

<sup>SJC</sup>  
**FILED**

JAN 25 2017

BEFORE THE CORPORATION COMMISSION OF THE STATE 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 165:5, RULES OF  
PRACTICE

CAUSE NO. RM 201700001

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**NOTICE OF PROPOSED RULEMAKING**

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**NOTICE IS HEREBY GIVEN** that the Office of Administrative Proceedings ("OAP"), Oil and Gas Conservation Division ("OGCD"), Petroleum Storage Tank Division ("PSTD") and the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("Commission") recommend that the Commission amend the Rules of Practice that are set forth in the Oklahoma Administrative Code ("OAC") 165:5. The proposed changes will address issues that have arisen regarding the Rules of Practice.

The proposed amended rules for OAC 165:5 are as follows:

OAC 165:5-1-3 is amended concerning definitions.

OAC 165:5-1-4 is amended with respect to filings with the Court Clerk.

OAC 165:5-1-5 is amended regarding filing of documents.

OAC 165:5-1-9 is amended concerning telephonic and videoconferencing testimony.

OAC 165:5-1-17 is amended with respect to submission of applications for environmental permits.

OAC 165:5-1-18 is amended regarding extension of the review period for environmental permit applications.

OAC 165:5-1-26 is amended concerning receipt of pollution complaints.

OAC 165:5-1-27 is amended with respect to review of pollution complaints.

OAC 165:5-1-28 is amended regarding closure of pollution complaints.

OAC 165:5-1-29 is amended concerning pollution complaint resolution.

OAC 165:5-1-30 is amended with respect to reporting of pollution complaints.

OAC 165:5-3-1 is amended to add a filing fee for applications on a new Oklahoma Universal Service Fund ("OUSF") docket, other than an OUSF administrative preapproval request, seeking funding from the OUSF or the Oklahoma Lifeline Fund.

OAC 165:5-5-1 is amended regarding dockets.

OAC 165:5-7-1 is amended with respect to application and notice requirements.

OAC 165:5-7-15 is revoked regarding tertiary crude oil recovery project certification.

OAC 165:5-7-30 is amended with respect to amendment of existing orders or permits authorizing injection for enhanced recovery, saltwater disposal or LPG storage wells.

OAC 165:5-7-40 is amended regarding oil and gas conservation and pollution rulemakings.

OAC 165:5-7-60 is amended concerning reciprocity of final orders between states with respect to electric companies.

OAC 165:5-9-4 is amended with respect to intervention and parties of record.

OAC 165:5-13-1 is amended regarding records of hearings.

OAC 165:5-13-3 is amended concerning hearings.

OAC 165:5-13-3.1 is amended with respect to the optional procedure for spacing related applications.

OAC 165:5-13-4 is amended regarding reports of the Administrative Law Judge.

OAC 165:5-15-1 is amended regarding orders.

OAC 165:5-21-3.1 is a new rule regarding applications to permanently close underground storage tanks in place.

Appendix J concerning a witness identification form is revoked and a new Appendix J proposed to add a reference to testimony by videoconferencing connection.

**NOTICE IS FURTHER GIVEN** that the Commission has authority to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.*, 17 O.S. § 52, 17 O.S. §§ 139.101 *et seq.*, 17 O.S. § 152, 17 O.S. § 166.1, 17 O.S. § 166.1a, 17 O.S. §§ 301 *et seq.*, 20 O.S. § 106.4, 27A O.S. § 1-3-

101, 52 O.S. § 97, 52 O.S. § 139, Article IX, Sections 18 and 19 of the Oklahoma Constitution; and OAC 165:5-1-7.

**NOTICE IS FURTHER GIVEN** that the OAP, OGCD, PSTD, and PUD believe it is necessary to adopt permanent rules regarding procedural, oil and gas conservation, petroleum storage tank and public utility matters in order to update the rules. If permanent rules are adopted in this Cause 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](mailto: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) 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 Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before March 10, 2017**. Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201700001, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone call, 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 OAP, OGCD, PSTD and PUD will have **technical conferences on February 16, 2017, at 10:30 a.m. and March 2, 2017, 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.

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 rules, 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 21, 2017**, in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105.

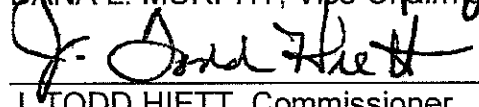
**NOTICE IS FURTHER GIVEN** that further information and inquiries regarding this proposed rulemaking should be directed to Susan Dennehy Conrad, Deputy General Counsel, by telephone (405) 521-3939, e-mail [s.conrad@occemail.com](mailto:s.conrad@occemail.com), facsimile (405) 521-4150, or at Room 400, 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

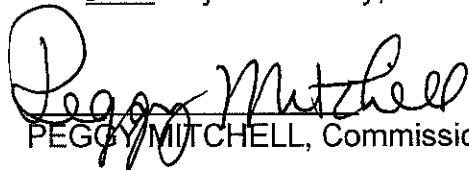
  
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BOB ANTHONY, Chairman

  
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DANA L. MURPHY, Vice Chairman

  
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J. TODD HIETT, Commissioner

CERTIFICATION

DONE and PERFORMED this 25<sup>th</sup> day of January, 2017, BY ORDER OF THE  
COMMISSION:

  
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PEGGY MITCHELL, Commission Secretary