

[Committer 13]
Comments on
Draft Preliminary
Proposal
Requirements

From: [Commenter 13]

Sent: Wed 5/13/2026 6:48 PM

To: Illinois-RFP <Illinois-RFP@nera.com>

Subject: [Commenter 13] - Response – LTCEP Question Set

Good afternoon,

Attached please find comments on the questions presented by the Illinois Power Agency as they relate to the use of Labor Peace Agreements as part of the indexed storage credit program.

Best,

[Commenter 13]

[Commenter 13] Comments

[Commenter 13] respectfully submits the following comments in response to the Illinois Power Agency's request for stakeholder feedback regarding the potential application of Labor Peace Agreements ("LPAs") to energy storage facilities participating in the Indexed Storage Credit procurement program.

[Commenter 13 information]

[Commenter 13] appreciates the opportunity to provide practical industry perspective regarding the scope and administration of any proposed LPA framework. The following comments are intended to help ensure that any LPA requirement remains appropriately tailored to the onsite operational workforce responsible for the safe, reliable, and continuous operation of covered facilities, while also preserving operational flexibility and providing clarity and predictability to project developers and operators.

1. Should the Labor Peace Agreement apply to offsite employees (including, but not limited to, scheduling and dispatch, interconnection and permitting, engineering and design), whose job function may not be traditionally associated with a "bona fide labor organization"?

No. The Labor Peace Agreement ("LPA") should not apply to employees performing offsite or project development related functions, including scheduling and dispatch, interconnection coordination, permitting, engineering, design, accounting, or other administrative and professional services. Those functions are often performed remotely, across multiple facilities or jurisdictions, and are not tied to the ongoing physical operation of a specific energy storage project.

Instead, the IPA's LPA requirement should remain focused on employees performing onsite, ongoing operations and maintenance work that is integral to the safe, reliable, and continuous functioning of the facility. This includes positions such as plant operations personnel, mechanical and electrical maintenance workers, instrumentation and controls technicians, environmental health and safety personnel, life safety system oversight staff, and facility supervision directly connected to day to day site operations.

Limiting LPA coverage in this manner appropriately aligns the policy with the practical realities of facility operations while avoiding unnecessary expansion into professional, administrative, or development related roles that have not traditionally fallen within the scope of labor peace frameworks. A targeted approach also provides clarity and predictability to developers, operators, and labor organizations alike, while ensuring labor stability for the core operational workforce responsible for maintaining critical energy infrastructure.

2. Please provide a list of job functions and where those job functions might occur (on vs. offsite) that should or should not be included under the Labor Peace Agreement and why.

See attached for a non exhaustive list of anticipated job functions associated with battery energy storage facilities, including whether those functions are typically performed onsite or offsite and the rationale for whether they should fall within the scope of the LPA.

In general, job functions that are permanently or routinely tied to the physical facility itself and are necessary for ongoing operations, maintenance, safety, monitoring, troubleshooting, and reliability should be included within the scope of the LPA. Conversely, functions that are primarily administrative, professional, developmental, or remotely performed across multiple projects should not be included.

The listed job functions are intended to be illustrative rather than comprehensive, as operational structures may vary somewhat between facilities, technologies, and operators. This framework nevertheless creates a clear and administrable distinction between operational facility personnel and broader corporate or development functions, helping ensure the LPA remains appropriately tailored to the workforce most directly connected to uninterrupted facility operations and labor stability.

3. Please provide any anticipated challenges related to any job functions related to the ongoing operations and maintenance of the energy storage facility that would be difficult to cover under a Labor Peace Agreement.

At this time, we do not anticipate significant operational challenges associated with applying the Labor Peace Agreement to the onsite operations and maintenance workforce at energy storage facilities participating in the IPA's Indexed Storage Credit procurement program.

Importantly, the LPA framework can be implemented in a manner that is narrow, practical, and consistent with existing industry practices. Properly structured, the agreement would not interfere with project development, engineering, remote administrative services, or other non operational functions. Instead, it would simply provide a mechanism for labor stability and continuity among the core onsite operational workforce responsible for maintaining critical infrastructure reliability and safety.

A carefully tailored LPA also provides certainty to developers and operators by clearly defining the categories of covered employees and avoiding ambiguity regarding offsite or ancillary personnel. In our view, this targeted approach strikes an appropriate balance between operational flexibility and labor stability for facilities participating in Illinois' energy storage programs.

Battery Storage Facilities: O&M Job Functions

Plant Operators

Where the work occurs: Onsite control rooms

Job functions:

- These employees are responsible for daily operation, alarm response, manual system interventions, and coordination with grid operators.

Rationale for LPA coverage:

- These positions are stable, site-based, and analogous to unionized stationary engineers at traditional power facilities.
- Federal safety guidance emphasizes that normal operations and emergency preparedness are inseparable in Battery Energy Storage System (BESS) facilities, making these roles central to continuous onsite activity.

Mechanical Systems Maintenance Personnel

Where the work occurs: Throughout the facility site

Job functions:

- These employees are responsible for maintaining and operating onsite HVAC units, heating and cooling systems, ventilation equipment, and fire-related mechanical infrastructure, including but not limited to gas detection systems, fire suppression, and alarm interfaces within the facility.

Rationale for LPA coverage:

- Onsite personnel responsible for these systems are integral to daily operations and emergency readiness. Work is physical, scheduled, and performed onsite throughout the facility's lifecycle.
- Battery systems are highly sensitive to temperature and airflow, making thermal maintenance essential to daily operations.
- National Fire Protection Association (NFPA) Standard 855 for the Installation of Stationary Energy emphasizes regular verification of detection systems to prevent catastrophic incidents. Cooling and ventilation failures materially increase safety risks, per U.S. EPA and NFPA-aligned guidance.

- Ongoing inspections, resets, basic troubleshooting, and monitoring are required onsite even if specialized vendors perform major repairs.

Onsite Environmental, Health & Safety Staff

Where the work occurs: Throughout the facility site

Job functions:

- These employees are responsible for maintaining safe operating conditions in control rooms, storage areas, mechanical rooms, and all other work zones.
- They also manage PPE compliance, safety training, routine inspections, and emergency readiness drills.

Rationale for LPA coverage:

- This role is permanent, site-based, and integral to safe operations.
- EPA guidance highlights continuous onsite safety oversight due to toxic gas and fire risks unique to BESS facilities.

Facility Supervisors / Site Managers

Where the work occurs: Onsite offices and operations areas

Job functions:

- These employees directly supervise onsite operations and maintenance staff and contractors, and are analogous with union Chief Engineers and Assistant Chief Engineers at traditional power facilities.
- They are also responsible for compliance with operational protocols, safety plans, and coordination with first responders.

Rationale for LPA coverage:

- Supervisors' presence onsite and authority over day-to-day labor supports inclusion where they are not purely administrative.