be in the industry. We spent thousands of hours pursuing vagrant contractors, who used untrained and exploited unlicensed labor, often from Craigslist, to circumvent every law provided to protect the public and the legitimate electrical contractors and electricians in our great state.

There are many hundreds of men and women working in the Rhode Island industry today, from apprentices to general forepersons. Most enjoy the benefits of a union contract and some still unfortunately do not. The craftsmen and women covered under the union contracts have experienced something that is new and exciting in our world. For over 125 years the IBEW has

always stood for fairness and equity for all. In the IBEW, every person of equal rank enjoys the same wage and benefits, regardless of race, gender, or religion.

The solar division of the industry that understands the value of a union contract has quite literally lifted scores of workers out of poverty. We have newly minted Journeymen of color, who have just transitioned from their apprenticeship, and are now elevated to the rank of foreman and general foreman. We have at least one young woman, who is a general foreperson, running large-scale solar projects. In the basic electrical contracting world, those opportunities could take decades of climbing the ladder to achieve. This burgeoning division of the electrical industry has rocketed people forward, whereas there was no one ahead of them to get in their way.

It is not a big secret that the union trades provide better wages, benefits, and working conditions than received by those who are unrepresented. The question is, how do we make sure the industry provides an even playing field where the union crafts can continue to compete and win solar projects, to continue to improve the lives of the workers, not just the owners.

We do this by assuring the industry is well regulated. Unfortunately, as you may know, even though we have an incredibly dedicated Department of Labor, they are gravely understaffed. Without the IBEW competing on, and winning, a large portion of the work, the Department of Labor will be unable to assure the industry is complying with the licensing, apprenticeship and insurance that are required by law.

We know this because we already went through those growing pains. I spent many days and nights investigating projects that were being poorly installed with unlicensed and uninsured contractors looking to make a quick buck. It is much easier to assure compliance with the law on the larger projects, since it is a slower moving target, but regardless, they all need oversight. When working with the well-vetted developers and contractors in the state now, the challenge is manageable. I remain extremely concerned that by expanding community solar in such significant ways, we will be starting the process of compliance all over again.

My understanding is that community solar advanced as a concept that would assist low/moderate income households. To require only 35% for the benefit of low/moderate income households is largely inconsistent with my understanding of the intent of the advancement of this concept. In addition, the remaining 65% will only cannibalize the off-takers: (municipal/state/federal government; hospitals; non-profits/education institutions) required for utility scale projects in the market. Those off-takers are investing in projects today that are providing great careers for many men and women right now, who are local and licensed to do the work.

This bill as written offers an advantage to community solar to have *proof of maturity* ready to go, which streamlines the process. I do believe, in concept, this is a good idea, however making

it mandatory for community solar, and not addressed for virtual net metering, is simply not fair to all of the other types of developers, and therefore should be further studied before implementation.

It is extremely important to realize that there is only so much land in Rhode Island available for solar development. Virtual Net Metering, as it is today, could easily consume every square inch of available land, and address the goals of 100% renewable power for Rhode Island and that would serve the purpose of Virtual Net Metering. If we truly want to address community solar, the only benefit for low-income folks from solar energy, would come from dramatically increasing the low-income requirement to closer to 75%. In this way, we do not leave out the most vulnerable people in our communities who literally do not have any other way to benefit from renewables.

There are some challenging requirements in this bill such as having permits in place by December 31, 2021. In order for this to work at all, one would have to have all their ducks in a row, which for the smaller companies looking to enter into the market could be an unachievable goal. I would say the deadline be pushed out several years, at the least, and projects reduced closer to 3 megawatts. To provide a more equitable distribution to more developers is what Local 99 pioneered years ago. Leaving the cap at 10-megawatts will have the 30-megawatt expansion only consist of three large-scale projects. This is clearly not the intent nor should it be.

I am very concerned about the capacity rights being owned by the Utility. It may be a small portion of the overall project; however, this is a tight market operating on slim margins and requirements. This invites people to try to cut corners to replace lost revenue, which never benefits the worker. Interconnection is getting more expensive every day and projects are becoming more costly to develop. The industry needs to realize any efficiency it can.

The 25-year timeframe to receive community solar credits is another concept that is difficult for me to agree with. Although my people do limited community solar today, this could set precedent on all net metering. Regardless of the type of program, this would discourage any developer from re-powering, or otherwise upgrading, a system during what is considered its useful life. Of course, this would eliminate thousands and thousands of craft hours for future workers, who would have been doing this upgraded work.

In conclusion, I am not against community solar at all. In fact, I believe providing this option, particularly to low-income citizens, is as powerful as providing healthy, fresh foods on government food programs. Local 99 has proven, beyond dispute, we were willing to welcome many strangers into the industry, with cautious confidence that they would recognize the value of union labor, which they have. That, however, did not happen on its own; it took time for people to understand that the state has laws, rules and regulations that need to be adhered to. When the laws are followed, you would be hard pressed to beat the value of the women and men I proudly represent. To think we would be expanding a program that will bring new

players in that are unfamiliar with the legal requirements is an undesirable vision. It is unfortunate that Local 99 was not invited to be a part of this conversation and therefore our thoughts were not part of the bill. I truly hope that you see fit to table this bill until all stakeholders can be invited to take part in sincere and meaningful discussions that can benefit the craft workers on the projects, the general public, and of course our beloved mother earth.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Walsh, Jr.', with a stylized flourish extending to the right.

Joseph L. Walsh, Jr. / Business Manager

Cc:

Louis Mansolillo, Committee Clerk
Paul Macdonald, IBEW Local Union 99 Lobbyist
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Representative Justine A. Caldwell, Second Vice Chair
Representative Stephen M. Casey, Member
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