**Section 452.320 Enforcement and Penalty Provisions**

a) Upon complaint pursuant to Section 452.310 of this Part, or on the Commission's own motion, the Commission may, after notice and hearing:

1) order an Integrated Distribution Company to cease and desist, or correct, any violation of, or nonconformance with, any provision of Subpart B;

2) require an IDC to make due reparations or refunds as permitted by statute;

3) impose financial penalties for violations of, or non-conformance with, any provision of Subpart B as permitted by statute;

4) take other remedial and preventive action as permitted by statute.

Such remedies shall be cumulative.

b) Upon finding that an IDC has committed, within any five year period, three violations of any provision of Subpart B, the Commission may determine that the electric utility no longer qualifies as an IDC. The Commission may direct the electric utility to immediately file with the Commission an implementation plan to comply with Subpart A. The Commission shall evaluate any such implementation plan under the provisions of Section 452.170(b).

c) Multiple violations arising from the same facts shall be regarded as a single violation for purposes of reaching the three-violation threshold established in subsection (b). Each violation arising from different facts shall be regarded as a single violation for purposes of reaching the three-violation threshold established in subsection (b). Plural factual allegations may be included in a single complaint or investigation.

d) The remedies set forth in subsections (a) and (b) shall be cumulative.