**Section 454.30 Applicability**

a) The requirements of this Section shall apply to each ABC that:

1) sells or attempts to sell electric power and energy on behalf of a RES; and/or

2) procures or attempts to procure electric power and energy on behalf of a retail customer.

b) The requirements of this Section shall not apply to the following:

1) The Illinois Power Agency or any of its employees;

2) Any RES offering retail electric service on its own behalf;

3) Any person or entity acting exclusively on behalf of a single RES on condition that exclusivity is disclosed to the customer;

4) Any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code [65 ILCS 5/11-119.1-3];

5) Any person or entity that attempts to procure retail electric service on behalf of, or sell retail electric service to, a third party that has an aggregate billing demand of all of its affiliated electric service accounts in Illinois of greater than 1,500 kW;

6) A retail customer that operates or manages, either directly or indirectly, any facilities, equipment or property used or contemplated to be used to distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State; or

7) Any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership or individual, or their lessees, trusts or receivers appointed by any court whatsoever that are owned or controlled by the political subdivision, or public institution of higher education, or are operated by any of its lessees or operating agents.

(Source: Amended at 35 Ill. Reg. 17602, effective November 1, 2011)