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DEC 23 2009

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

IN THE MATTER OF A RULEMAKING )  
OF THE OKLAHOMA CORPORATION )  
COMMISSION, AMENDING OAC 165:30, )  
RULES GOVERNING MOTOR CARRIERS. )

CAUSE NO. RM 200: 900006

**NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the Oklahoma Corporation Commission ("Commission") proposes to amend the Commission's current rules regarding motor carriers, set forth in Oklahoma Administrative Code ("OAC") 165:30.

Changes are required to conform with statutory amendments made during the last legislative session. Senate Bill 503, now codified at 47 O.S. §§ 161.A. et. seq., modified the motor carrier statutes governing the transportation of household goods. Those statutes had been relatively unchanged since their inception in 1929. The new Household Goods Act of 2009 streamlines the regulation of intrastate transportation of household goods, requires the Commission to promulgate consumer protection policies, removes obsolete and outdated language, and updates language. The proposed changes to OAC 165:30 incorporate the provisions of the new Household Goods Act into the Corporation Commission's rules. They ensure that the Commission's regulation of the household goods motor carrier industry is performed in such a manner as to establish standards for public safety, fair competitive practices, adequate and dependable service, and protection of shippers from deceptive or unfair practices.

Among the amendments are the addition of definitions for current terms used in the industry and added procedural rules for obtaining a household goods certificate. Insurance coverage in the amount of \$10,000.00 for loss or damage of property occurring at any one time and place has also been included, as well as vehicle registration provisions. An advertising requirement is added and contempt penalties for violating a rule have been amended.

Notice and hearing of a license application will no longer be required. An application will be processed administratively by the Commission, unless a protest is timely filed. The annual license to operate and the carrier's identification devices will expire simultaneously. Annual reports from the household goods carrier will no longer be required and no tariff shall be filed with the Commission. Interstate carriers will be required to update their business information once a year and intrastate carriers will be required to update their business information once every two years. A most significant change from the prior rules is the requirement that intracity transporters are now required to obtain a license from the Commission prior to operating for hire and all carriers must have a USDOT number.

The proposed rules for the operation of a household goods carrier have been divided into several categories, including estimated costs for services, consumer protection information, valuation and liability provisions, bills of lading, and loss, damage and

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concealed claims. These provisions reflect current industry practice and consumer protection needs.

In addition to implementing the Household Goods Act, the proposed rules also include new provisions for obtaining unladen permits, also known as hunters' permits, for temporary registration of an apportionable vehicle. New provisions are also added to provide for harvest permits for the seasonal transportation of farm products.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §250 et seq., Art. IX, §18 of the Oklahoma Constitution, 47 O.S. §162, and OAC 165:30.

NOTICE IS FURTHER GIVEN that the proposed 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.occeweb.com> and may be downloaded at no cost to the end user.

NOTICE IS HEREBY GIVEN that a Technical Conference will be held on **January 27, 2010** at 1:30 p.m. in Room 105, First Floor, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma. The purpose of the technical conference will be to discuss the proposed rules. Interested parties are invited to attend the conference and participate to the fullest extent possible. One or more of the Commissioners may be present at the technical conference 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 on or before **February 12, 2010**. Those persons interested in submitting comments should file an original and eight (8) copies of their comments, referring to the Cause No. above on the first page therein, with the Commission's Court Clerk's Office. The comments will be available for public inspection during regular business hours of the Court Clerk's Office, at 8:00 a.m. to 4:30 p.m.

Pursuant to 75 O.S. §303, business entities are requested to provide to the Commission in writing and in dollar amounts, the increase in the level of direct and indirect costs or other costs, 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 public hearing on the proposed rulemaking will be held March 5, 2010 before the Commission en banc at 9:30 a.m. in Courtroom 301, Third Floor, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**NOTICE IS FURTHER GIVEN** that questions regarding this proposed rulemaking should be directed to Kathy Nelson or Jeffrey Southwick, 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) 522-1638 or (405) 522-4457.

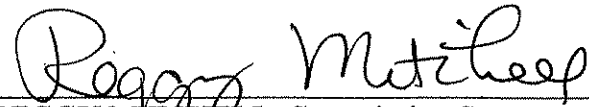
OKLAHOMA CORPORATION COMMISSION

  
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BOB ANTHONY, Chairman

  
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JEFF CLOUD, Vice-Chairman

  
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DANA L. MURPHY, Commissioner

DONE AND PERFORMED THIS 23 DAY OF DECEMBER, 2009, BY ORDER OF THE COMMISSION:

  
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PEGGY MITCHELL, Commission Secretary