BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A PERMANENT RULEMAKING OF THE OKLAHOMA CORPORATION COMMISSION AMENDING OAC 165:5, RULES OF PRACTICE

CAUSE NO. RM 202000003

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Judicial and Legislative Services ("JLS") Division of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Rules of Practice that are set forth in the Oklahoma Administrative Code ("OAC") 165:5. The proposed changes to OAC 165:5, as submitted by the JLS Division and other persons, are as follows:

OAC 165:5-1-4(e) is amended to add the words "division" and "telephone and/or videoconference."

OAC 165:5-1-5(f)(2) is amended to change "email" to "electronic mail" to be consistent throughout the Chapter. OAC 165:5-1-5(g) is amended to clarify responsibility concerning the filing of confidential information. OAC 165:5-1-5(h) is added to provide instructions for submitting personal identifier information to the Commission.

OAC 165:5-1-9 is amended to allow videoconference participation, provide guidance for hearings conducted by telephone or videoconference, and requires that the witness affidavit be filed within three (3) business days following the hearing.

OAC 165:5-3-1(b)(1)(G) clarifies that the gas gathering base application requires a $200.00 filing fee. OAC 165:5-3-1(b)(1)(S) is amended to remove an unnecessary provision.

OAC 165:5-3-1(e) and OAC 165:5-3-2(b)(11)(C) are amended to clarify that reproduction of documents will be in accordance with 51 O.S. § 24A.5.

OAC 165:5-5-1 is amended to require notices of inquiry be filed on the General Docket; clarify the types of causes filed on the Consumer Services Docket; remove the Oil and Gas Citation Docket; and clarify that oil and gas related EN dockets are included in the oil and gas dockets.

OAC 165:5-7-1(a) is amended to remove from this Section the Oil and Gas Conservation Division causes filed pursuant to OAC 165:5-7-27. OAC 165:5-7-1(d)(1) is amended to include electronic mail address. OAC 165:5-7-1(k) is amended to remove the requirement of the secretary's signature, and to instead require the typewritten name of each current Commissioner, followed by the signature of the person filing the application.

OAC 165:5-7-6(l)-(n), OAC 165:5-7-9(k)-(n), and OAC 165:5-7-10(d)-(f) are added to include requirements for exhibits and orders to ensure consistency, accuracy, and completeness.
OAC 165:5-7-9(k) is added to address applications and notices of hearing for exceptions to the minimum distance requirements specified by OAC 165:10-3-28(c)(2) and (c)(3) for completion intervals of oil and gas horizontal wells.

OAC 165:5-7-27 is amended to strike language and to refer to OAC 165:10-5-5 regarding applications for approval of enhanced recovery injection wells and disposal wells.

OAC 165:5-7-29 and 165:5-7-30 are amended to add citations to OAC 165:10.

OAC 165:5-7-61(g) is amended to set hearings on certain motions before an Administrative Law Judge instead of before the Commission en banc.

OAC 165:5-9-4 is amended to add the U.S. Department of Defense and/or the Federal Executive Agencies as persons authorized to become parties of record without needing to file a motion for intervention.

OAC 165:5-9-6(e) adds a procedure for automatic continuances of the motor carrier citation docket when the Commission is closed.

OAC 165:5-13-3(m) is amended to require that exhibits be identified by docket type and cause number on the first page of each exhibit prior to submitting to the Commission; further all pages of each exhibit shall have continuous pagination. OAC 165:5-13-3(s)(3) is amended to allow notices to the party or parties of record to be provided via electronic mail.

OAC 165:5-13-4(f) is added to specify that when a recommendation is made by an Administrative Law Judge on the Motor Carrier Citation Docket, a report for individual citations shall only be required once a request has been received in conformity to OAC 165:5-13-5(a)(3).

OAC 165:5-13-5(a) and (a)(1) are amended to remove transportation related matters from certain requirements relating to taking exceptions to the report of the Administrative Law Judge. OAC 165:5-13-5(a)(3) is added to clarify the process for taking exceptions to the report from the motor carrier citation docket.

OAC 165:5-15-1(b) is amended to clarify the process for sending orders to the applicant.

OAC 165:5-19-1(d) is amended to allow for service on the registered agent as listed with the Oklahoma Secretary of State. OAC 165:5-19-1(c) is amended to establish the effectiveness of service of a citation by certified mailing. OAC 165:5-19-1(h) is amended to require that the Commission shall determine that jurisdiction and service are proper before hearing objections and defenses to the merits of a complaint.

OAC 165:5-25-2 is amended to provide a process for filing confidential applications relating to IFTA/IRP causes.

OAC 165:5-29-1 is added to create a process for filing consumer services complaints, service of the complaint, setting the complaint for a hearing, and the hearing procedures.
Appendices A, B, C, D, E, F, G, H, I, and J are revoked.

Appendices A, B, C, D, E, F, G, H, and I are reenacted to replace the previous notices of hearing types to conform to the new signature requirements in the proposed amendment to OAC 165:5-7-1(k). Appendix G adds recycling facilities to the updated form.

Appendix J is reenacted as a new notice of hearing relating to consumer services complaints.

Appendix K is added to include information required on the witness identification form.

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., and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that the JLS Division believes it is necessary to amend the current rules. Upon the Commission's adoption of the permanent rules proposed herein, 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, Oklahoma 73105. A copy of the proposed rules may be requested by phone at (405) 521-2352, email at courtclerk@occ.ok.gov, or by visiting the Commission's Oklahoma City Court Clerk, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. The proposed rules are also accessible on the Commission's website at http://www.occeweb.com/rules/proprules/proprule.html and may be downloaded at no cost to the end user.

NOTICE IS FURTHER GIVEN that the Rule Impact Statement required 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 at the Commission's Oklahoma City 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 JLS Division will have a technical conference on February 5, 2020, at 10:00 a.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 conference and may participate in the dialogue with the rulemaking participants regarding the subject of the proposed rulemaking.

NOTICE IS FURTHER GIVEN that the JLS Division will have a second technical conference on February 26, 2020, at 10:00 a.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 conference and may participate in the dialogue with the rulemaking participants regarding the subject 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 28, 2020. Those persons interested in submitting comments should file with the Commission's Oklahoma City Court Clerk at least three (3) copies of their comments (an original for the Court Clerk and a copy for the filer), referring to Cause No. RM 202000003. A file stamped copy of the comments should be either sent via email to Jeff W. Kline at Jeff.Kline@occ.ok.gov or hand delivered to the Commission's JLS Division, Fourth Floor, Jim Thorpe Office Building. The comments will be made available for public inspection during regular business hours of the Commission's Oklahoma City Court Clerk, 8:00 a.m. to 4:30 p.m., and/or may be downloaded at no cost to the end user from the Commission's imaging system at http://imaging.occweb.com/imaging/OAP.aspx.

Pursuant to 75 O.S. §§ 303 and 504, business entities are requested, if the proposed rules affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rules, economic or otherwise, using quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

NOTICE IS FURTHER GIVEN that the Commission, in a public hearing, shall consider the adoption of the proposed permanent rules at 10:00 a.m. on March 11, 2020, in Courtroom 301, Third 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 Jeff W. Kline, Deputy General Counsel, by telephone at (405) 521-2308, e-mail at Jeff.Kline@occ.ok.gov, 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

J. TODD HIETT, Chairman

BOB ANTHONY, Vice Chairman

DANA L. MURPHY, Commissioner
CERTIFICATION

DONE and PERFORMED this 22nd day of January, 2020 BY ORDER OF THE COMMISSION:

[Seal]

PEGGY MITCHELL, Commission Secretary