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FEB 24 2010

**BEFORE THE CORPORATION COMMISSION OF THE
STATE OF OKLAHOMA**

**COURT CLERK'S OFFICE — OKC
CORPORATION COMMISSION
OF OKLAHOMA**

**IN THE MATTER OF A RULEMAKING BY)
THE OKLAHOMA CORPORATION) CAUSE NO. RM 201000005
COMMISSION AMENDING RULES)
OF PRACTICE, OAC 165:5)**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Oklahoma Corporation Commission (hereinafter, Commission) is considering amendments to the Commission's current Rules of Practice that are set forth in the Oklahoma Administrative Code (OAC) 165:5.

The proposed changes to OAC 165:5 are as follows:

A proposed amendment to OAC 165:5-1-3 amending certain defined terms; OAC 165:5-1-5 inserting a defined term; to revoke OAC 165:5-1-10 dealing with the exemption from the Registration of Out of State Attorneys Act; OAC 165:5-1-11 to replace the revoked OAC 165:5-1-10 to specify requirements of Out of State Attorneys; OAC 165:5-3-1 concerning fees; OAC 165:5-3-24 to delete language regarding Public Utility Division (PUD) assessments that has expired; OAC 165:5-7-1 regarding general application and service of notice requirements; OAC 165:5-7-6 regarding drilling and spacing unit establishment or modification; OAC 165:5-7-9 concerning well location exceptions; to revoke OAC 165:5-7-25 regarding applications for authority to impose vacuums on wells; OAC 165:5-7-27 to update requirements concerning applications for approval of injection and disposal wells and to provide a date by which applicants must send copies of applications to required persons and to correct a typographical error as to where notice should be published; OAC 165:5-7-30 to update the procedure for amendment of existing orders authorizing injection for enhanced recovery, saltwater disposal, or LPG storage wells; OAC 165:5-7-35 to modify the language concerning operation of commercial

facilities; OAC 165:5-7-38 to correct a typographical error as to where notice should be published; OAC 165:5-7-60 to correct a typographical error; OAC 165:5-7-61 to add requirements relating to PUD data requests in causes filed pursuant to OAC 165:70; OAC 165:5-7-65 to delete provisions pertaining to a hearing procedure for obtaining a household goods certificate and to add an administrative application process for obtaining a household goods certificate or a renewal of a household goods certificate; OAC 165:5-9-2 to add requirements regarding notice procedures for subsequent pleadings and clarifying when dismissal of a cause can be made by applicants; OAC 165:5-9-3 regarding emergency applications; OAC 165:5-9-4 regarding when a person may become a party of record by filing an entry of appearance; OAC 165:5-9-5 regarding service of motions to join a person as a party of record; OAC 165:5-9-6 regarding service of notices of continuance; OAC 165:5-11-1 regarding service of data requests and/or answers to data requests; OAC 165:5-11-2 regarding service of notice for prehearing conferences; OAC 165:5-11-2.1 regarding initial screening conferences; OAC 165:5-11-3 to correct phrasing regarding commission subpoenas; to revoke OAC 165:5-13-1 regarding smoking in Commission proceedings; OAC 165:5-13-2 to allow for Petroleum Storage Tank Division (PSTD) appellate procedures; OAC 165:5-13-3 to clarify who may conduct hearings; OAC 165:5-13-4 regarding transmittal of Administrative Law Judge reports; OAC 165:5-13-5 to provide for PSTD appeals; to revoke OAC 165:5-15-8 regarding interim orders for horizontal well drilling and spacing units; to revoke OAC 165:5-15-9 concerning termination of horizontal well units; OAC 165:5-17-1 regarding notice of motions; and 165:5-17-5 regarding service of appellate filings. Further, any Chapter 5 rule associated with or necessitated by these proposed rule changes 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. Section 52, 17 O.S. Section 151 *et seq.*, 27A O.S. Section 1-3-101, 47 O.S. Section 162, 52 O.S. Section 139, 68 O.S. Section 1001 and OAC 165:5-1-7.

NOTICE IS FURTHER GIVEN that **the proposed rules, as drafted by Staff, will be available for public inspection on February 26, 2010**, in the Commission's Oklahoma City Court Clerk's Office located in the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, and in the Commission's Tulsa Court Clerk's Office located in the Kerr Building, 440 South Houston, Suite 114, Tulsa, Oklahoma 74127. The proposed rules will also be accessible on the Commission's website at <http://www.occeweb.com> and may be downloaded at no cost to the end user on the same date.

NOTICE IS FURTHER GIVEN that **a public technical conference shall occur at 1:30 p.m. on March 12, 2010**, in the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Courtroom 301, Oklahoma City, Oklahoma 73105, for the purpose of receiving comments and discussing the proposed rules. Interested parties are invited to attend the conference. 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 proposed rulemaking.

NOTICE IS FURTHER GIVEN that a Rule Impact Statement will be available for public inspection in the Commission's Oklahoma City Court Clerk's Office located in the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105, the

Commission's Tulsa Court Clerk's Office located in the Kerr building at 440 South Houston, Suite 114, Tulsa, Oklahoma 74127, and on the Commission's website at <http://www.occeweb.com> 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 March 29, 2010. Persons interested in submitting comments should file an original and eight (8) copies of their comments, referring to the cause number on the first page herein, with the Commission's Court Clerk's Offices at either of the addresses noted above. The comments will be available for public inspection during regular business hours of the Court Clerk's Offices from 8:00 a.m. to 4:30 p.m., Monday through Friday.

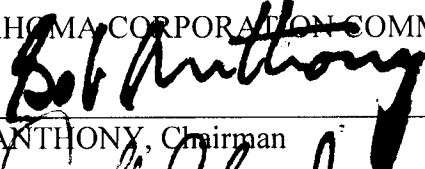
Pursuant to 75 O.S. Section 303, affected business entities are requested to provide to the Commission in writing and in dollar amounts, the increase in the level of direct and indirect costs or other costs expected to be incurred by the entity due to compliance with the proposed rules. The Commission requests comments from any small business (defined as a for-profit enterprise consisting of fifty or fewer full-time or part-time employees) in the State as to whether any of the proposed rules may have an adverse economic effect on such small business.

NOTICE IS FURTHER GIVEN that the Commission en banc shall consider the permanent adoption of the proposed rules at a public hearing at 2:00 p.m. on March 30, 2010, in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

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

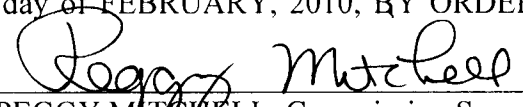


JEFF CLOUD, Vice-Chairman



DANA MURPHY, Commissioner

DONE AND PERFORMED this 24 day of FEBRUARY, 2010, BY ORDER OF THE
COMMISSION:



PEGGY MITCHELL, Commission Secretary