RULEMAKING ACTION:
PERMANENT final adoption

RULES:
Part 1. General
165:5-1-4.1. Open records requests [AMENDED]
165:5-1-5. Filing of documents [AMENDED]
165:5-1-9. Telephonic or videoconferencing testimony [AMENDED]
Subchapter 3. Fees
165:5-3-1. Fees, fines and bonds [AMENDED]
165:5-3-2. Fees for the Petroleum Storage Tank Division [AMENDED]
Part 5. Wind Energy Facility Fees [NEW]
165:5-3-40. Purpose [NEW]
165:5-3-41. Definitions [NEW]
165:5-3-42. Wind energy facility fee [NEW]
165:5-3-43. Failure to comply [NEW]
Subchapter 7. Commencement of a Cause
Part 3. Oil and Gas
165:5-7-6.2. Multunit horizontal wells in targeted reservoirs [AMENDED]
165:5-7-9. Well location exception [AMENDED]
165:5-7-20. Unitized management of a common source of supply [AMENDED]
165:5-7-27. Enhancement or addition of injection and disposal wells [AMENDED]
165:5-7-29. Request for exception to certain underground injection well requirements [AMENDED]
Subchapter 9. Subsequent Pleadings
165:5-9-2. Subsequent pleadings [AMENDED]
Subchapter 13. Initial and Subsequent Proceedings
165:5-13-2. Setting of causes [AMENDED]
165:5-13-3. Hearings [AMENDED]
165:5-13-3.1. Optional procedure for spacing related applications [AMENDED]
Subchapter 15. Orders
165:5-15-1. General form and procedure [AMENDED]
165:5-21-1. Purpose [AMENDED]
165:5-21-3.1. Applications for a variance [AMENDED]

AUTHORITY:
Oklahoma Corporation Commission; 17 O.S. § 52, 17 O.S. § 160.11 et seq., 17 O.S. § 166.1, 17 O.S. § 166.1a, 17 O.S. § 301 et seq., 27A O.S. § 1-3-101, 47 O.S. § 966 et seq., 52 O.S. § 87.6 et seq., 52 O.S. § 97, 52 O.S. § 139, 52 O.S. § 149.3, 52 O.S. § 287.1 et seq., Article IX, Sections 18 and 19 of the Oklahoma Constitution, and OAC 165:5-1-7.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
Although the Oklahoma Corporation Commission is not subject to the requirements of Executive Order No. 2019-11, the proposed rules were submitted to the Governor and Cabinet Secretary on January 25, 2019.

COMMENT PERIOD:
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PUBLIC HEARING:
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Office of Administrative Rules
Oklahoma Secretary of State
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SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

GIST/ANALYSIS:
The rules were adopted to update, streamline, clarify, and establish new rules concerning the Rules of Practice, including, but not limited to, addressing procedures for telephonic and videoconferencing testimony during hearings, new rules assessing fees on wind energy facilities to provide funding to the Public Utility Division in the execution of duties and responsibilities required by the Oklahoma Wind Energy Development Act, 17 O.S. § 160.11 et seq., changing references from the Oklahoma Storage Tank Regulation Act to the Oklahoma Petroleum Storage Tank Consolidation Act, 17 O.S. § 301 et seq., and provide for administrative review of applications for variances to the Commission's Petroleum Storage Tank Division rules, including antifreeze, underground storage tank, aboveground storage tank, and indemnity fund rules.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(2), WITH AN EFFECTIVE DATE OF AUGUST 1, 2019:

CHAPTER 5. RULES OF PRACTICE

SUBCHAPTER 1. GENERAL PROVISIONS
PART 1. GENERAL

165:5-1-4.1. Open records requests
(a) Records available to the public pursuant to the Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., may be obtained by directing written requests for records to the respective division directors or their designated appointees. This Section does not apply to records specifically required by the Commission to be kept confidential, including records subject to proprietary agreements, confidentiality orders and sealed exhibits. Charges for copies and research of such records shall be in accordance with OAC 165:5-3-1 and the Open Records Act, 51 O.S. § 24A.5(3).
(b) Any records, reports or information obtained pursuant to the Oklahoma Petroleum Storage Tank Regulation Consolidation Act and/or OAC 165:15, 165:16, 165:25, 165:26, 165:27, 165:28 and 165:29 shall be available to the public unless a showing satisfactory to the Commission by any person that the records, reports or information, or a particular part thereof, if made public would divulge production of sales figures, methods, processes or production unique to such person or would otherwise tend to affect adversely the competitive position of such record, report or information or particular portion thereof.

165:5-1-5. Filing of documents
(a) Document form. Electronic filing is the Commission's preferred filing method. All persons filing documents with the Court Clerk shall file electronically to the greatest extent possible as directed by the Court Clerk. Documents filed with the Court Clerk in paper format may be printed, typewritten or reproduced by any legible method. All documents filed in paper format must be single-sided on 8 1/2" x 11" paper and ready for digital processing by the Court Clerk. Exceptions to the required document size may be allowed by the Court Clerk for good cause shown. Exact duplicates of any allowed documents must be filed in sections on 8 1/2" X 11" paper to allow for digital processing by the Court Clerk. Quotations shall be indented. Subsequent to the filing of the original application, every page of documents filed with the Court Clerk shall contain a page number, the applicable subject matter docket listed in OAC 165:5-5-1(a), the docket number assigned to the cause by the Court Clerk, and document type, e.g., application, motion, response, or brief. All filed documents must have a continuous pagination for the entire document, including exhibits and attachments. The original application shall include all this information, except the docket number, on each page. No document may be altered after filing; pages may not be otherwise inserted and no interlineations, additions or deletions may be made. If a filing error is made, the correct document or information, as appropriate, shall be submitted as a separate filing to the Court Clerk as soon as possible and the same number of copies as required for the original filing shall be provided to the Court Clerk.
(b) Filing stricken by motion. Upon the motion of the Commission or Administrative Law Judge, or the filing of a motion pursuant to OAC 165:5-9-2(b), the Administrative Law Judge is authorized to recommend to the Commission an order to strike the filing of any document containing defamatory, scurrilous or improper language, or otherwise in violation of any of the rules of this Chapter. In case of such recommendation to grant a motion to strike a filed document, the subject document shall be presented to the
Commission for ruling on acceptability for filing.
(c) **Required information.** The requirements of this subsection shall not be jurisdictional. All documents shall include the party's or attorney's actual or electronic signature, typed name, business mailing address, telephone number, facsimile number and electronic mail address, if any, with additional copies as may be required by the Court Clerk. A registered user must provide an electronic mail address at the time the registered user files his or her entry of appearance or other initial filing. All documents, except notices of hearing, signed by an attorney shall contain the name of the State Bar Association to which the attorney belongs and his/her State Bar Association number.
(d) **Requirement conflicts.** Wherever any provision of the Constitution or laws of Oklahoma makes a requirement as to notice or procedure which exceeds or conflicts with any provision of the rules of this Chapter, the former shall govern.
(e) **Informal communications.** Nothing in the rules of this Chapter shall prohibit informal inquiry or complaint to the Commission by mail, facsimile, electronic mail, or in person, which matters shall be handled administratively by the staff in an effort to secure amicable adjustment or agreement among affected persons. No official order shall be issued as a result of any informal proceedings.
(f) **Facsimile transfers.**
(1) The Court Clerk shall accept pleadings submitted by facsimile transfer during regular Commission business hours pending payment of the appropriate filing fees and submission of a proper original and requisite copies within two (2) business days of the filed facsimile, in accordance with the provisions of 165:5-1-6(a). New applications must be transferred and completed prior to 4:00:30 p.m. of each business day.
(2) Unless otherwise delivered the same day, if an application for emergency relief in a spacing, location exception, increased density or multiunit horizontal well proceeding is submitted by facsimile transfer, a copy of such emergency application shall be emailed to the Technical Services Department of the Commission at an email address to be designated by the Director of the Conservation Division, on the date of the facsimile transfer.
(3) A facsimile shall be deemed filed on the date of receipt, unless the proper original is not timely received and/or the appropriate filing fee is not paid. When the original documents are not received within two (2) business days of receipt of the facsimile and/or the appropriate filing fee is not timely paid, the facsimile will not be deemed timely filed. It is the responsibility of the filing party to notify the Court Clerk, upon submission of any original, of any document that has been previously faxed to secure a filing date earlier than the date of submission of the original document. Failure to do so may result in a filing date which does not reflect the submission having been faxed on an earlier date. If any original document requires payment of a fee prior to filing, the cashier must also be notified of the faxed document prior to payment of the required fee.
(4) Administrative filings and submissions or requests for reconsideration filed on the Oklahoma Universal Service Fund docket cannot be submitted by facsimile.
(5) Until electronic filing is available, a CD cause number may be requested by faxing a request for a cause number that contains the entire caption of the proposed application, a statement that only a cause number is being requested, and contact
information for the party requesting the cause number. This will not be considered a fax filing of the application and the date of filing the application will be the date the original documents are received in the Court Clerk's office. In order to minimize gaps in the numbering of causes, the cause number requested by fax must be followed by filing original documents containing the exact same caption in the Court Clerk's office, within three (3) business days of the request, or the cause number will be cancelled and may not be reused for any purpose.

(g) Confidential documents. All documents and information considered to be confidential must be clearly marked as such on a cover page of the document. All documents deemed and marked as confidential shall be docketed and retained by the Court Clerk. Until the Commission determines otherwise, the cover page only of such filings will be viewable by the public for identification purposes.

165:5-1-9. Telephonic or videoconferencing testimony

(a) In an unprotested hearing, testimony may be offered by telephone or videoconferencing connection, unless the Commission or Administrative Law Judge determines that the presence of the witnesses in the courtroom is necessary for the effective and efficient presentation of evidence.

(b) In a protested hearing, testimony may be offered by telephone or videoconferencing connection with the consent of all parties of record and the Commission or Administrative Law Judge. It shall be the responsibility of the proponent of telephonic or videoconferencing testimony to obtain the required consent before the hearing. No continuance shall be granted for failure to obtain the required consent.

(c) The cost of telephonic or videoconferencing communication shall be paid by the party requesting its use. If participation through a videoconferencing connection in a proceeding is sought by consent, the proponent must indicate the capability to establish the videoconference using its own digital device or other means of access.

(d) Each witness testifying by telephone or videoconferencing connection shall be required to sign an affidavit verifying the witness' identity, unless the circumstances of the videoconferencing testimony enable the Commission or Administrative Law Judge to verify the identity of the witness. Said affidavit, if necessary, shall be filed in the cause prior to the issuance of an order. A copy of the filed affidavit shall be submitted to the Commission or Administrative Law Judge. Appendix "J" to this Chapter contains a sample affidavit.

(e) If an interested party intends to participate in the hearing by telephone or videoconferencing connection, said party shall so notify the Applicant, prior to the hearing date and obtain the consent of the Commission or Administrative Law Judge.

(f) Applicant or applicant's attorney shall be responsible for announcing at docket call those parties who plan to testify or otherwise participate by telephone or videoconferencing connection.
SUBCHAPTER 3. FEES

PART 1. GENERAL PROVISIONS

165:5-3-1. Fees, fines and bonds
(a) General.

(1) Exceptions to filing fees. For each initial application in each category listed in (b) of this Section, a filing fee shall be paid by the person seeking to file or submit the document, unless the document is filed under authorization of and in the name of an instrumentality of the State of Oklahoma.

(A) Filing fees shall not apply to any subsequent pleading or amended application except a Form 1000 required in OAC 165:10-3-1(b)(1)(A) through (E) and OAC 165:10-3-1(c).

(B) No filing fee shall be required for any application filed pursuant to OAC 165:10-3-31, Use of vacuum at the well head.

(C) No filing fee applicable to the conservation docket shall be required for any Notice of Intent to Mediate filed with the Judicial and Legislative Services pursuant to OAC 165:5-23-1 et seq. A per participant fee provided in OAC 165:5-3-1(b)(1)(L) shall be charged for any informal dispute resolution procedure that commences.

(D) No filing fee shall be paid by a party filing a protest to an adverse action of the Commission pursuant to the International Fuel Tax Agreement ("IFTA") or the International Registration Plan ("IRP").

(E) No filing fee shall be paid by a customer filing a Consumer Services docket application against a public utility.

(F) No filing fee shall be required for any application filed on the Oklahoma Universal Service Fund ("OUSF") ("OSF") docket.

(G) No filing fee shall be paid by a party filing a protest to a nonconsensual towing Violation Notification issued by the Transportation Division.

(2) Filing fees. Any filing fee assessed by this Section shall be due and paid at the time of filing of the document. Neither the Court Clerk's Office nor any division of the Commission shall accept an application subject to a filing fee until the required fee is paid. No filing fee shall be refundable. For documents that are being filed in paper form, all associated filing fees must be paid and the documents submitted to the Court Clerk's Office for filing prior to 4:00 p.m. to allow for document processing within established hours of operation.

(3) Other fees. Any other fee assessed by this Section shall be due and payable at the time the service is requested. No service shall be rendered before payment of the prescribed fee. No such other fee shall be refundable.

(4) Negotiable instruments. Fees paid by negotiable instruments shall be made payable to the "Oklahoma Corporation Commission." Negotiable instruments include personal checks, cashier checks, certified checks, and money orders. Foreign checks must be payable through a United States bank in United States funds.

(5) Returned payments. A service fee of $20.00 shall be assessed on each check returned to the Commission as a result of the refusal of the bank upon which the check was drawn to honor the same. Upon the return of any check by reason of the refusal
of the bank to honor it, the Commission may file a bogus check complaint with the appropriate district attorney. In the event that a payment transaction for any fee, fine or bond fails, the Commission reserves the right to require payment of that fee, fine or bond, and any future fee, fine or bond owed to the Commission by the same individual or entity, to be made by cash, cashier check, certified check, money order or another secured form of payment.

6 Petroleum Storage Tank Division fees. All fees pertaining to the Petroleum Storage Tank Division are listed in OAC 165:5-3-2.

(b) Schedule of filing fees.

1 Oil and gas fees.

(A) Commercial disposal well application - $1,500.00
(B) Commercial earthen pit application - $1,250.00
(C) Commercial soil farming site application - $1,250.00
(D) Commercial recycling facility application - $1,000.00
(E) Noncommercial injection or disposal well application – Form 1015 - $250.00
(F) Commercial facilities annual fee due on October 1 of each year:
   (i) Commercial earthen pit facility - $750.00
   (ii) Commercial soil farming facility - $750.00
   (iii) Commercial recycling facility - $750.00
(G) Conservation docket and pollution docket base applications - $200.00
(H) Emergency application on the conservation or pollution docket - $250.00
(I) Permit to drill – Form 1000:
   (i) Directional well - $350.00
   (ii) Horizontal well - $400.00
   (iii) Multiunit well - $600.00
   (iv) Vertical well - $350.00
(J) Expedited permit to drill - Form 1000:
   (i) Directional well - $600.00
   (ii) Horizontal well - $600.00
   (iii) Multiunit well - $800.00
   (iv) Vertical well - $600.00
(K) Temporary permit to drill – Form 1000:
   (i) Directional well - $350.00
   (ii) Horizontal well - $350.00
   (iii) Multiunit well - $350.00
   (iv) Vertical well - $350.00
(L) Notice of Intent to Mediate pursuant to Chapter 23 of this Chapter - $5.00 per participant
(M) Permit for one-time land application of materials – Form 1014S - $150.00
(N) Expedited permit for one-time land application of materials – Form 1014S - $250.00
(O) Tax exemption application filed pursuant to OAC 165:10-21 - $100.00
(P) Transfers of well operatorship - Forms 1073 and 1073I – single well - $25.00
(Q) Transfers of well operatorship - Forms 1073IMW and 1073MW – multiple wells - $250.00
(R) Notification of intent to plug – Form 1001 - $100.00
(S) Operator agreement—annual fee—Form 1006B—based on the number of unplugged wells for which the operator is responsible according to Commission records:

(i) No wells being operated - $100.00
(ii) From 1-25 wells - $250.00
(iii) From 26-100 wells - $500.00
(iv) From 101-200 wells - $750.00
(v) From 201-500 wells - $750.00
(vi) Over 500 wells - $1,000.00

(T) Fluid disposal/injection reports:

(i) Commercial disposal well fluid disposal report—Form 1012C—semiannual per well-$500.00
(ii) Noncommercial disposal and injection well and LPG storage well report—Form 1012—anual per well-$25.00
(iii) Noncommercial disposal and injection well and LPG storage well report—Form 1012—more than 100 wells—annual fee-$2,500.00

(U) Permit to use earthen pit, noncommercial disposal or enhanced recovery well for temporary storage of saltwater, and pit associated with commercial disposal well surface facility—Form 1014:

(i) Capacity of pit less than or equal to 10,000 barrels-$250.00
(ii) Capacity of pit greater than 10,000 barrels-$1,000.00

(V) Permit for seismic operations—Form 1000S-$100.00

(W) Application for temporary exemption from well plugging—Form 1003A-$100.00

(X) Permit to vent or flare gas from well—Form 1022-$50.00

(Y) Application for multiple zone well completion, production of well through a multiple choke assembly, and commingling of well production—Form 1023-$50.00

(2) Transportation fees.

(A) Transportation docket application - $500.00

(B) Other transportation fees:

(i) Intrastate license.

   (I) Original application filing fee - $100.00
   (II) Sub application filing fee - $100.00
   (III) Renewal application filing fee - $50.00
   (IV) Reinstatement application filing fee - $100.00
   (V) Name change application filing fee - $50.00
   (VI) Identification device or per vehicle fee - $7.00

(ii) Deleterious Substance License Permit application filing fee - $350.00


   (I) IFTA decal - $2.00 per vehicle per decal set
   (II) IFTA reinstatement fee - $100.00

(iv) Trailer registration processing fee per trailer registered through the IRP System - $2.00

(v) Temporary registration and fuel permit fees (a $10.00 services fee is added to each permit in this unit):

   (I) Temporary registration (72 hour trip permit) - $12.00
(ii) Temporary fuel permit (120 hours) - $25.00
(iii) Unladen or hunters permit (45 days) - $25.00
(vi) Harvest permit fees (power units only).
(i) Thirty day permit - $20.00 per axle
(ii) Sixty day permit - $35.00 per axle
(iii) 15 day extension - $8.75 per axle
(vii) Transportation Network Company annual permit fee - $5,000.00
(viii) Household goods certificate fees:
(i) Original application filing fee - $350.00
(ii) Sub application filing fee - $300.00
(iii) Renewal application filing fee - $300.00
(iv) Reinstatement application filing fee - $250.00
(v) Name change application filing fee - $50.00
(vi) Identification device or per vehicle fee - $7.00
(ix) Apportioned commercial motor vehicle registration services fee - $100.00 per vehicle (apportioned)
(x) Apportioned commercial motor vehicle registration application reprocessing fee - $100.00 per application
(xi) Application for lawful fence - $500.00. If the Transportation Division determines a lawful fence is required to be constructed by the railroad, the railroad shall have sixty (60) days from the date of notice to refund the application filing fee to the landowner

(3) **Utility fee.** Public utility docket application - $100.00
(4) **Enforcement fee.** Enforcement docket application - $100.00

(c) **Certified copies.** A fee of $1.00 per copied page is charged for each copy of an order or other document on file with the Commission certified by the Secretary, in addition to the fees specified in (d) of this Section.

(d) **Other fees.** The following fees shall be charged and collected at the time of request for same; none of which shall ever be refundable:

1. Certificate of non-development (maximum of one quarter section) - $10.00
2. Copies of any file or order -
   (A) Non-certified copies - $0.25 per page; certified copies $1.00 per page
   (B) Postage – actual cost
3. Microfilmed images from coin-operated microfilm reader (coin box) - $0.25
4. Batch reproduction on continuing basis (per page) - $0.25
5. Copy of any document prepared in OCC offices (per page) - $0.25
6. Copy of any Chapter of Commission rules and regulations - $10.00
7. Copy of Oil and Gas Conservation rules - $20.00
8. Current ownership/lienholder information - $1.00 per vehicle record page
9. Computer generated title history - $5.00 per vehicle
10. Manual title history - $7.50 per vehicle
11. Copy of lien release - $7.50 per vehicle
12. Certified copy of lien release - $10.00 per vehicle
13. Certified copy of title history - $10.00 per vehicle
14. Preparation of the record on appeal to the Oklahoma Supreme Court - $200.00

(e) **Computer data processing documents.** Reproduction of documents or
informational searches involving computer data processing services will be in accordance with the rates established by the Oklahoma Office of Management and Enterprise Services.

(f) **Document search fee.** Except where provided otherwise by law, where the request for document copying and/or mechanical reproduction is solely for commercial purpose or clearly would cause excessive disruption of the Commission's essential functions, then a fee of $10.00 per hour (minimum of one hour) shall be charged to recover the direct cost of document search.

(g) **Fax.** A service charge of $5.00 plus $1.00 per page will be assessed for all outgoing faxes. All incoming faxes for persons not associated with the Commission shall be assessed a copy fee of $0.25 per page including the cover page.

(h) **Payments by Credit Card and other means of electronic funds transfer.**

(1) "Nationally recognized" credit card means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in lieu of a check, as defined by 12A Oklahoma Statute § 3-104(f), in obtaining goods, services or anything else of value or for the use of the cardholder in obtaining such goods, services, or anything else of value on credit and which, in either case, is accepted by over one thousand merchants in this state. The Oklahoma Corporation Commission shall determine which nationally recognized credit card will be accepted for any payments due and owing to the Oklahoma Corporation Commission.

(2) Implementation of payment by nationally recognized credit card and other means of electronic funds transfer will be phased in over a period of time as determined by the Commission.

(3) The Oklahoma Corporation Commission will verify that sufficient credit is available before acceptance of credit card to insure that no loss of state revenue will occur by the use of such card.

   (A) If a person is at a designated receiving point and credit is not available, the person then has the opportunity to pay by other methods accepted by the Commission.

   (B) If a person mails in the credit card information and credit is not available, the transaction will be handled as one with no remittance and a bill will be forthcoming.

(4) The Oklahoma Corporation Commission may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such nationally recognized card.

(5) Persons wishing to pay by credit card must be willing to submit normally required credit card information to the Commission. This includes, but is not limited to: card type (VISA, etc.), card number, card expiration date, card holder name as shown, and three digit security personal identification number (PIN). The Commission assumes no liability for unauthorized use of this information.

(6) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct or authorize a financial institution to debit or credit an account.

(7) "Electronic terminal" means an electronic device, other than a telephone operated by a person, through which a person may initiate an electronic funds transfer.
(8) "Financial institution" means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person who, directly or indirectly, holds an account belonging to another person.
(9) "State" means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

165:5-3-2. Fees for the Petroleum Storage Tank Division
(a) General.
(1) For each initial application filed on the Petroleum Storage Tank docket, a filing fee shall be paid by the person seeking to file or submit the document, unless the document is filed under authorization of and in the name of an instrumentality of the State of Oklahoma. Filing fees shall not apply to any emergency application, subsequent pleading or amended application.
(2) Any fee assessed by this Section is either due and payable at the time of filing or due and payable at the time the service is requested. Neither service shall be rendered before payment of the prescribed fee nor shall the Court Clerk's Office or any division of the Commission accept any application subject to a filing fee until the required fee is paid. All fees are nonrefundable.
(3) The fees listed in this section may be paid by check, personal checks, cashier checks, certified checks, money orders, credit cards and other means of electronic funds transfer. Foreign checks must be payable through a United States bank in United States funds. The check or money order should be made payable to the "Oklahoma Corporation Commission – Petroleum Storage Tank Division" and will be deposited to the Oklahoma Petroleum Storage Tank Revolving Fund.
(4) Payments by credit card and other means of electronic funds transfers.
   (A) "Nationally recognized" credit card means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in lieu of a check, as defined by 12A Oklahoma Statute § 3-104(f), in obtaining goods, services or anything else of value or for the use of the cardholder in obtaining such goods, services, or anything else of value on credit and which, in either case, is accepted by over one thousand merchants in this state. The Oklahoma Corporation Commission shall determine which nationally recognized credit card will be accepted for any payments due and owing to the Oklahoma Corporation Commission.
   (B) Implementation of payment by nationally recognized credit card and other means of electronic funds transfer will be phased in over a period of time as determined by the Commission.
   (C) The Oklahoma Corporation Commission will verify that sufficient credit is available before acceptance of credit card to insure that no loss of state revenue will occur by the use of such card.
      (i) If a person is at a designated receiving point and credit is not available, the person then has the opportunity to pay by other methods accepted by the Commission.
      (ii) If a person mails in the credit card information and credit is not available, the
transaction will be handled as one with no remittance and a bill will be forthcoming.
(D) The Oklahoma Corporation Commission may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such nationally recognized card.
(E) Persons wishing to pay by credit card must be willing to submit normally required credit card information to the Commission. This includes, but is not limited to: card type (VISA, etc.), card number, card expiration date, card holder name as shown, and three digit security personal identification number (PIN). The Commission assumes no liability for unauthorized use of this information.
(F) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct or authorize a financial institution to debit or credit an account.
(G) "Electronic terminal" means an electronic device, other than a telephone operated by a person, through which a person may initiate an electronic funds transfer.
(H) "Financial institution" means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person who, directly or indirectly, holds an account belonging to another person.
(I) "State" means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

(b) Fees.
(1) Application fee. The fee to file an application on the Petroleum Storage Tank/Indemnity Fund docket is $100.00.
(2) Variance review fee. The fee for administrative review of a Petroleum Storage Tank Division variance application is $250.00.
(3) Annual storage tank permit fee. Owners of regulated petroleum storage tanks, whether in use or not, are required to pay an annual permit fee as follows:
   (A) For petroleum storage tanks - $25.00 per tank or tank compartment.
   (B) For noncommercial agricultural underground storage tanks containing petroleum products - $10.00 per tank.
   (C) For any tank installed or permanently closed during a calendar year, the full yearly fee shall be assessed.
   (D) Invoices will be mailed out approximately 60 days in advance of the due date as noted on the invoice.
(4) UST Installer License. The fees for an Underground Storage Tank Installer License are:
   (A) Application fee - $50.00
   (B) License fee - $100.00
   (C) Annual License renewal fee - $100.00
(5) Environmental Consultant License. The fees for an Environmental Consultant License are:
(A) Application fee - $50.00  
(B) License fee - $100.00  
(C) Annual License renewal fee - $100.00  

(6) **UST Remover License.** The fees for an Underground Storage Tank Remover License are:  
(A) Application fee - $50.00  
(B) License fee - $100.00  
(C) Annual License renewal fee - $100.00  

(7) **AST Licensee.** The fees for an Aboveground Storage Tank Licensee are:  
(A) Application fee - $50.00  
(B) License fee - $100.00  
(C) Annual License renewal fee - $100.00  

(8) **Vapor Monitor Well Technician License.** The fees for a Vapor Monitor Well Technician License are:  
(A) Application fee - $50.00  
(B) Examination fee- $25.00  
(C) License fee - $100.00  
(D) Annual License renewal fee - $100.00  

(9) **Groundwater Monitor Well Technician License.** The fees for a Groundwater Monitor Well Technician License are:  
(A) Application fee - $50.00  
(B) License fee - $100.00  
(C) Annual License renewal fee - $100.00  

(10) **Antifreeze Permit.** The manufacturer of any antifreeze displayed, distributed, manufactured, marketed, produced, sold, used and/or offered for sale or resale, held with intent to sell, or transported within the State of Oklahoma is required to pay the following fees:  
(A) Application fee - $100.00 per brand per type  
(B) Annual permit renewal fee - $100.00 per brand per type  

(11) **Miscellaneous fees.**  
(A) **Certified copies.** A fee of $1.00 per copied page is charged for each copy of an order or other document on file with the Commission certified by the Secretary, in addition to the fees specified in this Section.  
(B) **Other fees.** The following fees shall be charged and collected at the time of request for same; none of which shall be refundable:  
(i) Batch reproduction on continuing basis (per page) - $0.25  
(ii) Copy of any document prepared in OCC offices (per page) - $0.25  
(iii) Copies of any file or order –  
   (I) Non-certified copies - $0.25 per page; certified copies $1.00 per page  
   (II) Postage – actual cost  
(C) **Computer data processing documents.** Reproduction of documents or informational searches involving computer data processing services will be in accordance with the rates established by the Oklahoma Office of Management and Enterprise Services.  
(D) **Document search fee.** Except where provided otherwise by law, where the request for document copying and/or mechanical reproduction is solely for
commercial purpose or clearly would cause excessive disruption of the Commission's essential functions, then a fee of $10.00 per hour (minimum of one hour) shall be charged to recover the direct cost of document search.

(E) Fax. A service charge of $5.00 plus $1.00 per page will be assessed for all outgoing faxes. All incoming faxes for persons not associated with the Commission shall be assessed a copy fee of $0.25 per page including the cover page when not submitted for filing with the Court Clerk's office.

(12) Failure to pay fee. Failure to pay by the designated due date, insufficient payments or returned payment of any fee within this subsection will result in the Corporation Commission being authorized to assess payment of any outstanding fee, plus for storage tank permits: a penalty of 50% of the computed total fee and/or suspend tank operation until payment of any fee or penalty assessed under this subsection is received.

PART 5. WIND ENERGY FACILITY FEES

165:5-3-40. Purpose
The purpose of this Part is to assess, pursuant to 17 O.S. § 160.22, a fee upon each wind energy facility to provide funding to the Public Utility Division in the execution of duties and responsibilities required by the Oklahoma Wind Energy Development Act.

165:5-3-41. Definitions
The following words and terms, when used in this Part, shall have the following meaning unless the context clearly indicates otherwise:

"PUD" means the Public Utility Division of the Oklahoma Corporation Commission.
"Decommissioned" means the retirement of a wind energy facility, including decontamination and/or dismantlement, and as defined in 17 O.S. § 160.14.
"Wind energy facility" means wind energy facility as defined in 17 O.S. § 160.13(9).

165:5-3-42. Wind energy facility fee
(a) Pursuant to 17 O.S. § 160.22, an annual fee of $2,000.00 shall be assessed on each wind energy facility located in the State of Oklahoma.
(b) Pursuant to 17 O.S. § 160.22, a submission fee of $5,000.00 shall be paid to the Commission for processing of each initial Notification of Intent to Build a wind energy facility in Oklahoma.
(c) For the first year of commercial generation, the annual fee shall be paid to PUD concurrently with the submission of the annual report, pursuant to OAC 165:35-45-3.
(d) The wind energy facility fee shall be paid to PUD annually on or before March 1 of each year, concurrently with the submission of the annual report, pursuant to OAC 165:35-45-3.
(e) The wind energy facility fee shall not be paid after PUD is notified that the wind energy facility is decommissioned.
(f) A public utility, as defined in OAC 165:5-3-21, that pays into the PUD Assessment pursuant to 17 O.S. §180.11, shall not be required to pay the wind energy facility fee on
each wind energy facility owned by the public utility.

165:5-3-43. Failure to comply
A wind energy facility that fails or refuses to pay the required fee may be assessed fines and penalties as provided by law.

SUBCHAPTER 7. COMMENCEMENT OF A CAUSE

PART 3. OIL AND GAS

165:5-7-6.2. Multiunit horizontal wells in targeted reservoirs
(a) The application, which shall be limited to a single well, and the notice of hearing on the application, for an order approving a multiunit horizontal well in a targeted reservoir pursuant to 52 O.S. §87.8 shall be served no less than fifteen (15) days prior to the date of the hearing, by regular mail, upon each person or governmental entity having the right to share in production from each of the affected units covered by the application.
(b) Notice of hearing regarding an application for an order approving a multiunit horizontal well in a targeted reservoir pursuant to 52 O.S. §87.8 shall be published as provided in OAC 165:5-7-1(n)(2).
(c) The application for an order approving a multiunit horizontal well in a targeted reservoir shall contain the following:
   (1) The legal description of the affected units.
   (2) The name and address of the applicant and proposed operator of the proposed well.
   (3) The name and depth of each targeted reservoir to be affected, including any potential adjacent common source of supply.
   (4) The information required by 52 O.S. §87.8(B)(4).
   (5) Allegations concerning the existence of facts relating to the proposed well as provided in 52 O.S. §87.8(B)(6).
   (6) Reference to any companion application, identified by the type of requested relief, such as any application for spacing, for location exception, for increased density, for pooling, for modification of any previous pooling order, or for any other relief that may be appropriate under the specific facts of a cause, if such companion application is filed in conjunction with or is pending at the time of the filing of the application for multiunit horizontal well(s).
(d) An order approving an application for a multiunit horizontal well in a targeted reservoir shall require the allocation of the reasonable drilling, completion and production costs and of the commingled production and proceeds in accordance with 52 O.S. §87.8(B) and the map(s) addressed in 52 O.S. §87.8(B)(4)(b) must be attached to the order.
(e) Any pooling application filed pursuant to 52 O.S. §87.8(B)(3) involving a multiunit horizontal well for a targeted reservoir shall be filed pursuant to OAC 165:5-7-7.
(f) In the event a multiunit horizontal well covered by 52 O.S. §87.8 is intended to be the initial unit well in any horizontal well unit that exceeds six hundred forty (640) acres plus tolerances and variances allowed by statute, the contemplated completion interval of such well shall exceed ten thousand five hundred sixty (10,560) feet, absent a showing of
reasonable cause.

(g) The units that are covered by any multiunit well application filed under this Section, in which the subject multiunit horizontal well is proposed to be drilled and completed, shall not constitute "an adjoining or cornering tract of land or drilling and spacing unit, currently producing from the same common source of supply, toward which tract or unit the well location has been or is proposed to be moved" under OAC 165:5-7-9.

165:5-7-9. Well location exception

(a) The application, which shall be limited to a single well, and notice of hearing for an order granting a well location exception for a well drilled or to be drilled for oil or gas into any common source of supply at a location other than that authorized by a rule or order of the Commission shall be served by the applicant no less than fifteen (15) days prior to the date of the hearing, by regular mail, upon the operator of each well located in an adjoining or cornering tract of land or drilling and spacing unit, currently producing from the same common source of supply, toward which tract or unit the well location has been or is proposed to be moved. The application and notice of hearing shall specify the name(s) of the well(s) and operator(s) of the well(s) towards which the location exception well is moving. The application and notice of hearing also shall be served, in the manner required above, upon the operator of any well located in an adjoining or cornering tract of land or drilling and spacing unit currently producing from the same common source of supply, if the requested well location is closer to the offsetting well than would be permitted under the applicable well location tolerances or requirements. Provided, however, if the applicant, or any other entity to be authorized to drill or otherwise operate the subject well, is the operator of any of the wells identified above, then the application and notice of hearing shall be served, in the manner required above, upon each working interest owner in any such well.

(b) An application and notice of hearing for an order granting a well location exception pursuant to this Section may also include a request for an exception to OAC 165:10-3-28(c)(2). The application and notice of hearing shall be served in the manner required in subsection (a) of this Section, and shall contain the information required in such subsection. Where an application includes requested relief for both a location exception and exception to OAC 165:10-3-28(c)(2), such application shall separately identify respondents for the location exception and respondents for the exception to OAC 165:10-3-28(c)(2).

(c) For any well other than a directionally drilled well or a horizontal well, the application and notice of hearing for a location exception shall specify the proposed or actual surface location of the well expressed in feet from the two nearest boundaries of the drilling and spacing unit, or, if no drilling and spacing unit has been established, from the two nearest boundaries of the mineral estate(s) upon which the well will be or has been drilled.

(d) For a directionally drilled well, the application and notice of hearing for a location exception shall specify the proposed or actual subsurface location of the well's entry into and the proposed or actual subsurface location of the well's exit from the common source of supply for which the location exception is requested, expressed in feet from the two nearest boundaries of the drilling and spacing unit or, if no drilling and spacing unit has been established, from the two nearest boundaries of the mineral estate(s) upon which the well will be or has been drilled. For purposes of this section, a directionally drilled well
does not include a horizontal well.

(e) For a horizontal well, the application and notice of hearing for a location exception shall specify the proposed or actual subsurface location of the completion interval, as defined by OAC 165:10-3-28, within the common source of supply for which the location exception is requested, expressed as the distance in feet from the nearest boundaries of the drilling and spacing unit or, if no drilling and spacing unit has been established, from the nearest boundaries of the mineral estate(s) upon which the well will be or has been drilled.

(f) The proposed subsurface location for a directionally drilled well or a horizontal well may be described in the application and notice of hearing as no closer than specified footages from the nearest boundaries of the drilling and spacing unit or, if no drilling and spacing unit has been established, from the nearest boundaries of the mineral estate(s) upon which the well will be drilled.

(g) At the time of hearing, a well’s location, as set out in the application and notice of hearing, may be changed to another location that is not closer to the boundaries of the drilling and spacing unit or mineral estate(s) described in the application and notice of hearing, that is not closer to any offsetting well the operator of which, or any working interest owner in which, was required to be notified under this section, and that does not require notice to additional operators or working interest owners under this section.

(h) If at the time of the hearing on an application for a directionally drilled well or a horizontal well, the applicant does not have the results of the well survey required by OAC 165:10-3-27, then the Administrative Law Judge may recommend the issuance of an interim order granting the application and, if so, shall consider whether to adjust the allowable based on the potential locations of the well in each common source of supply for which the order is sought. All potential locations shall be considered in the interim order. If the directionally drilled well or the horizontal well is drilled and completed in compliance with the interim order, the well shall be assigned the allowable as set out in the interim order.

(i) If a directionally drilled or horizontal well is drilled and completed in compliance with an interim order approving a location exception, and no party of record has requested a hearing, the Commission may issue a final order approving the location exception, without further hearing, based on an administrative review by the Commission’s Technical Services Department of the following documents, which the applicant must file with the Court Clerk for the record: the directional survey, a final plat showing the actual location of the lateral, and the well completion report. The applicant must also submit a proposed final order to the Commission’s Technical Services Department in any cause handled through the administrative review process. In the event the directional survey shows that a directionally drilled or horizontal well was not drilled and completed in compliance with the interim location exception order, the applicant shall notify the Commission and all of the parties entitled to notice in the original hearing establishing the interim order by filing an amended application in the cause setting forth the actual subsurface locations of the well and by giving proper notice thereof. The actual subsurface locations of the well will be considered at a hearing conducted on the date specified in the interim location exception order, or on such date to which the hearing is continued.

(j) Notice of hearing on an application for an order granting a well location exception for a well drilled or to be drilled for oil or gas at a location other than that authorized by a rule.
or order of the Commission shall be published pursuant to OAC 165:5-7-1(n)(2).

165:5-7-20. Unitized management of a common source of supply
(a) Notice of hearing for an order creating a unit pursuant to 52 O.S. §287.1, et seq., shall be served by the applicant no less than fifteen (15) days prior to the date of the hearing, by regular mail upon each person who would be entitled to share in the production from the proposed unit.
(b) Notice of hearing for an order creating a unit pursuant to 52 O.S. §287.1, et seq., shall be published pursuant to 165:5-7-1(n)(2).
(c) Provision for amending or terminating the unit shall be in the Plan of Unitization. To amend the Plan of Unitization, the order creating the unit shall be amended and notice shall be as provided for an application seeking an order creating a unit pursuant to 52 O.S. §§287.1, et seq. When a unit is terminated in accordance with the terms of the Plan of Unitization, a copy of the certificate of dissolution filed in the county in which the lands are located shall also be filed with the Commission's Well Records Department.
In such causes, no Commission action shall be required to terminate a unit if terminated in accordance with the Plan of Unitization. Where the Plan of Unitization does not provide for amendment or termination of a unit, an application may be filed seeking relief from the order creating the unit and notice shall be given as provided for the filing of an application in the original cause.
(d) The application for an order creating a unit pursuant to 52 O.S. §287.1, et seq., shall contain the following:
   (1) The names and addresses of the operator or operators of the unit.
   (2) A plat showing the lease, group of leases or unit(s) included within the proposed unit; the location of the proposed injection well or wells and the location of all oil and gas wells, including abandoned and drilling wells and dry holes; and the names of all operators offsetting the area encompassed within the unit.
   (3) The common source of supply in which all wells are currently completed.
   (4) The name, description, and depth of each common source of supply to be affected.
   (5) A log of a representative well completed in the common source of supply.
   (6) A description of the existing or proposed casing program for injection wells, and the proposed method of testing casing.
   (7) A description of the injection medium to be used, its source and the estimated amounts to be injected daily.
   (8) For a unit with an allocated pool, a tabulation showing recent gas-oil ratio and oil and water production tests for each of the producing oil and gas wells.
   (9) The proposed plan of development of the area included within the unit.
(e) A copy of the application, without the attachments provided in (d)(1) through (9) of this Section, and notice of hearing shall be mailed to the owner or owners of the surface of the land upon which the unit is located. A copy of the application, with attachments and notice of hearing shall be mailed to each operator offsetting the unit as shown on the application.

165:5-7-27. Enhancement or addition of injection and disposal wells
(a) Each application for the approval of a newly drilled or newly converted injection well or disposal well shall be filed with the UIC Department on Form 1015 and shall be verified
by a duly authorized representative of the operator.

(b) The application for the approval of an enhanced recovery injection or disposal well or wells shall be accompanied by:

(1) Plat.

(A) Noncommercial. A plat showing the location and total depth of the well or wells and each abandoned, producing or drilling well, and dry hole within one-quarter (1/4) mile of the proposed enhanced recovery injection well or disposal well for volumes less than 20,000 barrels per day and within one-half (1/2) mile of the proposed disposal well for volumes equal to or greater than 20,000 barrels per day, and identifying the surface owner of the land on which the enhanced recovery injection or disposal well is to be located, and each operator of a producing spacing unit or well within one-half (1/2) mile of each enhanced recovery injection or disposal well with a requested injection rate of less than five thousand barrels per day, and each operator of a producing spacing unit or well within one (1) mile of each enhanced recovery injection or disposal well with a requested injection rate of five thousand barrels per day or more.

(B) Commercial. A plat showing the location and total depth of the well or wells and each abandoned, producing or drilling well and dry hole within one-half (1/2) mile of the disposal well, and identifying the surface owner of the land on which the disposal well is to be located, and each operator of a producing spacing unit or well within one (1) mile of each disposal well.

(2) If the well has been drilled, a copy of the Completion Report (Form 1002A) and any available electric or radioactivity log of the well.

(3) A schematic diagram of the well showing:

(A) The total depth or plugback depth of the well.

(B) The depth of the injection or disposal interval indicating both the top and bottom.

(C) The geological name (geological group) of the injection or disposal zone.

(D) The depths of the tops and bottoms of the casing and cement to be used in the well.

(E) The size of the casing and tubing, and the depth of the packer.

(4) Information showing that injection into the proposed zone will not initiate fractures through the overlying strata which could enable the injection fluid or formation fluid to enter fresh water strata.

(A) When the fluid injection rate is 1,000 barrels per day or less, or an equivalent rate for any fraction of twenty-four (24) hours, an overlying strata of at least 200 feet in thickness between the lowest base of fresh water and the top of the proposed interval of injection is considered sufficient evidence of fresh water protection.

(B) When the fluid injection rate is greater than 1,000 barrels per day or an equivalent rate for any fraction of twenty-four (24) hours, an overlying strata of at least 500 feet in thickness between the lowest base of fresh water and the top of the proposed interval of injection is considered sufficient evidence of fresh water protection.

(C) When the fluid injection rate is greater than 10,000 barrels per day or an equivalent rate for any fraction of twenty-four (24) hours, an overlying strata of at
least 3,000 feet in thickness between the lowest base of fresh water and the top of the proposed interval of injection is considered sufficient evidence of fresh water protection.

(C)(D) If the overlying strata is less than required in (A), and (B) and (C) of this paragraph, the Commission may administratively approve injection provided a finding is made that such injection will not initiate fractures through the overlying strata into the fresh water strata. Applicant is required to furnish the Commission sworn evidence and data in support of such findings. The Commission, when issuing a permit approving fluid injection, shall consider the following:

(i) Maximum injection rate.
(ii) Maximum surface injection pressure.
(iii) Injection fluid.
(iv) The lithology and rock characteristics of the injection zones and overlying strata.

(5) Proposed operating data:

(A) Daily injection rates and pressures. The maximum permitted surface injection pressure will be the pressure requested in the application or 1/2 psi per foot of depth to the top of the injection/disposal interval, whichever is less, unless the results of a fracture pressure step-rate test support a higher pressure.

(B) Geologic name, depth, and location of injection fluid source.

(C) Qualitative and quantitative analysis of fresh water from two (2) or more fresh water wells within one (1) mile of the proposed enhanced recovery injection or disposal well showing location of wells and dates samples were taken, or statement why samples were not submitted. The analysis shall include at a minimum chloride, sodium, and total dissolved solids. Sample collection date(s) must be no more than twelve (12) months prior to the date the application is filed.

(D) Qualitative and quantitative analysis of representative sample of water to be injected. The analysis shall include at a minimum chloride, sodium, and total dissolved solids.

(c) A copy of the application for approval of injection or disposal of water or other substances in a well shall be served by the applicant within five (5) days of the date the application is filed by regular mail or delivered to the following:

(1) The owner of the surface of the land on which the proposed injection or disposal well is to be located;

(2) For a proposed commercial disposal well, to each surface owner and surface lessee of record on each tract of land adjacent and contiguous to the site of the proposed well;

(3) For a noncommercial injection or disposal well with a requested injection rate of less than five thousand (5,000) barrels per day, to each operator of a producing spacing unit or well within one-half (1/2) mile of such proposed well;

(4) For a noncommercial injection or disposal well with a requested injection rate of five thousand (5,000) barrels per day or more, or a commercial disposal well, to each operator of a producing spacing unit or well within one (1) mile of such proposed well;

(5) For a noncommercial horizontal injection or disposal well with a requested injection rate of less than five thousand (5,000) barrels per day, to each operator of a producing spacing unit or well within one-half (1/2) mile of the lateral of such proposed
well; and

(6) For a noncommercial horizontal injection or disposal well with a requested injection rate of five thousand (5,000) barrels per day or more, or a horizontal commercial disposal well, to each operator of a producing spacing unit or well within one (1) mile of the lateral of such proposed well.

(d) Notice of an application relating to injection, disposal or commercial wells shall be published one time for injection and noncommercial disposal wells and two times for a commercial disposal well in a newspaper of general circulation published in Oklahoma County, Oklahoma, and in a newspaper of general circulation published in each county in which land embraced in the application are located. The notice shall include:

(1) PD or tracking number.
(2) Name and address of applicant.
(3) Location of proposed well to nearest 10 acre tract.
(4) Well name.
(5) The geological name of the injection formation.
(6) The top and bottom of the injection interval.
(7) Maximum injection pressures.
(8) Maximum B/D or MCF/D injection rate.
(9) The type of well (injection, disposal, commercial).

(e) If a written objection to the application is filed within fifteen (15) days after the application is published for injection and noncommercial disposal wells or thirty (30) days after the last publication date for commercial disposal wells, or if hearing is required by the Commission, the application shall be set for hearing and notice thereof shall be given in the same manner as required for the filing of the application. If no objection is filed and the Commission does not require a hearing, the matter may be approved administratively by the Manager of Underground Injection Control.

(f) Any operator of a commercial disposal well facility shall file with the Manager of Document Handling for the Conservation Division an agreement to properly plug the well and reclaim the site upon termination of operations. The agreement shall be on forms available from the Conservation Division and shall be accompanied by surety. The agreement shall provide that if the Commission finds that the operator has failed or refused to comply with Commission rules or take remedial action as required by law and Commission rules, the surety shall pay to the Commission the full amount of the operator's obligation up to the limit of the surety.

(g) The Commission shall establish the amount of surety in the order or permit for the authority to operate a commercial disposal well facility. The amount of surety shall be based on factors such as the depth of the well, dimensions of the facility, and costs of plugging the well, reclamation, monitoring, plugging of monitor wells, any pit closure, trucking of any deleterious substances, remediation and earth work. The amount may be subject to change for good cause. The surety shall be maintained for as long as monitoring is required. The type of surety shall be a corporate surety bond, certificate of deposit, irrevocable commercial letter of credit, or other type of surety approved by order or permit of the Commission. Any type of surety that expires shall be renewed prior to 30 days before the expiration date.

(h) Operators of commercial disposal well facilities authorized prior to the effective date of subsections (f) and (g) must either comply with those subsections or close such
facilities within one (1) year of the effective date of those subsections.
(i) Optionally, the operator can file a Unit-wide Application for Injection (Form 1015U) that fulfills all the requirements of (b) through (e) of this Section. Upon review and approval, the operator receives a Unit-wide permit that allows the operator to file a traditional, individual well application (Form 1015) and if it fits the Unit-wide criteria, the UIC permit can be issued immediately without additional area of review, notice, or protest period.

165:5-7-29. Request for exception to certain underground injection well requirements
(a) Each application for an exception to 165:10-5-1 through 165:10-5-10 shall comply with the requirements of OAC 165:5-7-1(a) through (g).
(b) Each application shall be filed at the UIC Department and shall be verified by a duly authorized representative of the operator. The application and one complete set of attachments, with additional copies as may be required by the Court Clerk, shall be furnished to the Court Clerk.
(c) The application shall be accompanied by the information required in 165:5-7-27(b). The Manager of UIC may waive any particular information depending on the nature of the exception.
(d) Notice of the application shall be published pursuant to 165:5-7-1(2).
(e) If a written objection to the application is filed within fifteen (15) days after the application is published or if hearing is required by the Commission, the application shall be set for hearing and notice thereof shall be given in the same manner as required for the filing of the application. If no objection is filed and if the Commission does not require a hearing, the matter shall be presented administratively to the Manager of Underground Injection Control who shall file his/her report and make his/her recommendations.

SUBCHAPTER 9. SUBSEQUENT PLEADINGS

165:5-9-2. Subsequent pleadings
(a) Reply. No documents shall be required other than the application and responses thereto. Reply to a response shall be permitted but shall not be required.
(b) Motions. All other objections to or requests for action or relief shall be by motion, with service by regular mail, facsimile, electronic mail or in person as provided in this subsection, stating in concise language the action or relief sought and the facts and circumstances upon which the right thereto is based.
(1) All motions shall be set on a regularly scheduled motion docket by a Notice of Hearing to be heard by an Administrative Law Judge unless determined otherwise by a prehearing/scheduling agreement or a prehearing/scheduling order. All motions filed after a cause has been set before the Commission or assigned to an Administrative Law Judge on the merits shall be set as directed by the Commission or the assigned Administrative Law Judge. The filing of a motion may not automatically delay the hearing on the merits.
(A) Prior to the record being opened on the merits or a prehearing/scheduling
agreement filed or a prehearing/scheduling order issued, notice shall be given by
the movant by serving at least five (5) business days prior to the date set for
hearing by regular mail, facsimile, electronic mail or in person a copy of the motion
and notice on each respondent.
(B) After the record in the cause has been opened on the merits or a
prehearing/scheduling agreement has been filed or a prehearing/scheduling order
has been issued, notice shall be given by the movant by serving, at least five (5)
business days prior to the date set for hearing, by regular mail, facsimile, electronic
mail or in person a copy of the motion and notice to all parties of record.
(2) Exceptions to such motions may be lodged in accordance with the provisions of
OAC 165:5-13-5(a)(1) except as provided in (A) and (B) of this paragraph.
(A) In oil and gas related matters, all decisions on motions filed after the cause has
been assigned to an Administrative Law Judge shall be considered in the Report
of the Administrative Law Judge unless the Administrative Law Judge directs
otherwise.
(B) In all other matters, the decisions on motions filed after a scheduling agreement
has been filed or a scheduling order has been issued in a cause shall be
considered in the Report of the Administrative Law Judge unless the Commission
or Administrative Law Judge directs otherwise.
(c) Response/objection to motions. Any person may file and serve a response or
objection to any motion at any time before the motion is heard. The title of the response
or objection shall refer to the motion being considered. Responses or objections filed to
motions which already have been set for hearing shall not require a Notice of Hearing.
(d) Amendment. Amendment of a document may be permitted at any time upon such
terms as are just. An amendment may take the form of a substitute document, an
amendment or supplement, deletion of language, or correction by interlineation.
Response may be made to an amended document, but shall not be required. An
amended application is acceptable where notice is given according to the statutes or rules
under which the original application was filed. Provided, however, no amended
application shall be filed which changes the applicant's name, the type of relief requested,
the legal description of the lands involved or the caption in the original application; instead,
any such changes from the original application shall require the filing of a new application
in accordance with Subchapter 5 of this Chapter.
(e) Dismissal. The applicant may dismiss the application with or without prejudice at any
time prior to the record being opened at the hearing on the merits in said cause by
submitting a proposed order dismissing the cause to the Judicial and Legislative Services.
(1) At any time prior to the record being opened at the hearing on the merits in a cause,
a respondent may file a motion to dismiss in the same manner as provided in (b) of
this Section.
(2) After the record has been opened at the hearing on the merits in a cause, the
cause may be dismissed by agreement of all parties of record or recommended for
dismissal with or without prejudice by the Commission or Administrative Law Judge
upon the Commission's or Administrative Law Judge's own motion or upon motion of
any party of record. A motion to dismiss filed hereunder shall comply with the
provisions of (b) of this Section; provided that, in a cause where a motion to dismiss
has been filed, notice shall be served on each respondent in the cause.
(3) Upon five (5) business days notice to parties of record, the Commission may entertain motions to dismiss for any of the following reasons:

(A) Failure to prosecute.
(B) Unnecessary duplication of proceedings or res judicata.
(C) Withdrawal.
(D) Moot question or obsolete applications.
(E) Lack of jurisdiction.
(F) Failure to submit a proposed order in a timely manner.
(G) For other good cause shown.

(4) Upon posting by the Judicial and Legislative Services fifteen (15) business days notice on a disposition docket, and mailing notice to all parties of record to a cause, the Commission may dismiss causes for any of the following reasons:

(A) Failure to submit a proposed order to the Administrative Law Judge or the Commission within thirty (30) days after the recommendation date or as directed by the Administrative Law Judge or the Commission.

(B) Failure to set a cause on a day certain.

SUBCHAPTER 13. INITIAL AND SUBSEQUENT PROCEEDINGS

165:5-13-2. Setting of causes

(a) General. All hearings on the merits shall be set before an Administrative Law Judge, unless otherwise ordered by the Commission.

(b) Specially set. By a motion, the applicant or any party of record or respondent may, at any time up to commencement of a hearing, request of the Commission that a cause be specially set before the Commission for hearing. The Commission may advance any cause by sua sponte order at any time.

(c) Exceptions. For purposes of OAC 165:5-13-5, all exceptions to reports on hearings on the merits in matters on the GG, CD, PD, EN, SF, PSD and US dockets shall be heard by the Commission en banc unless referred to an Oil and Gas Appellate Referee. Hearing dates for exceptions are to be secured from a docket clerk at the time of filing. The exceptions will be heard on that date or as soon thereafter as may meet the convenience of the Commission. Exceptions in all other matters shall be set before the Commission en banc.

(d) Authority of Administrative Law Judge. An Administrative Law Judge shall exercise all of the powers of the Commission in the conduct of a cause. An Administrative Law Judge shall rule upon admission of evidence, and objections thereto, and upon any other motion or objection arising during the pendency of the cause until the issuance of the report of the Administrative Law Judge. Review of a ruling of an Administrative Law Judge shall be by exceptions pursuant to OAC 165:5-13-5, and any objection to a ruling or other action of such Administrative Law Judge not included in such exceptions and amendments thereto, shall be deemed to have been waived.

(e) Hearings on the PUD docket. All hearings in causes filed pursuant to OAC 165:70 or 18 O.S. §438.31 et seq. shall be given priority status on the PUD docket in order to comply with 17 O.S. §152, 17 O.S. §137 (l) and 18 O.S. §438.31 et seq.
(f) Hearings on the Petroleum Storage Tank docket. All hearings regarding the exercise of the Commission's adjudicative authority pursuant to the Oklahoma Petroleum Storage Tank RegulationConsolidation Act, 17 O.S. §§301 through 317 and the Oklahoma Petroleum Storage Tank Release Indemnity Program, 17 O.S. §§ 350 through 358, §§301 et seq. shall be given priority status on the Petroleum Storage Tank docket ("PSD") in order to comply with 17 O.S. §-330 for the Commission to hear each case within one hundred eighty (180) days from the date of filing. See also OAC 165:5-21-9.

165:5-13-3. Hearings
(a) Conduct of hearing. Every hearing shall be conducted by the Commission, by an Administrative Law Judge or as provided at OAC 165:5-13-2.1. The Commission or Administrative Law Judge shall call the cause for hearing, after which proceedings shall be had as provided in this Section.
(b) Scope of hearings. The Commission, Administrative Law Judge or Public Utility Referee may state the purpose and scope of the hearing, or the issues upon which evidence will be heard.
(c) Appearances. Every person appearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record, unless specified otherwise. An individual may appear on his own behalf. A corporation may appear only by its attorney; provided, that a representative other than an attorney may appear on behalf of a corporation for the sole purpose of making a statement or indicating corporate policy. Such a representative may not assume an advocate's role or introduce evidence or examine witnesses in the proceeding.
(d) Protests.
(1) Except as otherwise permitted by this Chapter, any person desiring to protest the relief requested by the application shall file a notice of protest with the Court Clerk's office.
(2) Before the protest is filed or within a reasonable time thereafter, the protestant shall give notice to the applicant in a manner designed to advise the applicant of the protest prior to the scheduled hearing. Once filed, the written protest shall be provided to the applicant by regular mail, facsimile, electronic mail or in person.
(3) A protesting party initially may announce a protest to a case at the time of hearing, but shall subsequently file a written protest within a reasonable amount of time after the announcement of such protest.
(4) A protest form will be available on the Commission's website; however, such form is not required as long as the filed protest document contains the required information.
(5) A filed protest must contain the caption of the application and contact information of the protestant or the protestant's attorney.
(6) The provisions of this subsection shall not apply to causes filed on the PUD or OSF docket.

(d)(e) Preliminary matters. The following shall be addressed prior to receiving evidence:
(1) The applicant, or staff counsel, may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.
(2) Ruling may be made on any pending motions, including requests pertaining to
discovery.
(3) Stipulations of fact and stipulated exhibits shall be received. No stipulation, settlement, or agreement between the parties of record, their attorneys, or representatives with regard to any matter involved in any cause shall be enforced unless it shall have been reduced to writing and signed by the parties of record or the representatives authorized by the rules of this Chapter to appear for them and thereafter made a part of the record, or unless it shall have been dictated into the record by them during the course of a hearing or incorporated into an order bearing their written approval. This Section does not limit a party of record’s ability to waive, modify, or stipulate any right or privilege afforded by the rules of this Chapter, unless precluded by law.
(4) Parties of record may, in the discretion of the Commission or Administrative Law Judge, make opening statements where appropriate.
(5) Any other preliminary matters appropriate for disposition prior to presentation of evidence.
(e)(f) Rules of evidence. The Commission and Administrative Law Judges shall follow the rules of evidence applied in the district courts of Oklahoma, except that such rules may be relaxed where the Commission or the Administrative Law Judge deems it in the public interest to do so. The Commission or Administrative Law Judge may exclude evidence upon objection made thereto, or the evidence may be received subject to final ruling by the Commission. An exception will be deemed to be preserved by a party of record objecting to evidence upon an adverse ruling thereon. The Commission or Administrative Law Judge may exclude inadmissible evidence on his own motion and may direct cumulative evidence be discontinued.
(f)(g) Order of proof. The applicant or complainant who institutes a cause may open and close the proof. Staff counsel may open and close a case instituted by the Commission or a staff member. Intervenors may be heard immediately following parties of record with whom allied in interest. In all cases, the Commission or Administrative Law Judge shall designate the order of proof.
(g)(h) Examination of witnesses. Every witness shall be examined and cross-examined orally and under oath by not more than one attorney for each party of record. The Commission or Administrative Law Judge shall designate the order of examination and may limit the scope of examination and cross-examination.
(h)(i) Adverse party. A party of record may call an adverse person or an officer or employee of an adverse person, in which case the witness may be impeached and otherwise cross-examined.
(i)(j) Record. All testimony shall be taken on the record.
(j)(k) Prepared testimony. Written testimony of a witness in form of questions and answers, or a narrative statement may be received in lieu of direct examination upon authentication by the witness under oath. In order to be received and relied upon at the hearing, such testimony and exhibits shall be filed and served upon all parties of record not less than five (5) days prior to the hearing, unless otherwise ordered by the Commission for good cause shown. The witness shall be subject to cross-examination. A written or oral statement by or a communication from any person, or a statement or resolution of a political subdivision, trade association, civic organization, or other organization may be received without cross-examination, but will be considered only as
argument and not as proof of any recitation of facts contained therein.

(k)(l) Documents.

(1) A photographic copy of a document which is on file as part of the official records of the Commission will be received without further authentication.

(2) A photographic copy of a public record certified by the official custodian thereof will be received without further authentication. A written statement by such custodian of records that no record or entry of described character is found in his records shall be received as proof of absence of such record.

(3) A photographic copy of a document may be substituted for the original at the time the original is offered in evidence.

(4) A document may not be incorporated in the record by reference except by permission of the Commission or Administrative Law Judge. Any document so received must be precisely identified.

(5) The Commission or Administrative Law Judge may require that documents such as rate compilations, statistical or technical data, and tabulated material be filed at a designated time prior to the hearing.

(6) The Commission or Administrative Law Judge may require that additional copies of exhibits be furnished for use by the Commission, staff counsel, and other parties of record.

(7) When evidence is offered which is contained in a book or document containing material not offered, the person offering the same shall extract or clearly identify the portion offered.

(8) The Commission or Administrative Law Judge may permit a party of record to offer a document as part of the record within a designated time after conclusion of the hearing.

(l)(m) Exhibits. All exhibits shall be identified by docket and cause number prior to submitting to the Commission.

(m)(n) Summary exhibits. An exhibit consisting of a compilation or summary of evidence, records, data, statistics, or other similar information may be received in evidence in addition to or in lieu of the evidence summarized, provided:

(1) The evidence summarized has been admitted in evidence, or is admissible; and

(2) If the evidence summarized has not been admitted, the person offering the summary exhibit has made the evidence summarized available for inspection by all other parties of record, or the information is published in a generally recognized publication which is available to all parties of record. It shall be the responsibility of a person offering a summary exhibit to comply with this subsection in advance of the hearing, and failure to make the evidence summarized available for inspection shall be grounds for refusal to admit the exhibit.

(n)(o) Closing the record. The record shall be closed when all parties of record have had an opportunity to be heard and to present evidence, and the Commission or Administrative Law Judge announces that the record of testimony and exhibits is closed. Unless a decision is then announced, the matter will be taken under advisement for later decision.

(o)(p) Briefs. The Commission or Administrative Law Judge may require or allow the filing of briefs by the parties of record, and may designate the order and time for filing briefs and reply briefs.
(p)(q) **Reopening the record.** Any person may file and serve, by regular mail, facsimile or electronic mail on all parties of record a motion to reopen the record for further hearing or to offer additional evidence. The Commission, at any time prior to final order in the cause, may, upon such motion or upon the motion of the Commission, order the record to be reopened for the purpose of taking testimony and receiving evidence which was not or could not have been available at the time of the hearing on the merits or for the purpose of examining its jurisdiction. A motion to reopen shall be filed and served in the same manner as provided in OAC 165:5-9-2(b). The motion and notice shall include a statement that if the Administrative Law Judge grants the motion, the record may be reopened the same day or on some other day as the Commission may determine.

(q)(r) **Corrections to transcript.** Except as provided in OAC 165:5-13-1(d), an official reporter shall make a stenographic and electronic record of the hearing. Errors claimed to be in a transcription of either a contested or uncontested hearing shall be noted in writing and suggested corrections may be offered to the Commission or Administrative Law Judge who presided at such hearing within ten (10) days after the transcript is filed, unless the Commission or Administrative Law Judge shall permit suggested corrections to be offered thereafter. Suggested corrections shall be served in writing upon each party of record and the Commission or Administrative Law Judge. If not objected to within twelve (12) days after being offered, the Commission or Administrative Law Judge shall direct that such suggested corrections be made and the manner of making them. In the event that parties disagree on suggested corrections, the Commission or Administrative Law Judge, with the aid of argument and testimony from the parties of record, shall then determine the manner in which the record shall be changed, if at all.

(t)(s) **Preparation of report or order.** The Commission or Administrative Law Judge may permit or direct any party or parties of record to prepare a proposed report or order in any protested cause. In unprotested causes, the applicant shall prepare and submit a proposed Commission order.

1. **Orders regarding non-emergency applications** shall be submitted to the Administrative Law Judge within thirty (30) calendar days of the date the Administrative Law Judge announced the recommendation unless the Administrative Law Judge directs otherwise.

2. **Proposed orders regarding emergency applications** shall be submitted to the Administrative Law Judge within ten (10) business days of the date the Administrative Law Judge announced the recommendation unless the Administrative Law Judge directs otherwise.

3. **Failure to submit a proposed order** to the Administrative Law Judge within the time frame required by this subsection may result in the Administrative Law Judge reopening the record, with five (5) business days' notice to the parties, and the application being recommended for dismissal unless good cause is shown for the failure to supply the proposed order as required.

165:5-13-3.1. **Optional procedure for spacing related applications**

(a) If no protest to a spacing related application is filed prior to the docket call or is announced at docket call, an applicant for spacing, despacing, increased well density, or location exception may elect for consideration of the merits of the cause without a full
evidentiary hearing. Such review of the cause shall be referred to as the optional procedure.
(b) After electing the optional procedure, the applicant shall provide the Administrative Law Judge with a proposed order and documentation supporting the application. With respect to documentation, any written testimony shall be presented in the form of a sworn, notarized affidavit which shall be marked as exhibits and entered into the record.
(c) The Administrative Law Judge shall prescribe the time period for completing the record and may request additional evidence as deemed appropriate.
(d) After closing the record, the Administrative Law Judge shall have seven (7) business days in which to make a recommendation to the Commission concerning disposition of the application.
(e) If the Administrative Law Judge's recommendation is unfavorable, the matter will be automatically set for a full evidentiary hearing before the same Administrative Law Judge. Any exceptions from the report issuing after the full evidentiary hearing will proceed pursuant to OAC 165:5-13-5.

(a) At the conclusion of a hearing before an Administrative Law Judge, such officer shall, at the earliest practicable date, file a written report in the proceeding. The report shall contain the following:
   (1) Names of parties of record and their attorneys.
   (2) Brief statement of facts establishing jurisdiction of the cause.
   (3) Brief summary of the evidence of each party of record who offered evidence.
   (4) The pertinent facts as found by the officer upon consideration of all evidence offered.
   (5) Recommended conclusions of law and recommendations as to action to be taken or relief to be granted or denied.
   (6) In oil and gas conservation causes and pollution causes, such report shall be prepared only when a party of record in the hearing before the Administrative Law Judge has formally, either orally or in writing, protested the granting of the application, or, in the judgment of the Administrative Law Judge, the issuance of a report is required.
(b) The Administrative Law Judge shall send a copy of the report by regular mail, facsimile, electronic mail or in person to each party of record.
(c) At the expiration of ten (10) business days after the report is filed, if no exceptions are filed, the Commission shall enter such order as shall be deemed appropriate upon consideration of the report.
(d) In any conservation or pollution cause in which the Administrative Law Judge has recommended that an order issue, but the approval of staff counsel or technical staff is withheld after all efforts have been exhausted to resolve technical or legal problems with the applicant and Administrative Law Judge, the Administrative Law Judge shall issue a report in accordance with this Section, allowing any person time to file exceptions.
(e) Upon request by a Commissioner, an Administrative Law Judge shall appear at any scheduled signing agenda, Commission hearing or public deliberation to respond to questions from the Commissioners concerning the proposed order or report of the Administrative Law Judge.
165:5-15-1. General form and procedure

(a) Contents of orders. The Commission may prescribe a standardized format for all orders. Every order of the Commission shall contain the following where appropriate or except where the Commission determines otherwise:

(1) Caption, cause number on the appropriate docket and order number. Every page of the order shall also contain a page number, the applicable subject matter docket listed in OAC 165:5-5-1(a), the docket number assigned to the cause by the Court Clerk, and order type, e.g., emergency order, final order, etc.

(2) Appearances.

(3) Date and place of all hearings.

(4) Summary of allegations of applicant, and of all other parties of record.

(5) Summary of evidence of applicant, and of all other parties of record.

(6) Findings of fact, containing all ultimate facts found to have been established.

(7) Conclusions of law, containing:
   (A) All legal conclusions found to be applicable to the facts; and
   (B) The directive of the order stated in concise and mandatory language.

(8) Signature of the Secretary certifying as to all Commissioners participating in making the order. The signatures of the Secretary and Commissioners participating in the making of the order may be electronic signatures as provided in OAC 165:5-1-14.

(9) Seal of the Commission.

(10) Date of filing, and effective date where appropriate.

(b) Duty to send orders. The Court Clerk shall immediately mail or otherwise deliver a copy of the order to the applicant. Except where otherwise specifically provided in this Chapter, the applicant shall thereafter mail or otherwise deliver a copy of the order within five (5) days of the receipt of the order to all parties of record and to each respondent in the cause. Where an attorney has appeared of record for a person, service shall be on the attorney.

(c) Effectiveness of order. The issuance of or effectiveness of an order or its enforcement will not be stayed or postponed by the filing of any motion for rehearing or for other relief therefrom. The Commission may by order stay any order pending further hearing, and may stay or postpone the effective date thereof, or enforcement thereof for such time and on such terms as may be just.

(d) Order titles and numbers. An order of the Commission, descriptively titled, shall be issued for all motions and other matters set for hearing, except for continuances, and all such orders shall be given an order number; provided that when a motion is withdrawn, no order shall be required to document the withdrawal.
165:5-21-1. Purpose

The purpose of this Subchapter is to provide rules to govern proceedings filed before the Commission concerning the Oklahoma Petroleum Storage Tank Regulation Program and the Petroleum Storage Tank Release Indemnity Program Consolidation Act. Accordingly, all procedural rules necessary to initiate, regulate and litigate the above stated programs have been centralized in this Subchapter for user friendliness, with the exception of the rules contained in Chapter 5 which are "general" rules of procedure. To avoid repetitive rule language, the following rules apply to all proceedings subject to this Subchapter:

(1) OAC 165:5-1-3 (Definitions)
(2) OAC 165:5-1-4 (Office location; office hours; records)
(3) OAC 165:5-1-5 (Filing of documents)
(4) OAC 165:5-1-6 (Time computations and extensions; effective date)
(5) OAC 165:5-1-8 (Place of hearing)
(6) OAC 165:5-1-9 (Telephonic testimony)
(7) OAC 165:5-5-1 (Dockets; identifying initials)
(8) OAC 165:5-9-3 (Emergency applications)
(9) OAC 466:5-11-3165:5-11-2 (Prehearing conference)
(10) OAC 165:5-13-1 (Sessions and hearings)
(11) OAC 165:5-13-2 (Setting of causes)
(12) OAC 165:5-13-3 (Hearings)
(13) OAC 165:5-13-4 (Report of Administrative Law Judge)
(14) OAC 165:5-13-5 (Exceptions to Report of the Administrative Law Judge)
(15) OAC 165:5-15-1 (General form and procedure [orders])
(16) OAC 165:5-15-7 (Emergency orders)
(17) OAC 165:5-17-1 ([Post order relief] Within 10 days)
(18) OAC 165:5-17-2 (After 10 days; applicants)
(19) OAC 165:5-17-4 (Nunc Pro Tunc)
(20) OAC 165:5-17-5 (Appeals)
(21) OAC 165:5-19-1 (Contempt procedure)

165:5-21-3.1. Applications for a variance

(a) Administrative review. Any variance sought from rules in Chapters 15, 16, 25, 26, 27, or 29 must be made by application. At the time the application is filed, applicant must provide the Petroleum Storage Tank Division all documents or evidence supporting the proposed variance. The Petroleum Storage Tank Division shall review the application administratively without the necessity of a hearing. If the Petroleum Storage Tank Division approves the relief requested by the application, it shall submit a proposed order to the Commissioners to determine whether the variance and/or other relief, if any, should be granted.

(b) Remedies after denial or modification. If the Petroleum Storage Tank Division denies the relief requested by the application as reflected in the notice of denial provided to applicant, or the Petroleum Storage Tank Division cannot agree to a modification, the applicant may have ten (10) business days from receipt of the denial letter to withdraw
its application or file a notice of hearing before an Administrative Law Judge and present theirs application for a recommendation on the merits of the variance sought. If the application for the variance is denied by the Administrative Law Judge, the Applicant applicant may file exceptions as more fully defined under OAC 165:5-13-5. If a notice of hearing is not timely filed, the Petroleum Storage Tank Division shall submit a proposed order to the Commissioners to deny the variance.