BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

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

CAUSE NO. RM 202000003

RULE IMPACT STATEMENT

Pursuant to 75 O.S. § 303(D) of the Oklahoma Administrative Procedures Act, the Judicial & Legislative Services ("JLS") Division of the Oklahoma Corporation Commission ("Commission") submits the following Rule Impact Statement for its proposed rules regarding Title 165, Chapter 5 of the Oklahoma Administrative Code ("OAC").

I. Brief description of the purpose of the proposed rules:

The purpose of the proposed rules is to update, streamline, clarify, and establish new rules concerning the Rules of Practice, including, but not limited to, general clean-up throughout the Chapter, provide consistency between similar provisions in OAC 165:5 and 165:10, clarify how confidential information shall be provided to the Commission, address procedures for telephone and videoconference participation during hearings, and to allow electronic signatures of Commissioners in certain documents. The proposed rules also establish standardized items that must be included in oil and gas related exhibits and orders, allow the U.S. Department of Defense and/or the Federal Executive Agencies to intervene in causes without needing to file a motion to intervene, provide a process for automatic continuances of the Motor Carrier Citation Docket when the Commission is closed, provide specificity for service of process in contempt causes, provide instructions for submission of confidential International Fuel Tax Agreement/International Registration Plan (IFTA/IRP) information, create a standard process for consumers to file complaints against a regulated utility provider, and update forms with new signature requirements.

II. Description of the classes of persons who most likely will 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 persons most likely to be affected by the proposed rules include persons and regulated entities that appear before, and those that submit or file information with the Commission. Further, in its Notice of Proposed Rulemaking, the JLS Division invited public comment and requested business entities which may be impacted by the proposed rules to provide written comments stating such cost impacts. To date, no information regarding any cost impacts has been received from any private or public entity.
III. Classes of persons who will benefit from the proposed rules:

The classes of persons benefiting from the proposed rules are primarily entities and persons regulated by the Commission. Further, consumers of regulated utilities will benefit from the creation of the consumer complaint process. Commission staff members will benefit from the streamlining of internal processes.

IV. Description of the probable economic impact of the proposed rules upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

Although the proposed rules could have an economic impact on entities regulated by the Commission, it is anticipated that the benefits obtained from the updates, increased efficiency, streamlining, and clarifications provided by such rules will outweigh any potential expenses associated with such proposed rules. It is not anticipated that the proposed rules will have an adverse economic impact upon political subdivisions or upon persons or entities regulated by the Commission. The proposed rules do not propose any new fees. However, OAC 165:5-3-1(b)(1)(G) is amended to clarify that gas gathering applications require a filing fee of $200; this filing fee is already required for these types of causes, and the amendment is only for clarification purposes.

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 Commission will benefit from the proposed rules through increased efficiency and streamlining of processes. It is not anticipated that there will be additional costs to the Commission. The proposed rules should have no effect, either negative or positive on any other agency. The proposed rules contain no new or adjusted fees, and no effect on state revenue is anticipated.

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 and enforcement of the proposed rules will have an economic impact on any political subdivisions 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 businesses. Although the proposed rules could have an economic impact on entities regulated by the Commission, it is anticipated that the benefits obtained from the updates, increased efficiency, streamlining, and clarifications provided by such rules will outweigh any potential expenses associated with such proposed rules. In its Notice of Proposed Rulemaking, the JLS Division invited business entities to submit comments describing the potential cost impact of the proposed rules. To date, no information regarding any potential costs impacts has been received.

VIII. Explanation 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:

The proposed rules do not increase compliance costs, and there are no nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rules. It is anticipated that the benefits obtained from the updates, increased efficiency, streamlining, and clarifications provided by such rules will outweigh any potential compliance costs associated with such proposed rules. Compliance costs are anticipated to decrease because notice and service may be allowed by electronic mail, which will reduce mailing costs for parties to causes.

IX. Determination of the effect of the proposed rules on the public health, safety and environment and, if the proposed rules are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rules will reduce the risk:

Proposed amendments to OAC 165:5-7-27, referring to OAC 165:10-5-5, regarding application requirements for underground injection wells, and striking such requirements in OAC 165:5-7-27, which are duplicated in OAC 165:10-5-5, will have a positive effect on public health, safety and the environment.

X. Determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

It is anticipated that there will be no detrimental effect on the public health, safety, and environment if the proposed rules are not implemented.

XI. Date of preparation of Rule Impact Statement:

This Rule Impact Statement was prepared on the 7th day of February, 2020.
Prepared by:

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