

FILED

FEB 08 2017

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

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

CAUSE NO. RM 201700001

RULE IMPACT STATEMENT

Pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §303(D), this Rule Impact Statement is hereby submitted regarding proposed amendments to the Oklahoma Corporation Commission's (Commission's) Rules of Practice, OAC 165:5.

I. BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULES.

The purposes of the proposed rules are to update, streamline, clarify, and establish new rules concerning the Rules of Practice, including, but not limited to, designation of a new Oklahoma Universal Service Fund (OUSF) docket for causes relating to funding from the Oklahoma Universal Service Fund, the Oklahoma Lifeline Fund, submissions regarding OUSF administrative preapproval requests and the OUSF fee assessment, addressing procedures for the presentation of telephonic and videoconferencing testimony during hearings, modify processes concerning reciprocity of final orders between states with respect to electric companies, and to provide for an administrative review procedure regarding applications to permanently close underground storage tanks in place.

II. DESCRIPTION OF THE CLASSES OF PERSONS WHO WILL MOST LIKELY BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULES, AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES.

The classes of persons who will most likely be affected by, and bear the costs of, the proposed rules include telecommunications carriers, electric companies, underground storage tank operators, and other entities regulated by the Commission. The Commission, in its published Notice of Proposed Rulemaking, has invited public comment and requested business entities which may be impacted by the proposed rule changes to provide written comments stating such cost impacts.

III. **DESCRIPTION OF THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.**

Telecommunications carriers, electric companies, underground storage tank operators, entities regulated by the Commission, and citizens of the State of Oklahoma will benefit from the proposed rules. Telecommunications carriers will benefit from the streamlined OUSF administrative preapproval request process, and the revised procedures regarding reciprocity of final orders between states regarding electric companies will promote the efficient use of resources for the benefit of ratepayers. Underground storage tank operators will benefit from the informal administrative review of applications to permanently close underground storage tanks in place, and entities regulated by the Commission and citizens will benefit from the proposed rule regarding telephonic and videoconferencing testimony which will facilitate participation in Commission hearings.

IV. **DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDING A LIST OF FEE CHANGES AND, WHENEVER POSSIBLE, A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE.**

The proposed rules could have an economic impact on telecommunications carriers, electric companies, and other entities regulated by the Commission, but expenses associated with such requirements should be offset by benefits obtained from the updates, increased efficiency, streamlining and clarifications provided by such rules. Subsequent to the filing of the Proposed Rules on January 25, 2017, the Commission's Public Utility Division decided to withdraw the proposed amendment in OAC 165:5-3-1(b)(5) to assess a filing fee for certain applications filed on the OUSF docket. The proposed rules will be revised to provide that no filing fee will be required for any application filed on the OUSF docket.

V. **PROBABLE COSTS AND BENEFITS TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULES, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULES, AND ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES IF IT CAN BE PROJECTED BY THE AGENCY.**

The proposed rules are not expected to place any additional costs upon the Commission, as such rules will be implemented and enforced by the Commission through its existing resources and personnel. It is not anticipated that implementation and enforcement of the proposed rules will result in increased costs for any other agency, and there is no anticipated effect on state revenues.

VI. **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE RULES.**

It is not anticipated that implementation of the proposed rules will have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rules.

VII. **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT.**

It is not anticipated that the proposed rules will have an adverse economic effect on small business. In its Notice of Proposed Rulemaking, the Commission invited business entities to submit input regarding the potential impact of the proposed rules.

VIII. **STATEMENT OF THE MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES.**

There are no known less costly, nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rules.

IX. **DETERMINATION OF THE EFFECT OF THE PROPOSED RULES ON THE PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.**

The proposed rules, in particular the amendments to OAC 165:5-1-26, OAC 165:5-1-27, OAC 165:5-1-28, OAC 165:5-1-29, and OAC 165:5-1-30 to provide for transmission by mail, facsimile or electronic mail of written acknowledgement of receipts of pollution complaints, referral of pollution complaints to agencies which have jurisdiction regarding such complaints, closure of pollution complaints, notice of pollution complaint resolution, and transmission of final judicial decisions regarding pollution complaints to the complainant, alleged violator and other relevant parties will have a positive effect on public health, safety and the environment.

X. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.**

The public would be denied the positive impact the proposed rules will have on public health, safety and the environment if the proposed rules are not implemented.

XI. **DATE OF PREPARATION OF RULE IMPACT STATEMENT.**

This Rule Impact Statement was prepared on February 8, 2017.

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