

## REGULATION COMMENT RESPONSES

**Commenter:** Jacob Fraley

**Date:** 4/22/25

**Comment:** "As a journeyman looking lineman who's worked in the state of Alaska for the last 20 years, I am opposing the proposed changes to the current regulations regarding the electrical classifications."

**Response:** Your opposition is noted.

**Commenter:** Ryan Andrew, Assistant Business Manager, IBEW Local 1547

**Date:** 5/5/25

**Comment:** [see below; numbering added to aid legibility]

- (1) Regarding the proposed new section 8 AAC 90.111, specifically subsection (b)(4), what are the "other factors" referenced that the department would consider?  
In addition, and as it relates to that proposed new section, we do have concern with the wording of the proposed regulation in that it would be permissive for the department to consider the factors listed in subsections (b)(1) – (4). We believe it would be more appropriate to state that the department will consider those factors when determining if a particular jurisdiction has substantially similar requirements to the state.
- (2) Regarding the proposed new section 8 AAC 90.112, what is meant by the reference to a "certificate" throughout the proposed new section that an applicant could hold which would qualify them to either reciprocate and obtain an Alaska certificate of fitness, or to obtain a provisional certificate of fitness?
- (3) Regarding subsection (d)(1) and (2) of the proposed new section 8 AAC 90.112, what will happen once an applicant's initial provisional license expires? Is the intention that an applicant may apply for and obtain only one provisional license and they would be required to obtain a full certificate of fitness following the provisional expiration?
- (4) Regarding subsections (f) and (h) of 8 AAC 90.112, how would this work procedurally? Is the intent that the department would issue a provisional license prior to verifying that the information supplied by the applicant is valid? If so, we feel that this validation should be done prior to the issuance of either a reciprocal or provisional certificate of fitness.
- (5) Regarding the proposed changes in 8 AAC 90.140, would this mean that the trainee could continue to work under the certificate of fitness after they exit an apprenticeship program in which they were previously indentured?
- (6) Regarding the proposed changes to 8 AAC 90.890 and the ability to count experience gained through military service, subsection (b)(4) indicates that an applicant may claim up to half of the required total hours needed to obtain a certificate of fitness. This section references both hands-on experience, as well as vocational training hours.
- (7) Is the intention that an applicant with military experience in a qualifying MOS or AFSC could count their experience for up to 4,000 hours of the on-the-job required hours for the electrical journeyman certificate of fitness? And if so, since an applicant is only able to count up to 500 hours per year of experience, they would need to have worked for a total of 8 years in that MOS or AFSC to reach the allowable 4,000 hours?
- (8) Regarding the vocational school training specifically, would that same applicant only be permitted to count half of the classroom training hours that are permitted to be counted for the certificate of

fitness (currently 1,000)? Or is the reference to vocational school experience intended to be able to be counted in lieu of on-the-job training hours required for the certificate of fitness?

**Response:**

- (1) Other factors would primarily include methods allowed by the other state to license workers in a way that bypasses (b)(1)-(3). Some states may allow a college degree to substitute for work or testing, and these will need to be considered and may preclude applicants from that state or require additional demonstration of evidence that they used the path similar to Alaska's requirements.  
Section (b) uses "may" and not will, as some jurisdictions may have slightly different requirements that we would still be considered substantially similar.
- (2) The term "certificate" is use synonymously for an official document issued by another jurisdiction (license, card etc.), permitting the holder to preform plumbing or electrical code work in that jurisdiction.
- (3) Upon expiration, the cardholder may not perform code work in Alaska. The certificate is intended to be a one-time certificate that may be upgraded to a regular or reciprocal certificate of fitness within the one-year duration.
- (4) The process for obtaining a provisional/reciprocal license:
  - a. A Provisional Licensee will submit a application reciprocal license (on a form created for this purpose), pay their \$250, and provide a copy of their current license from the origin jurisdiction.
  - b. The applicant will be issued provisional COF, valid for one year or until their original license expires. The department will then process the reciprocal application.
    - i. The application will be reviewed to see if it qualifies for a reciprocal license.
    - ii. If the paperwork is correct, the department will verify the requirements of the origin jurisdiction.
    - iii. If the department finds that the origin jurisdiction is substantially similar, the applicant will be issued a full (2-year) reciprocal COF and that jurisdiction will be added to the approved list.
    - iv. If not, the applicant would be notified that they did not meet the requirements and that they may qualify using the normal method (submit hours via EVF and test for their COF). If they decline, they have the rest of the time on their provisional COF to work in Alaska.
- (5) While 8 AAC 90.140 has a requirement for an applicant to "turn in" their card, there is no provision that their license is suspended or cancelled as a result. Their COF remains valid, and a copy (paper or electronic) meets the requirement to work legally. This section is being removed to clean up confusing and obsolete language in the regulations.
- (6) Correct. this would add a new pool of hours for Military/Vocational, limited to 4000 hours.
- (7) Correct. There is a provision in AS 18.62.050(c) which allows an Alaska-based union to submit the balance of hours if they determine that the candidate has substantially similar experience.
- (8) The vocational hours will be counted as a separate pool, different from classroom study and construction experience. Vocational hours could be used in addition to the 1,000 hours of classroom study hours.

**Commenter:** John Andrew Leman, Kempel, Huffman & Ellis, P.C., General Counsel for Alaska Power Association, Inc.

**Date:** 5/9/25

**Comment:** [see below; numbering added to aid legibility]

- (1) When and how would the Department make a determination of whether a state has substantially similar requirements to Alaska? How long would such a determination be valid for? It would be very helpful to employers and linemen considering moving to Alaska if a publicly available list were maintained instead of having the determination made on an application-by-application basis.
- (2) Would an applicant who receives a provisional certificate of fitness as a part of a reciprocity application also be allowed to take the certificate of fitness exam and would a failing score on the exam preclude the ability to receive a certificate through reciprocity, or result in revocation of the provisional certificate?
- (3) Why is the Department limiting the military experience that could count towards the hours of experience required for a certificate?
- (4) Does the Department have any evidence, studies, or basis for believing that the written test requirement for the Alaska certificate of fitness has improved safety for employees or the public?
- (5) Are eligible reciprocity jurisdictions limited to the other 49 states or would it also include U.S. territories?

**Response:**

- (1) We will contact the licensing entity in the appropriate jurisdiction to review their requirements when a provisional license is issued. Other jurisdiction will be reviewed as resources allow. These basic requirements consist of hours of experience required, having participated in a registered apprenticeship program, having passed a written exam to receive their license, or if the jurisdiction has an alternative requirement that may be substantially similar. The time it takes to complete a review will vary based on the responsiveness of the other jurisdictions licensing entity and research that needs to be done for alternative requirements. The department will monitor the jurisdictional requirements, and determination will remain valid unless the jurisdiction makes changes to their requirements that make them no longer substantially similar. The department will post a list of approved states/jurisdictions on our website.
- (2) To receive a reciprocal COF, requires that the department has a pre-existing written agreement with that state and that the licensee has met the requirements of that agreement (including having tested to receive their license). This will continue and reciprocal licensees are not required to test in Alaska. A provisional COF would be able to obtain a journeyman COF if the department confirmed that the other jurisdiction was substantially similar, and the provisional card holder passed the certificate of fitness exam before the expiration of their provisional COF.
- (3) Military experience heavily includes what the department would consider to be “maintenance” experience which is not valid to qualify for a COF. The department recognizes that this is valuable experience, but it does not cover all aspects of journey-level work. Specific experience working in construction will still be required to transition from military to journey-level work.
- (4) The department does not have studies on the effectiveness of written tests. testing is done to ensure the applicant has a basic understanding of the relevant adopted code required for work in Alaska.
- (5) 8 AAC 90 added the definition of “jurisdiction” per AS 01.10.060 which includes Washington DC and territories, as well as local governments within those areas. This makes territories and local jurisdictions where the state does not issue a corresponding license eligible for reciprocal agreements.

**Commenter:** Crystak Enkvist, Executive Director, Alaska Power Association

**Date:** 5/20/25

**Comment:** [see below; numbering added to aid legibility; abridged for inclusion here]

- (1) The Department Should Amend the Proposed Regulations to Eliminate the Written Test Requirement.
- (2) APA Supports the Proposed Changes to the Certificate of Fitness Regulations.

**Response:**

- (1) The department believes workers who can demonstrate a basic knowledge of the code, through testing, are more aware of the code requirement, and this directly relates to worker safety in the lineman trade.
- (2) Your support is noted.

**Commenter:** Leo Grasso

**Date:** 5/21/25

**Comment:** As a certificate of fitness holder in the State of Alaska, I am opposed to the proposed changes to the current regulations regarding the electrical classifications.

This is a public safety issue due to the hazardous nature of electricity. Installations need to meet minimum standards of safety and have qualified individuals work on them. This does not add any benefit to the people of Alaska, other than open the door for out of state unskilled labor to enter the market.

**Response:** The regulations being changed are not safety-related, but remove unnecessary administrative hurdles.

**Commenter:** James Arness

**Date:** 5/21/25

**Comment:** I am writing today in opposition of the proposed certificate of fitness changes.

**Response:** Your opposition is noted.

**Commenter:** Jamie Matthews, CEO, Copper Valley Electric

**Date:** 5/21/25

**Comment:** I wanted to provide comments in support of these regulations. Overall, these changes would make it easier for out of state lineman to obtain the certificate of fitness.

Although not in the draft regulatory changes, we feel the department should amend the proposed regulations to eliminate the written test requirement. We have many examples to support this within our own utility. Taking the test is very burdensome and in our prior experience does not lead to a higher quality lineman.

I do appreciate the department's willingness to allow the DMV to proctor the test. This was an option we utilized for our last out of state lineman and it saved travel costs and time for both our lineman and our utility. Having flexibility in that test is very important for rural cooperatives.

Please reach out if you have questions or need further clarification.

**Response:** Your support is noted.

**Commenter:** Jeff Leete, Lineman Journeyman

**Date:** 5/21/25

**Comment:** [see below; numbering added to aid legibility]

I oppose the recently prescribed changes to the SOA Certificate of Fitness, specifically applied to the electrical industry.

The COF requires workers to prove professional and safety knowledge of how to perform their work functions. Relaxing those standards, or issuing provisional licenses without proof of hours (in the correct field), creates a system to decrease safety on the jobsite, and more importantly, for the public.

In the matter of provisional and reciprocal licensing: the DOL does not appear to be set up for, staffed, or funded to meet the additional requirements of researching hours and documentation, to follow up with the provisionals/reciprocals. Allowing reciprocity that does not meet the standards of SOA COF requirements does nothing but bring in less DOL revenue, puts less knowledgeable (safe) workers on projects, and pits more (cheap, out of State) competition against resident Alaskans for these construction jobs, and their Alaskan employers.

Below are some additional examples of changes I am in disagreement with:

- (1) 90.111: the blanket of accepting other States' qualifications may not be up to the standards of Alaska's COF.
- (2) 90.112: handing out provisional licenses leaves no motivation for provisional holders to follow through with obtaining an AK COF, especially for short term construction projects. Furthermore, the provisional costs less than a regular COF. The cost of the provisional should be the same or more. It's relatively the same (or more) work for DOL staff to issue, and additional work for DOL to research.
- (3) 90.140 and 90.145: The COF doesn't have to be surrendered when an apprentice leaves their program? I understand that it's difficult to enforce, but that requirement should remain.  
90.890: While I strongly support Veterans transitioning to, or entering the trades, I have witnessed workers being credited significant amounts of hours toward their apprenticeship, and their past experience doesn't match the required skills/knowledge at that hour level. Not all tasks performed in other areas match what is required as a well rounded Journeyman. This has proven hard on the (apprentice) when their hours don't match up with their experience. It's hard on the crew when their apprentice is not up to the safety and experience hours their paperwork suggests.

In summary: this process has been in effect since the 1970's. In my industry, safety is paramount. This system requires a knowledge and professionalism, for public and workforce safety. The COF, as implemented, is paramount in maintaining that safety standard for Alaska. Anything less is not a good compromise.

Thank you for the time in this matter.

**Response:**

- (1) The department is following changes to AS 18.62.020(b) added by SB204 in 2024 to adopt regulations for issuance of a provisional certificate of fitness, allowing current license holders in other states to work in Alaska for up to one year. While states vary in what they require, the employer always has a responsibility to ensure that the employee (even if licensed) is proficient in the work being assigned.
- (2) The provisional license is more expensive than a regular COF. The fees are \$50 for application and \$200 for the one-year certificate. These same fees allow for a full two-year non-provisional COF.
- (3) While 8 AAC 90.140 has a requirement for an applicant to "turn in" their card, there is no provision that their license is suspended or cancelled as a result. Their COF remains valid, and a copy (paper or electronic) meets the requirement to work legally. Mechanical Inspection has no way to determine whether a trainee is enrolled in the apprenticeship program. This section is being removed to clean up confusing and obsolete language in the regulations. Military experience will be allowed to count for partial credit towards a journey-level certificate, but will

require further hours of experience (4,000 additional hours for an electrician journeyman). This was included to specifically address worker safety.

**Commenter:** Jimmy Gabriel, PE, Engineering Manager, Hilcorp

**Date:** 5/21/25

**Comment:** [see below; numbering added to aid legibility; abridged for inclusion here]

- (1) Established Regulatory Framework: 8 AAC 90.165(d) has functioned safely and effectively for over four decades. No evidence has been presented to suggest that this rule has led to safety incidents or enforcement challenges. Removing it without a compelling safety rationale disrupts a stable and well-functioning system.
- (2) Geographic and Logistical Realities: Remote industrial locations in Alaska rely on available, qualified personnel. Journeyman Power Linemen provide essential expertise in regions where licensed Electrical Journeymen may not be readily available, especially on rotational shifts.
- (3) Modern Training Standards: Contemporary Power Linemen training already includes NEC-relevant coursework and hands-on electrical training. These professionals are not unqualified; rather, they bring a level of specialty that often exceeds NEC-focused training alone.
- (4) Absence of a Transition Plan: The repeal, as proposed, offers no transitional certification path or grandfathering for currently employed linemen. This abrupt regulatory shift could disqualify dozens of essential workers and disrupt ongoing industrial operations.
- (5) Potential Disruption to Critical Infrastructure: Restricting the use of experienced linemen in complex electrical roles may delay essential maintenance and upgrades in Alaska's most critical oil and gas infrastructure, directly impacting public safety and economic continuity.
- (6) Lack of Stakeholder Engagement: There is no indication that the Department consulted with major stakeholders-such as industrial operators, labor organizations, or training bodies--before proposing this repeal. Such significant regulatory changes warrant a more collaborative rulemaking process.

**Response:** The repeal of 8 AAC 90.165(d) was an error. It was misnumbered with 8 AAC 90.165(e) which was intended for repeal along with 8 AAC 90.145(d) and 90.160(d). 8 AAC 90.165(d) is not being repealed changed in any way. Point-by-point responses are not necessary here. We will correct this oversight by removing the line-item repeal of 8 AAC 90.165(d).

**Commenter:** Jermiah Mullican

**Date:** 5/21/25

**Comment:** As a certificate of fitness holder in the State of Alaska, I am opposing the proposed changes to the current regulations regarding the electrical classifications.

**Response:** Your opposition is noted.

**Commenter:** Bradley Austin, Business Manager, Plumbers & Pipefitter LU 262

**Date:** 5/21/25

**Comment:** [see below; numbering added to aid legibility; abridged for inclusion here]

Speaking to the plumbing code, we feel there are enough differences between the model codes, some very significant, used across the United States, the Uniform Plumbing Code, the International Plumbing Code, and the International Residential Code. Because of the differences found in these standards; to meet the essential requirement of "substantially similar" we feel the new regulations

should include the language found below underlined in red, which includes references to the Statutes and Regulations used to adopt the plumbing and electrical standards used in the State of Alaska. By including the reference to the codes adopted in the State, there will be no confusion as to what code is substantially similar.

- (1) 8 AAC 90.111(b) add a subsection: “the jurisdiction must adopt minimum standards that are the same as the state adopts under AS 18.60.705 (a) for plumbing and AS 18.60.580 for electrical, and the edition or a later edition as adopted under 8 AAC 63.010 for plumbing and 8 AAC 70.025 for electrical”
- (2) 8 AAC 90.112(a) append to the end: and that it complies with 8 AAC 90.111(new section above).

**Response:**

- (1) This would conflict with 8 AAC 90.890 *Work legally performed and experience legally obtained*. This regulation is not code-dependent and allows any experience “in compliance with the laws of the state in which the work is performed.” The department has enforced this for many years, allowing experience to qualify regardless of the code adopted in the origin state.
- (2) Same as the above. Experience in states with different codes has been allowed in Alaska for many years.

**Commenter:** Brandon Klobucar

**Date:** 5/22/25

**Comment:** “As a current fitness card holder, for decades, i do not support the proposed changes to the current regulations regarding the electrical classifications”

**Response:** Your opposition is noted.