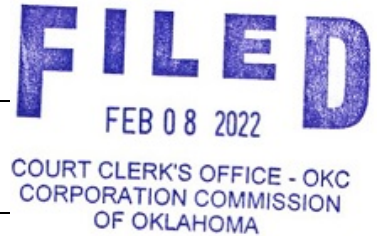


BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

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

CAUSE NO. RM 202200001



NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Administrative, Judicial, and Legal Services Division ("JLS") 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 165:5-1-3 is amended to modify the definition of applicant, intervenor, respondent list, and staff counsel. Additionally, the section is amended to add the definitions of complainant, facsimile, and JLS.

OAC 165:5-1-4, 165:5-1-13, 165:5-9-6, and 165:5-21-3 are amended to shorten the name of "Judicial and Legislative Services Division" to "JLS."

OAC 165:5-1-4 is amended to clarify filing requirements and procedures in the Electronic Case Filing ("ECF") System.

OAC 165:5-1-4.1 is amended to require requests be sent to the Commission's Public Information Office.

OAC 165:5-1-5 is amended to change references from "docket" to "case."

OAC 165:5-1-14.1 is amended to clarify notice requirements to pro se parties who do not register as ECF Filers, state that service through the ECF system is considered effective service for all filings subsequent to the initial filing, and clarify requirements for the certificate of service.

OAC 165:5-3-1 is amended to change "Judicial and Legislative Services" to "Commission," require no filing fee for small businesses to request the Commission to review its rules, replace a specific fee amount with a requirement to charge the fee in accordance with a statute, relocate petroleum storage tank fees that are being removed from 165:5-3-2, remove unnecessary fees, increase the fee for document searches from \$10 to \$25 per hour, and modernize provisions relating to electronic payments to align with the new ECF System.

OAC 165:5-3-2 is revoked, and portions are moved under 165:5-3-1.

OAC 165:5-3-50, 165:5-3-51, and 165:5-3-52 are added to implement a new electric vehicle charging station fee, in accordance with 68 O.S. Section 6509.

OAC 165:5-5-1 is amended to change references from "docket" to "case" and "cause" to "case," clarify the types of cases filed on the Consumer Services, Public Utility, and Rulemaking Dockets, and amend the procedure for improper docketing of cases.

OAC 165:5-7-1 is amended to allow a notice from the Commission to commence a case, clarify language for signing applications, clarify that service of subsequent pleadings in the ECF System shall be pursuant to OAC 165:5-1-14.1, specify certificate of service requirements for documents filed via the ECF System, rename a header to accurately reflect the subject of the section, and provide that publication notice is not necessary unless otherwise required.

OAC 165:5-7-9 is amended to require the submission of an "as drilled" plat constructed from the results of the directional survey in connection with proposed location exception orders regarding directionally drilled or horizontal wells, and to change references from "cause" to "case."

OAC 165:5-7-11 is amended to clarify procedures for obtaining changes of operator designation regarding pooling, location exception, and increased density orders.

OAC 165:5-7-12 is amended to change "submit" to "file" relating to a proof of notice, change references from "cause" to "case," and replace "Judicial and Legislative Services" with the "Court Clerk."

OAC 165:5-7-20 is amended to require submission of secondary recovery unit certificates of dissolution to the Managers of the Commission's Technical Services and Underground Injection Control Departments, and to change references from "cause" to "case."

OAC 165:5-7-21 is amended to require submission of brine and associated solution gas unit certificates of dissolution to the Managers of the Commission's Technical Services and Underground Injection Control Departments, and to change references from "cause" to "case."

OAC 165:5-7-33, 165:5-7-34, and 165:5-7-35 are amended to change references from "cause" to "case," and replace "Judicial and Legislative Services" with the "Court Clerk."

OAC 165:5-7-38 is amended to strike language in the rule and refer to OAC 165:10-11-1 regarding applications for approval of licenses for pulling casing and plugging wells.

OAC 165:5-7-39 is amended to eliminate forms regarding the use of state funds to conduct remedial action, and to clarify procedures concerning requests for the use and authorization of such state funds.

OAC 165:5-9-2 is amended to replace "Judicial and Legislative Services" with "JLS Director, or his or her designee," correct grammatical errors, and shorten the name of "Judicial and Legislative Services Division" to "JLS."

OAC 165:5-13-1 is amended to remove an unnecessary provision.

OAC 165:5-13-2 is amended to change references from "cause" to "case," and give priority status to hearings on the OSF docket.

OAC 165:5-15-1 is amended to change references from "cause" to "case."

OAC 165:5-19-1 is amended to change references from "cause" to "case," and allow consent decree agreements in contempt cases.

OAC 165:5-23-3 is amended to include electronic mail addresses and remove unnecessary provisions.

OAC 165:5-25-2 is amended to clarify that until the ECF System provides for the electronic filing of confidential documents, filings should continue to be made in paper form.

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 believes it is necessary to amend the current rules. If the Commission adopts the permanent rules proposed herein, the proposed rules shall be submitted, pursuant to the requirements in the Oklahoma Administrative Procedures Act, 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, (405) 521-2308, 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/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 JLS will have **technical conferences on February 24, 2022, at 1:30 p.m.**, and on **March 10, 2022, at 1:30 p.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. 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 February 25, 2022, and March 14, 2022.** To file the comments, please send them by email to okcfilings@occ.ok.gov, referring to Cause No. RM 202200001. 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, 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 March 15, 2022**, in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. 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, Attorney and Agency Rules Liaison, by telephone at (405) 521-2308, email 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 8th day of February, 2022.

BY ORDER OF THE COMMISSION:




PEGGY MITCHELL, Commission Secretary