A. Small utilities; limitations. Pursuant to the requirements of this section, on and after the beginning of retail access, an affiliated interest of a small investor-owned transmission and distribution utility may sell retail generation service to retail consumers of electricity located within or outside the service territory of the small investor-owned transmission and distribution utility with which it is affiliated.

B. Rules of conduct. By [six months after passage of Act], the commission shall open a rulemaking proceeding to determine the extent of separation between a small investor-owned transmission and distribution utility and an affiliated competitive electricity provider necessary to avoid cross-subsidization and market power abuses. By [one year after passage of Act], the commission shall provisionally adopt all rules required under this subsection. In adopting rules under this subsection, the commission shall consider all relevant issues, including, but not limited to:

1. codes of conduct that may be required to ensure the effectiveness of the separation requirement;
2. restrictions on employee activities;
3. accounting standards; and
4. information and service comparability requirements.
Sec. XXX-18. Marketing: Consumer-owned Utilities

A. Consumer-owned utilities; limitations. Consumer-owned transmission and distribution utilities:

(1) may sell retail generation service only within their respective service territories; and

(2) may not sell wholesale generation service except incidental sales necessary to reduce the cost of providing retail service.

B. Commission review of marketing within territory. Notwithstanding any other provision of this chapter, the commission by rule shall limit or prohibit sale of generation services by competitive providers within the service territory of a consumer-owned transmission and distribution utility if the commission determines that allowing such sales would cause the consumer-owned transmission and distribution utility to lose its tax-exempt status under federal or state law.
Sec. XXX-19. Stranded Cost Recovery

A. Stranded costs defined. For the purposes of this section, the term "stranded costs" means a utility's prudent, verifiable and unmitigable costs made unrecoverable as a result of the restructuring of the electric industry required by this chapter and determined by the commission as provided in this subsection.

B. Calculation. For each electric utility, the commission shall determine the sum of the following to the extent they qualify as stranded costs pursuant to subsection 1:

1. The costs of a utility's regulatory assets related to generation;
2. The difference between net plant investment associated with a utility's generation assets and the market value of the generation assets; and
3. The difference between future contract payments and the market value of a utility's purchased power contracts.

C. Exclusions. Notwithstanding any other provision of this chapter, the commission may not include any costs for obligations incurred on or after April 1, 1995 [choose some date after which no one can seriously argue competition was not likely], in a utility's stranded costs, except that the commission may include:

1. Regulatory assets created after April 1, 1995, and prior to [day bill filed or day PUC started proceedings] including:
   i. The amortization of costs associated with the restructuring of a qualifying facility contract;
   ii. Costs deferred pursuant to rate plans;
   iii. Energy conservation costs; and
2. Obligations incurred by a utility after April 1, 1995 [same date], and prior to [transition date] that are beyond the control of the electric utility; and
3. Obligations incurred by an electric utility after April 1, 1995 [same date], to reduce potential stranded costs.

D. Mitigation. An electric utility shall pursue all reasonable means to reduce its potential stranded costs.
and to receive the highest possible value for generation assets and contracts, including the exploration of all reasonable and lawful opportunities to reduce the cost to ratepayers of contracts with qualifying facilities. The commission shall consider a utility’s efforts to satisfy this requirement when determining the amount of a utility’s stranded costs.

E. Stranded costs recoverable; mitigation.

(1) When retail access begins, the commission shall provide a distribution utility a reasonable opportunity to recover stranded costs through the rates of the distribution utility, as provided in this section. The distribution utility shall be permitted return of 100 percent of the costs determined by the commission to be stranded, which recovery shall be allowed over a period not to exceed 10 years, but the distribution utility shall not be entitled to a return on such stranded costs. Nothing in this chapter may be construed to give a distribution utility a greater opportunity to recover stranded costs than existed prior to the implementation of retail access.

(2) The commission may reduce or increase the amount of stranded costs that the commission allows a utility to recover based on the efforts of the utility to mitigate its stranded costs, and based on its compliance with this chapter. Any electric utility seeking to claim stranded costs shall, in accordance with this subsection, take all reasonable efforts to reduce such stranded costs, and to mitigate present value rate impacts, so long as the present value of such stranded costs is not thereby increased. Before the approval by the commission of any stranded cost recovery, the electric utility shall show to the satisfaction of the commission that the electric utility has taken all reasonable steps to reduce such stranded costs and to mitigate near-term rate impacts, so long as the present value of such stranded costs is not thereby increased, and also that it has taken all reasonable steps to minimize the net present value cost to be recovered from customers.

(3) Steps to reduce costs, mitigate near-term rate impacts or minimize the net present value cost to be recovered from customers, shall include:

(i) good faith efforts to negotiate the buyout, buydown or renegotiation of independent power producer contracts and purchased power contracts approved by the Federal Energy Regulatory Commission;

(ii) the reasonable costs of the consultants appointed to conduct the auctions of generation assets pursuant to Section XXX-14 of this Act;

(iii) maximization of market revenues from existing generation assets; and

(iv) efforts to maximize current and future operating efficiency, including appropriate and timely maintenance, trouble-shooting, aggressive identification and correction of potential problem areas.

(4) Steps to reduce costs, mitigate near-term rate impacts or minimize the net present value cost to be recovered from customers, may include:

(i) reduction of book assets by application of net proceeds of any sale of existing assets, so long as net costs are not shifted between customer classes as a result of such application;
(ii) voluntary write-offs of above-market generation assets;

(iii) the decision to retire uneconomical generation assets; and

(iv) efforts to divest generating sites at market prices reflective of best use of sites.

(5) Cost reduction and rate impact mitigation measures shall not include any expenditures to restart a nuclear generation asset that was not operating for reasons other than scheduled maintenance or refueling at the time such expenditure was made.

(6) Any such cost reduction and rate impact mitigation efforts shall be subject to approval by the commission.

(7) The commission shall allow the cost of such cost reduction and rate impact mitigation measures to be included in the calculation of stranded costs to the extent that such costs are reasonable relative to the amount of the reduction in stranded costs resulting from the measures.

F. Determination of stranded costs charges. Before retail access begins, the commission shall estimate the stranded costs for each electric utility in the state. The commission shall use these estimates as the basis for a stranded costs charge to be charged by each distribution utility when retail access begins. Every three years, until the utility is no longer recovering adjustable stranded costs, the commission shall correct any substantial inaccuracies in the stranded costs estimates associated with adjustable stranded costs and adjust the stranded costs charges to reflect any such correction. The commission may correct adjustable stranded costs estimates and adjust the stranded costs charges at any other time. When correcting stranded costs estimates and adjusting stranded costs charges, the commission shall make any change effective only prospectively and may not reconcile past estimates to reflect actual values.

For purposes of this subsection, "adjustable stranded costs" means stranded costs other than stranded costs associated with divested generation assets.

G. Recovery of stranded costs. The commission shall set an amount of recoverable stranded costs after calculating the net aggregate value of all divested assets that had proceeds exceeding book costs against the aggregate value of all other stranded electricity generation assets. The commission may not shift cost recovery among customer classes in a manner inconsistent with existing law, as applicable. Cost recovery among customer classes and among customers shall be based on class use of each stranded asset and collected on a per-kilowatt-hour-use basis.

H. Ratepayer Equity Plan. A utility that is allowed to recover uneconomic costs pursuant to this Section XXX-19 shall establish a Ratepayer Equity Plan before implementing any charge therefor. The purpose of the plan shall be to compensate ratepayers with shares of common stock equal in value to the amount of cost recovery charges collected thereunder. The plan shall be filed with the commission, which shall approve or modify the plan so that the plan shall require the utility to do the following:

(1) calculate the total amount of costs recovered by the utility for each fiscal quarter of the recovery period;
(2) determine the market value of the stock of the utility as indicated by the
last trading price on a public exchange market as of the last date of each
fiscal quarter (if the stock is held by a holding company, the holding com-
pany's stock shall be used to determine market value);

(3) deposit with the State Treasurer stock certificates for the utility or holding
company's stock for which the total market value determined under item
(2) is equal to the cost recovery calculated under item (1) within 15 days
of the end of the fiscal quarter; and

(4) distribute all proceeds from the sale of the stock by the State Treasurer to
all customers who have paid the cost recovery charge through a reduction
in or elimination of the monthly customer charge. Customers who have
not paid the cost recovery charge shall not receive any of the proceeds.


(1) Fund established. There shall be established as a trust fund within the
treasury of the state, the Ratepayer Parity Trust Fund, to which shall be
credited all personal and corporate tax revenues attributable to the sale of
assets relative to Section XXX-14 of this chapter, any appropriations made
for the purposes of providing extraordinary assistance to utilities in
achieving the rate reductions required by this chapter and any income
derived from investments of amounts credited to said fund. Amounts
credited to said fund shall be received and held in trust and shall be used
solely for the purpose of providing extraordinary assistance in achieving
the required rate reduction pursuant to Section XXX-5(C) of this chapter,
subject to appropriation for said purposes. Prior to any such appropri-
ation being made by the Legislature, the commission shall file with the
[Secretary of Administration and Finance, or comparable state official] a
request for distribution of such monies in said fund as may be available
for appropriation.

(2) Payments from the fund; conditions. If the distribution utility claims that
it is unable to meet a price reduction of 25 percent it shall petition the com-
misson to explore any and all mechanisms, including authorizing an
alternate generation company or provider to provide the standard offer,
and receipt of funds authorized by the commission from the Ratepayer
Parity Trust Fund.

(3) Payments from the fund; warrants. In the event and to the extent that a
distribution utility receives payments from the Ratepayer Parity Trust
Fund, the utility shall execute and deliver to the treasury of the state, to be
held in trust, warrants in the face amount of the receipts from the fund for
the purchase of stock in the utility (or its parent in the case of a subsidiary
not publicly traded) at the price of the stock of the utility (or its said par-
ent) at the time of the receipt of payment from the fund.

(4) Option to redeem warrants. In the event the price of the stock for which
warrants were issued pursuant to this section exceeds the price of the
stock at the time of receipt of payment from the fund by 20 percent or
more, the Treasurer of the state may exercise the warrants. If the warrants
are so exercised, the utility must forthwith purchase the stock from the
Treasurer at the time the Treasurer notified the utility of the redemption of the warrants, less 5 percent.

I. Proceedings. The commission shall conduct separate adjudicatory proceedings to determine the stranded costs for each investor-owned distribution utility and each consumer-owned distribution utility. In the same proceedings, the commission shall establish the revenue requirements for each distribution utility and stranded costs charges to be charged by each distribution utility when retail access begins. The proceedings must be completed by [six months from date of enactment].
Sec. XXX-20. Rate Design

The commission shall set charges and rates collected by transmission and distribution utilities in accordance with this section.

A. Applicable law. The design of rate recovery for the collection of transmission and distribution costs, stranded costs and other costs recovered pursuant to this chapter must be consistent with existing law, as applicable.

B. Proceedings. Following notice and hearing, the commission shall complete an adjudicatory proceeding on or before [pick a date that gives the commission sufficient time but is prior to the opening of the market] for the design of cost recovery for transmission and distribution costs, stranded costs and other costs recovered pursuant to this chapter and for the design of rates for backup or standby service.

C. System benefits charge; limit on rate spread. The commission shall establish a system benefits charge to be imposed against all retail usage. The system benefits charge shall be determined by the commission in a general and equitable manner and shall be imposed on all end-use sales at a uniform rate that is applied equally to all customers of the same class regardless of which electric company served an individual customer on [date prior to passage of legislation]. On and after [date five years after passage of legislation], the commission shall allocate the rate of the system benefits charge in accordance with methods in effect on [date prior to passage of legislation], for allocation of electric company generation among classes of customers, provided the price differential between industrial customers and residential customers shall not exceed the average price differential for electric service between industrial and residential rates in effect during calendar year [same year as in Section XXX-6]. The system benefits charge shall be rolled into distribution rates and recovered as part of distribution rates.
Sec. XXX-21. Renewable Resources

A. Policy. In order to ensure an adequate and reliable supply of electricity for [Name of State] residents and to encourage the use of renewable and indigenous resources, it is the policy of this state to encourage the generation of electricity from renewable sources and to diversify electricity production on which residents of this state rely in a manner consistent with this section.

B. Definition. As used in this section, the term "renewable resource" means a source of electrical generation that generates power that can physically be delivered to the control region in which the regional independent service operator or similar body, or its successor as approved by the Federal Energy Regulatory Commission, has authority over rates for transmission services and:

(1) whose total power production capacity does not exceed [detail to be filled in on state-by-state basis] megawatts and that relies on one or more of the following sources of energy: [detail to be filled in on state-by-state basis].

C. Portfolio requirements. As a condition of licensing pursuant to Section XXX-8, each competitive electricity provider in this state must demonstrate in a manner satisfactory to the commission that no less than [detail to be filled in on state-by-state basis] percent of its portfolio of supply sources for retail electricity sales in this state are accounted for by renewable resources. By [one year after effective date], the commission shall provisionally adopt rules establishing reasonable procedures for implementing this requirement.

D. Report. In view of property tax benefits, developments in other states and the development of a market for tradable credits for satisfying renewable resource requirements, the commission shall review the [detail to be filled in on state-by-state basis] percent portfolio requirement and make a recommendation for any change to the committee of the Legislature having jurisdiction over utilities and energy matters no later than [five] years after the beginning of retail competition.

E. Funding for research and development.

F. Net metering authorized.
Sec. XXX-22. Energy Efficiency

A. Energy-efficiency programs required. The commission shall require distribution utilities to implement energy-conservation programs and include the cost of any such programs in the rates of distribution utilities.

B. Funding. Beginning on [transition date], the commission is authorized and directed to require a mandatory charge per kilowatt-hour for all consumers in the state to fund energy-efficiency activities including, but not limited to, demand-side management programs. Said charge shall be in the following amount: 3.3 mills ($0.0033) per kilowatt-hour, and further provided that in authorizing such activities the commission shall ensure that they are delivered in a cost-effective and cost-efficient manner.

C. Rulemaking. By [one year after passage of legislation], the commission shall commence a rule-making proceeding on energy conservation programs. By [date one year later], the commission shall provisionally adopt rules establishing energy conservation programs in compliance with this subsection.

D. Low-income energy efficiency. At least 20 percent of the amount expended for residential demand-side management programs by each distribution utility in any year, and in no event less than the amount funded by a charge of 0.25 mills per kilowatt-hour, which charge shall also be continued in the years subsequent to 2002, shall be spent on comprehensive low-income residential demand-side management and education programs. The low-income residential demand-side management and education programs shall be coordinated with all gas distribution companies in the state with the objective of standardizing implementation.
Sec. XXX-23. Consumer Education

A. Consumer education advisory board; rules. The commission shall adopt rules implementing a consumer education program, which should be in compliance with this subsection.

(1) The commission shall immediately organize a consumer education advisory board to investigate and recommend methods to educate the public about the implementation of retail access and its impact on consumers. The commission shall ensure broad representation of residential, industrial and commercial electric consumers, public agencies and the electric industry on the advisory board. Members of the board shall serve without compensation. However, the commission may reimburse members for their reasonable costs of attending board meetings, in the case of members who otherwise would be unable to participate on account of financial hardship.

(2) In its recommendations, the advisory board shall address:

(i) the level of funding necessary for adequate educational efforts and the appropriate source of that funding;

(ii) the aspects of retail access on which consumers need education;

(iii) the most effective means of accomplishing the education of consumers;

(iv) the appropriate entities to conduct the education effort; and

(v) any other issue relevant to the education of consumers regarding the implementation of retail access and its impact on consumers.

(3) The commission shall consider the recommendations of the advisory board when adopting rules to implement a consumer education program.
Sec. XXX-24. Needs-based, Affordable Rates for Low-Income Customers

A. Policy. In order to meet legitimate needs of electricity consumers who are unable to pay their electricity bills in full and who satisfy eligibility criteria for assistance, and recognizing that electricity is a basic necessity and all residents of the state should be able to afford essential electricity supplies, it is the policy of the state to ensure that bills for low-income consumers are affordable. For the purposes of this chapter, a bill is affordable if the burden it places on the household is no greater than two times the burden, expressed as a percentage of income, that is borne by the national average residential customer of median income. Bills may be rendered affordable by energy-efficiency improvements in the building and appliances of customers' dwellings, and by reducing rates for such customers.

B. Low-income assistance. To the extent that energy-efficiency assistance for low-income customers, as provided for under Section XXX-22, is not expected to reduce a low-income customer’s bill below the threshold of affordability as set forth herein, rate reduction assistance shall be made available under this section. In order to meet the needs for bill assistance of low-income consumers in the state, and to meet future increases in need caused by economic exigencies, the commission shall:

1. receive funds collected by all distribution utilities in the state at a rate set by the commission in periodic rate cases; and

2. set initial funding in generic proceedings or in periodic rate cases for low-income affordability rates based on an assessment of the aggregate of low-income customers' needs for bill reductions sufficient to render the resulting bills affordable. The funding mechanism may not result in bill affordability assistance being counted as income or as a resource in other means-tested assistance programs for low-income households. To the extent possible, assistance must be provided in a manner most likely to prevent the loss of other federal assistance.

C. Further assistance authorized. Nothing in this section may be construed to prohibit a transmission and distribution utility from offering any special rate or program for low-income customers that is

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not specifically required by this chapter, subject to the approval of the commission.

D. Backstop for net incremental credit risk of serving low-income customers. Each distribution utility shall guarantee payment to the generation supplier for all power sold to low-income customers at said affordability rates.

E. Eligibility. Eligibility for the affordability rates established herein shall be extended to low-income customers who have qualified in the preceding 12 months for any means-tested public benefit including, but not limited to, Transitional Assistance for Needy Families (TANF), Supplemental Security Income (SSI), food stamps, Medicaid, general assistance (if in the state), means-tested Veteran’s Benefits, Low-Income Home Energy Assistance (LIHEAP) or any other means-tested program for which eligibility does not exceed 175 percent of the federal poverty level, or whose annualized household income does not exceed 175 percent of the federal poverty level.

F. Outreach. Each distribution utility shall conduct substantial outreach efforts and shall report to the commission, at least annually, as to its outreach activities and results. Outreach must include establishing an automated program of matching customer accounts with lists of recipients of said means-tested public benefits programs and based on the results of said matching program, to presumptively offer a low-income discount rate to eligible customers so identified. The [insert names of welfare and LIHEAP agencies of state] shall cooperate with the commission in facilitating the establishment of such automatic enrollment process.
Sec. XXX-25. Commission Participation in Federal and International Proceedings

A. Authority. Without limiting the commission’s authority under any other provision of law, the commission may:

(1) intervene and participate in proceedings at the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the United States Department of Energy and other federal agencies and in proceedings conducted by Canadian or other authorities or agencies whenever the interests of competition, consumers of electricity or economic development in this state are affected; and

(2) monitor trends and make recommendations, as appropriate, to the Legislature, to the Governor, to Congress or to any federal agency regarding:

(i) the safety and economic effects or potential effects of market competition on nuclear units; and

(ii) the effects or potential effects of market competition on [Name of State]'s air quality.

B. Findings; responsibility. The Legislature finds that, in order for retail competition in this state to function effectively, the governance of any independent system operator with responsibility for operations of the regional transmission system must be fully independent of influence by market participants. The commission shall use all means within its authority and resources to advocate for and promote the interests of [Name of State] ratepayers in any proceeding at the Federal Energy Regulatory Commission involving the development, governance, operations or conduct of an independent system operator.
Sec. XXX-27. Reports

A. Annual restructuring report. On November fifteenth of each calendar year, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over utility matters a report describing the commission’s activities in carrying out the requirements of this chapter and the activities relating to changes in the regulation of electric utilities in other states, and evaluating the effectiveness of competition in achieving the purposes of this statute. Said report shall contain, but is not limited to:

(1) electricity spot price information for the previous calendar year, including, but not limited to, the average regional monthly spot price;

(2) a determination of whether all customer classes and market segments, including low-usage, low-income and other vulnerable customers, are being adequately served by competitive energy markets;

(3) a determination of the competitiveness of energy markets, including a determination whether the electric industry is providing consumers with the lowest prices possible and the optimal level of service quality, within a restructured, competitive retail marketplace;

(4) identification of any substantial fluctuation or pricing differences in the cost of electricity available to consumers, especially with respect to geographic regions and low- and moderate-income customers;

(5) an analysis of the reliability of the provision and distribution of electricity in the state in the prior year, and a forecast of reliability for the next five years; and

(6) recommendations for improving any deficiencies so identified in electricity energy, including drafts of legislation.

B. Independent system operator. The commission shall monitor events in the region pertaining to:

(1) the development of an independent system operator with responsibility for transmission reliability;

(2) the management of competitive access to the regional transmission system; and
(3) rights to negotiate potential contracts between sellers and buyers of electricity.

If the commission determines that there exists insufficient independence on the part of the independent system operator from any provider of wholesale transmission, competitive electricity provider or transmission or distribution utility, or if it determines any other problem threatens regional transmission reliability, the commission shall provide a report to the committee of the Legislature having jurisdiction over utility matters with a recommendation as to what actions within the authority of the state are available to remedy this problem.
Sec. XXX-28. Intervenor Compensation

A. Intervenor Compensation Fund established. The commission shall establish an Intervenor Compensation Fund, to which shall be credited all receipts of civil penalties levied by the commission pursuant to Sections XXX-10 and 12, such other funds as the commission may direct distribution utilities to collect from all customers for that purpose and the income from the investment of balances in the fund.

B. Scope. The Intervenor Compensation Fund shall be used to provide funding to entities that intervene in adjudications or rulemaking proceedings before the commission on issues involving the interpretation and implementation of this chapter on behalf of residential customers. The funds may be used to obtain legal assistance, administrative assistance and expert assistance. No funds may be used in any way for lobbying or publicity. Funds shall be awarded for the presentation of any responsible position, regardless of the likelihood of its adoption, so long as its adoption is not precluded by clear precedent, law or constitutional restriction.

C. Entities that may obtain compensation. Intervenor compensation shall be available only to entities that would experience financial hardship in presenting their case without such funding. Such entities may be individuals or organizations. The fact that an entity receives funds that may be used for intervention does not per se disqualify the entity from receiving intervenor compensation.

D. Supplement to other public representation. It shall be no barrier to the receipt of intervenor compensation from this fund that a public advocate, consumer counsel or other representative of utility consumers has been funded to intervene and has intervened in the case for participation in which funding is sought. The commission may for purposes of administrative economy order the consolidation of like presentations.

B. Process. Entities that seek intervenor compensation from this fund shall submit a written application to the commission in the form it prescribes, providing information sufficient to establish eligibility for funding under this Section XXX-28, and including a proposed itemized budget and a statement of the issues to be presented, and the nature of any legal representation or consulting assistance proposed to
be obtained. The commission shall by rule prescribe a process for considera-
tion of such applications. An application may be made before a formal case is
filed, if it is reasonably likely that a formal case will be filed. Funds shall be
awarded no later than three weeks before the date on which testimony or for-
mal written comments must be filed by intervenors at the commission in the
case in question. Recipients must periodically, and at the conclusion of the
case, file reports documenting the use of the funds for the purposes set forth
in the approved application. The commission may by rule determine further
specifics of the process for obtaining, using and accounting for such funds.
Sec. 3. Conforming Amendments

By December 31 [next date six months after passage of bill], the Public Utilities Commission shall identify and submit to the committee having jurisdiction over utilities and energy matters legislation proposing amendments required to conform other statutes to the provisions of this Act.
Sec. 4. [Repeal Contrary Existing Statutes]
Appendix I: Retail Marketing Area Language

Sec. XXX-#. Retail Marketing Areas

A. Until [three years after transition date], this state shall be divided pursuant to this section into retail marketing areas (RMAs) under the authority of Section 722(g) of the "Energy Policy Act of 1991," 106 Stat. 2776, 16 U.S.C. 824(k)(g). A retail marketing area under this section is not a reseller of electricity, but rather is a geographic designation for the purpose of aggregating retail electric service customers. In each retail marketing area, electric generation service shall be aggregated and bid out for all retail customers in the area that choose not to opt out of the aggregated pool, as further provided in subdivision (c) of this section.

B. Retail marketing areas shall cease to exist three years after [the end of the transition period], for the purposes of subsections A to J of this section. Retail marketing areas shall be rebid halfway through the transition period in accordance with subsections H and I of this section.

C. Any customer may opt out of the aggregated retail marketing area pool at any time. To define the aggregated pool for the purposes of the first and second rounds of bidding, the public utilities commission shall set a date by which any customer who wishes to opt out of the aggregated pool for that bidding round must do so, and shall establish procedures providing for an affirmative indication by a customer that the customer is opting out of the pool. Any customer that, after acceptance of the bid for a retail marketing area, moves into that area or initiates service for the first time within that retail marketing area may choose any competitive electric company to supply the customer's generation service, including the winning bidder for the retail marketing area.

D. A distribution utility in this state may impose a reasonable switching fee on any customer that cancels service with the provider providing service to the retail marketing area. A switching fee may be imposed by the winning bidder of a retail marketing area on any customer who opts out of the retail marketing area bid pool after the opt-out date set by the commission under subsection C of this section.
with the exception of a customer who moves outside the retail marketing area. Such a switching fee may also be imposed by the winning bidder on a customer entering the retail marketing area bid pool after the opt-out date, including a customer who previously had opted out of the pool. The amount of any such switching fees for customers opting out of or into a retail marketing area bid pool shall be disclosed and considered in the retail marketing area bid selection process under this section. The switching fee shall not exceed a nominal charge covering only the administrative costs of the utility or company, as the case may be. Retail electric generation service shall be provided to a customer entering the bid pool after the opt-out date at the prevailing rate for the retail marketing area.

E. Except as otherwise provided in subsection F of this section, the basic mapping units for retail marketing areas shall be subunits of monopoly service territories as those territories exist on the effective date of this section. To facilitate the mapping process, incumbent electric utilities shall file plans with the commission proposing to divide their service territories in a manner that allows for reliable and efficient delivery of power to discrete geographic areas by use of the existing transmission and distribution networks. The plans shall be in such form and include such information as the commission shall prescribe by rule initially adopted not later than 45 days after the effective date of this section.

F. (1) In fixing the boundaries of each retail marketing area, the commission shall consider the plans submitted under subsection E of this section, and may make such modifications as it considers necessary to such proposed boundaries. The commission shall determine the boundaries of each retail marketing area, and approve final boundaries, pursuant to all of the following criteria.

(i) Each retail marketing area is a feasible size and has a diverse mix of customers, including low-income customers, based on customer class, socioeconomic, geographic and load characteristics; and each RMA is reasonably comparable in customer mix to all other RMAs.

(ii) The boundaries do not result in an electric transmission or distribution service bottleneck to the advantage of a particular provider of electric generation service.

(iii) Each RMA consists of territory that is contiguous geographically and contiguous in terms of electric transmission and distribution services.

(2) The commission may change a RMA boundary for the purpose of the second round of bidding if it determines that the change was necessary to comply with the criteria specified in subsection F(1) of this section.

(3) A distribution utility shall provide the commission with such information as the commission considers necessary to establish RMA boundaries. The commission shall take such measures as it considers necessary to protect the confidentiality of that information.
G. Notwithstanding the criteria specified in subsections E and F(1) of this section:

(1) the service territory of an incumbent electric cooperative, as that territory exists on the date boundaries are approved under this section, shall not be its own RMA and shall not be part of any other RMA; and

(2) territory and retail electric service customers within the boundaries of a municipal corporation that, on the effective date of this section, transmits or distributes electricity through facilities owned or operated by an incumbent municipal electric utility, including facilities jointly owned or operated with one or more other municipal electric utilities, shall be excluded from any RMA. However, the legislative authority of such municipal corporation may opt into the RMA process prescribed in this section, for all or part of its territory, by a filing with the commission by such date and pursuant to such filing procedures as the commission shall prescribe by rule.

H. The commission shall issue the request for proposals for each RMA and shall oversee the RMA bidding process. For this purpose, the commission shall adopt bidding rules that include all of the following:

(1) a requirement that a bidder demonstrate a minimum financial and capacity commitment for the particular service bid upon;

(2) an open, fair and unbiased process for submitting bids and selecting winning bids;

(3) any price or non-price factors the commission shall use to evaluate bids and choose a winning bid. Price factors shall include, but not be limited to, the rate reduction objective specified in [Sections XXX-5 and 6]. Non-price factors may include, but are not limited to, service reliability, customer service quality, assurance of supply, performance guarantees, financial viability and such other factors as the commission considers appropriate;

(4) contracting criteria and standard contract provisions, including a requirement that the winning bidder must supply electric generation service to any new retail customer that joins or rejoins the marketing pool after the award of the bid;

(5) other relevant rules to ensure fair and unbiased bidding and fair and unbiased selection of winning bids by the commission, and to ensure performance by the winning bidder; and

(6) except as otherwise provided in this section, initial rules under this section shall be adopted not later than 275 days after the effective date of this section.

I. Selection of RMA providers.

(1) The commission shall select the winning bidder or bidders for each RMA, except that an electric cooperative may choose between participating in the commission's bidding process or that of the cooperative issuing the request for proposals, overseeing the bidding process and conducting the bidding for its own RMA. A winning bid may include a bid by the incum-
bent electric utility or its affiliate, subject to the limitations of [Sections XXX-14, 16 and 17]. The selection of a winning bid under this section shall not be subject to legal action absent actual fraud.

(2) In either round of bidding under this section, the commission, or the electric cooperative in the case of an electric cooperative that conducts its own bidding as approved in division I(1) of this section, may let a RMA out for rebid if the commission or cooperative, respectively, determines that a request for bids for the RMA was substantially technically deficient. Such a determination shall not be subject to legal action absent actual fraud.

J. If the commission determines that no acceptable bid has been submitted for a particular RMA, the electric distribution utility in the RMA shall procure electric generation service for each of its distribution service customers in the RMA for the time prior to [cross reference date three years after transition date], or until such time as a RMA provider is selected in the case of a RMA rebid under division I(2) of this section. Such generation service shall be provided at not greater than the standard-offer rate.
Appendix II: Alternative Stranded Cost Recovery Sections

Sec. XXX-19-A. Stranded Cost Recovery—Non-nuclear Generation Assets

A. Definitions. As used in this section:

(1) "Generation assets" means electric generation facilities and generation-related operations and functions owned by an electric utility and includes associated contractual obligations for energy or capacity from such generation assets; and

(2) "Net proceeds" means the book income from the sale or divestiture of assets, consisting of sales price less reasonable expenses of sale and related income and other taxes.

B. Divestiture precondition for stranded cost recovery.

(1) No electric utility shall be eligible to claim any stranded costs as provided in Sections XXX-7-9 inclusive unless the utility (i) before the date when the commission approves a divestiture plan has sold its non-nuclear generating assets and (ii) on and after the date when the commission approves such a plan, has submitted all of its remaining non-nuclear generation assets owned or held as of the effective date of this act to a public auction held in a manner designed to produce a maximum sale price in accordance with this subsection.

(2) Each electric utility that elects to divest itself of non-nuclear generation assets shall, not later than [date soon after passage of Act] submit a plan to the commission. The divestiture plan shall include:

(i) any documentation the commission reasonably determines is necessary to approve the auction procedure, including a copy of the request for proposal and a description of the solicitation process;

(ii) a detailed description of the process for the sale and transfer of non-nuclear generation assets; and
The book value of all assets the electric utility intends to make available for sale. The commission shall issue a final order approving or modifying the plan in a time frame that will allow divestiture to be accomplished by [date two years from enactment].

The commission shall appoint a consultant who shall be an entity unrelated to the electric utility and that meets the commission's qualifications, to conduct the auction process.

(3) The commission shall not approve a sale unless (i) the sale price of an asset or assets equals or exceeds the book value for the asset or assets, (ii) the commission determines the bidder meets all the applicable qualifications established by federal law and regulation, (iii) the sale is conducted in accordance with the divestiture plan approved by the commission, (iv) the bidder proves to the satisfaction of the commission that it will preserve labor agreements in effect at the time of the sale and (v) the sale will result in a net benefit to ratepayers, as determined by the commission.

(4) All net proceeds realized by an electric utility from the sale of nonnuclear generation assets pursuant to this section that exceed the total book value of all the assets sold pursuant to this section shall be netted against the amount of stranded costs as provided in subdivision (4) of subsection H and subsection I of Section XXX-19-C of this Act.

(5) If an electric utility complies with the provisions of this subsection but does not receive any bids for an asset by a qualified bidder that equal or exceed the minimum bid as provided in this subsection, the commission shall calculate the value of stranded costs for each such asset in accordance with subsection G of Section XXX-19-C of this Act.

Sec. XXX-19-B. Stranded Cost Recovery—Nuclear Generation Assets

A. Definitions. As used in this section:

(1) "Generation assets" means electric generation facilities and generation-related operations and functions owned by an electric utility and includes associated contractual obligations for energy or capacity from such generation assets; and

(2) "Net proceeds" means the book income from the sale or divestiture of assets, consisting of sales price less reasonable expenses of sale and related income and other taxes.

B. Divestiture or transfer. Not later than [four to seven years after enactment], each electric distribution utility shall either (1) submit its nuclear generation assets to a public auction held in a manner designed to produce the best sale price, in accordance with subsection C of this section in order to divest itself of remaining nuclear generation assets, or (2) transfer remaining nuclear generation assets to one or more legally separate corporate affiliates at their book value, in which case no stranded costs shall be recovered.

C. Divestiture plan.

(1) Each electric distribution utility that elects to divest itself of its nuclear
D. No satisfactory bid; calculation of stranded costs.

(1) If an electric utility elects to sell all its remaining nuclear generation assets by public auction and complies with the provisions of subsection C of this section but does not receive bids for an asset by a qualified bidder that equal or exceed the minimum bid price, as determined by the commission in accordance with the provisions of subsection C of this section, the commission shall calculate the value of stranded costs for each such action in accordance with subdivision (3) of subsection H of Section XXX-19-C of this Act.

(2) The commission shall not approve a sale unless (i) the sale price equals or exceeds the minimum bid established by the commission for the asset, (ii) the commission determines the bidder meets all applicable qualifications established by federal law and regulation, (iii) the sale is conducted in accordance with the divestiture plan as approved by the commission, (iv) the bidder proves to the satisfaction of the commission that the bidder will preserve labor agreements in effect at the time of sale and (v) the sale will result in a net benefit to ratepayers, as determined by the commission.

Transfer in ownership of any asset shall not occur until the commission determines that the purchaser is fully qualified to provide electric generation services pursuant to [Section XXX-8], or pursuant to applicable federal law and regulation.

(3) The commission shall determine the minimum bid price for each nuclear generation asset by determining the future net cash flow that a nuclear generation asset of comparable size, age and technical characteristics that is prudently and efficiently operated would be expected to produce over its expected remaining useful life, discounted to a present value.

(4) If a final bid is less than book value for an asset, the electric distribution utility shall be entitled to recover the difference between the bid price and the book value as stranded costs pursuant to subdivision (2) of subsection H of Section XXX-19-C. If a final bid exceeds book value for an asset, the net proceeds realized by the electric distribution company that are above book value should be netted against the amount of stranded costs as provided in subdivision (4) of subsection H of Section XXX-19-C of this Act.
(2) Not later than [date from above] the electric utility shall transfer the nuclear generation assets described in subdivision 1 of this subsection to one or more legally separate corporate affiliates. If in order to comply with rules, regulations or licensing requirements of the United States Nuclear Regulatory Commission an electric utility is unable to legally separate its nuclear assets to one or more corporate affiliates, the generation assets may remain in separate divisions of the electric utility.

E. Calculation, recovery of interim stranded nuclear generation costs.

(1) On and after [date two years or so after passage of Act], and prior to the date when a nuclear generation asset is sold at public auction or transferred to a separate affiliate, the difference between the return of and on capital costs allowed in rates for the nuclear generation asset and the income capitalization value established for such asset for such interim period pursuant to the methodology described in subdivision (3) of subsection C of this section shall be collected through the stranded cost recovery assessment in accordance with Section XXX-19-D of this Act.

(2) On or after the date when a nuclear generation asset is sold at public auction or transferred to a corporate affiliate, the commission shall calculate the stranded costs for nuclear generation assets in accordance with subsection H of Section XXX-19-C of this Act.

Sec. XXX-19-C. Stranded Cost Estimation

A. Definitions.

(1) "Stranded cost recovery assessment" means those non-bypassable rates and other charges that are authorized by the commission (i) to recover stranded costs as determined under this section or (ii) to recover costs determined under subdivision (1) of subsection E of Section XXX-19-B of this Act. If requested by the electric utility or electric distribution utility, the commission shall include in the stranded cost recovery assessment non-bypassable rates and other charges to recover federal and state taxes whose recovery period is modified by the transactions contemplated in this section.

(2) "Customer" means any individual, business, firm, corporation, association, tax-exempt organization, joint stock association, trust, partnership, limited liability company, the United States or its agencies, this state, any political subdivision thereof or state agency that purchases electric generation or distribution services as a retail end-user in the state from any electric supplier, electric utility or electric distribution utility.

(3) "Net proceeds" means net proceeds as defined in Section XXX-6 of this Act.

(4) "Stranded costs" means that portion of generation assets, generation-related regulatory assets or long-term contract costs determined by the commission in accordance with the provisions of subsections E, F, G and H of this section.
(5) “Generation assets” means the total construction and other capital asset costs of generation facilities expressly approved for inclusion in rates before July 1, 1997 [a recent date by which time the risk that the system would be opened to competition would be clear to any reasonable person], but does not include (i) any costs relating to the decommissioning of any such facility or (ii) any costs which the commission found during a proceeding initiated before [effective date of statute], were incurred because of imprudent management.

(6) “Generation-related regulatory assets” means generation-related costs authorized or mandated before [same date as cut-off for imprudence proceeding initiation in subdivision 5], by the commission, expressly approved for inclusion in rates, and include, but are not limited to, costs incurred for deferred taxes, conservation programs, environmental protection programs, public policy costs and research and development costs, net of any applicable credits payable to customers, but does not include any costs which the commission found during a proceeding initiated before [same imprudence proceeding cutoff], were incurred because of imprudent management.

(7) “Long-term contract costs” mean the above-market portion of the costs of contractual obligations expressly approved for inclusion in the rates that were entered into before [date], arising from independent power producer contracts required by law or purchased power contracts approved by the Federal Energy Regulatory Commission.

B. Commission order; divestiture as precondition. The commission shall, in accordance with the provisions of this section, identify and calculate, upon application by an electric utility, those stranded costs that may be collected through the stranded cost recovery assessment, which shall be calculated and collected in accordance with Section XXX-19-D of this Act. No electric distribution utility shall be eligible to claim stranded costs unless a public auction has been held to divest itself of all non-nuclear generation assets in accordance with subsection B of Section XXX-6 of this Act or the electric utility has sold its non-nuclear generation assets in accordance with [cross-reference any statutory requirements on sale of generation assets].

C. Efforts to reduce stranded costs; mitigation of near-term rate impacts.

(1) Notwithstanding subdivision (1) of subsection E of Section XXX-19-B of this Act, any electric utility seeking to claim stranded costs shall, in accordance with this subsection, take all reasonable efforts to reduce such stranded costs, and to mitigate near-term rate impacts, so long as the present value of such stranded costs is not thereby increased. Before the approval by the commission of any stranded cost recovery, the electric utility shall show to the satisfaction of the commission that the electric utility has taken all reasonable steps to reduce such stranded costs and to mitigate near-term rate impacts, so long as the present value of such stranded costs is not thereby increased, and also that it has taken all reasonable steps to minimize the net present value cost to be recovered from customers.
(2) Steps to reduce costs, mitigate near-term rate impacts, or minimize the net present value cost to be recovered from customers, shall include:

(i) except to the extent provided in collective bargaining agreements or agreements to purchase generation assets entered into before [effective date of statute], the obtaining of written commitments from purchasers of generation facilities divested pursuant to Sections XXX-14 and 19-B of this Act, that the purchasers will offer employment to persons who were employed in nonmanagerial positions by a divested facility at any time during the three-month period prior to divestiture, at levels of wages and overall compensation not lower than the employees' lowest level during the six-month period before the date the contract to divest the asset was entered into;

(ii) good faith efforts to negotiate the buyout, buydown or renegotiation of independent power producer contracts and purchased power contracts approved by the Federal Energy Regulatory Commission; and

(iii) the reasonable costs of the consultants appointed to conduct the auctions of generation assets pursuant to Sections XXX-6 and 7 of this Act;

(iv) maximization of market revenues from existing generation assets; and

(v) efforts to maximize current and future operating efficiency, including appropriate and timely maintenance, trouble-shooting, aggressive identification and correction of potential problem areas.

(3) Steps to reduce costs, mitigate near-term rate impacts, or minimize the net present value cost to be recovered from customers, may include:

(i) reallocation of depreciation reserves for generation assets to existing generation assets to the extent consistent with generally accepted accounting principles, and so long as net costs are not shifted between customer classes as a result of such reallocation;

(ii) reduction of book assets by application of net proceeds of any sale of existing assets, so long as net costs are not shifted between customer classes as a result of such application;

(iii) voluntary write-offs of above-market generation assets;

(iv) the decision to retire uneconomical generation assets; and

(v) efforts to divest generating sites at market prices reflective of best use of sites.

(4) Cost reduction and rate impact mitigation measures shall not include any expenditures to restart a nuclear generation asset that was not operating for reasons other than scheduled maintenance or refueling at the time such expenditure was made.

(5) Any such cost reduction and rate impact mitigation efforts shall be subject to approval by the commission.

(6) The commission shall allow the cost of such cost reduction and rate
impact mitigation measures to be included in the calculation of stranded costs to the extent that such costs are reasonable relative to the amount of the reduction in stranded costs resulting from the measures.

D. Application; contents; contested hearing. An electric utility shall submit to the commission an application for recovery of that portion of generation-related regulatory assets, long-term contract costs, generation assets and cost-reduction and rate impact mitigation costs which are determined by the commission in accordance with this section and subdivision (1) of subsection E of Section XXX-19-B of this Act. The application shall contain a description of cost reduction and rate impact mitigation efforts, and a request for recovery through the stranded cost recovery assessment. The commission shall hold a contested hearing for each electric utility and shall issue a finding of the calculation of stranded costs in a time frame that allows for collection of the stranded cost recovery assessment to begin on [transition date].

E. Value of regulatory assets. The commission shall calculate the stranded costs for generation-related regulatory assets to be their book value as of [transition date].

F. Calculation of stranded costs; long-term contracts.

(1) The commission shall calculate the stranded costs for any portion of a long-term contract cost that have been reduced to a fixed present value through the buyout, buydown or renegotiation of independent power producer contracts and purchased power contracts approved by the Federal Energy Regulatory Commission as such present value. In making such calculation, the commission shall net purchased power contracts approved by the Federal Energy Regulatory Commission that are below market value against any such contracts that are above market value.

(2) The commission shall calculate the stranded costs for any portion of a long-term contract cost that has not been reduced to a fixed present value through the buyout, buydown or renegotiation of independent power producer contracts and purchased power contracts approved by the Federal Energy Regulatory Commission by comparing the contract price to the market price at least annually. In making such calculation, the commission shall net purchased power contracts approved by the Federal Energy Regulatory Commission that are below market value against any such contracts that are above market value.

G. Non-nuclear generation asset; estimation of stranded cost if not sold.

(1) The commission shall calculate the stranded cost for each generation asset described in Section XXX-19-C, Section C(5) of this Act to be the difference between its book value and the market value of a prudently and efficiently managed non-nuclear generation facility of comparable size, age and technical characteristics in a competitive market. In determining the market value of any such asset, the commission may consider (i) the dollars per kilowatt received from the sale of similar generation facilities in the region, if any, (ii) income capitalization based on the operating history and capacity of the facility, the market rates for power, and any existing long-term contracts for the sale of energy and/or capacity, (iii) independent market appraisals or (iv) other relevant factors.
(2) The commission shall calculate the stranded costs for such generation assets at least every three years.

H. Nuclear generation stranded cost recovery; application; process.

(1) On or before [four years after transition date], an electric utility may submit to the commission an application for recovery of that portion of nuclear generation assets which is determined by the commission in accordance with this subsection, which application shall contain a request for recovery through the stranded cost recovery assessment. The commission shall hold a hearing for each electric utility and issue a finding of the calculation of such nuclear generation assets in accordance with the provisions of this subsection. Any hearing shall be conducted as a contested case.

(2) The commission shall calculate stranded costs for each nuclear generation asset that was divested at a price less than book value as described in subdivision (4) of subsection C of Section XXX-19-B of this Act as the difference between the book value of such asset and the final bid price of the asset.

(3) The commission shall calculate the stranded costs for each nondivested nuclear generation asset described in subdivision (1) of subsection D of Section XXX-19-B of this Act as the difference between the book value of this asset and the market value of a prudently and efficiently managed nuclear generating facility of comparable size, age and technical characteristics in a competitive market. In determining the market value of any such asset, the commission may consider (i) the dollars per kilowatt received from the sale of similar generation facilities in the region, if any, (ii) income capitalization based on the operating history and capacity of the facility, the market rates for power, and any existing long-term contracts for the sale of energy and/or capacity, (iii) independent market appraisals or (iv) other relevant factors.

At least every four years after the date when the commission issues an initial finding of the calculation of stranded costs for such nondivested nuclear generation assets as provided in this subdivision until the earlier of (i) the expiration of the collection of the stranded cost recovery assessment or (ii) the date when such an asset is divested, the commission shall hold a hearing and issue a finding to adjust the stranded cost calculation of each such asset and to adjust the stranded cost recovery assessment accordingly to true-up the stranded cost recovery for the difference between the market value project in such initial finding and the actual market value of a prudently and efficiently managed nuclear generating facility of comparable size, age and technical characteristics during the time period between the initial finding and the adjustment date, provided the second and subsequent adjustments shall reflect the difference during the time period since the most recent true-up. The commission shall calculate the value of each such asset in accordance with the methodology provided in this subdivision. Any hearing shall be conducted as a contested case.

(4) After the commission has calculated the total value of stranded costs of all nuclear generating assets, the commission shall (i) reduce such amount by
the net proceeds that are above book value realized by an electric utility from the sale of non-nuclear generation assets pursuant to Section XXX-14 of this Act, (ii) reduce such valuation to reflect the total net proceeds that are above book value realized by an electric utility from the sale of any nuclear generation assets pursuant to subsection C of Section XXX-19-B of this Act and (iii) reduce such amount by the net proceeds that are above book value received by an electric utility for the sale or lease of any real property after [effective date of Act].

I. Balance of net proceeds; application to long-term contracts. If any net proceeds described in subdivision (4) of subsection H of this section remain after the reduction in the calculation of nuclear generation assets pursuant to said subdivision (4) or are realized after said reduction is calculated, the additional amount of such net proceeds shall be netted against long-term contract costs described in subdivision (2) of subsection F of this section, and the stranded cost recovery assessment shall be adjusted accordingly.

J. Disallowance for non-operating nuclear plant and regulatory assets.

(1) No electric utility shall be eligible to claim any stranded costs for a nuclear generation asset or for any generation-related regulatory asset related to such generation asset, if the generation asset is not operating as a result of an order issued by the United States Nuclear Regulatory Commission that applies specifically to such asset. Any such asset shall be eligible after it is permitted to and has resumed operation, and is selling power provided, however, that no true-up shall provide stranded cost recovery for that period during which such asset was not operating.

(2) Any generation asset that is retired shall no longer be eligible for stranded cost recovery as previously calculated pursuant to this section, but may be eligible for stranded cost recovery for so much of the undepreciated cost that would have been permitted to be included in rates under traditional regulation.

K. Netting proceeds of post-transition sale of nuclear assets. If an electric utility elected to transfer any of its nuclear generation assets and related operations and functions to a separate corporate affiliate or to a division that is functionally separate from the electric distribution utility pursuant to Section XXX-19-B of this Act, and subsequently sold any such assets in an arm's length transaction to an unrelated entity prior to [date 10-15 years after effective date] the net proceeds realized from such sale that exceed book value for such assets shall be netted against the total amount of stranded costs, and the stranded cost recovery assessment shall be adjusted accordingly, and, if appropriate, other reimbursement of ratepayers shall be ordered by the commission.

Sec. XXX-19-D. Stranded Cost Recovery Assessment Authorized

A. Assessment authorized. The commission shall assess and beginning [one year after transition date], impose a stranded cost recovery assessment, which shall be imposed on all customers of each electric distribution utility to provide funds for the purposes described in section D of this section. The
commission shall hold a contested case hearing to determine the amount of the stranded cost recovery assessment.

B. Factors to consider. The commission shall consider the effect on all customer rates and other factors relevant to reducing rates in determining the amount of the stranded cost recovery assessment and the manner in which and the period over which it shall be imposed in any decision of the commission to set or adjust the stranded cost recovery assessment.

C. Allocation of costs. The stranded cost recovery assessment shall be determined by the commission in a general and equitable manner and shall be imposed on all customers at a rate that is applied equally to all customers of the same class in accordance with the methods of allocation in effect as of [effective date of Act]. The assessment shall have a generally applicable manner of determination that may be measured on the basis of percentages of total costs of retail sales of electric generation services. Any exemption of the assessment by customers under a special contract shall not result in an increase in rates to any customer.

D. Amount of assessment. The commission shall establish, fix and revise the assessment in an amount sufficient at all times to:

(1) pay an electric utility's stranded costs; and

(2) pay interim capital costs determined under subdivision (1) of subsection E of Section XXX-19-B of this Act.
Appendix III: State UDAP Citations

Ala. Code § 8-19-1

Alaska Stat. § 45.50.471


Ark. Code Ann. § 4-88-101

Cal. Civ. Code § 1750 (West)
Cal. Bus. & Prof. Code §§ 17200 & 17500 (West)

Colo. Rev. Stat. § 6-1-101

Conn. Gen. Stat. § 42-110a

Del. Code Ann. tit. 6 § 2511
Del. Code Ann. tit. 6 § 2531

D.C. Code Ann. § 28-3901


Ga. Code Ann. § 10-1-370

Haw. Rev. Stat. § 480
Haw. Rev. Stat. § 481A

Idaho Code § 48-601

815 Ill. Comp. Stat. Ann. § 505/1 et seq. (Smith-Hurd)
815 Ill. Comp. Stat. Ann. § 510/1 et seq. (Smith-Hurd)
Ind. Code Ann. § 24-5-0.5-1 (Burns)

Iowa Code Ann. § 714.16 (West)


Ky. Rev. Stat. § 367.110


Mass. Gen. Laws Ann. ch. 93A


Minn. Stat. Ann. § 8.31 (West)
Minn. Stat. Ann. § 325D.44
Minn. Stat. Ann. § 325F.69

Miss. Code Ann. § 75-24-1

Mo. Rev. Stat. § 407.010

Mont. Code Ann. § 30-14-101

Neb. Rev. Stat. § 67-301

Nev. Rev. Stat. §§ 41.600, 598.0903

AARP Model State Legislation on Electric Utility Restructuring

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N.M. Stat. Ann. § 57-12-1

N.Y. Exec. Law § 63(12) (Consol.)
N.Y. Gen. Bus. Law § 349 and § 350 (Consol.)

N.C. Gen. Stat. § 75-1.1


Ohio Rev. Code Ann. § 1345.01 (Baldwin)
Ohio Rev. Code Ann. § 4165 (Baldwin)


Or. Rev. Stat. § 646.605


R.I. Gen. Law § 6-13.1-1


S.D. Codified Laws Ann. § 37-24-1


Utah Code Ann. §§ 13-2-1 and 13-5-1
Utah Code Ann. § 13-11-1


AARP Model State Legislation on Electric Utility Restructuring
Va. Code § 59.1-196


W. Va. Code § 46A-6-101

Wis. Stat. Ann. § 100.18 (West)
Wis. Stat. Ann. §§ 100.20, 100-24, 100-26 (West)

Wyo. Stat. § 40-12-101