

**BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA**  
COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

JLM

IN THE MATTER OF A RULEMAKING )  
OF THE OKLAHOMA CORPORATION ) CAUSE NO. RM 200900002  
COMMISSION, AMENDING OAC 165:35, )  
ELECTRIC UTILITY RULES. )

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the Oklahoma Corporation Commission (Commission) proposes to amend the Commission's current rules regarding electric utilities that are set forth in Oklahoma Administrative Code (OAC) 165:35.

The proposed changes to OAC 165:35 are as follows:

A proposed amendment to OAC 165:35-34-1 to amend the purpose of the subchapter and to delete the mandatory requirement for competitive procurement activity.

A proposed amendment to OAC 165:35-34-2 to amend the section to correct a scrivener's error.

A proposed amendment to OAC 165:35-34-3 amending the section to provide for a procedure for the retention of independent evaluator(s) to monitor utility requests for proposals and competitive procurement processes and to delete the balance of that section.

Further, any Chapter 35 rule associated with these proposed amended rules will also be considered.

**NOTICE IS FURTHER GIVEN** that the Commission is the rulemaking entity, created by Okla. Const., Art. IX, § 15; and, that the Commission has jurisdiction to initiate this rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. (2001) Section 250 *et seq.*, Article IX, Section 18 of the Oklahoma Constitution, 17 O.S. (2001) Section 151 *et seq.* and OAC 165:35.

**NOTICE IS FURTHER GIVEN** that the proposed new rules are available for public inspection at the Commission's Oklahoma City Court Clerk's Office. The proposed rules are also

accessible on the Commission's website at <http://www.occ.state.ok.us> and may be downloaded at no cost to the end user.

**NOTICE IS HEREBY GIVEN that Technical Conferences addressing the above referenced amendments to the Competitive Procurement rules, will be held on February 5, 2009 and on February 19, 2009, at 1:30 p.m., in Courtroom 301, Third Floor, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma.**

The purpose of the technical conferences will be to further discuss the proposed rules. Interested parties are invited to attend the technical conferences and participate to the fullest extent possible. One or more of the Commissioners may be present at the technical conferences and may participate in the dialogue with the rulemaking participants regarding the issues of the proposed rulemaking.

**NOTICE IS FURTHER GIVEN** that a Rule Impact Statement will be available for public inspection in the Commission's Court Clerk's Office and on the Commission's website no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

**NOTICE IS FURTHER GIVEN** that the Commission invites all interested persons to **submit comments regarding the Proposed Rules prior to the technical conferences. However, all comments must be submitted by February 19, 2009.** Those persons interested in submitting comments should file an original and eight (8) copies of their comments, referring to the Cause No. on the first page herein, with the Commission Court Clerk's office. The comments will be available for public inspection during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

Pursuant to 75 O.S. §303, business entities are requested, if the proposed rules affect such entities, to provide to the Commission in writing, the increase in the level of direct costs and indirect costs or other costs, in dollar amounts, expected to be incurred by the entity due to compliance with the proposed rules.

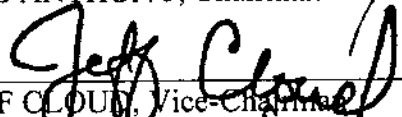
The Commission has made a determination that some of the proposed rules may have an adverse economic effect on small businesses. Pursuant to 75 O.S. §501 *et seq.*, the Small Business Regulatory Review Committee shall have a minimum of thirty (30) days in which to review the proposed rules and Rule Impact Statement.


**NOTICE IS FURTHER GIVEN** that a **hearing on the merits of the proposed rulemaking will be held February 26, 2009, before the Commission *en banc* at 9:30 a.m. in Courtroom 301, Third Floor, Jim Thorpe Building, Oklahoma City, Oklahoma.**

**NOTICE IS FURTHER GIVEN** that questions regarding this proposed rulemaking should be directed to James L. Myles, Office of General Counsel, Room 400, Jim Thorpe Building, 2101 North Lincoln Boulevard, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000, or by phone (405) 521-2308.


OKLAHOMA CORPORATION COMMISSION

  
\_\_\_\_\_  
BOB ANTHONY, Chairman

  
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JEFF CLOUBE, Vice-Chairman

  
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DANA L. MURPHY, Commissioner

DONE AND PERFORMED this 13 day of JANUARY, 2009, BY ORDER OF THE COMMISSION:

  
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PEGGY MITCHELL, Commission Secretary  
**JOYCE CONNER, Assistant Secretary**