

~~(1) THAT THERE IS A LACK OF TRANSMISSION OR DISTRIBUTION FACILITY CAPACITY;~~

~~(2) THAT THE AFFILIATE WHEELING WOULD CAUSE A DETERIORATION OF SYSTEM RELIABILITY THAT CANNOT REASONABLY BE REMEDIED; OR~~

~~(3) ANY OTHER FACTOR RELATING TO THE WHEELING COMPANY'S INABILITY TO PROVIDE AFFILIATE WHEELING.~~

~~(E) THERE IS A REBUTTABLE PRESUMPTION UNDER THIS SUBTITLE THAT AN ELECTRIC COMPANY'S TRANSMISSION OR DISTRIBUTION FACILITY HAS THE CAPACITY TO PROVIDE FOR AFFILIATE WHEELING TO AN EXISTING CUSTOMER OR LOAD.~~

~~7-507.~~

~~(A) A RETAIL ELECTRIC CUSTOMER WHO CHOOSES TO LEAVE AN ELECTRIC COMPANY AND OBTAIN ELECTRICITY FROM ANOTHER SOURCE THROUGH AN AFFILIATE WHEELING ARRANGEMENT RETAINS ALL RIGHTS AND OBLIGATIONS TO TRANSMISSION OR DISTRIBUTION CAPACITY AND FACILITIES ALLOCATED TO THAT CUSTOMER BY THE ELECTRIC COMPANY BEFORE IMPLEMENTATION OF AN AFFILIATE WHEELING ARRANGEMENT.~~

~~(B) THE COMMISSION SHALL ORDER THE CONSTRUCTION OF NEW TRANSMISSION OR DISTRIBUTION FACILITIES OR APPROPRIATE MODIFICATIONS OF EXISTING TRANSMISSION OR DISTRIBUTION FACILITIES THAT THE COMMISSION CONSIDERS SUFFICIENT AND NECESSARY TO FACILITATE AFFILIATE WHEELING.~~

~~(C) THE COMMISSION SHALL DETERMINE THE APPROPRIATE ALLOCATION OF THE COST OF ANY NEW TRANSMISSION OR DISTRIBUTION FACILITIES, TAKING INTO CONSIDERATION THE USE, PURPOSE, AND TIME NECESSARY TO PLACE NEW TRANSMISSION OR DISTRIBUTION FACILITIES IN COMMERCIAL OPERATION AND BE MADE AVAILABLE BY THE WHEELING COMPANY FOR USE BY THE APPLICANT.~~

~~7-508.~~

~~(A) A RETAIL ELECTRIC CUSTOMER WHO CHOOSES TO CEASE PURCHASING OF ELECTRICITY FROM AN ELECTRIC COMPANY AND REPLACE THAT PURCHASE OF ELECTRICITY WITH AN AFFILIATE WHEELING ARRANGEMENT SHALL NOTIFY THE ELECTRIC COMPANY IN WRITING UP TO 6 MONTHS BEFOREHAND, OR AS SPECIFIED IN A WRITTEN CONTRACT BETWEEN THE ELECTRIC COMPANY AND THE RETAIL ELECTRIC CUSTOMER, WHICHEVER IS GREATER.~~

~~(B) THE NOTIFICATION PERIOD OF SUBSECTION (A) OF THIS SECTION MAY BE SUPERSEDED BY LEGISLATION ON ELECTRIC UTILITY INDUSTRY RESTRUCTURING THAT SPECIFIES STANDARD NOTIFICATION PERIODS FOR CHANGING ELECTRICITY SUPPLIERS.~~

~~(C) NOTIFICATION GIVEN UNDER SUBSECTION (A) OF THIS SECTION MAY NOT ABROGATE AN EXISTING CONTRACT BETWEEN A RETAIL ELECTRIC CUSTOMER AND AN ELECTRIC COMPANY.~~