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BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

COURT CLERK'S OFFICE - OKG
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE
OKLAHOMA CORPORATION
COMMISSION AMENDING
OAC 165:15, FUEL INSPECTION

CAUSE NO. RM 201700010

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Petroleum Storage Tank Division ("PSTD") of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Fuel Inspection rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:15. The proposed changes update definitions and terminology, establish compliance with Commission standards and requirements, adopt new or updated standards regarding fuel facilities operations, inspections, practices and penalties, expand responsibility for reporting a release of fuel, require that vaults must meet National Fire Protection Association (NFPA) standards, require specific color coding for E85 tanks, establish a violation for advertising fuel for a lower price than the actual price on the dispenser, establish how correspondence will be sent, and establish enforcement for non-payment of a fine.

The proposed amended rules for OAC 165:15 are as follows:

OAC 165:15-1-1 is amended to update terminology.

OAC 165:15-1-2 amends definitions to clarify regulated tank equipment, update terminology, make grammatical corrections and match the same definitions found in Chapter 25 and Chapter 26.

OAC 165:15-3-2 is amended to update terminology and establish compliance with Commission requirements and Chapter 25.

OAC 165:15-3-10 is amended to allow for smaller samples for testing purposes.

OAC 165:15-3-16 is amended to establish compliance with Commission requirements and consistency with Chapter 25 and Chapter 26.

OAC 165:15-3-20 is amended to make grammatical corrections for clarification and require compliance with Commission standards, requirements, and rules.

OAC 165:15-3-21 is amended for consistency with language already established in Chapter 25 and Chapter 26, expand reporting responsibility, update terminology, and make grammatical corrections.

OAC 165:15-3-22 is amended to require vaults must meet National Fire Protection Association ("NFPA") standard 30 and 30A, and correct a rule citation.

OAC 165:15-3-34 and OAC 165:15-3-35 are amended to update terminology.

OAC 165:15-13-1 is amended to give tank owners and transporters direction on color coding E85 fuel tanks.

OAC 165:15-19-1 is amended to update terminology, and establish a violation for advertising fuel for a lower price than the actual price shown on the fuel dispenser.

OAC 165:15-9-2 is amended to update terminology.

OAC 165:15-19-3 is amended to agree with statutory language for violation of Commission requirements, make grammatical corrections for clarification, and establish delivery of correspondence.

OAC 165:15-19-4 is amended to make grammatical corrections for clarification.

OAC 165:15-19-5 is amended to correct rule citations and establish enforcement for non-payment of a fine.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, 17 O.S. § 322, 52 O.S. §§ 325, 347 and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that it is necessary to adopt permanent rules regarding Fuel Inspection. Upon adoption of the permanent rules proposed herein, by the Commission, the proposed rules shall be submitted to the Governor and the Oklahoma Legislature for approval as permanent rules.

NOTICE IS FURTHER GIVEN that the proposed rules will be made available for public inspection at the Commission's Oklahoma City Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105. A copy of the proposed rules may be requested by phone at (405) 521-2352, email at

courtclerk@occemail.com, or by visit to 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 FURTHER GIVEN that the Rule Impact Statement pursuant to 75 O.S. § 303(D) and the Economic Impact –Environmental Benefit Statement pursuant to 27A O.S. § 1-1-206 will be timely prepared and made available for public inspection in the Commission's Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105, no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

NOTICE IS FURTHER GIVEN that the Petroleum Storage Tank Division will have **technical conferences on January 11, 2018 at 10:00 a.m.** in Courtroom 105 **and January 25, 2018 at 1:30 p.m.** in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. 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.

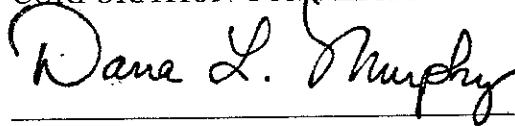
NOTICE IS FURTHER GIVEN that the Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before February 1, 2018.** Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201700010, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone, email, or in-person request 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 and 504, business entities are requested, if the proposed rules adversely affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rule, economic or otherwise, and use quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

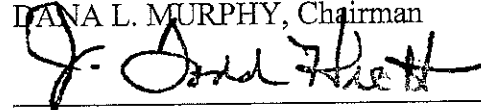
NOTICE IS FURTHER GIVEN that at **9:30 a.m., February 15, 2018 in Courtroom 301** of the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, the Commission shall meet, hold a public hearing on, and consider adoption of the proposed permanent rule(s).

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed rulemaking should be directed to Travis N. Weedn, Senior Attorney, by telephone (405) 521-4137, e-mail T.Weedn@occcemail.com, facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA



DANA L. MURPHY, Chairman



J. TODD HIETT, Vice-Chairman



BOB ANTHONY, Commissioner

CERTIFICATION

DONE and PERFORMED this 19th day of December, 2017 BY ORDER OF THE COMMISSION:

[Seal]



PEGGY MITCHELL, Commission Secretary