

4. THE REVENUE THE COMPANY WOULD RECEIVE UNDER RATE-OF-RETURN REGULATION;

5. THE REVENUE THE COMPANY WOULD RECEIVE IN A RESTRUCTURED ELECTRICITY SUPPLY MARKET; AND

6. COMPUTER SIMULATIONS PROVIDED TO THE COMMISSION.

(2) THE COMMISSION SHALL DETERMINE ANY EQUITABLE ALLOCATION OF COSTS OR BENEFITS BETWEEN SHAREHOLDERS AND RATEPAYERS. IN DETERMINING THE ALLOCATION OF TRANSITION COSTS OR BENEFITS, THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE PRUDENCE AND VERIFIABILITY OF THE ORIGINAL INVESTMENT;

(II) WHETHER THE INVESTMENT CONTINUES TO BE USED AND USEFUL;

(III) WHETHER THE LOSS IS ONE OF WHICH INVESTORS CAN BE SAID TO HAVE REASONABLY BORNE THE RISK; AND

(IV) WHETHER INVESTORS HAVE ALREADY BEEN COMPENSATED FOR THE RISK.

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(A) (1) ON COMPLAINT OR ON ITS OWN MOTION, FOR GOOD CAUSE SHOWN, THE COMMISSION MAY CONDUCT AN INVESTIGATION OF THE RETAIL ELECTRICITY SUPPLY AND ELECTRICITY SUPPLY SERVICES MARKETS AND DETERMINE WHETHER THE FUNCTION OF ONE OF THESE MARKETS IS BEING ADVERSELY AFFECTED BY MARKET POWER OR ANY OTHER ANTICOMPETITIVE CONDUCT.

(2) THE COMMISSION SHALL MONITOR THE RETAIL ELECTRICITY SUPPLY AND ELECTRICITY SUPPLY SERVICES MARKETS TO ENSURE THAT THE MARKETS ARE NOT BEING ADVERSELY AFFECTED BY MARKET POWER OR ANY OTHER ANTICOMPETITIVE CONDUCT.

(B) IF, AS A RESULT OF AN INVESTIGATION CONDUCTED UNDER THIS SECTION, THE COMMISSION DETERMINES THAT MARKET POWER OR ANY OTHER ANTICOMPETITIVE CONDUCT IN THE RELEVANT MARKET UNDER THE COMMISSION'S JURISDICTION IS PREVENTING THE ELECTRIC CUSTOMERS IN THE STATE FROM OBTAINING THE BENEFITS OF PROPERLY FUNCTIONING RETAIL ELECTRICITY SUPPLY AND ELECTRICITY SUPPLY SERVICES MARKETS, THE COMMISSION MAY TAKE REMEDIAL ACTIONS WITHIN ITS AUTHORITY TO ADDRESS THE IMPACT OF THE MARKET POWER OR ANY OTHER ANTICOMPETITIVE CONDUCT ACTIVITIES.

(C) THE COMMISSION SHALL INCLUDE ANTITRUST PRINCIPLES IN PERFORMING ITS ANALYSIS UNDER THIS SECTION.