

**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 202100002**

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**NOTICE OF PROPOSED RULEMAKING**

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

**OAC 165:5-1-1** is amended due to the Commission implementing the Electronic Case Filing ("ECF") System.

**OAC 165:5-1-3** is amended to add definitions for "case" or "cause", "Electronic Case Filing System filer" or "ECF filer", "Electronic Case Filing System user" or "ECF user", "Electronic filing", "Filer", "Pro se", and "User manual". The definition of "Registered user" is removed. Other definitions are amended which relate to electronic filing.

**OAC 165:5-1-4** is amended to remove the current address for the Commission's Tulsa office and instead state that the address will be listed on the Commission's website; state that public records that are not available in the ECF System, when implemented, or on the Commission's website may be viewed during regular office hours; clarify that the regional service office may be selected when filing an oil and gas case; and clarify the Court Clerk's processes.

**OAC 165:5-1-5** is amended to state that upon implementation of the ECF System, documents presented in paper to the Court Clerk will only be accepted and filed in certain situations; clarify the document format for electronically filed documents; require an email address when registering with the ECF System; remove the ability to file documents by fax and replace it with the ability to file by electronic mail; create a process for challenging the authenticity of an electronic signature; clarify how confidential documents should be filed and retained; and to include general clean-up throughout the section.

**OAC 165:5-1-6** is amended to clarify the computation of time for periods greater than and less than five days.

**OAC 165:5-1-8** is amended to change cause to case; add the GG docket; clarify that hearings shall be held at the regional service office venue; and clarify that requests to change the place of a hearing shall be five business days.

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**OAC 165:5-1-11** is amended to allow for an ECF User Manual; sets forth the process to create and modify it; and state where the User Manual may be obtained.

**OAC 165:5-1-11.1** is added to state that only registered filers may electronically file documents with the ECF System.

**OAC 165:5-1-12** is amended to state that the official filing time is the filing time indicated on the confirmation of electronic filing which will be generated by the ECF System at the time of filing.

**OAC 165:5-1-12.1** is amended to require electronic payment of filing fees when filing through the ECF System, and to include general clean-up throughout the section.

**OAC 165:5-1-13** is amended to clarify how untimely filings due to a technical failure of the ECF System will be handled.

**OAC 165:5-1-13.1** is amended to clarify that corrections to an electronically filed document should be filed electronically.

**OAC 165:5-1-14.1** is amended to clarify the tagline; describe how the Official ECF Service List is generated and updated; state how notice of filings will be sent through the ECF System; require a certificate of service to be filed showing the notice was sent to persons not on the Official ECF Service List; and require notice to be provided by other means if the filer receives notice from the ECF System that electronic delivery was unsuccessful.

**OAC 165:5-1-14.2** is amended to clarify the header, and provide a process for confidential unredacted documents to be provided to the Court Clerk.

**OAC 165:5-7-1** and **OAC 165:5-9-6** are amended to change cause to case; include general clean-up throughout the section; and allow for service through the ECF System in addition to other methods.

**OAC 165:5-7-53** is amended to clarify the tagline, and provide the process for complying with new statutory requirements to provide notice to political subdivisions.

**OAC 165:5-9-2** is amended to allow for service through the ECF System in addition to other methods; include general clean-up throughout the section; change cause to case; and state that a dismissal order shall not dismiss the case as to affirmative relief sought by any respondent, and establish a process for introduction of evidence and granting of relief.

**OAC 165:5-11-1** is amended to create a discovery process for proceedings on the OSF docket and remove outdated language.

**OAC 165:5-17-1** is amended to require service to be provided through the ECF System.

**Subchapter 31** is added to establish procedures for the motor carrier citation docket.

**NOTICE IS FURTHER GIVEN** that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, and Article IX, Section 18 of the Oklahoma Constitution.

**NOTICE IS FURTHER GIVEN** that the JLS Division believes it is necessary to amend the current rules. Upon the Commission's adoption of the permanent rules proposed herein, the proposed rules shall be submitted to the Governor and the Oklahoma Legislature for approval as permanent rules.

**NOTICE IS FURTHER GIVEN** that the proposed rules will be made available for public inspection on the Commission's website at <https://oklahoma.gov/occ/dockets/rules/proposed-rules.html>, and may be downloaded at no cost to the end user. A copy of the proposed rules may be requested by contacting Jeff W. Kline at (405) 521-2308, or [Jeff.Kline@occ.ok.gov](mailto:Jeff.Kline@occ.ok.gov).

**NOTICE IS FURTHER GIVEN** that the Rule Impact Statement required pursuant to 75 O.S. § 303(D), and the Economic Impact – Environmental Benefit Statement pursuant to 27A O.S. § 1-1-206, will be timely prepared and made available for public inspection on the Commission's website at <https://oklahoma.gov/occ/dockets/rules/proposed-rules.html>, no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

**NOTICE IS FURTHER GIVEN** that the JLS Division will have **technical conferences on February 19, 2021 at 9:30 a.m.**, and on **March 4, 2021 at 9:30 a.m.** in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One or more of the Commissioners may be present at the technical conference and may participate in the dialogue with the rulemaking participants regarding the subject of the proposed rulemaking. In an on-going effort to minimize the spread of COVID-19, the Commission continues to offer the public the option to livestream Commission meetings, or attend its meetings via teleconferencing and/or videoconferencing.

**NOTICE IS FURTHER GIVEN** that the Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before March 12, 2021.** To file the comments, please send them by email to [okcfilings@occ.ok.gov](mailto:okcfilings@occ.ok.gov), referring to Cause No. RM 202100002. Comments may be submitted by regular mail to the following address: Court Clerk, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. A file stamped copy of the comments should be sent via email to Jeff W. Kline at [Jeff.Kline@occ.ok.gov](mailto:Jeff.Kline@occ.ok.gov) and Natasha M. Scott at [Natasha.Scott@occ.ok.gov](mailto:Natasha.Scott@occ.ok.gov). Filed comments will be made available for public inspection at no cost to the end user from the Commission's imaging system at <https://imaging.occ.ok.gov/imaging/OAP.aspx>.

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

**NOTICE IS FURTHER GIVEN** that the **Commission, in a public hearing, shall consider the adoption of the proposed permanent rules at 9:30 a.m. on March 18, 2021**, in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. In an on-going effort to minimize the spread of COVID-19, the Commission continues to offer the public the option to livestream Commission meetings, or attend its meetings via teleconferencing and/or videoconferencing.

**NOTICE IS FURTHER GIVEN** that further information and inquiries regarding this proposed rulemaking should be directed to Jeff W. Kline, Deputy General Counsel, by telephone at (405) 521-2308, e-mail at Jeff.Kline@occ.ok.gov, or to Natasha M. Scott, Managing Deputy General Counsel, by telephone at (405) 521-3570, e-mail at Natasha.Scott@occ.ok.gov, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA

  
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J. TODD HIETT, CHAIRMAN

  
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BOB ANTHONY, VICE CHAIRMAN

  
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DANA L. MURPHY, COMMISSIONER

**CERTIFICATION**

DONE AND PERFORMED by the Commissioners participating in the issuance of this Notice of Proposed Rulemaking, as shown by their signatures above, this 5th day of February, 2021 .

BY ORDER OF THE COMMISSION:



  
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PEGGY MITCHELL, Commission Secretary