

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE OKLAHOMA
CORPORATION COMMISSION ADOPTING
**OAC 165:14, ELECTRIC VEHICLE
CHARGING STATIONS**

CAUSE NO. RM 202100005

FILED
NOV 16 2021

NOTICE OF PROPOSED RULEMAKING

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

NOTICE IS HEREBY GIVEN that the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("Commission") recommends that the Commission adopt a new chapter to be titled "Electric Vehicle Charging Stations." The new chapter will be set forth in the Oklahoma Administrative Code ("OAC") 165:14. The proposed rules include the following:

Subchapter 1 is added to establish general provisions, including the purpose, title and authority, application of the rules, definitions, interpretation of rules, and relief from rules. It also includes a rule relating to the resale of electricity and amount charged to the consumer, and a rule that a public charging station is not a public utility.

Subchapter 3 is added to establish record keeping requirements, require contact information to be provided to the Commission, and require annual and regular reporting requirements.

Subchapter 5 is added to establish requirements for charging station equipment and testing standards, under the Commission's authority to inspect public charging stations. The Commission will also adopt the National Institute of Standards and Technology standards in Handbooks 44 and 130. A timeline is established for implementation and enforcement of certain provisions.

Subchapter 7 is added to establish consumer protection measures including a mediation process, allowing meter testing on the request of a consumer, and requiring charging station operators to retain records of service complaints and investigations.

Subchapter 9 is added to state that the Commission may assess fines and fees after notice and a hearing in certain situations.

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 68 O.S. § 6509(B)(2).

NOTICE IS FURTHER GIVEN that the PUD believes it is necessary to adopt these rules due to new statutory requirements in 68 O.S. § 6509. 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/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.

NOTICE IS FURTHER GIVEN that the Rule Impact Statement required pursuant to 75 O.S. § 303(D), will be timely prepared and made available for public inspection on the Commission's website at <https://oklahoma.gov/occ/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 PUD will have a **first technical conference on December 8, 2021, at 1:30 p.m.**, a **second technical conference on January 12, 2022, at 10:00 a.m.**, and a **third technical conference on February 2, 2022, 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 conferences 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 rules on or before December 10, 2021, and January 7, 2022.** To file the comments, please send them by email to okcfilings@occ.ok.gov, referring to Cause No. RM 202100005. 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. 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 February 23, 2022**, 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 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


DANA L. MURPHY, CHAIRMAN


BOB ANTHONY, VICE CHAIRMAN


J. TODD HIATT, 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 16th day of November, 2021.

BY ORDER OF THE COMMISSION:




PEGGY MITCHELL, Commission Secretary