**Section 452.35 Physical Separation**

a) Delivery services employees shall be physically separated from merchant generation function employees who provide generation services to Illinois customers. This physical separation requirement may be met by:

1) locating delivery services employees in separate secured access office buildings; or

2) constructing and maintaining secured access areas and secured access facilities for delivery services employees within shared office buildings.

b) Physical separation of delivery services employees from mandatory generation function employees shall not be required. In no event, however, shall mandatory generation services employees be used, or allowed, by the electric utility to circumvent any provision of Sections 452.80, 452.90, 452.100, or 452.110 of this Part. The Commission may require the physical separation of delivery services employees from mandatory generation function employees if the Commission, taking into account Section 16-119A(c) and (d) of the Act [220 ILCS 5/16-119A(c) and (d)], determines after a hearing upon complaint or on its own motion that:

1) An electric utility has violated any provision of Section 452.80, 452.90, 452.100, or 452.110 of this Part; and

2) Such physical separation would better accomplish the non-discrimination and efficient competition goals of Section 16-119A of the Act [220 ILCS 5/16-119A].

c) Physical separation of transmission and distribution function employees other than delivery services employees from any generation function employees shall not be required. In no event, however, shall such other transmission and distribution function employees be used, or allowed, by the utility to circumvent any provision of Section 452.80, 452.90, 452.100 or 452.110 of this Part. The Commission may require the physical separation of such other transmission and distribution function employees from any or all generation function employees if the Commission, taking into account Section 16-119A(c) and (d) of the Act [220 ILCS 5/16-119A(c) and (d)], determines after hearing upon complaint or on its own motion that:

1) An electric utility has violated any provision of Section 452.80, 452.90, 452.100, or 452.110 of this Part; and

2) Such physical separation would better accomplish the non-discrimination and efficient competition goals of Section 16-119A of the Act [220 ILCS 5/16-119A].