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BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE
OKLAHOMA CORPORATION
COMMISSION AMENDING
**OAC 165:30, MOTOR CARRIERS,
PRIVATE CARRIERS AND
TRANSPORTATION NETWORK
COMPANIES**

CAUSE NO. RM 201600020

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Transportation Division of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Motor Carrier, Private Carriers and Transportation Network Companies rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:30.

The proposed amended rules for OAC 165:30 are as follows:

OAC 165:30-1-2 is amended to include new definitions related to commonly used acronyms and terms.

OAC 165:30-3-11 is amended to provide the procedure for insurance companies and underwriters to request copies of filings.

OAC 165:30-3-13 is amended to clarify when a deleterious substance transport permit is not required and procedures when transporting without one.

OAC 165:30-6-3 is amended to provide for periodic updating of Transportation Network Company permit eligibility on request.

OAC 165:30-6-19 is amended to require Transportation Network Companies' terms of service to conform to statute and allows for contracting with licensed motor carriers.

OAC 165:30-7-5 is amended to include new types of forms filed with the Transportation Division and removes forms no longer used.

OAC 165:30-7-6 is amended to provide for updated motor carrier addresses conforming to the Federal Motor Carrier Safety Administration's records.

OAC 165:30-19-2 is amended to remove redundantly defined terms.

OAC 165:30-19-3 is amended to clarify the use of independent contractors for residency requirements.

OAC 165:30-19-7 is amended to update operation records types for documentation of fleet mileage.

OAC 165:30-19-8 is amended to relocate the electronic record requirement in Chapter 30 for audits for certain fleet sizes.

OAC 165:30-19-12 is amended to clarify effective dates for advanced registration of fleet vehicles.

OAC 165:30-19-14 is amended to provide for operational record audits, payment of costs associated with the audits, and how documents are to be submitted in an audit for certain fleet sizes.

OAC 165:30-21-2 is amended to remove redundantly defined terms.

OAC 165:30-21-13 is amended to update the requirements for filing of quarterly and annual fuel tax returns.

OAC 165:30-21-17 is amended to remove subsection headings and update the International Fuel Tax Agreement description and add the website address.

OAC 165:30-21-18 is amended to allow for proper operational records under the International Fuel Tax Agreement that mirror the operational records of the International Registration Plan.

OAC 165:30-21-19 is added as a new proposed permanent rule establishing the requirements for the maintenance, duration, availability and enforcement provisions of operational records under the International Fuel Tax Agreement.

OAC 165:30-21-20 is added as a new proposed permanent rule establishing the terms of Commission audits under the International Fuel Tax Agreement.

OAC 165:30-26-14 is amended to extend the period in which non-compliance with the Commission nonconsensual towing order may be considered a progressive violation.

NOTICE IS FURTHER GIVEN that the Commission has authority to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. 2011, §§ 250 *et seq.*, 17 O.S. § 152, and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that it is necessary to adopt permanent rules regarding Motor Carriers, Private Carriers and Transportation Network Companies. 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. A copy of the proposed rules may be requested by phone at (405) 521-2352, e-mail at courtclerk@occemail.com or by 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 FURTHER GIVEN that the Rule Impact Statement pursuant to 75 O.S. §303(D) 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 Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before February 21st, 2017**. Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM2016-00020, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone, e-mail, or in-person request during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

NOTICE IS FURTHER GIVEN that the Transportation Division will have a **technical conference on February 23rd, 2017 at 1:30 p.m.** in room 105, 1st 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 conference and may participate in the dialogue with the rulemaking participants regarding the issues of the proposed rulemaking.


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.

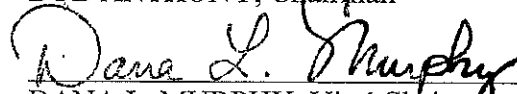
NOTICE IS FURTHER GIVEN that the **Commission *en banc*** shall consider the permanent adoption of the proposed rules at a public hearing at 9:30 a.m. on March 9th, 2017 in Courtroom 301, 3rd Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105.

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed rulemaking should be directed to Mark A. Willingham, Deputy General Counsel, by telephone (405) 522-1638, e-mail M.Willingham@occemail.com, or Zach D. Duvall, Assistant General Counsel by telephone (405) 521-4749, e-mail Z.Duvall@occemail.com, facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

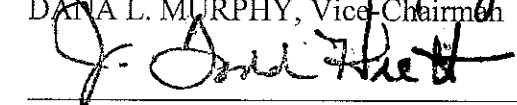
CORPORATION COMMISSION OF OKLAHOMA



BOB ANTHONY, Chairman




DANA L. MURPHY, Vice-Chairman



J. TODD HIETT, Commissioner

DONE and PERFORMED this 29 day of December, 2016, BY ORDER OF THE COMMISSION:



PEGGY MITCHELL, Commission Secretary