

charge, has failed to use proper fuel procurement practices, or has used this charge to the detriment of the public.] UPON THE FAILURE OF THE COMPANY TO SHOW THAT ITS CHARGES WERE BASED SOLELY ON INCREASED FUEL PURCHASED POWER OR PURCHASED GAS COSTS OR UPON THE FAILURE OF THE COMPANY TO FOLLOW COMPETITIVE PRACTICES IN THE PROCUREMENT AND PURCHASING OF SAID FUEL, PURCHASED POWER, OR PURCHASED GAS OR UPON A SHOWING THAT THE COMPANY WAS REASONABLE UNREASONABLE IN ITS FUEL PROCUREMENT AND PURCHASING PRACTICES.

~~(B) THIS SECTION SHALL APPLY TO ALL PURCHASED POWER ADJUSTMENT CLAUSES, ALL PURCHASED GAS ADJUSTMENT CLAUSES, AND TO ELECTRIC FUEL RATE ADJUSTMENT CLAUSES OF THOSE ELECTRIC PUBLIC UTILITY COMPANIES NOT SUBJECT TO THE PROVISIONS OF § 54F.~~

(B) THIS SECTION SHALL APPLY TO ELECTRIC FUEL RATE ADJUSTMENT CLAUSES OF THOSE ELECTRIC PUBLIC UTILITY COMPANIES NOT SUBJECT TO THE PROVISIONS OF SECTION 54F, AND TO ALL PURCHASED POWER ADJUSTMENT CLAUSES AND ALL PURCHASED GAS ADJUSTMENT CLAUSES.

54F.

(A) THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO ELECTRIC UTILITY COMPANIES THAT PRODUCE OR GENERATE POWER AND WHOSE GROSS ANNUAL REVENUES EXCEED \$25,000,000.

(B) AN ELECTRIC PUBLIC UTILITY COMPANY MAY HAVE AS PART OF ITS RATES TO ALL ITS CUSTOMERS A SEPARATELY STATED, ZERO-BASED, FUEL RATE WHEREIN IT CHARGES FOR ITS ACTUAL COSTS OF FUEL COMPUTED ON A KILOWATT-HOUR BASIS.

(C) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, UPON APPLICATION BY AN ELECTRIC PUBLIC UTILITY COMPANY, AS DEFINED IN MEETING THE CRITERIA OF SUBSECTION (A) OF THIS SECTION, FOR PERMISSION AND AUTHORITY TO INCREASE ADJUST ITS ACTUAL RATES AND CHARGES BASED SOLELY UPON THE INCREASED ACTUAL COST OF FUEL USED IN THE GENERATION OR PRODUCTION OF ELECTRIC POWER OR THE SALE OR PURCHASE OF ENERGY ON AN ECONOMIC DISPATCH BASIS PER KILOWATT HOUR SOLD, THE COMMISSION SHALL MAY SUSPEND SUCH PROPOSED INCREASE ADJUSTMENT FOR A PERIOD NOT TO EXCEED 90 30 DAYS BEYOND THE FILING OF SUCH APPLICATION TO INCREASE ADJUST RATES. THE COMMISSION SHALL PROMPTLY INVESTIGATE APPLICATIONS FILED PURSUANT TO THIS SUBSECTION AND SHALL HOLD A COMMENCE PUBLIC EVIDENTIARY HEARING WITHIN 30 HEARINGS WITHIN 30 DAYS OF THE DATE OF THE FILING OF THE APPLICATION TO CONSIDER SUCH APPLICATION, AND SHALL BASE ITS ORDER UPON THE RECORD ADDUCED AT THE HEARING HEARINGS. THE COMMISSION'S FINAL ORDER SHALL BE ISSUED PROMPTLY BUT IN NO EVENT LATER THAN 90 DAYS AFTER THE FILING OF THE APPLICATION. IF THE SUSPENSION PERIOD TERMINATES BEFORE THE FINAL ORDER IS ISSUED, THE ORDER SHALL PROVIDE FOR REFUNDS OF ANY DIFFERENCE BETWEEN THE RATE THE UTILITY CHARGED AND THE RATE ESTABLISHED BY THE FINAL ORDER.