

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

ADMINISTRATIVE, JUDICIAL, AND LEGAL SERVICES DIVISION'S
PROPOSED RULES AMENDING CHAPTER 5
(As of March 8, 2022)

Changes since February 8, 2022 are highlighted in yellow

TITLE 165. CORPORATION COMMISSION
CHAPTER 5. RULES OF PRACTICE
SUBCHAPTER 1. GENERAL PROVISIONS
PART 1. GENERAL



165:5-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"**Administrative Law Judge**" means an Oil and Gas Appellate Referee, Referee, Administrative Law Judge, Hearing Officer, an officer, attorney, or any other employee of the Commission to whom the Commissioners delegate by order or otherwise, the authority to conduct a hearing.

"**Applicant**" means any person commencing a proceeding [requiring an application as the initiating document](#).

"**Application**" means any written request by an applicant commencing a proceeding for Commission action or relief.

"**Attorney**" means a licensed attorney currently admitted to practice before the Supreme Court of Oklahoma, or an attorney currently licensed to practice in another state who is granted under principles of reciprocity permission to appear in proceedings of the Commission.

"**Business day**" means a day that is not a Saturday, Sunday, or legal holiday.

"**Case**" or "**cause**" means a proceeding filed with the Court Clerk, for Commission action or relief. The terms "case" and "cause" are used interchangeably herein.

"**Commission**" means the Oklahoma Corporation Commission, the public entity created under the provisions of Article IX, Section 15, Oklahoma Constitution.

"**Commissioner**" means a member of the Commission.

"**Complaint**" means the written document that opens a case and seeks enforcement of an order, rule, or regulation of the Commission or relief against a named respondent based upon an alleged violation of law or of a rule, regulation, or order of the Commission.

"Complainant" means any person commencing a proceeding requiring a complaint as the initiating document.

"Confirmation of electronic filing" means the electronic confirmation generated by the Electronic Case Filing System.

"Document" means any written matter filed in a case. A "document" includes any attached appendices.

"Electronic" means technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"Electronic Case Filing System" or **"ECF System"** means the Commission's online filing system used to file documents with the Court Clerk in Commission proceedings.

"Electronic Case Filing System filer" or **"ECF filer"** means an Electronic Case Filing user whose electronic mail address and password can be used to file documents electronically in the Electronic Case Filing System.

"Electronic Case Filing System user" or **"ECF user"** means a person who has registered and been approved to access the Electronic Case Filing System.

"Electronic filing" means the tender of documents in Commission proceedings to, and acceptance by, the Court Clerk through the Electronic Case Filing System.

"Electronic mail address" is the primary electronic mail address provided by the registered Electronic Case Filing user or Electronic Case Filing filer. An electronic mail address must have the functionality required by the Electronic Case Filing System.

"Electronic signature" means a symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

"Facsimile" means the transmission of documents using a traditional fax machine or a web-based digital service.

"File(d)" or **"filing"** means tender of documents in Commission proceedings to, and acceptance by, the Court Clerk.

"Filer" means a person tendering documents to the Commission's Court Clerk for filing in a Commission proceeding, whether submitting those documents in paper or electronically.

"Intervenor" means any party of record who is not an applicant, [complainant](#), or named respondent.

"JLS" means the [Judicial and Legal Services section of the Commission's Administrative, Judicial and Legal Services Division](#).

"Legal holiday" means only those days declared legal holidays by law or proclamation of the Governor of Oklahoma, or those days on which United States mail is not delivered.

"Official ECF service list" means the list, for each case, of designated recipients of electronically mailed notice of filing of pleadings subsequent to the original Application or Complaint. This list does not include pro se persons or other persons entitled to notice who have not elected to accept electronic service, and must receive notice by other means.

"Oil and Gas Appellate Referee" means a duly licensed attorney in the State of Oklahoma who is familiar with statutes and rules governing oil and gas operations in Oklahoma who shall provide central support to the Commission en banc in the hearing of oil and gas matters before the Commission en banc.

"Order" means that which is required or commanded to be done, or not to be done, and shall be generally reserved for the requirement or directive portion of an official order or decision of a proceeding; or the promulgation of rules, regulations, and requirements in matters in which the Commission acts.

"Party of record" means a person who makes formal appearance either in person or by an attorney at any stage of a case whether or not seeking affirmative relief.

"Person" means an individual, partnership, corporation, association, trust, and every other type of legal entity, including an officer or employee of the Commission.

"Pro se" means self-representation in a Commission proceeding without representation by an attorney.

"Protestant" means a person who, upon grounds of private or public interest, resists an application or any relief sought thereby. A protest is governed by the rules applicable to a response.

"Record" of any proceeding shall consist of the following:

(A) Preliminary exhibits, including pleadings, motions, notices, and proof of publication;

(B) Transcript of proceedings at all hearings or the electronic recording of hearings or proceedings as provided by OAC 165:5-13-1(d);

(C) Depositions, stipulations, interrogatories and answers, written testimony, offers of proof, and similar matters;

(D) Exhibits, together with attachments, appendices, and amendments thereto;

(E) Initial Report of the Administrative Law Judge and Report of the Oil and Gas Appellate Referee, if any;

(F) Exceptions and motions subsequent to the hearing;

(G) Orders or rules of the Commission; and

(H) Any other document or matter relevant to the issues ordered to be included by the Commission.

"Referee" means a duly licensed attorney in the State of Oklahoma who is familiar with statutes and rules governing Commission regulated entities in Oklahoma who shall provide central support to the Commission en banc in the hearing of matters before the Commission en banc.

"Register" or **"registration"** means the process for a person to request authority from the Commission to access the Electronic Case Filing System.

"Regular mail" means first class United States Mail, postage prepaid, and includes hand delivery. Wherever in OAC 165:5 a person is directed to mail by regular mail, such directive shall not preclude mailing by restricted mail.

"Respondent" means a named person against whom relief is sought in a proceeding, or a person who is entitled to receive a notice of hearing as set forth in 165:5-7-1(f), or who appears in opposition to relief sought by the applicant, and includes the term "defendant".

"Respondent list" means a list of named persons against whom relief is sought in a proceeding, or persons who are entitled to receive the application [or complaint](#) and notice of hearing as set forth in 165:5-7-1(f), or who appears in opposition to relief sought by the applicant, and includes the term "defendant". The "Respondent list" is distinguished from the Official ECF service list as defined herein.

"Restricted mail" means mailing by certified mail, return receipt requested, within the United States and its territories and mailing by registered mail outside the United States and its territories. For purposes of service outside the United States, "registered mail" includes any means provided by Federal Rule of Civil Procedure 4(f).

"Secretary" means the duly appointed and qualified Secretary, Assistant Secretary or Acting Secretary of the Commission, or any person appointed by the Commission to act as such Secretary during the absence, inability, or disqualification of the Secretary to act.

"Staff counsel" means an attorney ~~with the Commission's Judicial, and Legislative Services, in JLS~~ or the Commission's ~~Agency Counsel~~ General Counsel's Office.

"Technical failure" means a malfunction of Electronic Case Filing System hardware, software, and/or telecommunications facility which results in the inability of a registered Electronic Case Filing filer to file a document. It does not include the failure of a registered Electronic Case Filing filer's equipment, software, and/or telecommunications facility.

"User manual" means the instructions for the Commission's Electronic Case Filing System.

"Website" means the Commission website.

165:5-1-4. Office location; office hours; records

(a) **Principal office.** The principal office of the Oklahoma Corporation Commission is in the Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. The mailing address is P. O. Box 52000, Oklahoma City, Oklahoma, 73152-2000.

(b) **Regional service areas.** The Commission has two regional service areas described as the Eastern Regional Service Area and the Western Regional Service Area. The Eastern Regional Service Area shall consist of the land east of Oklahoma State Highway 99. The Western Regional Service Area shall consist of the land west of that highway. The establishment of these regional service areas shall not limit the services available from either regional service office.

(c) **Eastern regional service office.** In the Eastern Regional Service Area, the Commission maintains a regional service office in Tulsa, Oklahoma, at an address listed on the Commission's website.

(d) **Western regional service office.** In the western regional service area, the Commission's principal office serves as the regional service office.

(e) **Telephonic communication service.** ~~The Judicial and Legislative Services Division~~ JLS shall develop and maintain a system for providing telephone and/or videoconference communication service for all hearings.

(f) **Office hours.** For each regional service office or other office described in (a) through (d) of this Section, office hours shall be from 8:00 a.m. to 4:30 p.m., each day except Saturday, Sunday, and any legal holiday proclaimed by the Governor or official agency closing. 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. Copies of public records retained in the Court Clerk's Office may be obtained from 8:00 a.m. to 4:00 p.m.

(g) **Exercise of Commission authority.** The Commission, or any person exercising its authority, may meet and exercise its official powers and functions at any location in the State of Oklahoma.

(h) **Oil and gas filings.** Applications for oil and gas development, administrative applications, and any other related oil and gas matters may be filed in any regional service office. Either regional service office may be selected as the venue when an application is filed. Upon implementation of the ECF System, all filings must be made using the ECF System, unless otherwise provided by these rules. The ECF System will allow for selection of venue in the Oklahoma City or Tulsa regional service office.

(i) **Central records.** The central record of all filings with all regional service offices shall be maintained in the regional service office of the Corporation Commission located in Oklahoma City.

(j) **Court Clerk.** ~~Until the Commission implements the ECF System, every oil and gas related document or order tendered to the Court Clerk shall be filed, deposited with, or mailed to the Court~~

~~Clerk at a regional service office unless the Director of Judicial and Legislative Services, or his or her designee directs otherwise.~~ Upon implementation of the ECF System, all persons filing documents with the Court Clerk shall file through the ECF System, unless otherwise directed by the JLS Director, or his or her designee, or these rules. ~~All~~ Any documents related to ~~other~~ matters other than oil and gas that are filed in paper shall be filed, ~~deposited~~ with, ~~or mailed to~~ the Court Clerk at the Commission's principal office unless the JLS Director ~~of Judicial and Legislative Services~~, or his or her designee, directs otherwise. No document will be mailed to anyone who files through the ECF System or obtains an immediate file-stamped copy, unless a self-addressed postage paid envelope large enough for the return of a file-stamped or processed copy is included. All documents shall be deemed received upon the date file stamped by the Court Clerk, subject to the provisions of OAC 165:5-1-5(g). Filing of any document shall not be complete except upon payment of all applicable fees required by law or by the rules of this Chapter. Filing of any document with the Court Clerk shall be deemed filing with the Secretary.

165:5-1-4.1. Open records requests

(a) Records available to the public pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 et seq., may be obtained by directing written requests for records to the ~~respective division directors or their designated appointees~~ Commission's Public Information Office. This Section does not apply to records specifically required by the Commission to be kept confidential, including records subject to proprietary agreements, confidentiality orders and sealed exhibits. Charges for copies and research of such records shall be in accordance with OAC 165:5-3-1 and the Open Records Act, 51 O.S. § 24A.5(3).

(b) Any records, reports or information obtained pursuant to the Oklahoma Petroleum Storage Tank Consolidation Act and/or OAC 165:15, 165:16, 165:25, 165:26, 165:27, and 165:29 shall be available to the public unless a showing satisfactory to the Commission by any person that the records, reports or information, or a particular part thereof, if made public would divulge production of sales figures, methods, processes or production unique to such person or would otherwise tend to affect adversely the competitive position of such record, report or information or particular portion thereof.

165:5-1-5. Filing of documents

(a) **Document form.** Upon implementation of the ECF System, all persons filing documents with the Court Clerk shall file through the ECF System, unless otherwise directed by the Court Clerk, or these rules. Documents presented in paper to the Court Clerk will only be accepted and filed if such documents are submitted by a pro se filer or contain confidential information as set forth in subsection (h).

(b) **Document Format.** Documents filed with the Court Clerk by electronic mail or through the ECF System shall be in portable document format ("PDF"), or another format stated in the User Manual. Documents filed in paper format may be printed, typewritten or reproduced by any legible method. All documents filed in paper format must be single-sided on 8 1/2" x 11" paper and ready for digital processing and uploading to the ECF System by the Court Clerk. Exceptions to the required document size may be allowed by the Court Clerk for good cause shown. Quotations shall be indented. Subsequent to the filing of the original application, every page of documents filed with the Court Clerk shall contain a page number, the applicable subject matter docket listed

in OAC 165:5-5-1(a), the case number assigned by the Court Clerk, and document type, e.g., application, motion, response, or brief. All filed documents must have a continuous pagination for the entire document, including exhibits and attachments. The original application shall include all this information, except the ~~docket~~ case number, on each page. No document may be altered after filing; pages may not be otherwise inserted and no interlineations, additions or deletions may be made. If a filing error is made, the correct document or information, as appropriate, shall be submitted as a separate filing to the Court Clerk as soon as possible.

(c) **Filing stricken by motion.** Upon the motion of the Commission or Administrative Law Judge, or the filing of a motion pursuant to OAC 165:5-9-2(b), the Administrative Law Judge is authorized to recommend to the Commission an order to strike the filing of any document containing defamatory, scurrilous or improper language, or otherwise in violation of any of the rules of this Chapter. In case of such recommendation to grant a motion to strike a filed document, the subject document shall be presented to the Commission for ruling on acceptability for filing.

(d) **Required information.** The requirements of this subsection shall not be jurisdictional. All documents shall include the party's or attorney's actual or electronic signature, typed name, business mailing address, telephone number, and electronic mail address. All documents signed by an attorney shall contain the name of the State Bar Association to which the attorney belongs and his/her State Bar Association number. Anyone who disputes the authenticity of any electronic signature may file an objection to the document within five (5) business days of service.

(e) **Requirement conflicts.** Wherever any provision of the Constitution or laws of Oklahoma makes a requirement as to notice or procedure which exceeds or conflicts with any provision of the rules of this Chapter, the former shall govern.

(f) **Informal communications.** Nothing in the rules of this Chapter shall prohibit informal inquiry or complaint to the Commission by mail, electronic mail, or in person, which matters shall be handled administratively by the staff in an effort to secure amicable adjustment or agreement among affected persons. No official order shall be issued as a result of any informal proceedings.

(g) **Electronic Mail transfers.**

(1) Until the Commission implements the ECF System, the Court Clerk shall accept pleadings submitted by electronic mail, at an address posted to the Commission's website, pending payment of the appropriate filing fees. A new case filing must be sent to the Court Clerk by electronic mail before 3:30 p.m. of each business day, otherwise it will have a file stamp reflecting the next regular business day.

(2) Unless otherwise delivered the same day, if an application for emergency relief in a spacing, location exception, increased density or multiunit horizontal well proceeding is submitted by electronic mail, a copy of such emergency application shall be sent by electronic mail to the Technical Services Department of the Commission at an electronic mail address to be designated by the Director of the Conservation Division, on the date of the filing.

(3) Until the Commission implements the ECF System, a CD case number may be requested by sending an electronic mail to the Court Clerk with the entire caption of the proposed application, a statement that only a case number is being requested, and contact information for the party requesting the case number. This will not be considered an electronic mail filing of the application and the date of filing the application will be the date the complete application is received in the Court Clerk's office. In order to minimize gaps in the numbering of cases, the case number requested by electronic mail must be followed by filing original documents containing the exact same caption in the Court Clerk's office or filed by electronic mail, within three (3) business days of the request, or the case number will be cancelled and may not be

reused for any purpose.

(h) **Confidential documents.** All documents and information considered to be confidential must be clearly marked as such on a cover page of the document. Until such time as the ECF System provides for the electronic filing of documents subject to a protective order or otherwise considered confidential, unredacted documents which contain materials subject to a protective order, or otherwise considered confidential, shall not be filed electronically, but rather submitted in person or by mail to the Court Clerk within one (1) business day of the electronic filing of the cover page. All documents deemed and marked as confidential shall be docketed and retained by the Court Clerk. Until the Commission determines otherwise, the cover page only of such filings will be viewable by the public for identification purposes. The responsibility for following these rules concerning confidential documents and information rests solely with counsel, the parties, or any other filer. The Court Clerk does not have any duty to review documents for compliance with this rule. Paper copies of confidential documents may be returned to the party, or destroyed by agreement of the party, following the issuance of a final order and the expiration of the appeal period.

(i) **Personal Identifier Information.** If a filer includes personal identifier information such as Social Security numbers, tax identification numbers, financial account numbers, driver's license numbers, dates of birth, addresses or other sensitive information, in any document filed with the Court Clerk, electronically or otherwise, the document becomes a public record as filed, unless otherwise ordered by the Commission. Further, unless otherwise ordered or as otherwise provided by law, every filer, whether filing electronically or otherwise, shall redact the following information, except the last four digits, in documents prior to filing with the Court Clerk, including but not limited to:

- (1) Social Security numbers;
- (2) Taxpayer identification numbers;
- (3) Financial account numbers; and/or
- (4) Driver's license numbers.

PART 2. ELECTRONIC FILING OF DOCUMENTS

165:5-1-13. Technical failures

(a) An ECF filer whose filing is made untimely as the result of a technical failure of the ECF System may seek relief from the Commission by filing a motion with the Court Clerk. If an ECF filer is unable to access the ECF System, the filer should check the Commission's website or contact the Court Clerk's Office to see if a technical failure has been declared.

(b) During a technical failure of the ECF System, documents may be filed in paper or by electronic mail at the discretion and direction of the [JLS Director](#) ~~of Judicial and Legislative Services~~, or his or her designee. During a technical failure, the filer will be responsible for sending any documents to all parties of record and payment of any applicable filing fees.

(c) Failures not originating with the ECF System, such as phone line problems, problems with the filer's Internet service provider, power outages, or hardware or software problems, will not constitute a technical failure under (a) above. Upon the filing of a motion, the Commission may grant appropriate relief regarding an untimely filed document.

165:5-1-14.1. Official ECF service list and certificate of service

(a) Upon the filing of a case, the ECF System will generate the Official ECF Service List. A person will be added to the Official ECF Service List upon the filing of an entry of appearance, in accordance with OAC 165:5-9-4.

(b) After a document is filed in a specific case, the ECF System will automatically send notice of the filing to all persons on the Official ECF Service List.

(c) Pro se parties who do not choose to register as ECF Filers will not be included on the Official ECF Service List.

(d) The notice of filing sent to those on the Official ECF Service List by the ECF System will constitute service of documents filed subsequent to the initial application or complaint and notice of hearing.

(e) Each filing with the ECF System must include a certificate of service that states the name and manner of service, which may state that service was through the ECF System, for each person listed on the Official ECF Service List. For any parties, or other persons entitled to notice, who are not included on the Official ECF Service List, the certificate of service shall list the name and address of each such person and state the manner and date of service.

(f) Service through the ECF System is not effective if the person making service receives notice from the ECF System that the attempted service was not electronically delivered to the person to be served. To be considered effective service, the person making service will need to provide notice by other means available under these rules or by statute, and file a certificate of service reflecting the subsequent service.

SUBCHAPTER 3. FEES

PART 1. GENERAL PROVISIONS

165:5-3-1. Fees, fines and bonds

(a) General.

(1) **Exceptions to filing fees.** For each initial application in each category listed in (b) of this Section, a filing fee shall be paid by the person seeking to file or submit the document, unless the document is filed under authorization of and in the name of an instrumentality of the State of Oklahoma.

(A) Filing fees shall not apply to any subsequent pleading or amended application except a Form 1000 required in OAC 165:10-3-1(b)(1)(A) through (E) and OAC 165:10-3-1(c).

(B) No filing fee shall be required for any application filed pursuant to OAC 165:10-3-31, Use of vacuum at the well head.

(C) No filing fee applicable to the conservation docket shall be required for any Notice of Intent to Mediate filed with the ~~Judicial and Legislative Services~~ Commission pursuant to OAC 165:5-23-1 et seq. A per participant fee provided in OAC 165:5-3-1(b)(1)(L) shall be charged for any informal dispute resolution procedure that commences.

(D) No filing fee shall be paid by a party filing a protest to an adverse action of the Commission pursuant to the International Fuel Tax Agreement ("IFTA") or the International Registration Plan ("IRP").

(E) No filing fee shall be paid by a customer filing a Consumer Services docket application against a public utility.

(F) No filing fee shall be required for any application filed on the Oklahoma Universal Service Fund ("OSF") docket.

(G) No filing fee shall be paid by a party filing a protest to a nonconsensual towing Violation Notification issued by the Transportation Division.

(H) No filing fee shall be paid by a small business requesting the Commission to review its rules to determine whether or not the rules in question should be amended, repealed, or redrafted, pursuant to 75 O.S. § 250.10.

(2) **Filing fees.** Any filing fee assessed by this Section shall be due and paid at the time of filing of the document. Neither the Court Clerk's Office nor any division of the Commission shall accept an application subject to a filing fee until the required fee is paid. No filing fee shall be refundable. For documents that are being filed in paper form, all associated filing fees must be paid and the documents submitted to the Court Clerk's Office for filing prior to 3:30 p.m. to allow for document processing within established hours of operation.

(3) **Other fees.** Any other fee assessed by this Section shall be due and payable at the time the service is requested. No service shall be rendered before payment of the prescribed fee. No such other fee shall be refundable.

(4) **Negotiable instruments.** Fees paid by negotiable instruments shall be made payable to the "Oklahoma Corporation Commission." Negotiable instruments include personal checks, cashier checks, certified checks, and money orders. Foreign checks must be payable through a United States bank in United States funds.

(5) **Returned payments.** ~~A service fee of \$20.00~~ In accordance with 62 O.S. § 34.57, a fee shall be assessed on each check returned to the Commission as a result of the refusal of the bank upon which the check was drawn to honor the same. Upon the return of any check by reason of the refusal of the bank to honor it, the Commission may file a bogus check complaint with the appropriate district attorney. In the event that a payment transaction for any fee, fine or bond fails, the Commission reserves the right to require payment of that fee, fine or bond, and any future fee, fine or bond owed to the Commission by the same individual or entity, to be made by cash, cashier check, certified check, money order or another secured form of payment.

~~(6) **Petroleum Storage Tank Division fees.** All fees pertaining to the Petroleum Storage Tank Division are listed in OAC 165:5-3-2.~~

(b) **Schedule of filing fees.**

(1) **Oil and gas fees.**

(A) Commercial disposal well application - \$1,500.00

(B) Commercial earthen pit application - \$1,250.00

(C) Commercial soil farming site application - \$1,250.00

(D) Commercial recycling facility application - \$1,000.00

(E) Noncommercial injection or disposal well application – Form 1015 - \$250.00

(F) Commercial facilities annual fee due on October 1 of each year:

(i) Commercial earthen pit facility - \$750.00

(ii) Commercial soil farming facility - \$750.00

(iii) Commercial recycling facility - \$750.00

(G) Conservation docket, pollution docket, and gas gathering base applications - \$200.00

(H) Emergency application on the conservation or pollution docket - \$250.00

- (I) Permit to drill – Form 1000:
 - (i) Directional well - \$350.00
 - (ii) Horizontal well - \$400.00
 - (iii) Multiunit well - \$600.00
 - (iv) Vertical well - \$350.00
- (J) Expedited permit to drill - Form 1000:
 - (i) Directional well - \$600.00
 - (ii) Horizontal well - \$600.00
 - (iii) Multiunit well - \$800.00
 - (iv) Vertical well - \$600.00
- (K) Temporary permit to drill – Form 1000:
 - (i) Directional well - \$350.00
 - (ii) Horizontal well - \$350.00
 - (iii) Multiunit well - \$350.00
 - (iv) Vertical well - \$350.00
- (L) Notice of Intent to Mediate pursuant to Chapter 23 of this Chapter - \$5.00 per participant
- (M) Permit for one-time land application of materials – Form 1014S - \$150.00
- (N) Expedited permit for one-time land application of materials – Form 1014S - \$250.00
- (O) Tax exemption application filed pursuant to OAC 165:10-2-1 - \$100.00
- (P) Transfers of well operatorship - Forms 1073 and 1073I – single well - \$25.00
- (Q) Transfers of well operatorship - Forms 1073IMW and 1073MW – multiple wells - \$250.00
- (R) Notification of intent to plug – Form 1001 - \$100.00
- (S) Operator agreement–annual fee-Form 1006B-based on the number of unplugged wells for which the operator is responsible according to Commission records:
 - (i) No wells being operated - \$100.00
 - (ii) From 1-25 wells - \$250.00
 - (iii) From 26-100 wells - \$500.00
 - (iv) From 101-500 wells - \$750.00
 - (v) Over 500 wells - \$1,000.00
- (T) Fluid disposal/injection reports:
 - (i) Commercial disposal well fluid disposal report–Form 1012C–semiannual per well-\$500.00
 - (ii) Noncommercial disposal and injection well and LPG storage well report–Form 1012–annual per well-\$25.00
 - (iii) Noncommercial disposal and injection well and LPG storage well report–Form 1012–more than 100 wells–annual fee-\$2,500.00
- (U) Permit to use earthen pit, noncommercial disposal or enhanced recovery well pit for temporary storage of saltwater, and pit associated with commercial disposal well surface facility-Form 1014:
 - (i) Capacity of pit less than or equal to 10,000 barrels-\$250.00
 - (ii) Capacity of pit greater than 10,000 barrels-\$1,000.00
- (V) Permit for seismic operations-Form 1000S-\$100.00
- (W) Application for temporary exemption from well plugging-Form 1003A-\$100.00
- (X) Permit to vent or flare gas from well-Form 1022-\$50.00

(Y) Application for multiple zone well completion, production of well through a multiple choke assembly, and commingling of well production-Form 1023-\$50.00

(2) Transportation fees.

(A) Transportation docket application - \$500.00

(B) Other transportation fees:

(i) Intrastate license.

(I) Original application filing fee - \$100.00

(II) Sub application filing fee - \$100.00

(III) Renewal application filing fee - \$50.00

(IV) Reinstatement application filing fee - \$100.00

(V) Name change application filing fee - \$50.00

(VI) Identification device or per vehicle fee - \$7.00

(ii) Deleterious Substance License Permit application filing fee - \$350.00

(iii) International Fuel Tax Agreement (IFTA) fees.

(I) IFTA decal - \$2.00 per vehicle per decal set

(II) IFTA reinstatement fee - \$100.00

(iv) Trailer registration processing fee per trailer registered through the IRP System - \$2.00

(v) Temporary registration and fuel permit fees (a \$10.00 services fee is added to each permit in this unit):

(I) Temporary registration (72 hour trip permit) - \$12.00

(II) Temporary fuel permit (120 hours) - \$25.00

(III) Unladen or hunters permit (45 days) - \$25.00

(vi) Harvest permit fees (power units only).

(I) Thirty day permit - \$20.00 per axle

(II) Sixty day permit - \$35.00 per axle

(III) 15 day extension - \$8.75 per axle

(vii) Transportation Network Company annual permit fee - \$5,000.00

(viii) Household goods certificate fees:

(I) Original application filing fee - \$350.00

(II) Sub application filing fee - \$300.00

(III) Renewal application filing fee - \$300.00

(IV) Reinstatement application filing fee - \$250.00

(V) Name change application filing fee - \$50.00

(VI) Identification device or per vehicle fee - \$7.00

(ix) Apportioned commercial motor vehicle registration services fee - \$100.00 per vehicle (apportioned)

(x) Apportioned commercial motor vehicle registration application reprocessing fee - \$100.00 per application

(xi) Application for lawful fence - \$500.00. If the Transportation Division determines a lawful fence is required to be constructed by the railroad, the railroad shall have sixty (60) days from the date of notice to refund the application filing fee to the landowner

(3) **Utility fee.** Public utility docket application - \$100.00

(4) **Enforcement fee.** Enforcement docket application - \$100.00

(5) Petroleum storage tank fees.

(A) Application fee. The fee to file an application on the Petroleum Storage

Tank/Indemnity Fund docket is \$100.00, unless the document is filed under authorization of and in the name of an instrumentality of the State of Oklahoma. Filing fees shall not apply to any subsequent pleading or amended application.

(B) Variance review fee. The fee for administrative review of a Petroleum Storage Tank Division variance application is \$250.00.

(C) Annual storage tank permit fee. Owners of regulated petroleum storage tanks, whether in use or not, are required to pay an annual permit fee as follows:

(i) For petroleum storage tanks - \$25.00 per tank or tank compartment.

(ii) For noncommercial agricultural underground storage tanks containing petroleum products - \$10.00 per tank.

(iii) For any tank installed or permanently closed during a calendar year, the full yearly fee shall be assessed.

(iv) Invoices will be mailed out approximately 60 days in advance of the due date as noted on the invoice.

(v) If invoices are unpaid after the due date, a second invoice is mailed out which includes a failure to pay penalty, as found in 17 O.S. § 308.1, and provides 30 days to pay the invoice balance.

(vi) If the invoice balance is unpaid after the 30 days, a letter is mailed to the Owner with the outstanding fees and informing the Owner that the permit is expired.

(vii) If the invoice balance remains unpaid, a Fuel Specialist may shut down the regulated petroleum storage tank.

(D) UST Installer License. The fees for an Underground Storage Tank Installer License are:

(i) Application fee - \$50.00

(ii) License fee - \$100.00

(iii) Annual License renewal fee - \$100.00

(E) Environmental Consultant License. The fees for an Environmental Consultant License are:

(i) Application fee - \$50.00

(ii) License fee - \$100.00

(iii) Annual License renewal fee - \$100.00

(F) UST Remover License. The fees for an Underground Storage Tank Remover License are:

(i) Application fee - \$50.00

(ii) License fee - \$100.00

(iii) Annual License renewal fee - \$100.00

(G) AST Licensee. The fees for an Aboveground Storage Tank Licensee are:

(i) Application fee - \$50.00

(ii) License fee - \$100.00

(iii) Annual License renewal fee - \$100.00

(H) Vapor Monitor Well Technician License. The fees for a Vapor Monitor Well Technician License are:

(i) Application fee - \$50.00

(ii) Examination fee- \$25.00

(iii) License fee - \$100.00

(iv) Annual License renewal fee - \$100.00

(I) Groundwater Monitor Well Technician License. The fees for a Groundwater Monitor Well Technician License are:

- (i) Application fee - \$50.00
- (ii) License fee - \$100.00
- (iii) Annual License renewal fee - \$100.00

(J) Antifreeze Permit. The manufacturer of any antifreeze displayed, distributed, manufactured, marketed, produced, sold, used and/or offered for sale or resale, held with intent to sell, or transported within the State of Oklahoma is required to pay the following fees:

- (i) Application fee - \$100.00 per brand per type
- (ii) Annual permit renewal fee - \$100.00 per brand per type

(c) **Certified copies.** A fee of \$1.00 per copied page is charged for each copy of an order or other document on file with the Commission certified by the Secretary in addition to the fees specified in (d) of this Section.

*****NOTE – The prior proposal to (c) was removed*****

(d) **Other fees.** The following fees shall be charged and collected at the time of request for same; none of which shall ever be refundable:

- (1) Certificate of non-development (maximum of one quarter section) - \$10.00
- (2) Copies of any file or order -
 - (A) Non-certified copies - \$0.25 per page; certified copies \$1.00 per page
 - (B) Postage – actual cost
- ~~(3) Microfilmed images from coin-operated microfilm reader (coin box) – \$0.25~~
- ~~(4)~~(3) Batch reproduction on continuing basis (per page) - \$0.25
- ~~(5)~~(4) Copy of any document prepared in OCC offices (per page) - \$0.25
- ~~(6) Copy of any Chapter of Commission rules and regulations – \$10.00~~
- ~~(7) Copy of Oil and Gas Conservation rules – \$20.00~~
- ~~(8)~~(5) Current ownership/lienholder information - \$1.00 per vehicle record page
- ~~(9)~~(6) Computer generated title history - \$5.00 per vehicle
- ~~(10)~~(7) Manual title history - \$7.50 per vehicle
- ~~(11)~~(8) Copy of lien release - \$7.50 per vehicle
- ~~(12)~~(9) Certified copy of lien release - \$10.00 per vehicle
- ~~(13)~~(10) Certified copy of title history - \$10.00 per vehicle
- ~~(14)~~(11) Preparation of the record on appeal to the Oklahoma Supreme Court - \$200.00

(e) **Computer data processing documents.** Reproduction of documents or informational searches involving computer data processing services will be in accordance with 51 O.S. § 24A.5.

(f) **Document search fee.** Except where provided otherwise by law, where the request for document copying and/or mechanical reproduction is solely for commercial purpose or clearly would cause excessive disruption of the Commission's essential functions, then a fee of \$10.00 per hour (minimum of one hour) shall be charged to recover the direct cost of document search.

*****NOTE – The prior proposal to (f) was removed*****

~~(g) **Fax.** A service charge of \$5.00 plus \$1.00 per page will be assessed for all outgoing faxes. All incoming faxes for persons not associated with the Commission shall be assessed a copy fee of \$0.25 per page including the cover page.~~

(g) Copy fees waived. Copy fees for non-certified documents listed above, that are less than ten (10) pages will be waived.

~~(h) Payments by Credit Card and other means of electronic funds transfer~~ Electronic payments.

(1) "Nationally recognized" credit card means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in lieu of a check, as defined by 12A Oklahoma Statute § 3-104(f), in obtaining goods, services or anything else of value or for the use of the cardholder in obtaining such goods, services, or anything else of value on credit and which, in either case, is accepted by over one thousand merchants in this state. The ~~Oklahoma Corporation~~ Commission shall determine which nationally recognized credit card will be accepted for any payments due and owing to the ~~Oklahoma Corporation~~ Commission.

(2) Implementation of payment by nationally recognized credit card and other means of electronic ~~funds transfer payments~~ will be phased in over a period of time as determined by the Commission.

(3) The ~~Oklahoma Corporation~~ Commission will verify that sufficient credit is available before acceptance of credit card to ~~insure~~ ensure that no loss of state revenue will occur by the use of such card.

~~(A) If a person is at a designated receiving point and credit is not available, the person then has the opportunity to pay by other methods accepted by the Commission.~~

~~(B) If a person mails in the credit card information and credit is not available, the transaction will be handled as one with no remittance and a bill will be forthcoming.~~

(4) The ~~Oklahoma Corporation~~ Commission may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such nationally recognized card.

(5) Persons wishing to pay by credit card must be willing to submit normally required credit card information to the Commission. This includes, but is not limited to: card type (VISA, etc.), card number, card expiration date, card holder name as shown, and three digit security personal identification number (PIN). The Commission assumes no liability for unauthorized use of this information.

(6) "Electronic ~~funds transfer payment~~" ~~means-refers to~~ any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through ~~an~~ electronic ~~terminal-means, telephonic instrument, or computer or magnetic tape so~~ as to order, instruct, or authorize a financial institution to debit or credit an account.

(7) "Electronic terminal" means an electronic device, other than a telephone operated by a person, through which a person may initiate an electronic ~~funds transfer payment~~.

(8) "Financial institution" means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person who, directly or indirectly, holds an account belonging to another person.

(9) "State" means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

165:5-3-2. Fees for the Petroleum Storage Tank Division [REVOKED]

~~(a) General.~~

~~(1) For each initial application filed on the Petroleum Storage Tank docket, a filing fee shall be paid by the person seeking to file or submit the document, unless the document is filed under authorization of and in the name of an instrumentality of the State of Oklahoma. Filing fees shall not apply to any emergency application, subsequent pleading or amended application.~~

~~(2) Any fee assessed by this Section is either due and payable at the time of filing or due and payable at the time the service is requested. Neither service shall be rendered before payment of the prescribed fee nor shall the Court Clerk's Office or any division of the Commission accept any application subject to a filing fee until the required fee is paid. All fees are nonrefundable.~~

~~(3) The fees listed in this section may be paid by check, personal checks, cashier checks, certified checks, money orders, credit cards and other means of electronic funds transfer. Foreign checks must be payable through a United States bank in United States funds. The check or money order should be made payable to the "Oklahoma Corporation Commission – Petroleum Storage Tank Division" and will be deposited to the Oklahoma Petroleum Storage Tank Revolving Fund.~~

~~(4) Payments by credit card and other means of electronic funds transfers.~~

~~(A) "Nationally recognized" credit card means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in lieu of a check, as defined by 12A Oklahoma Statute § 3-104(f), in obtaining goods, services or anything else of value or for the use of the cardholder in obtaining such goods, services, or anything else of value on credit and which, in either case, is accepted by over one thousand merchants in this state. The Oklahoma Corporation Commission shall determine which nationally recognized credit card will be accepted for any payments due and owing to the Oklahoma Corporation Commission.~~

~~(B) Implementation of payment by nationally recognized credit card and other means of electronic funds transfer will be phased in over a period of time as determined by the Commission.~~

~~(C) The Oklahoma Corporation Commission will verify that sufficient credit is available before acceptance of credit card to insure that no loss of state revenue will occur by the use of such card.~~

~~(i) If a person is at a designated receiving point and credit is not available, the person then has the opportunity to pay by other methods accepted by the Commission.~~

~~(ii) If a person mails in the credit card information and credit is not available, the transaction will be handled as one with no remittance and a bill will be forthcoming.~~

~~(D) The Oklahoma Corporation Commission may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such nationally recognized card.~~

~~(E) Persons wishing to pay by credit card must be willing to submit normally required credit card information to the Commission. This includes, but is not limited to: card type (VISA, etc.), card number, card expiration date, card holder name as shown, and three digit security personal identification number (PIN). The Commission assumes no liability for unauthorized use of this information.~~

~~(F) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct or authorize a financial institution to debit or credit an account.~~

~~(G) "Electronic terminal" means an electronic device, other than a telephone operated by a person, through which a person may initiate an electronic funds transfer.~~

~~(H) "Financial institution" means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person who, directly or indirectly, holds an account belonging to another person.~~

~~(I) "State" means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.~~

(b) Fees.

~~(1) **Application fee.** The fee to file an application on the Petroleum Storage Tank/Indemnity Fund docket is \$100.00.~~

~~(2) **Variance review fee.** The fee for administrative review of a Petroleum Storage Tank Division variance application is \$250.00.~~

~~(3) **Annual storage tank permit fee.** Owners of regulated petroleum storage tanks, whether in use or not, are required to pay an annual permit fee as follows:~~

~~(A) For petroleum storage tanks—\$25.00 per tank or tank compartment.~~

~~(B) For noncommercial agricultural underground storage tanks containing petroleum products—\$10.00 per tank.~~

~~(C) For any tank installed or permanently closed during a calendar year, the full yearly fee shall be assessed.~~

~~(D) Invoices will be mailed out approximately 60 days in advance of the due date as noted on the invoice.~~

~~(4) **UST Installer License.** The fees for an Underground Storage Tank Installer License are:~~

~~(A) Application fee—\$50.00~~

~~(B) License fee—\$100.00~~

~~(C) Annual License renewal fee—\$100.00~~

~~(5) **Environmental Consultant License.** The fees for an Environmental Consultant License are:~~

~~(A) Application fee—\$50.00~~

~~(B) License fee—\$100.00~~

~~(C) Annual License renewal fee—\$100.00~~

~~(6) **UST Remover License.** The fees for an Underground Storage Tank Remover License are:~~

~~(A) Application fee—\$50.00~~

~~(B) License fee—\$100.00~~

~~(C) Annual License renewal fee—\$100.00~~

~~(7) **AST Licensee.** The fees for an Aboveground Storage Tank Licensee are:~~

~~(A) Application fee—\$50.00~~

~~(B) License fee—\$100.00~~

~~(C) Annual License renewal fee—\$100.00~~

~~(8) **Vapor Monitor Well Technician License.** The fees for a Vapor Monitor Well Technician License are:~~

~~(A) Application fee—\$50.00~~

~~(B) Examination fee—\$25.00~~

~~(C) License fee—\$100.00~~

~~(D) Annual License renewal fee—\$100.00~~

~~(9) **Groundwater Monitor Well Technician License.** The fees for a Groundwater Monitor~~

~~Well Technician License are:~~

- ~~(A) Application fee—\$50.00~~
- ~~(B) License fee—\$100.00~~
- ~~(C) Annual License renewal fee—\$100.00~~

~~(10) Antifreeze Permit.~~—The manufacturer of any antifreeze displayed, distributed, manufactured, marketed, produced, sold, used and/or offered for sale or resale, held with intent to sell, or transported within the State of Oklahoma is required to pay the following fees:

- ~~(A) Application fee—\$100.00 per brand per type~~
- ~~(B) Annual permit renewal fee—\$100.00 per brand per type~~

~~(11) Miscellaneous fees.~~

~~(A) Certified copies.~~ A fee of \$1.00 per copied page is charged for each copy of an order or other document on file with the Commission certified by the Secretary, in addition to the fees specified in this Section.

~~(B) Other fees.~~ The following fees shall be charged and collected at the time of request for same; none of which shall be refundable:

- ~~(i) Batch reproduction on continuing basis (per page)—\$0.25~~
- ~~(ii) Copy of any document prepared in OCC offices (per page)—\$0.25~~
- ~~(iii) Copies of any file or order—~~
 - ~~(I) Non-certified copies—\$0.25 per page; certified copies \$1.00 per page~~
 - ~~(II) Postage—actual cost~~

~~(C) Computer data processing documents.~~ Reproduction of documents or informational searches involving computer data processing services will be in accordance with 51 O.S. § 24A.5.

~~(D) Document search fee.~~ Except where provided otherwise by law, where the request for document copying and/or mechanical reproduction is solely for commercial purpose or clearly would cause excessive disruption of the Commission's essential functions, then a fee of \$10.00 per hour (minimum of one hour) shall be charged to recover the direct cost of document search.

~~(E) Fax.~~ A service charge of \$5.00 plus \$1.00 per page will be assessed for all outgoing faxes. All incoming faxes for persons not associated with the Commission shall be assessed a copy fee of \$0.25 per page including the cover page when not submitted for filing with the Court Clerk's office.

~~(12) Failure to pay fee.~~ Failure to pay by the designated due date, insufficient payments or returned payment of any fee within this subsection will result in the Corporation Commission being authorized to assess payment of any outstanding fee, plus for storage tank permits: a penalty of 50% of the computed total fee and/or suspend tank operation until payment of any fee or penalty assessed under this subsection is received.

PART 6. ELECTRIC VEHICLE CHARGING STATION FEE

165:5-3-50. Purpose

The purpose of this Part is to assess, pursuant to 68 O.S. § 6509, a fee upon each public charging station to provide funding to the Commission in the execution of duties and responsibilities required by the Driving on Road Infrastructure with Vehicles of Electricity (DRIVE) Act of 2021.

165:5-3-51. Electric vehicle charging station fee

(a) Pursuant to 68 O.S. § 6509, an annual fee of \$20.00 is assessed on each individual electric vehicle supply equipment port at each public charging station located in the State of Oklahoma, as reported in the annual report, pursuant to OAC 165:14-3-5.

(b) The electric vehicle charging station fee is paid to the Commission annually on or before March 1 of each year, concurrently with the submission of the annual report, pursuant to OAC 165:14-3-5.

(c) A public utility, as defined in OAC 165:5-3-21, whose delivery of electricity is rate regulated pursuant to approved tariffs and that pays into the PUD Assessment pursuant to 17 O.S. §180.11, shall not be required to pay the electric vehicle charging station fee on each electric vehicle charging station owned by the public utility.

(d) Pursuant to 68 O.S. § 6509(D), this fee will be deposited into the Oklahoma Corporation Commission Revolving Fund.

165:5-3-52. Failure to comply

An electric vehicle charging station operator that fails or refuses to pay the required fee may be assessed fines and penalties as provided by law.

SUBCHAPTER 5. DOCKETS

165:5-5-1. Dockets; identifying initials

(a) **Subject matter dockets.** Subject matter dockets shall be maintained by the Court Clerk, with identifying initials preceding the ~~docket~~-~~case~~ number as follows:

(1) General Docket (GD), which shall consist of ~~causes~~-~~cases~~ not coming within the purview of any other docket listed below, and which shall include notices of inquiry.

(2) Conservation Docket (CD), which shall consist of ~~causes~~-~~cases~~ to prevent waste and protect or adjust the correlative rights of parties owning interests in the common source of supply or unitized management of a common source of supply including, but not limited to, spacing, increased density, location exception, pooling and unitization.

(3) Consumer Services Docket (CS), which shall consist of ~~causes~~-~~cases~~ initiated by either the Director of the Consumer Services Division against a regulated utility provider or a customer against the customer's regulated utility provider seeking to require the regulated utility provider to abide by approved tariffs, state statutes, Commission rules, or Commission orders. Regulated utility provider includes public utilities and telecommunications carriers as defined by 17 O.S. §§ 41, 139.102 and 151. Disputes between a customer and an electric vehicle charging station operator operating a public charging station, filed pursuant to OAC 165:14, shall be filed on the Consumer Services Docket.

(4) Enforcement Docket (EN), which shall consist of ~~causes~~-~~cases~~ initiated by the Commission or any of its directors, the Attorney General of Oklahoma, or other affected parties to find parties in contempt of Commission rules or to require compliance of parties with applicable statutes, rules, and Commission orders.

- (5) Gas Gathering Docket (GG), which shall consist of ~~causes~~ cases initiated for determination of reasonable fees and terms or conditions of service related to open access to natural gas gathering systems.
- (6) Motor Carrier Citation Docket (MCC), which shall consist of ~~causes~~ cases initiated by issuance of citations by Commission motor carrier/vehicle officers at roadside, weigh stations or on-site, for alleged violation of state statutes, Commission rules or federal regulations regarding the registration, licensing, certification, or operation of motor carriers or commercial motor vehicles.
- (7) Oklahoma Universal Service Fund Docket (OSF), which for ~~causes~~ cases filed on or after January 1, 2018, shall consist of ~~causes~~ cases relating to funding from the Oklahoma Universal Service Fund (OUSF) or the Oklahoma Lifeline Fund (OLF), including, but not limited to, requests for OUSF or OLF funding, submissions relating to OUSF administrative preapproval requests and the OUSF fee assessment.
- (8) Petroleum Storage Tank Docket (PSD), which shall consist of ~~causes~~ cases initiated by the Director of the Petroleum Storage Tank Division or other party seeking relief from Commission rules, disputing PSD decisions regarding jurisdiction, corrective action, licensing, system shutdown, Petroleum Storage Tank Indemnity Fund eligibility or reimbursement.
- (9) Petroleum Storage Tank Division Citation Docket (PSC), which shall consist of ~~causes~~ cases initiated by issuance of citations by Commission fuel inspectors for alleged violation of state statutes or Commission rules regarding operation of petroleum storage tank systems.
- (10) Pollution Docket (PD), which shall consist of ~~causes~~ cases initiated and related to the protection of the environment regarding oil and gas production or the disposal, injection, remediation or storage of deleterious substances produced from oil and gas related activities including, but not limited to, applications for injection wells, commercial disposal wells, disposal pits and recycling.
- (11) Public Utility Docket (PUD), which shall consist of ~~causes~~ cases initiated by the Director of the Public Utility Division, a person regulated by the Commission and subject to the provisions in OAC 165:14, 35, 40, 45, 50, 55, 56, 57, 58, 65, 70, 75, or 80, ~~a public utility~~, or ~~other another~~ party with standing concerning any matter relating to the above listed chapters public utilities, except rulemaking and, effective January 1, 2018, the Oklahoma Universal Service Fund.
- (12) Rulemaking Docket (RM), which shall consist of ~~causes~~ cases initiated by the Commission or any of its directors for the promulgation, amendment, or repeal of a Commission statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the Commission. [~~75 Okla. Stat. § 250.3(17)~~ 75 O.S. § 250.3(19)] Formal petitions by the public for rulemaking, pursuant to 75 O.S. § 305, as well as requests by small businesses requesting the Commission to review its rules to determine if the rules in question should be amended, repealed, or redrafted, pursuant to 75 O.S. § 250.10, shall be part of the General Docket. If the Commission orders a rulemaking proceeding as a result of such petition or request, the rulemaking proceeding shall be part of the Rulemaking Docket.
- (13) State Fund Plugging Docket (SF), which shall consist of ~~causes~~ cases initiated by the Director of the Oil and Gas Conservation Division seeking authorization to use monies from the Commission's Plugging Fund to plug or replug abandoned wells in the State of Oklahoma.
- (14) Transportation Docket (TD), which shall consist of ~~causes~~ cases initiated by:

- (A) an applicant protesting a Transportation Division determination denying a motor carrier's application seeking a license, certificate, or permit from the Transportation Division to lawfully operate as a for-hire or private motor carrier or for a special permit or registration;
- (B) an applicant protesting a Transportation Division determination denying its registration or fuel tax application or proposed audit assessment;
- (C) an application by the Transportation Division modifying, suspending, canceling or revoking an existing certificate, permit, registration, or license;
- (D) an application by the Transportation Division modifying a previously issued order;
- (E) an application by the Transportation Division to effect an operational change in a transportation regulated entity;
- (F) an interested party protesting a license, certificate, permit or registration being issued or renewed;
- (G) an interested party seeking to modify, suspend, cancel, or revoke an existing certificate, permit, registration or license or to assess penalties to a motor carrier, registrant or licensee;
- (H) a pipeline operator seeking a pipeline acceptance;
- (I) any individual, entity or railroad seeking approval to update, open or close a railroad crossing; or
- (J) any interested party seeking relief from the Commission in transportation matters relating to its jurisdiction.

(15) "Oil and gas dockets" as used in these Rules includes the following dockets: CD, PD, GG, SF and oil and gas related EN docket.

(b) **Docket and case number assignment.** Every ~~cause-case~~ shall be assigned a ~~docket-case~~ number by the Court Clerk, and all documents filed in the ~~cause-case~~ shall bear the ~~docket-case~~ number, including the identifying initials of the docket and year ~~prefix-prefixes~~. The Court Clerk shall:

- (1) File-stamp each document received with the date of receipt.
- (2) Record every document filed in the ~~cause-case~~.
- (3) Maintain a complete electronic file of all ~~original~~ documents filed in every ~~cause-case~~.

(c) **Improper docketing.** If the Commission, or an Administrative Law Judge, after consultation with the Court Clerk, determines that an application has been filed on an improper docket as set forth in (a) of this Section, the ~~Commission~~ JLS Director, or his or her designee, shall ~~enter an order transferring~~ file a memo with the Court Clerk stating that the application is transferred to the proper docket and the original case is closed. The ~~Judicial and Legislative Services~~ JLS Director, or his or her designee, shall send the order transferring the application to the proper docket to the applicant by through the ECF System, mail, ~~faesimile,~~ or electronic mail, who shall be responsible for sending the order to ~~all~~ any parties of record not served via the ECF system.

(d) **Procedural dockets.** In addition to the subject matter dockets described in (a) of this Section, the Commission may, from time to time, designate procedural dockets.

~~(e) For the purposes of documentation produced by the case management feature of the Electronic Filing System, individual applications or causes may be denoted as dockets and daily and weekly court calendars may be denoted as agendas.~~

SUBCHAPTER 7. COMMENCEMENT OF A CASE

PART 1. GENERAL

165:5-7-1. General application and notice requirements

- (a) **Scope.** Except where otherwise specifically provided in this Subchapter, including the Petroleum Storage Tank Division at OAC 165:5-21-3, the provisions of this Section shall govern the commencement of a case filed with the Commission and over which the Commission may exercise jurisdiction, including applications for declaratory rulings as to the applicability of any rule or order of the Commission.
- (b) **Form.** Every case shall be commenced by:
- (1) An application.
 - (2) A complaint.
 - (3) An order or notice of the Commission commencing a case.
- (c) **Caption.** The application or complaint shall be headed by a caption, which shall contain:
- (1) The heading, "Before the Corporation Commission of the State of Oklahoma".
 - (2) The applicant.
 - (3) The relief sought. In the case of a conservation docket or pollution docket case, the statement shall contain the legal description of the lands involved in the case.
 - (4) The docket identifying initials, year prefix, and case number, pursuant to OAC 165:5-5-1.
 - (5) The title of the document.
 - (6) In the case of an enforcement docket case, the caption shall contain the name(s) of the respondent(s).
- (d) **Body.** The body of the application or complaint shall consist of five numbered paragraphs, if applicable, as follows:
- (1) **Applicants and respondents identified.** The applicant shall be identified, including name, address, electronic mail address, and telephone number of his attorney or designated representative and the nature of the applicant's interest in the subject matter of the case; and the name and address of each person (if any) named as respondent.
 - (2) **Allegation of facts.** The allegation of fact stated in the form of ultimate facts, without unnecessary detail, upon which the right to relief is based. The allegations will be stated in numbered subparagraphs as necessary for clarity.
 - (3) **Legal authority.** Citations of statutes, rules, orders, and decided cases authorizing the relief sought; including, in the case of a complaint, the laws, rules, regulations, or orders alleged to have been violated. Statutes shall be cited by title and section. Rules and orders of the Commission shall be cited by number. Decided cases shall be cited by citation to official reports. Quotations from legal authorities shall not be required.
 - (4) **Relief sought.** A brief statement of the provisions of the order, authority, or other relief sought. An application relating to oil and gas conservation shall seek only one type of relief. Formal prayer for relief shall not be required.
 - (5) **Specify order to be affected.** An application to vacate, alter, modify, or amend an order shall state the specific order in the body which is sought to be vacated, altered, modified, or amended.
- (e) **Certification.** The application shall be signed by the applicant, or an authorized agent of the applicant, or by the attorney for the applicant, and shall set out the mailing address, telephone number, electronic mail address and bar identification number of the person so signing it, as

applicable. The person signing the application shall be deemed, on signing same, to be certifying that:

(1) ~~He~~The signer has read the application.

(2) To the best of ~~his~~the signer's knowledge, information, and belief formed after reasonable inquiry the facts and allegations contained in the application are true and correct.

(3) The application is not filed to harass or to cause unnecessary delay or needless expense.

(f) **Service of an application.** Except as hereinafter provided in this Subchapter, every application and notice of hearing stating the date on which the case is set for hearing, if required, in which a person is named a respondent shall be served by regular mail on each respondent named therein and Commission staff counsel by the person filing the application.

(g) ~~Manner of service~~Service of subsequent pleadings. All documents subsequent to the application in a case shall be served on a party of record through the ECF System in accordance with 165:5-1-14.1, or by regular mail, electronic mail, or in person, except where the rules of this Chapter or a statute requires a specific mode of service which shall be followed. Service on a corporation may be by delivery to the registered corporate agent, or by delivery to the principal place of business of the corporation. Service outside the United States and its territories shall be by any means provided by Federal Rule of Civil Procedure 4(f). For purposes of this Section, a corporation may designate its principal place of business by filing a notice thereof with the Court Clerk. When an attorney has appeared of record for a person, all subsequent service shall be on the attorney. Service through the ECF System, or by mail, or electronic mail shall be complete on the date and time of transmittal except where otherwise provided in this Chapter or by statute; provided, that a person may be granted appropriate relief upon showing that a document so served was not received, or delivery thereof was delayed.

(h) **Certificate of service.** Except where an affidavit of mailing is required by law or by this Subchapter, a certificate of service shall be filed following or with the filing of every document. The certificate of service shall contain a list of the persons served and the certification that on the date stated a copy of the document was mailed, postage prepaid, mailed electronically or delivered to each person listed. For any document filed via the ECF System, the certificate of service shall state the date on which the document was filed via the ECF System and list the name, address and manner of service only for those persons served by means other than, or in addition to, service via the ECF System.

(i) **Service not jurisdictional.** Service prescribed by the rules of this Subchapter shall not be jurisdictional except where so provided by the Constitution or by statute. Failure to comply with the provisions of this Section as to mailing and service of notice shall not deprive the Commission of jurisdiction of the application or complaint, but shall be grounds for such appropriate relief as the Commission may order.

(j) ~~Publication of notice~~Notice of hearing. Every application, except as provided in this Chapter for motor carrier, Oklahoma Universal Service Fund, and public utility applications, shall be accompanied by a notice of hearing, which date shall be set by the Commission. The notice of hearing shall be published as provided in the rules of this Subchapter.

(k) **Signatures.** The notice of hearing shall contain the typewritten name of each current Commissioner at the bottom of the notice, which shall serve as the Commissioner's electronic signature, followed by the signature of the person filing the application.

(l) **Content of notice.** The notice shall contain:

(1) The caption from the application.

(2) The time, date, and place of hearing.

- (3) Briefly the general nature of the order, rule, regulation or other relief sought.
- (4) In oil and gas cases, where applicable, the names or description of all common sources of supply affected by the order sought; or that the entire state would be affected.
- (5) Who to contact for additional information.
- (m) **Form of notice.** The notice shall conform substantially to the form shown in Appendix A to this Chapter.
- (n) **Notice by publication.**
 - (1) When a case other than an oil and gas or Petroleum Storage Tank Division case is commenced, the applicant shall cause the notice of hearing prescribed in (j) through (l) of this Section to be published in one or more newspapers of general circulation, on dates and for periods as required by law, or this Subchapter, or as the Commission shall order.
 - (2) In oil and gas cases, unless otherwise provided in this Subchapter, the notice of hearing shall be published one time at least fifteen (15) days prior to the hearing in a newspaper of general circulation published in Oklahoma County, Oklahoma and in a newspaper of general circulation published in each county in which the lands embraced in the application are located.
 - (3) Publication shall be at the expense of the applicant, and shall be made in a newspaper which has met the statutory requirements for publication of legal notices. Written proof of publication shall be filed in the case.
 - (4) Proof of publication shall be established by an original proof of publication.
 - (5) Publication is not necessary unless otherwise required by a statute, this Chapter, or a Commission order.
- (o) **Effective date prior to date of issuance of order.** No order may be made effective prior to its date of issuance without evidence placed into the record that the approval of such effective date is necessary. An effective date prior to the date of issuance of the order shall be requested in the application and placed in the special relief paragraph of the notice of hearing.
- (p) **Notice of motor carrier motions and applications.** Notice of all motor carrier motions and applications shall be printed on the Commission docket as prescribed by law for circulation to the public.

PART 3. OIL AND GAS

165:5-7-9. Well location exception

- (a) The application, which shall be limited to a single well, and notice of hearing for an order granting a well location exception for a well drilled or to be drilled for oil or gas into any common source of supply at a location other than that authorized by a rule or order of the Commission shall be served by the applicant no less than fifteen (15) days prior to the date of the hearing, by regular mail, upon the operator of each well located in an adjoining or cornering tract of land or drilling and spacing unit, currently producing from the same common source of supply, toward which tract or unit the well location has been or is proposed to be moved. The application and notice of hearing shall specify the name(s) of the well(s) and operator(s) of the well(s) towards which the location exception well is moving. The application and notice of hearing also shall be served, in the manner required above, upon the operator of any well located in an adjoining or cornering tract of land or drilling and spacing unit currently producing from the same common source of supply, if the requested well location is closer to the offsetting well than would be permitted under the applicable well location tolerances or requirements. Provided, however, if the applicant, or any other entity

to be authorized to drill or otherwise operate the subject well, is the operator of any of the wells identified above, then the application and notice of hearing shall be served, in the manner required above, upon each working interest owner in any such well.

(b) An application and notice of hearing for an order granting a well location exception pursuant to this Section may also include a request for an exception to OAC 165:10-3-28(c)(2). The application and notice of hearing shall be served in the manner required in subsection (a) of this Section, and shall contain the information required in such subsection. Where an application includes requested relief for both a location exception and exception to OAC 165:10-3-28(c)(2), such application shall separately identify respondents for the location exception and respondents for the exception to OAC 165:10-3-28(c)(2).

(c) For any well other than a directionally drilled well or a horizontal well, the application and notice of hearing for a location exception shall specify the proposed or actual surface location of the well expressed in feet from the two nearest boundaries of the drilling and spacing unit, or, if no drilling and spacing unit has been established, from the two nearest boundaries of the mineral estate(s) upon which the well will be or has been drilled.

(d) For a directionally drilled well, the application and notice of hearing for a location exception shall specify the proposed or actual subsurface location of the well's entry into and the proposed or actual subsurface location of the well's exit from the common source of supply for which the location exception is requested, expressed in feet from the two nearest boundaries of the drilling and spacing unit or, if no drilling and spacing unit has been established, from the two nearest boundaries of the mineral estate(s) upon which the well will be or has been drilled. For purposes of this section, a directionally drilled well does not include a horizontal well.

(e) For a horizontal well, the application and notice of hearing for a location exception shall specify the proposed or actual subsurface location of the completion interval, as defined by OAC 165:10-3-28, within the common source of supply for which the location exception is requested, expressed as the distance in feet from the nearest boundaries of the drilling and spacing unit or, if no drilling and spacing unit has been established, from the nearest boundaries of the mineral estate(s) upon which the well will be or has been drilled.

(f) The proposed subsurface location for a directionally drilled well or a horizontal well may be described in the application and notice of hearing as no closer than specified footages from the nearest boundaries of the drilling and spacing unit or, if no drilling and spacing unit has been established, from the nearest boundaries of the mineral estate(s) upon which the well will be drilled.

(g) At the time of hearing, a well's location, as set out in the application and notice of hearing, may be changed to another location that is not closer to the boundaries of the drilling and spacing unit or mineral estate(s) described in the application and notice of hearing, that is not closer to any offsetting well the operator of which, or any working interest owner in which, was required to be notified under this section, and that does not require notice to additional operators or working interest owners under this section.

(h) If at the time of the hearing on an application for a directionally drilled well or a horizontal well, the applicant does not have the results of the well survey required by OAC 165:10-3-27, then the Administrative Law Judge may recommend the issuance of an interim order granting the application and, if so, shall consider whether to adjust the allowable based on the potential locations of the well in each common source of supply for which the order is sought. All potential locations shall be considered in the interim order. If the directionally drilled well or the horizontal well is drilled and completed in compliance with the interim order, the well shall be assigned the

allowable as set out in the interim order.

(i) If a directionally drilled or horizontal well is drilled and completed in compliance with an interim order approving a location exception, and no party of record has requested a hearing, the Commission may issue a final order approving the location exception, without further hearing, based on an administrative review by the Commission's Technical Services Department of the following documents, which the applicant must file with the Court Clerk for the record: the directional survey, ~~a final plat showing the actual location of the lateral, and~~ the well completion report, and an "as drilled" plat constructed from the results of the directional survey. The applicant must also submit a proposed final order to the Commission's Technical Services Department in any ~~cause-case~~ handled through the administrative review process. In the event the directional survey shows that a directionally drilled or horizontal well was not drilled and completed in compliance with the interim location exception order, the applicant shall notify the Commission and all of the parties entitled to notice in the original hearing establishing the interim order by filing an amended application in the ~~cause-case~~ setting forth the actual subsurface locations of the well and by giving proper notice thereof. The actual subsurface locations of the well will be considered at a hearing conducted on the date specified in the interim location exception order, or on such date to which the hearing is continued.

(j) Notice of hearing on an application for an order granting a well location exception for a well drilled or to be drilled for oil or gas at a location other than that authorized by a rule or order of the Commission shall be published pursuant to OAC 165:5-7-1(n)(2).

(k) An application for an exception to the minimum distance requirements specified by OAC 165:10-3-28 (c)(2) and (c)(3) for the completion interval of a horizontal well, the notice of hearing for such exception proceeding and any resulting order in such proceeding shall include the API numbers of the existing well or wells being encroached upon by such horizontal well requiring such exception. Such application shall set forth the proposed subsurface location tolerance area or if available, the actual subsurface locations of the completion interval of such horizontal well requiring such exception. The proposed or actual subsurface locations, as applicable, of the completion interval of the horizontal well requiring such exception may be amended at the hearing on any such application. If the results of the well survey required by OAC 165:10-3-28(c)(1) are not available at the time of the hearing on such an application, the Administrative Law Judge may recommend the issuance of an order granting the application on an interim basis. Any final order issuing in such a proceeding shall specify the distance in feet between the completion interval of the subject horizontal well and the well or wells being encroached upon by such horizontal well requiring such exception.

(l) At the hearing, except for good cause shown, a production plat and any other exhibits necessary to support the requested relief (e.g. isopach map or structure of the target zone(s), and cross section) shall be provided.

(m) The Commission may request that the record be reopened to receive additional information from the applicant prior to issuance of an order.

165:5-7-11. Change of operator

(a) **Scope.** This Section addresses designation of operators under forced pooling orders, location exception orders, and increased density orders.

(b) **Designation of operator under a forced pooling order.** Each order forced pooling the rights and equities in a drilling and spacing unit shall designate at least one operator to operate the well

or unit. In addition, the Commission may designate one or more alternate operators in the order.

(c) **Procedure for obtaining a change of operator under a forced pooling order.** Application, notice and hearing shall be prerequisites to the issuance of an order changing or deleting a designation of operator in any forced pooling order. ~~Notice shall be given~~ The applicant shall send or cause to be sent copies of the application and notice of hearing by certified mail at least fifteen (15) days prior to the hearing to the respondents to the pooling order or to their successors in interest and the notice of hearing shall be published as required in ~~OAC 165:5-7-1~~ OAC 165:5-7-1(n)(2). Provided, however, this procedure shall not be the exclusive method of obtaining a change of operator under a forced pooling order as the use of the ~~optional procedure forms~~ set forth in OAC 165:5-7-11(g) below is still available. If such ~~optional Form 1073A application is~~ forms are used, Applicant must still provide personal notice by sending or causing to be sent copies of the application and notice of hearing by certified mail to the respondents to the pooling order or their successors in interest as well as publishing the notice ~~by publication of hearing as required in OAC 165:5-7-1(n)(2)~~.

(d) **Optional designation of operator for location exception and increased density orders.** A designation of operator shall not be necessary for an order for either a well location exception or increased well density. In any situation where a location exception or increased density order designates an operator, the Commission may issue an order either appointing a successor operator or removing the designation of operator provision.

(e) **Procedure for obtaining a change in operator designation regarding increased density and location exception orders.** Application, notice and hearing shall be prerequisites to issuance of an order changing or deleting a designation of operator; in increased density and location exception orders. The applicant shall mail or cause to be mailed copies of the application and notice of hearing to each current working interest owner in the well at least fifteen (15) days prior to the hearing and the notice of hearing shall be published as required in OAC 165:5-7-1(n)(2). Provided, however, this procedure shall not be the exclusive method of obtaining a change of operator under increased density and location exception orders as the use of the forms set forth in OAC 165:5-7-11(g) below is still available. If such forms are used, Applicant must still mail or cause to be mailed copies of the application and notice of hearing to each current working interest owner in the well at least fifteen (15) days prior to the hearing and the notice of hearing shall be published as required in OAC 165:5-7-1(n)(2). ~~provided, that no~~ No application, notice, or hearing shall be required to change or delete the designation of operator in increased density or location exception orders when:

- (1) The interest of the currently designated operator is transferred to its subsidiary or parent company, or a subsidiary of a parent company;
- (2) The interest of the currently designated operator is transferred to a surviving or resulting corporation or business entity due to, respectively, a merger, consolidation or reorganization involving the transferor and transferee. As used in this paragraph, "business entity" means a domestic or foreign partnership, whether general or limited; limited liability company; business trust; common law trust, or other unincorporated business; or
- (3) The currently designated operator undergoes a name change. The relief afforded by this paragraph is not applicable to situations where the name change involves the following conditions:
 - (A) The assignment of a new Federal Employer Identification number by the Internal Revenue Service to the new company;
 - (B) The name change is accompanied by a change in the majority of partners in a

partnership;

(C) The name change is associated with a divorce between a husband and wife when the husband and wife comprise a partnership;

(D) The name change is associated with the death of one spouse in a partnership comprised of a husband and wife;

(E) The name change involves a sole proprietorship; or

(F) The name change is associated with such other circumstances where the Commission determines upon application, notice and hearing that the relief provided in this paragraph is not applicable, or that an exception to any exclusion should be granted.

(G) As used in this subsection, the term "partnership" means a domestic or foreign partnership, whether general or limited.

(4) In such events, the parent, subsidiary, surviving or resulting corporation or business entity or currently designated operator who has undergone a name change shall be substituted as designated operator upon filing and approval of Form 1073, required by OAC 165:10-1-15.

(f) **Amendment of multiple orders.** The applicant may use one application to amend two or more orders, even though the orders grant different types of relief. For purposes of this Chapter, such an application shall be considered as an application for a single form of relief.

(g) ~~Use of Optional Form 1073A application~~ Use of Forms 1073A through 1073C.

(1) An applicant shall have the option to use Commission Form 1073A for the application, ~~and Form 1073B for notice of application or Form 1073C-1073B for the~~ notice of hearing ~~and Form 1073C for an order changing or deleting a designation of operator.~~

(2) The Form 1073A shall include the following information:

(A) The order number and type of order.

(B) The name and legal description of the applicable well or drilling and spacing unit.

(C) The OTC operator numbers of the current operator and the proposed operator.

(D) The OTC lease number and API number.

(E) The classification of the well.

(3) If the space provided on the form is insufficient to include the necessary information related to amendment of multiple orders, then the applicant shall attach to the form an exhibit with the necessary information.

~~(h) Personal notice requirements for location exception and increased density orders. With respect to a location exception or increased density order, the applicant shall mail or deliver a copy of the application and notice of hearing to each current working interest owner in the well.~~

~~(i)~~ **(h) Special notice provisions applicable to notices of hearing.** For purposes of this Section, the notice of hearing shall contain a special provision apprising the respondent of the requirements for protests under ~~(i)~~ **(i)** of this Section.

~~(i)~~ **(i) Requirements for protests.** Any person desiring to protest an application shall ~~have fifteen (15) days after receipt of notice in which to~~ file a written protest to the application during the protest period, which shall run for fifteen (15) days from the date on which the last publication of the notice of hearing is made. Failure to ~~submit file~~ a written protest within the fifteen (15) day period shall be deemed consent to the granting of the application. If the application is protested within the fifteen (15) days allowed, ~~the applicant shall have the notice of hearing published pursuant to 165:5-7-1(n)(2) a hearing shall be required.~~ If no protest is filed, or if all protests are withdrawn, and the Commission does not require a hearing, the application may be presented to the Manager of the Technical Services Department for administrative review. Applicants submitting applications for administrative review must provide a proposed order on Form 1073C

to the Manager of the Technical Services Department. The proposed order shall be reviewed by the Manager of the Technical Services Department prior to submission of the proposed order to the Commission.

~~(j)~~ **Summary disposition of unprotested applications.** Applications not contested may be ~~disposed of~~ submitted for administrative review by announcement, without necessity of counsel appearing.

~~(k)~~ **Compliance with Form 1073 requirement.** The applicant is required to file a Form 1073 transfer of operator with the Oil and Gas Conservation Division pursuant to OAC 165:10-1-15.

165:5-7-12. Applications; determination of allowables

(a) **Scope.** Any applicant seeking relief under 165:10-13-5, 165:10-13-8, 165:10-15-1(g), 165:10-15-1(h), 165:10-15-16, and 165:10-15-18 shall have the option to proceed under either (b) through (i) of this Section or 165:5-7-1 and other applicable rules of practice.

(b) **Application.** The application shall be submitted on Form 1030 to the Technical Department of the Oil and Gas Conservation Division of the Oklahoma Corporation Commission, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105-4993 for filing with the Commission.

(c) **Exhibits.** The applicants shall submit at the time of filing of the application all exhibits and data.

(d) Notice of application.

(1) **Contents.** The notice of the application shall contain the following information:

(A) A brief description of the relief sought.

(B) The terms of the protest period.

(C) The name, address, and telephone number of the applicant or its representative, whom anyone may contact for additional information concerning the application.

(2) **Form.** The applicant shall prepare the notice of application to substantially comply with the example shown in Appendix H to this Chapter.

(3) **Persons to whom notice shall be given.** The applicant shall serve a copy of the application and notice of the application upon:

(A) The operator of the well subject to the application if the applicant is not the operator of the subject well.

(B) All operators of wells offsetting the well for which the relief is requested.

(C) All working interest owners of all offset wells operated by the applicant, if the applicant is the operator of the subject well.

(4) **Publication of notice.** The applicant shall have the notice of application published pursuant to 165:5-7-1(n)(2).

(5) **Proof of notice.** The applicant shall submit file a certificate of mailing and an affidavit of publication to show compliance with the requirements of this Section.

(e) Protests.

(1) **Timely protests.** Any person objecting to the granting of the application shall file a written protest within the appropriate protest period. If a protest is filed after filing of the application but before commencement of the protest period, said protest shall be deemed to have been timely filed.

(2) Late protests.

(A) Failure to file a protest within the prescribed time period shall be deemed a waiver of protest.

- (B) The Commission may reinstate a late filed protest upon motion for good cause shown.
- (3) **Form of protest.** The protestant shall file with the Court Clerk of the Commission its protest which shall be entitled "Protest" and which shall contain the following information:
- (A) Caption from application.
 - (B) Title Protest.
 - (C) Name, address, and telephone number of protesting parties.
 - (D) Reasons for protest.
- (4) **Notice to applicant of protest.** The Protestant shall serve the applicant with a copy of his protest within five (5) days after filing of the protest.
- (f) **Protest periods.**
- (1) **Initial protest period.** Any person objecting to the granting of the application shall file a written protest during the protest period, which shall run for fifteen (15) days from the date of the latest of the following events:
 - (A) Filing of the application.
 - (B) Filing of all required exhibits.
 - (C) The date on which the last publication was made.
 - (D) The date of completion of service of process on all respondents in the ~~cause~~-case.
 - (2) **Additional protest period.** After expiration of the protest period, an additional fifteen (15) day protest shall run if:
 - (A) The applicant amends the application to change the location or nature of the requested relief; or
 - (B) The applicant files amended applications in order to re-notice original parties, or initially notice new parties to the application.
 - (C) The additional protest period shall run from the date of completion of service of the amendment on the respondents in the ~~cause~~-case.
- (g) **Unprotested applications.**
- (1) **Administrative review.** If the application is unprotested, the Oil and Gas Conservation Division shall review the application without a hearing, and it shall report its finding to the Commission concerning what relief, if any, should be granted.
 - (2) **Remedies after denial or modification.** If the Oil and Gas Conservation Division recommends denial or modification of the relief requested by the application, the applicant may move for a hearing de novo or file exceptions to the report pursuant to 165:5-13-5.
- (h) **Withdrawal of protest.** If all protests are withdrawn, the application shall be remanded for administrative review under (g) of this Section.
- (i) **Protested applications.**
- (1) **Hearing required.**
 - (A) A hearing shall be required on each timely protested application except as provided in (h) of this Section.
 - (B) A hearing may also be requested by the subject operator upon denial of the administrative application by the Technical Department of the Oil and Gas Conservation Division of the Commission.
 - (2) **Notice of hearing.** The applicant shall obtain a hearing date from the ~~Judicial and Legislative Services~~-Court Clerk. The applicant shall send a copy of the notice of hearing to each party of record not later than fifteen (15) days before the hearing date.
 - (3) **Contents of notice.** The notice of hearing shall contain the date, time, and place of hearing.
 - (4) **Form.** The applicant shall prepare the notice of hearing to comply substantially with the

form shown in Appendix I to this Chapter.

165:5-7-20. Unitized management of a common source of supply

(a) Notice of hearing for an order creating a unit pursuant to 52 O.S. §287.1, et seq., shall be served by the applicant no less than fifteen (15) days prior to the date of the hearing, by regular mail upon each person who would be entitled to share in the production from the proposed unit.

(b) Notice of hearing for an order creating a unit pursuant to 52 O.S. §287.1, et seq., shall be published pursuant to 165:5-7-1(n)(2).

(c) Provision for amending or terminating the unit shall be in the Plan of Unitization. To amend the Plan of Unitization, the order creating the unit shall be amended and notice shall be as provided for an application seeking an order creating a unit pursuant to 52 O.S. §§287.1, et seq. When a unit is terminated in accordance with the terms of the Plan of Unitization, ~~a copy~~ copies of the certificate of dissolution filed in the county in which the lands are located shall also be filed with the ~~Commission's Well Records Department~~ Managers of the Commission's Technical Services and Underground Injection Control Departments. In such ~~causes~~ cases, no Commission action shall be required to terminate a unit if terminated in accordance with the Plan of Unitization. Where the Plan of Unitization does not provide for amendment or termination of a unit, an application may be filed seeking relief from the order creating the unit and notice shall be given as provided for the filing of an application in the original ~~cause~~ case.

(d) The application for an order creating a unit pursuant to 52 O.S. §287.1, et seq., shall contain the following:

(1) The names and addresses of the operator or operators of the unit.

(2) A plat showing the lease, group of leases or unit(s) included within the proposed unit; the location of the proposed injection well or wells and the location of all oil and gas wells, including abandoned and drilling wells and dry holes; and the names of all operators offsetting the area encompassed within the unit.

(3) The common source of supply in which all wells are currently completed.

(4) The name, description, and depth of each common source of supply to be affected.

(5) A log of a representative well completed in the common source of supply.

(6) A description of the existing or proposed casing program for injection wells, and the proposed method of testing casing.

(7) A description of the injection medium to be used, its source and the estimated amounts to be injected daily.

(8) For a unit with an allocated pool, a tabulation showing recent gas-oil ratio and oil and water production tests for each of the producing oil and gas wells.

(9) The proposed plan of development of the area included within the unit.

(e) A copy of the application, without the attachments provided in (d)(1) through (9) of this Section, and notice of hearing shall be mailed to the owner or owners of the surface of the land upon which the unit is located. A copy of the application, with attachments and notice of hearing shall be mailed to each operator offsetting the unit as shown on the application.

165:5-7-21. Unitized management of a common source of supply; brine and associated gas

(a) Notice of hearing for an order creating a unit pursuant to 165:10-3-40 shall be served by the applicant no less than twenty (20) days prior to the date of the hearing, by regular mail upon each person who would be entitled to share in the production from the proposed unit.

(b) Notice of hearing for an order creating a unit pursuant to 165:10-3-40 shall be published pursuant to 165:5-7-1(n)(2).

(c) Provision for amending or terminating the unit shall be in the Plan of Unitization. To amend the Plan of Unitization, the order creating the unit shall be amended and notice shall be as provided for an application seeking an order creating a unit pursuant to 165:10-3-40. When a unit is terminated in accordance with the terms of the Plan of Unitization, ~~a copy~~ copies of ~~the~~ certificate of dissolution filed in the county in which the lands are located shall also be filed with the ~~Commission~~ Managers of the Commission's Technical Services and Underground Injection Control Departments. In such ~~causes~~ cases, no Commission action shall be required to terminate a unit if terminated in accordance with the Plan of Unitization. Where the Plan of Unitization does not provide for amendment or termination of a unit, an application may be filed seeking relief from the order creating the unit and notice shall be given as provided for the filing of an application in the original ~~cause~~ case.

(d) The application for an order creating a unit pursuant to 165:10-3-40 shall contain the following:

(1) The names and addresses of the operator or operators of the unit.

(2) A plat showing the lease, group of leases or unit(s) included within the proposed unit, the location of the known proposed injection well or wells, and the location of all existing brine wells including abandoned, drilling and dry holes, and the names of all operators offsetting the area encompassed within the unit producing from or injecting into the common source of supply affected by the unit.

(3) The common source of supply in which all wells are currently completed.

(4) The name, description, and depth of each common source of brine supply to be affected.

(5) A log of a representative well completed in the common source of supply.

(6) The proposed plan of development of the area included within the unit.

(7) The approval of fifty five percent (55%) of the ownership named in the unit application has been obtained, or- will be obtained prior to the unit becoming effective.

(e) A copy of the application, with attachments, and notice of hearing shall be served by regular mail to each person who would be entitled to share in production from the proposed unit, and to each operator offsetting the unit as shown on the application.

(f) Category B surety shall be a requirement of a person, company, corporation, partnership, etc., filing an application to produce brine for the extraction of minerals and the reinjection of minerals and the reinjection or disposal of the effluent. The amount of surety shall be twenty-five thousand (\$25,000) dollars per well or a maximum of one hundred thousand (\$100,000) dollars for each authorized operator.

165:5-7-33. Extension of time for closure of a noncommercial pit

(a) **Section applicability.** The provisions of this Section shall apply to each application under 165:10-7-16 to extend time for closure of a pit.

(b) **Application form.** The applicant shall prepare the application in a form which complies with OAC 165:5-7-1.

- (c) **Affidavit.** The applicant shall attach to the application an affidavit explaining the applicant's reasons for the extension.
- (d) **Site inspection.** The applicant shall be responsible for obtaining a site inspection by representative of the Conservation Division.
- (e) **Exhibits.** The applicant shall submit at the time of filing of the application all exhibits and data required by 165:10-7-16.
- (f) **Dismissal for noncompliance.** Failure to complete the application, submit the affidavit and perform the site inspection within sixty (60) days after the date of filing of the application shall be grounds for dismissal of the application.
- (g) **Notice of the Application.**
- (1) **Contents.** The notice of the application shall contain the following information:
 - (A) A brief description of the relief sought.
 - (B) The terms of the protest period.
 - (C) The data and time for a site inspection to be made by the applicant, a Commission representative, and any interested person.
 - (D) The name, address, and telephone number of the applicant or its representative, whom anyone may contact for additional information concerning the application.
 - (2) **Form.** The applicant shall prepare the notice of the application to substantially comply with the form shown in Appendix B to this Chapter.
 - (3) **Persons to whom notice shall be given.** The applicant shall serve a copy of the application and notice of the application to:
 - (A) The Soil Conservation District.
 - (B) Each surface owner and surface lessee of the tract on which the pit is located.
 - (4) **Publication.** Publication of the notice of the application is required.
 - (5) **Proof of notice.** The applicant shall submit a certificate of service.
- (h) **Protests.**
- (1) **Timely protests.** Any person objecting to the granting of the application shall file a written protest within the appropriate protest period. If a protest is filed after filing of the application but before commencement of the protest period, said protest shall be deemed to have been timely filed.
 - (2) **Late protests.**
 - (A) Failure to file a protest within the prescribed time period shall be deemed a waiver of protest.
 - (B) The Commission may reinstate a late filed protest upon motion for good cause shown.
 - (3) **Form of protest.** The Protester shall file with the Court Clerk its protest which shall contain the following information:
 - (A) Caption from application.
 - (B) Title: protest.
 - (C) Name, address, and telephone number of protesting parties.
 - (D) Reasons for protest.
 - (4) **Notice to applicant of protest.** The protestant shall serve the applicant with a copy of his protest within five (5) days after filing of the protest.
- (i) **Protest period.**
- (1) **Initial protest period.** Any person objecting to the granting of the application shall file a written protest during the protest period which shall run for fifteen (15) days from the last of the following events to occur:

- (A) Filing of the application.
 - (B) Filing of all required exhibits.
 - (C) The date of completion of service of process on all respondents in the ~~cause~~-case.
 - (D) Site inspection of the facility.
- (j) **Unprotested applications.**
- (1) **Administrative review.** If the application is unprotested, the Oil and Gas Conservation Division shall review the application without a hearing, and it shall report its finding to the Commission concerning what relief, if any, should be granted.
 - (2) **Remedies after denial or modification.** If the Oil and Gas Conservation Division recommends denial or modification of the relief requested by the application, the applicants may move for a hearing de novo or file exceptions to the report as under 165:5-13-5.
- (k) **Withdrawal of protest.** If all protests are withdrawn, the application shall be remanded for administrative review under (g) of this Section.
- (l) **Protested applications.**
- (1) **Hearing required.** A hearing shall be required on each timely protested application except as provided in (k) of this Section.
 - (2) **Notice of hearing.** The applicants shall obtain a hearing date from the ~~Judicial and Legislative Services~~-Court Clerk subject to approval by the Manager of Field Operations. The applicants shall send a copy of the notice of hearing to each party of record not later than fifteen (15) days before the hearing date.
 - (3) **Contents of the notice.** The notice of hearing shall contain the date, time, and place of hearing.
 - (4) **Form.** The applicant shall prepare the notice of hearing to comply substantially with the form shown in Appendix C to this Chapter.

165:5-7-34. Waiver of pit closure requirements

- (a) **Section applicability.** The provisions of this Section shall apply to each application under 165:10-7-16(e)(9) to exempt an operator from responsibility for closure of a pit and transfer to the surface owner responsibility for maintenance and closure of the pit.
- (b) **Names required.** Each application under this Section shall be filed in the name of the well operator and the surface owner of the land on which the pit is located.
- (c) **Surface owner signature.** The application shall not be approved without the signature of the surface owner on the application.
- (d) **Application form.** The applicants shall prepare the application with a caption in a format which complies with Appendix D to this Chapter.
- (e) **Exhibits.** The applicant shall submit at the time of filing of the application all exhibits and data required by 165:10-7-16.
- (f) **Dismissal for noncompliance.** Failure to complete the application, submit the exhibits, serve the notice and perform the site inspection within sixty (60) days after the date of filing of the application shall be grounds for dismissal of the application.
- (g) **Notice of the application.**
 - (1) **Contents.** The notice of the application shall contain the following information:
 - (A) A brief description of the relief sought.
 - (B) The terms of the protest period.
 - (C) The data and time for a site inspection to be made by the applicant, a Commission

representative, and any interested person.

(D) The name, address, and telephone number of the applicant or its representative, whom anyone may contact for additional information concerning the application.

(2) **Form.** The applicant shall prepare the notice of the application to substantially comply with the form shown in Appendix D to this Chapter.

(3) **Persons to whom notice shall be given.** The applicant shall serve a copy of the application and notice of the application to:

(A) The Soil Conservation District.

(B) Each adjacent surface owner and surface lessee.

(4) **Proof of notice.** The applicant shall submit a certificate of service.

(h) **Protests.**

(1) **Timely protests.** Any person objecting to the granting of the application shall file a written protest within the appropriate protest period. If a protest is filed after filing of the application but before commencement of the protest period, said protest shall be deemed to have been timely filed.

(2) **Late protests.**

(A) Failure to file a protest within the prescribed time period shall be deemed a waiver of protest.

(B) The Commission may reinstate a late filed protest upon motion for good cause shown.

(3) **Form of protest.** The protestant shall file with the Court Clerk its protest which shall contain the following information:

(A) Caption from application.

(B) Title: Protest.

(C) Name, address, and telephone number of protesting parties.

(D) Reasons for protest.

(4) **Notice to applicant of protest.** The protestant shall serve the applicant with a copy of his protest within five (5) days after filing of the protest.

(i) **Protest period.** Any person objecting to the granting of the application shall file a written protest during the protest period which shall run for fifteen (15) days from the last of the following events to occur:

(1) Filing of the application.

(2) Filing of all required exhibits.

(3) The date of completion of service of process on all respondents in the ~~cause~~-[case](#).

(4) Site inspection of the facility.

(j) **Unprotested applications.**

(1) **Administrative review.** If the application is unprotested, the Oil and Gas Conservation Division shall review the application without a hearing, and it shall report its finding to the Commission concerning what relief, if any, should be granted.

(2) **Remedies after denial or modification.** If the Oil and Gas Conservation Division recommends denial or modification of the relief requested by the application, the applicants may move for a hearing de novo or file exceptions to the report as under 165:5-13-5.

(k) **Withdrawal of protest.** If all protests are withdrawn, the application shall be remanded for administrative review under (j)(1) of this Section.

(l) **Protested applications.**

(1) **Hearing required.** A hearing shall be required on each timely protested application except as provided in (k) of this Section.

(2) **Notice of hearing.** The applicants shall obtain a hearing date from the ~~Judicial and Legislative Services~~ Court Clerk subject to approval by the Manager of Field Operations. The applicants shall send a copy of the notice of hearing to each party of record not later than fifteen (15) days before the hearing date.

(3) **Contents of the notice.** The notice of hearing shall contain the date, time, and place of hearing.

(4) **Form.** The applicant shall prepare the notice of hearing to comply substantially with the form shown in Appendix E to this Chapter.

165:5-7-35. Operation of commercial pit, commercial soil farming site and/or commercial recycling facility

(a) **Application.** Each application for authority to operate a commercial pit under 165:10-9-1, a commercial soil farming site under 165:10-9-2 and/or a commercial recycling facility under 165:10-9-4 shall comply with the application requirements of OAC 165:5-7-1(a) through (e). The Commission will not accept an application for an emergency order approving a commercial facility that requires a permit under OAC 165:10-9-1, OAC 165:10-9-2 or OAC 165:-10-9-4.

(b) **Exhibits.** At the time of the filing of the application, the applicant shall submit all exhibits and data.

(c) **Dismissal for noncompliance.** Failure to complete the application, submit the exhibits, serve the notice, and perform the site inspection within sixty (60) days after the date of filing of the application may be grounds for dismissal of the application.

(d) **Notice of the application.**

(1) **Contents.** The notice of the application shall contain the following information:

(A) A brief description of the relief sought.

(B) The terms of the protest period.

(C) The date and time for a site inspection to be made by the applicant, a Commission representative and any interested person.

(D) The name, address, and telephone number of the applicant or its representative, whom anyone may contact for additional information concerning the application.

(2) **Form.** The applicant shall prepare the notice of the application to substantially comply with the form shown in Appendix F to this Chapter.

(3) **Persons to whom notice shall be given.** The applicant shall serve a copy of the application and notice of the application to:

(A) The Oklahoma Conservation Commission, 2800 North Lincoln, Suite 160, Oklahoma City, Oklahoma 73105.

(B) Each surface owner and surface lessee on each tract of land adjacent and contiguous to the site of the proposed facility.

(4) **Newspaper publications.** The applicant shall publish the notice of the application:

(A) Two times in a newspaper of general circulation in Oklahoma County, Oklahoma.

(B) Two times in a newspaper of general circulation in each county where the proposed facility will be located.

(5) **Proof of notice.** The applicant shall submit a certificate of service and affidavits of publication.

(e) **Protests.**

- (1) **Timely protests.** Any person objecting to the granting of the application shall file a written protest within the appropriate protest period. If a protest is filed after filing of the application but before commencement of the protest period, said protest shall be deemed to have been timely filed.
 - (2) **Late protests.**
 - (A) Failure to file a protest within the prescribed time period shall be deemed a waiver of protest.
 - (B) The Commission may reinstate a late filed protest upon motion for good cause shown.
 - (3) **Form of protest.** The protestant shall file with the Court Clerk its protest which shall be entitled protest and which shall contain the following information:
 - (A) Caption from application.
 - (B) Title: Protest.
 - (C) Name, address, and telephone number of protesting parties.
 - (D) Reasons for protest.
 - (4) **Notice to applicant of protest.** The protestant shall serve the applicant with a copy of his protest within five (5) days after filing of the protest.
- (f) **Protest periods.**
- (1) **Initial protest period.** Any person objecting to the granting of the application shall file a written protest during the protest period which shall run for thirty (30) days from the last of the following events to occur:
 - (A) Filing of the application.
 - (B) Filing of all required exhibits.
 - (C) The date on which the last publication was made.
 - (D) The date of completion of service of process on all respondents in the ~~cause~~-case.
 - (E) Site inspection of the proposed facility.
 - (2) **Additional protest period.**
 - (A) After expiration of the protest period, an additional ten (10) day protest shall run:
 - (i) If the applicant amends the application to change the location of the facility or increase its size; or
 - (ii) If the applicant files amended exhibits changing the design of the facility.
 - (B) The additional protest period shall run from the date of completion of service of the amendment on the respondents in the ~~cause~~-case.
- (g) **Unprotested Applications.**
- (1) **Administrative review.** If the application is unprotested, the Oil and Gas Conservation Division shall review the application without a hearing, and it shall report its finding to the Commission concerning what relief, if any, should be granted.
 - (2) **Remedies after denial or modification.** If the Oil and Gas Conservation Division recommends denial or modification of the relief requested by the application, the applicant may move for a hearing de novo or file exceptions to the report as under 165:5-13-5.
- (h) **Withdrawal of protest.** If all protests are withdrawn, the application shall be remanded for administrative review under (g) of this Section.
- (i) **Protested applications.**
- (1) **Hearing required.** A hearing shall be required on each timely protested application except as provided in (h) of this Section.
 - (2) **Notice of hearing.** The applicant shall obtain a hearing date from the ~~Judicial and Legislative Services~~-Court Clerk subject to approval by the Manager of Pollution Abatement.

The applicant shall send a copy of the notice of hearing to each party of record not later than fifteen (15) days before the hearing date.

(3) **Contents of the notice.** The notice of hearing shall contain the date, time, and place of hearing.

(4) **Form.** The applicant shall prepare the notice of hearing to comply substantially with the form shown in Appendix G to this Chapter.

165:5-7-38. License for pulling ~~pipe~~ casing and plugging wells

~~(a) The application for a license for pulling pipe and plugging wells shall state :~~

~~(1) The name of the applicant.~~

~~(2) The names, and addresses of all partners, chief officers, and directors.~~

~~(3) The experience of applicant.~~

~~(4) Evidence of financial responsibility of the applicant.~~

~~(5) The counties in which the applicant will operate.~~

~~(b) Notice that an application has been filed shall be published by the applicant in a newspaper of general circulation in Oklahoma County, Oklahoma, and in a newspaper of general circulation published in the county where the applicant's principal place of business is located. The notice shall include:~~

~~(1) The name of the applicant.~~

~~(2) Generally what operations the applicant intends to conduct.~~

~~(3) That applicant is financially responsible.~~

~~(4) The counties in which applicant will operate.~~

~~(c) If a written objection to the application is filed within fifteen (15) days after the application is published or if a hearing is required by the Commission, the application shall be set for hearing and notice thereof shall be given in the same manner as required for the filing of the application. If no objection is filed and the Commission does not require a hearing, the matter shall be presented administratively to the Manager of Field Operations who shall file a report and make recommendations to the Commission.~~

~~(d) A license may be suspended or revoked for good cause upon application, after notice and hearing.~~

Each application for approval of a license for pulling casing and plugging wells shall be submitted to the Oil and Gas Conservation Division Field Operations Department on Form 1055. See OAC 165:10-11-1.

165:5-7-39. Staff applications for state funds to conduct remedial action

(a) **Scope.** This Section establishes the procedure for applications by ~~Commission~~ staff counsel requesting the issuance of orders authorizing the use of state funds to plug, replug or repair wells and repair, remediate or close commercial ~~pits~~ pit facilities.

~~(b) Forms.~~

~~(1) The applicant shall have the option to use the following forms:~~

~~(A) Form SFP2000 (Application).~~

~~(B) Form SFP2001 (Notice of Hearing).~~

~~(C) Form SFP2002 (Emergency Application).~~

~~(D) Form SFP2003 (Emergency Order).~~

~~(E) Form SFP2004 (Final Order).~~

~~(2) Use of said forms shall be deemed compliance with all procedural rules of the Commission.~~
~~(e)(b) Referral of **cause to case from** the Oil and Gas Conservation Division. Upon filing of the application, the cause shall be assigned to a geologist or engineer in the Oil and Gas Conservation Division. It shall be the responsibility of the designee to:~~ Upon receipt of a request from the Oil and Gas Conservation Division seeking the issuance of an order authorizing the use of state funds to plug, replug or repair wells pursuant to 52 O.S. §309 et seq. or regarding the repair, remediation or closure of a facility constructed or used for permanent storage of deleterious substances pursuant to 52 O.S. §140, an application shall be filed by staff counsel. Staff counsel shall:

- (1) Give proper notice of the application.
- (2) Acquire affidavits and any other exhibits showing the need for state funds to plug, replug or repair wells, or to repair, remediate or close a facility. The status of the well or facility operator and the condition of the well or facility are to be addressed in the exhibits.
- (3) ~~Prepare~~-Acquire specifications and estimate of costs ~~for remedial action to plug, replug or repair wells or to repair, remediate or close facilities.~~
- ~~(4) Report his findings to the Commission.~~

~~(d)(c) Emergency application.~~ In an emergency, the applicant may file an emergency application ~~for requesting the issuance of an order authorizing~~ funds to conduct necessary remedial action. The Commission shall hear such applications with or without notice. At the time of hearing, the Commission shall receive the exhibits ~~and recommendation required in (e) of this Section. The and the~~ Commission shall rule on the request as ~~to it~~ deems appropriate.

~~(e)(d) Hearing on the merits.~~

- (1) The matter shall be set for hearing before ~~the Commission en banc or such an~~ Administrative Law Judge, as the Commission shall assign unless otherwise referred by the Commission.
- (2) At the hearing, the ~~Commission~~-Administrative Law Judge shall:
 - (A) Receive any exhibits not previously entered into evidence.
 - (B) Inquire of the ~~designee~~-applicant or witness as ~~it~~-the Administrative Law Judge deems necessary.
 - (C) ~~Rule on the application as it deems appropriate~~-Make recommendations as to actions to be taken or relief to be granted or denied. The Commission shall issue an order as it deems appropriate.
- (3) Where the Commission has issued an emergency order in the ~~cause~~-case, the applicant may move that the emergency order be made a final order. The Commission may grant such a request if further funds are not needed to accomplish the remedy.

SUBCHAPTER 9. SUBSEQUENT PLEADINGS

165:5-9-2. Subsequent pleadings

- (a) **Reply.** No documents shall be required other than the application and responses thereto. Reply to a response shall be permitted but shall not be required.
- (b) **Motions.** All other objections to or requests for action or relief shall be by motion, with service to all persons entitled to notice. Service of the motion shall be made through the ECF System to those on the Official ECF service list, by regular mail, electronic mail, or in person as provided in this subsection, unless otherwise provided by statute. The motion shall state in concise language the action or relief sought and the facts and circumstances upon which the right thereto is based.

(1) All motions shall be set on a regularly scheduled motion docket by a Notice of Hearing to be heard by an Administrative Law Judge unless determined otherwise by a prehearing/scheduling agreement or a prehearing/scheduling order. All motions filed after a case has been set before the Commission or assigned to an Administrative Law Judge on the merits shall be set as directed by the Commission or the assigned Administrative Law Judge. The filing of a motion may not automatically delay the hearing on the merits.

(A) Prior to the record being opened on the merits or a prehearing/scheduling agreement filed or a prehearing/scheduling order issued, notice shall be given to all persons entitled to notice by the movant by serving at least five (5) business days prior to the date set for hearing. Service of the notice shall be made through the ECF System to those on the Official ECF service list, by regular mail, electronic mail, or in person, unless otherwise provided by statute. A copy of the motion and notice of hearing shall be provided to each respondent.

(B) After the record in the case has been opened on the merits or a prehearing/scheduling agreement has been filed or a prehearing/scheduling order has been issued, notice shall be given to all persons entitled to notice by the movant by serving, at least five (5) business days prior to the date set for hearing. Service of the notice shall be made through the ECF System to those on the Official ECF service list, by regular mail, electronic mail, or in person, unless otherwise provided by statute. A copy of the motion and notice of hearing shall be provided to all parties of record.

(2) Exceptions to such motions may be lodged in accordance with the provisions of OAC 165:5-13-5(a)(1) except as provided in (A) and (B) of this paragraph.

(A) In oil and gas related matters, all decisions on motions filed after the case has been assigned to an Administrative Law Judge shall be considered in the Report of the Administrative Law Judge unless the Administrative Law Judge directs otherwise.

(B) In all other matters, the decisions on motions filed after a scheduling agreement has been filed or a scheduling order has been issued in a case shall be considered in the Report of the Administrative Law Judge unless the Commission or Administrative Law Judge directs otherwise.

(c) **Response/objection to motions.** Any person may file and serve a response or objection to any motion at any time before the motion is heard. The title of the response or objection shall refer to the motion being considered. Responses or objections filed to motions which already have been set for hearing shall not require a Notice of Hearing.

(d) **Amendment.** Amendment of a document may be permitted at any time upon such terms as are just. An amendment may take the form of a substitute document, an amendment or supplement, deletion of language, or correction by interlineation. Response may be made to an amended document, but shall not be required. An amended application is acceptable where notice is given according to the statutes or rules under which the original application was filed. Provided, however, no amended application shall be filed which changes the applicant's name, the type of relief requested, the legal description of the lands involved or the caption in the original application; instead, any such changes from the original application shall require the filing of a new application in accordance with Subchapter 5 of this Chapter.

(e) **Dismissal.** The applicant may dismiss the application with or without prejudice at any time prior to the record being opened at the hearing on the merits in said case by submitting a proposed order dismissing the case to the ~~Judicial and Legislative Services~~ [JLS Director, or his or her designee](#), and all parties of record. Such dismissal shall not dismiss the case as to specifically

stated affirmative relief sought by any respondent and, upon the appearance at the time of hearing of any respondent who has not received notice of the dismissal or who has requested specific affirmative relief, such respondent may enter any evidence into the record and may be granted any relief which the Commission or Administrative Law Judge deems appropriate.

(1) At any time prior to the record being opened at the hearing on the merits in a case, a respondent may file a motion to dismiss in the same manner as provided in (b) of this Section.

(2) After the record has been opened at the hearing on the merits in a case, the case may be dismissed by agreement of all parties of record or recommended for dismissal with or without prejudice by the Commission or Administrative Law Judge upon the Commission's or Administrative Law Judge's own motion or upon motion of any party of record. A motion to dismiss filed hereunder shall comply with the provisions of (b) of this Section; provided that, in a case where a motion to dismiss has been filed, notice shall be served on each respondent in the case.

(3) Upon five (5) business ~~days~~days' notice to parties of record, the Commission may entertain motions to dismiss for any of the following reasons:

- (A) Failure to prosecute.
- (B) Unnecessary duplication of proceedings or res judicata.
- (C) Withdrawal.
- (D) Moot question or obsolete applications.
- (E) Lack of jurisdiction.
- (F) Failure to submit a proposed order in a timely manner.
- (G) For other good cause shown.

(4) Upon posting by ~~the Judicial and Legislative Services~~JLS fifteen (15) business ~~days~~days' notice on a disposition docket, and emailing notice to all parties of record to a case, the Commission may dismiss cases for any of the following reasons:

- (A) Failure to submit a proposed order to the Administrative Law Judge or the Commission within thirty (30) days after the recommendation date or as directed by the Administrative Law Judge or the Commission.
- (B) Failure to set a case on a day certain.

165:5-9-6. Continuances

(a) **General.** The Commission or Administrative Law Judge before whom a case is set may continue or adjourn a hearing at any time for any period, with or without notice or motion. Continuances may be granted for good cause shown, or by agreement of all parties of record at the hearing. A stipulation of a continuance among all parties of record ordinarily will be approved, unless the Commission determines that the public interest requires otherwise. A continuance in a case may be granted in advance of the date for hearing of the case in the following ways:

- (1) As provided in OAC 165:5-9-2(b)(1); or
- (2) The applicant in a case may request a continuance at least five (5) business days in advance of a hearing date from the Docket Clerk or, if the case has been assigned for hearing, the Commission or assigned Administrative Law Judge. Upon approval of a continuance date, the applicant shall send a notice of continuance stating the continuance date to the Docket Clerk and if the case has been assigned for hearing, the Commission or assigned Administrative Law Judge. Notice of the continuance date shall be served on all respondents or, if a

prehearing/scheduling agreement has been filed or a prehearing/scheduling order has been issued in the case, notice of the continuance date shall be served on all parties of record. The notice of continuance must be sent to all persons entitled to notice at least five (5) business days prior to the date of the hearing. Service of the notice of continuance shall be made through the ECF System to those on the Official ECF service list, by regular mail, electronic mail, or in person, unless otherwise provided by statute. Such case shall be continued on the docket without the necessity of the appearance of the applicant at the time of hearing.

(b) **Contested motion for continuance.** A contested motion for continuance on the day set for hearing of the case shall be heard by the Commission or Administrative Law Judge. Such decision may be noted as part of the order of the Commission or Initial Report of the Administrative Law Judge if requested by a party of record.

(c) **More than two continuances.** In those cases where two (2) continuances have previously been granted, upon the granting of each additional continuance, notice of such continuance shall be provided to all respondents. Service shall be made through the ECF System to those on the Official ECF service list, by regular mail, electronic mail, or in person by the person requesting such continuance or, if a prehearing/scheduling agreement has been filed or a prehearing/scheduling order has been issued in the case, notice of the continuance date shall be served on all parties of record at least five (5) business days prior to the date the continued case is set for hearing. The movant shall provide proof of service of such notice at the time of hearing. This subsection shall not apply to matters assigned to before the Commission or an Administrative Law Judge unless the Commission or Administrative Law Judge deems or orders otherwise.

(d) **Day certain.** Every continuance shall be to a day certain. If an applicant has failed to set a continued case on a day certain for a period more than thirty (30) days after last recorded hearing date as shown from the Commission's docket records, the [JLS Director](#) ~~of the Judicial and Legislative Services~~ or an Administrative Law Judge may recommend dismissal of the case to the Commission, pursuant to OAC 165:5-9-2(e)(4); and the Commission may dismiss the case without prejudice by an Order Dismissing Case.

(e) **Continuances of the Motor Carrier Citation Docket when the Commission is closed.** In the event the Commission is closed due to inclement weather or other administrative reason on the date and/or time of the Motor Carrier Citation Docket, all citations scheduled to be heard on the Motor Carrier Citation Docket shall be automatically continued to the following month's docket as posted on the Commission's website.

SUBCHAPTER 13. INITIAL AND SUBSEQUENT PROCEEDINGS

165:5-13-1. Sessions and hearings

(a) **Open to public.** All official sessions and public hearings of the Commission or any Administrative Law Judge will be open to the public and will be held in its official courtrooms at the principal office in Oklahoma City, Oklahoma, the regional service office in Tulsa, Oklahoma, or at such other place as provided by law or designated by the Commission.

(b) **Time.** All hearings shall commence at the time designated in the notice of hearing or by order of the Commission.

(c) **Courtroom conduct.** Conduct of attorneys before the Commission shall be governed by the applicable rules of the Supreme Court of Oklahoma. All parties, witnesses, and observers will at all times maintain decorum, and will conduct themselves in such manner as to reflect respect for the authority and dignity of the Commission and its Administrative Law Judges. Upon violation of this provision, any person, witness, attorney, or other representative may be subject to punishment for contempt.

(d) **Record of hearing.** A stenographic or electronic record will be made of all proceedings before the Commission or an Administrative Law Judge pursuant to 20 O.S. §106.4(A). Audio and video recordings of all proceedings are official electronic records to be kept by the Commission ~~of which a copy may be kept by the court reporter present during the proceeding.~~ A transcript of proceedings will be made by a court reporter at the request and expense of the person ordering it; or at the request of the Commission, in which case a copy will be made for any person requesting it, at that person's expense.

165:5-13-2. Setting of ~~causes~~ cases

(a) **General.** All hearings on the merits shall be set before an Administrative Law Judge, unless otherwise ordered by the Commission.

(b) **Specially set.** By a motion, the applicant or any party of record or respondent may, at any time up to commencement of a hearing, request of the Commission that a ~~cause~~ case be specially set before the Commission for hearing. The Commission may advance any ~~cause~~ case by sua sponte order at any time.

(c) **Exceptions.** For purposes of OAC 165:5-13-5, all exceptions to reports on hearings on the merits in matters on the GG, CD, PD, EN, SF, PSD and US dockets shall be heard by the Commission en banc unless referred to an Oil and Gas Appellate Referee. Hearing dates for exceptions are to be secured from a docket clerk at the time of filing. The exceptions will be heard on that date or as soon thereafter as may meet the convenience of the Commission. Exceptions in all other matters shall be set before the Commission en banc.

(d) **Authority of Administrative Law Judge.** An Administrative Law Judge shall exercise all of the powers of the Commission in the conduct of a ~~cause~~ case. An Administrative Law Judge shall rule upon admission of evidence, and objections thereto, and upon any other motion or objection arising during the pendency of the ~~cause~~ case until the issuance of the report of the Administrative Law Judge. Review of a ruling of an Administrative Law Judge shall be by exceptions pursuant to OAC 165:5-13-5, and any objection to a ruling or other action of such Administrative Law Judge not included in such exceptions and amendments thereto, shall be deemed to have been waived.

(e) **Hearings on the PUD ~~docket~~ and OSF dockets.** All hearings in ~~causes~~ cases filed pursuant to OAC 165:70, OAC 165:59, or 18 O.S. §438.31 et seq. shall be given priority status on the PUD ~~docket~~ and OSF dockets in order to comply with 17 O.S. §139.106, 17 O.S. §152, 17 O.S. §137 (I) and 18 O.S. §438.31 et seq.

(f) **Hearings on the Petroleum Storage Tank docket.** All hearings regarding the exercise of the Commission's adjudicative authority pursuant to the Oklahoma Petroleum Storage Tank Consolidation Act, 17 O.S. §§301 et seq. shall be given priority status on the Petroleum Storage Tank docket ("PSD") in order to comply with 17 O.S. §330 for the Commission to hear each case within one hundred eighty (180) days from the date of filing. See also OAC 165:5-21-9.

SUBCHAPTER 15. ORDERS

165:5-15-1. General form and procedure

(a) Contents of orders. The Commission may prescribe a standardized format for all orders. Every order of the Commission shall contain the following where appropriate or except where the Commission determines otherwise:

- (1) Caption, ~~cause~~-case number on the appropriate docket and order number. Every page of the order shall also contain a page number, the applicable subject matter docket listed in OAC 165:5-5-1(a), the ~~docket~~-case number assigned to the cause by the Court Clerk, and order type, e.g., emergency order, final order, etc.
- (2) Appearances.
- (3) Date and place of all hearings.
- (4) Summary of allegations of applicant, and of all other parties of record.
- (5) Summary of evidence of applicant, and of all other parties of record.
- (6) Findings of fact, containing all ultimate facts found to have been established.
- (7) Conclusions of law, containing:
 - (A) All legal conclusions found to be applicable to the facts; and
 - (B) The directive of the order stated in concise and mandatory language.
- (8) Signature of the Secretary certifying as to all Commissioners participating in making the order. The signatures of the Secretary and Commissioners participating in the making of the order may be electronic signatures as provided in OAC 165:5-1-14.
- (9) Seal of the Commission.
- (10) Date of filing, and effective date where appropriate.

(b) Duty to send orders. The Commission shall immediately provide a copy of the order to the applicant. Upon the implementation of electronic filing, delivery shall only be made by electronic mail, unless there are exigent or extraordinary circumstances. Except where otherwise specifically provided in this Chapter, the applicant shall thereafter mail or otherwise deliver a copy of the order within five (5) days of the receipt of the order to all parties of record and to each respondent in the cause. Where an attorney has appeared of record for a person, service shall be on the attorney.

(c) Effectiveness of order. The issuance of or effectiveness of an order or its enforcement will not be stayed or postponed by the filing of any motion for rehearing or for other relief therefrom. The Commission may by order stay any order pending further hearing, and may stay or postpone the effective date thereof, or enforcement thereof for such time and on such terms as may be just.

(d) Order titles and numbers. An order of the Commission, descriptively titled, shall be issued for all motions and other matters set for hearing, except for continuances, and all such orders shall be given an order number; provided that when a motion is withdrawn, no order shall be required to document the withdrawal.

SUBCHAPTER 19. CONTEMPT

165:5-19-1. Contempt procedure

(a) **Commencement.** A contempt proceeding is commenced with the filing of a verified Complaint. Prior to the filing of a contempt proceeding by the Commission, or a division thereof, the self-reporting of an apparent violation and corrective actions taken by the Respondent, along

with plans to prevent future violations, and/or other mitigating factors should be considered.

(b) **Complaint.** The complaint shall state:

- (1) The name of the person, firm, trust, corporation, or association against whom the complaint is made.
- (2) Each law, order, rule, regulation of which violation is charged.
- (3) In general terms, the acts or omissions constituting the violation of which complaint is made. If complaint is made of more than one violation, each violation shall be separately stated.

(c) **Citation.** When a complaint is filed, the Secretary shall issue in the name of the state a citation directed to the person against whom complaint is made, which citation shall be accompanied by a copy of the complaint. The citation shall state:

- (1) The name of the complainant and the date the complaint was filed.
- (2) A brief description of the nature of the complaint.
- (3) Reference to the accompanying copy of the complaint.
- (4) The date upon which the complaint is set for hearing, which shall not be earlier than ten (10) days from the date the citation is served.
- (5) A statement that, unless the person complained against shall on or before the date for hearing file a response to the complaint, the allegations and charges therein will be taken as confessed.

(d) **Service of citation.** Service of the citation for contempt may be made by a person directed to do so by order of the Commission. Such service shall be made in accordance with the rules of the Commission. Service shall be made by mailing the citation for contempt by certified mail to the respondent's last known address as listed in Commission records, and, if applicable, to the respondent's registered agent as listed with the Oklahoma Secretary of State. The respondent is responsible for notifying the Commission of any change of address.

(e) **Return of service.** The person making the service shall make his return thereof, and file the same with the Court Clerk. The return shall show the time when the citation was received by him, and the time and manner the same was served by him, and such return shall be verified by the person making the service. Service of the citation for contempt on the respondent by certified mail shall be considered effective on the date of receipt, or if refused, on the date of refusal of the complaint by the respondent. If the certified mailing is returned as undeliverable, the Commission or Administrative Law Judge shall determine sufficiency of service and may recommend additional service requirements. The Commission or Administrative Law Judge may use the service of process requirements in 12 O.S. § 2004 as guidance to ensure effective service.

(f) **Default.** If no response to the complaint is filed on or before the date set for hearing, or if a respondent fails to appear at the time set for hearing, as specified in the citation, the Commission may immediately proceed to hear the complaint. After hearing the evidence, the Commission shall impose such fine, cancellation, suspension, or other order or punishment as the facts and circumstances warrant, or dismiss the complaint.

(g) **Response.** A respondent who desires a hearing shall, on or before the time specified in the citation for hearing, file a response to the merits of the ~~cause~~ case and shall appear at the time set for hearing. The response shall include all objections and defenses of any nature to the complaint and may include a motion to dismiss the complaint for reason of insufficiency thereof or lack of jurisdiction.

(h) **Hearing procedures.** At the hearing, the Commission shall first determine whether jurisdiction and service are proper, then hear all objections and defenses other than to the merits

of the complaint and shall enter appropriate order thereon. Amendments may be permitted upon terms that are just, with or without grant of a continuance. After all preliminary questions are heard, the Commission shall hear the merits of the complaint, and at the conclusion thereof, shall impose such fine, suspension, cancellation, or other order or punishment as the facts and circumstances warrant, or dismiss the complaint.

(i) **Hearing date.** Every ~~cause~~-case instituted hereunder shall be tried on its merits on the date specified in the citation, or at such other time to which such ~~cause~~-case shall be continued for hearing by the Commission.

(j) **Consent Decree.** If the parties to a case can resolve all issues prior to the hearing on the merits, the parties shall file the terms of the agreement for recommendation by the Administrative Law Judge and/or approval by the Commission.

SUBCHAPTER 21. PROCEDURE FOR THE PETROLEUM STORAGE TANK DOCKET

165:5-21-3. Application and notice requirements for Petroleum Storage Tank cases

(a) Every case will start with the filing of an application in the Court Clerk's Office. The following must be on the application:

- (1) A caption with the heading of "Before the Corporation Commission of the State of Oklahoma."
- (2) The name of the applicant(s).
- (3) The relief sought (what the applicant wants done).
- (4) The docket and case number.

(b) The application must have four numbered parts as follows:

- (1) The first part must have (i) the applicant's name, address, and telephone number of his attorney or designated representative; (ii) the nature of the applicant's interest in the subject matter of the case; and (iii) the name and address of each person (if any) named as respondent(s).
- (2) The second part must have the allegation of facts which are important to the case. The allegations must be stated simply in numbered subparagraphs as necessary for clarity.
- (3) The third part must have the citations of statutes, rules, orders, and decided cases authorizing the relief sought.
- (4) The fourth part must have a short and concise statement of what the applicant(s) wants the Commission to do.

(c) The application must be signed by the applicant or, an authorized agent of the applicant or by the attorney for the applicant. The address and telephone number of the person signing must be under the signature. The person signing the application shall be deemed to certify that:

- (1) He has read the application; and
- (2) To the best of his knowledge, formed after reasonable inquiry, the facts contained in the application are true; and
- (3) That the application is not filed to harass or to cause unnecessary delay or needless expense.

(d) A document may be served on a party of record by regular mail or in person. When an attorney has appeared of record for a person, all subsequent service shall be on the attorney.

(e) Every application and notice of hearing shall be served on the respondent and the ~~Judicial and Legislative Services~~-JLS staff counsel by certified mail by the person filing the application;

publication is not required. Thereafter, every document shall be served by regular mail upon all parties.

(f) A certificate of service will be included on every document. The certificate shall contain a list of the persons to whom a copy of the document was mailed, postage prepaid, or to whom it was hand delivered.

SUBCHAPTER 23. INFORMAL RESOLUTION OF NATURAL GAS GATHERING DISPUTES

165:5-23-3. Form and service of a Notice of Intent to Mediate; reply by Respondent

(a) Prior to or after the filing of a Formal Complaint under 52 O.S. §§ 24.4 and 24.5, a Complainant seeking redress under this Subchapter may commence the informal dispute resolution procedure by filing a Notice of Intent to Mediate. The Notice of Intent to Mediate shall be made in the form prescribed by the Commission and shall contain the following information:

- (1) The Complainant's name;
- (2) The Complainant's company name;
- (3) The Complainant's address;
- (4) The Complainant's company phone number electronic mail address, ~~e-mail address~~, and facsimile number;
- (5) The date and time of the complaint including the name and address, and the telephone number and electronic mail address, and fax number, if known, of the Respondent with whom the Complainant has a dispute;
- (6) A description of the dispute;
- (7) The time period of the problem described in the dispute;
- (8) The current status of the negotiations between the parties;
- (9) Description of the actions taken by the Complainant to resolve the problem;
- (10) The relief sought by the Complainant;
- (11) The legal description, county name and name of the well(s) involved in the dispute; and
- (12) The names of representatives of the Respondent with whom the Complainant has talked regarding the dispute.

(b) No filing fee shall be charged ~~by the Judicial and Legislative Services~~ to the Complainant for filing the Notice of Intent to Mediate, however, it shall charge a \$5.00 fee to each Participant to an informal dispute resolution procedure.

(c) If the Notice of Intent to Mediate is filed after the filing of a Formal Complaint, the Notice of Intent to Mediate shall contain a statement of the Complainant's desire to commence the informal dispute resolution procedure, the information contained in OAC 165:5-23-3 (a)(8) and (a)(9), and shall reference the claims pled and relief sought in the Formal Complaint.

(d) Attached to the Notice of Intent to Mediate may be any documentary evidence the Complainant wishes to submit.

(e) The Complainant shall send by registered mail, facsimile, or deliver a copy of the Notice of Intent to Mediate and all attached documents to the Respondent at the same time that the Notice of Intent to Mediate and any attached documents are filed with the Commission.

(f) Within ten (10) days of receiving the Notice of Intent to Mediate, the Respondent shall file in writing either a notice that it does not agree to participate in the informal dispute resolution procedure or a reply that it agrees to participate in the informal dispute resolution procedure, in

which event Respondent shall respond to the Notice of Intent to Mediate and Respondent may attach to its reply any documentary evidence which it wishes to submit. The Respondent shall file its notice or reply and any attached documentary evidence with the Commission's Court Clerk and shall send by registered mail, facsimile, or deliver a copy of the notice or reply, and all attached documents, to the Complainant at the same time the notice or reply is filed with the Court Clerk.

(g) Either the Complainant or the Respondent may withdraw its agreement to participate in the informal dispute resolution procedure at any time.

SUBCHAPTER 25. MOTOR CARRIER TAX AND REGISTRATION PROTESTS

165:5-25-2. Filing confidential applications for hearing

(a) ~~Taxpayer~~ Until such time as the ECF System provides for the electronic filing of confidential documents, taxpayer or registrant applications for hearing pursuant to this subchapter shall be filed in paper with the Commission's Court ~~Clerk's Office~~ Clerk in person or by mail. Notwithstanding OAC 165:5-1-5(h), no coversheet for the application shall be filed via ECF. Applications shall be ~~in writing~~, marked "CONFIDENTIAL TAXPAYER/REGISTRANT PROTEST," ~~pursuant to OAC 165:5-1-5(g)~~, signed by the taxpayer or registrant or an authorized representative thereof, and shall set out therein:

- (1) The name, mailing address, physical address, telephone number, and e-mail address of the taxpayer or registrant;
- (2) A statement of the amount of the deficiency as determined by the Transportation Division in the proposed assessment, the nature of the tax or fee and the amount thereof in controversy, or the denial of base state registration;
- (3) A clear and concise statement of each item in dispute;
- (4) The argument and any legal authority upon which each item in dispute is made; provided, that the taxpayer or registrant shall not be bound or restricted in such hearing, except on exceptions, to the arguments and legal authorities contained and cited in said applications or presented in the initial hearing;
- (5) A statement of the relief sought by the taxpayer or registrant;
- (6) A verification by the taxpayer or registrant or his duly authorized agent that the statements and facts contained therein are true; and
- (7) In a refund claim, a statement as to whether the basis for the claim request is due to a mistake of law or a mistake of fact with a brief explanation of the mistake.

(b) Pursuant to 47 O.S. § 1170 and 51 O.S. § 24A.29, the Commission hereby determines that all reports and files of the Commission concerning the administration of the IFTA/IRP are confidential. All information classified as confidential shall remain confidential unless otherwise provided by law.

(c) The taxpayer or registrant may authorize the disclosure of information to any person pursuant to a written waiver of confidentiality.