

**Minutes of the
Oklahoma Corporation Commission
State of Oklahoma**

November 21, 2023 – 1:30 p.m.

These are the minutes for the Corporation Commission’s (“Commission”) regular meeting conducted in accordance with the Open Meeting Act on November 21, 2023, in the Concourse Theater, Suite C50, Will Rogers Memorial Office Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Archived Commission meeting recordings may be accessed on the Commission’s website.

The notice and agenda for the meeting were publicly posted at the principal office of the Commission at the Will Rogers Memorial Office Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 3:15 p.m., November 17, 2023, by Commission employees acting under the direction of Chairman J. Todd Hiatt. The notice and agenda are also made available to the public on the Commission’s website, oklahoma.gov/occ. A copy of the notice and agenda is attached to these minutes as Appendix A.

Chairman Hiatt called the meeting to order at 1:30 p.m.

Members present were Chairman Todd Hiatt, Vice Chairman Kim David, and Commissioner Bob Anthony. A quorum of the Commission was present. Interested persons participated in the meeting in person or by teleconference/videoconference when and as authorized.

Approval of Minutes of Prior Meeting(s) Commissioner Hiatt announced the agenda item and **CALLED FOR APPROVAL** of the following minutes of prior meetings ready for consideration: February 28, 2023, at 1:30 p.m.; October 26, 2023, at 1:30 p.m.

<u>VOTE:</u>	Commissioner Hiatt	Aye
	Commissioner David	Aye
	Commissioner Anthony	Aye

The minutes were approved.

Commissioner Anthony made a statement regarding the February 28, 2023, minutes.

Consideration of proposed or potential orders in cases on attached 24-hour signing agenda docket. The Commission may discuss and consider alterations, revisions, or amendments to the proposed or potential orders. (Votes may be taken on individual cases on the 24-hour signing agenda docket as a whole, or both by individual cases and the remaining docket.)

Commissioner Hiatt announced the agenda item. Discussion was held. The Commissioners unanimously approved the proposed orders.

Discussion of and possible vote(s) on a proposed Final Order Adopting Joint Stipulation and Settlement Agreement and/or any alterations, revisions, or amendments thereto proposed at

the meeting, in Case No. PUD2023-000038, In the Matter of the Application of Oklahoma Gas and Electric Company for Commission Approval of New Generation Capacity Pursuant to 17 O.S. Section 286(C) Commissioner Hiatt announced the agenda item. Discussion was held. Commissioner Hiatt **CALLED FOR A VOTE** on the proposed final order in this case.

<u>VOTE:</u>	Commissioner Hiatt	Aye
	Commissioner David	Aye
	Commissioner Anthony	Aye

The order was approved.

Submitted by Corporation Commissioner Bob Anthony:

Discussion of and questions regarding the Civil Investigative Demand (“CID” or “subpoena”), dated November 7, 2023, and the litigation hold notice received from the Office of the Oklahoma Attorney General. Discussion and questions with the Commission’s General Counsel regarding same, including an update on the status of the Commission’s response thereto.

Questions to be addressed, include but are not limited to:

- **Specifically, who is expected to produce documents responsive to the CID and how has that been determined? Are all past and present OCC Commissioners with state government emails in the date range included?**
- **Has everyone so identified acknowledged receipt of their notification, and has anyone indicated they intend to contest all or any part of the CID? Has the Attorney General explicitly excluded anyone from the CID?**
- **Is the OCC Office of Legal Services providing the same legal advice to everyone expected to produce documents responsive to the CID? If not, how is such advice being differentiated?**
- **Who outside the Attorney General’s Office will have access to what is turned over under this CID?**

Possible vote(s) regarding direction to Commission staff and others. Possible vote(s) to adopt this policy statement:

The Oklahoma Corporation Commission urges and expects the full cooperation of all its officers, personnel and vendors/contractors/payees, as well as all transportation, transmission, oil and gas and utility companies, with any government review, inquiry, audit,

and/or investigation of or involving February 2021’s Winter Storm Uri, the costs incurred, recovery of those costs, utility securitization and/or the issuance of ratepayer-backed bonds.

Commissioner Hiatt announced the agenda item and addressed Commissioner Anthony to lead discussion on his requested item. Pat Franz, agency general counsel, was recognized to address her written response to Commissioner Anthony’s inquiries concerning a response to the Attorney General’s CID. Ms. Franz provided the referenced response to the Commissioners and the Secretary. Commissioner Anthony **MADE A MOTION** to adopt the policy statement at the end of agenda item V. Discussion was held. **No actions were taken.** Commissioner Anthony requested that the minutes reflect that he made the above motion, and stated “what the outcome is has yet to be determined.” Chase Snodgrass, deputy attorney general, was recognized to offer a statement on the Attorney General’s CID and ongoing communications with OCC staff regarding the CID.

Discussion, hearings, and possible vote(s) on motions to modify Order No. 738226, and/or any alterations, revisions or amendments thereto proposed at the meeting in Case No. PUD2022-000093, Application of Public Service Company of Oklahoma, an Oklahoma Corporation, for an Adjustment in its Rates and Charges and the Electric Service Rules, Regulations and Conditions of Service for Electric Service in the State of Oklahoma and to Approve a Formula Base Rate Proposal

Commissioner Hiatt announced the agenda item. Lauren Willingham, counsel for Public Service Company of Oklahoma, was recognized to present its motion to modify, which included an additional amendment to replace the term “annualized” with “prorated annual basis.”. The Commission heard oral arguments from parties on the remaining motions to modify. Discussion was held. Commissioner Anthony **MADE A MOTION** to grant the motion of the Attorney General to hold harmless and reinstate a 2.5% rate cap. Discussion was held. **No actions were taken.** Teryl Williams, chief advisor and legal counsel, was recognized to advise the Commission on how to proceed. Commissioner Hiatt announced that the parties needed a few minutes to incorporate all accepted changes into the proposed order, so all technical conferences on the agenda should proceed., after the conclusion of which the Commission would revisit this agenda item.

Technical Conference conducted by Commission staff for discussion and public comment in Case No. RM2023-000007, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:5, Rules of Practice. Commissioners might attend and participate. No vote or other action is anticipated.

Commissioner Hiatt announced the agenda item and recognized Darren Ferguson, deputy general counsel and agency rules liaison, to conduct the technical conference as appropriate. Mr. Ferguson presented all proposed Chapter 5 rule revisions and asked for any public comment.

Technical Conference conducted by the Oil and Gas Conservation Division for discussion and public comment in Case No. RM2023-000008, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:10, Oil & Gas Conservation. Commissioners might attend and participate. No vote or other action is anticipated.

Tracy Case, deputy general counsel for the oil and gas conservation division, presented all proposed Chapter 10 rule revisions and asked for any public comment.

Technical Conference conducted by the Petroleum Storage Tank Division (“PSTD”) for discussion and public comment in Case No. RM2023-000009, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:15, Fuel Inspection. Commissioners might attend and participate. No vote or other action is anticipated. Jamie Andrews, deputy general counsel for the petroleum storage tank division, presented all proposed Chapter 15 rule revisions and asked for any public comment.

Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000010, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:25, Underground Storage Tanks. Commissioners might attend and participate. No vote or other action is anticipated. Jamie Andrews, deputy general counsel for the petroleum storage tank division, presented all proposed Chapter 25 rule revisions and asked for any public comment.

Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000011, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:26, Aboveground Storage Tanks. Commissioners might attend and participate. No vote or other action is anticipated. Aaron Johnson, deputy general counsel for the petroleum storage tank division, presented all proposed Chapter 26 rule revisions and asked for any public comment.

Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000012, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:27, Indemnity Fund. Commissioners might attend and participate. No vote or other action is anticipated. Aaron Johnson, deputy general counsel for the petroleum storage tank division, presented all proposed Chapter 27 rule revisions and asked for any public comment.

Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000013, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:29, Corrective Action of Petroleum Storage Tank Releases. Commissioners might attend and participate. No vote or other action is anticipated. Aaron Johnson, deputy general counsel for the petroleum storage tank division, presented all proposed Chapter 29 rule revisions and asked for any public comment.

This concludes all technical conferences.

After the conclusion of the technical conferences, Commissioner Hiett announced that the Commission would be recessed at 4:00 p.m., November 21, 2023, and would reconvene at 4:30 p.m. on this date.

(continued from November 21, 2023, at 4:00 p.m.) Commissioner Hiett called the meeting to order on November 21, 2023, at 4:31 p.m. with all Commissioners present. Commissioner Hiett announced that the meeting would be recessed at 4:31 p.m. November 21, 2023, and will reconvene at 4:45 p.m. on this date.

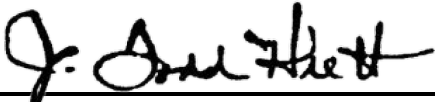
(continued from November 21, 2023, at 4:31 p.m.) Commissioner Hiett called the meeting to order on November 21, 2023, at 4:45 p.m. with all Commissioners present. Discussion was held. Commissioner Hiett **CALLED FOR A VOTE** on the proposed Order Modifying Final Order No. 738226 in PUD2022-000093

<u>VOTE:</u>	Commissioner Hiett	Aye
	Commissioner David	Aye
	Commissioner Anthony	“Separate Opinion Attached”

The order was approved.

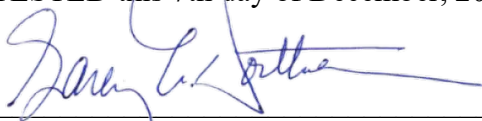
New Business There was no new business.

Adjournment The meeting adjourned at 4:52 p.m.



J. Todd Hiett, Chairman

ATTESTED this 7th day of December, 2023.



Gary L. Wortham, Commission Secretary



OKLAHOMA CORPORATION COMMISSION
Notice of Public Meeting
Regular Meeting

Notice is hereby given to all persons that the Oklahoma Corporation Commission (“Commission”) shall meet and conduct business, as follows:

Time, Day, and Date: 1:30 p.m. Tuesday, November 21, 2023

Place: **Concourse Theater, Suite C50, Will Rogers Memorial Office Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105**

The Concourse Theater is located in the tunnel between the Will Rogers Memorial Office Building and the Sequoyah Memorial Office Building in the Capitol Complex

Purpose: Conducting of daily business enumerated in the items below

Posting Division: Chairman J. Todd Hiatt

AGENDA

Item	Topic
I	A. Call to order B. Announcement concerning public notice C. Determination of quorum
II	Approval of minutes of prior meeting(s)
III	Consideration of proposed or potential orders in cases on attached 24-hour signing agenda docket. The Commission may discuss and consider alterations, revisions, or amendments to the proposed or potential orders. (Votes may be taken on individual cases on the 24-hour signing agenda docket as a whole, or both by individual cases and the remaining docket.)
IV	Discussion of and possible vote(s) on a proposed Final Order Adopting Joint Stipulation and Settlement Agreement and/or any alterations, revisions, or amendments thereto proposed at the meeting, in Case No. PUD2023-000038, <i>In the Matter of the Application of Oklahoma Gas and Electric Company for Commission Approval of New Generation Capacity Pursuant to 17 O.S. Section 286(C)</i>

<p>V</p>	<p>Submitted by Corporation Commissioner Bob Anthony:</p> <p>Discussion of and questions regarding the Civil Investigative Demand (“CID” or “subpoena”), dated November 7, 2023, and the litigation hold notice received from the Office of the Oklahoma Attorney General. Discussion and questions with the Commission’s General Counsel regarding same, including an update on the status of the Commission’s response thereto.</p> <p>Questions to be addressed, include but are not limited to:</p> <ul style="list-style-type: none"> • Specifically, <u>who</u> is expected to produce documents responsive to the CID and how has that been determined? Are all past and present OCC Commissioners with state government emails in the date range included? • Has everyone so identified acknowledged receipt of their notification, and has anyone indicated they intend to contest all or any part of the CID? Has the Attorney General explicitly excluded anyone from the CID? • Is the OCC Office of Legal Services providing the same legal advice to everyone expected to produce documents responsive to the CID? If not, how is such advice being differentiated? • Who outside the Attorney General’s Office will have access to what is turned over under this CID? <p>Possible vote(s) regarding direction to Commission staff and others. Possible vote(s) to adopt this policy statement:</p> <p>The Oklahoma Corporation Commission urges and expects the full cooperation of all its officers, personnel and vendors/contractors/payees, as well as all transportation, transmission, oil and gas and utility companies, with any government review, inquiry, audit, and/or investigation of or involving February 2021’s Winter Storm Uri, the costs incurred, recovery of those costs, utility securitization and/or the issuance of ratepayer-backed bonds.</p>
<p>VI</p>	<p>Discussion, hearings, and possible vote(s) on motions to modify Order No. 738226, and/or any alterations, revisions or amendments thereto proposed at the meeting in Case No. PUD2022-000093, <i>Application of Public Service Company of Oklahoma, an Oklahoma Corporation, for an Adjustment in its Rates and Charges and the Electric Service Rules, Regulations and Conditions of Service for Electric Service in the State of Oklahoma and to Approve a Formula Base Rate Proposal</i></p>
<p>VII</p>	<p>New business</p> <p>A. Any matter not known about and which could not have been reasonably foreseen 24 hours before the meeting</p> <p>B. Possible vote(s) on matters of new business</p>

VIII	Technical Conference conducted by Commission staff for discussion and public comment in Case No. RM2023-000007, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:5, Rules of Practice</i> . Commissioners might attend and participate. No vote or other action is anticipated.
IX	Technical Conference conducted by the Oil and Gas Conservation Division for discussion and public comment in Case No. RM2023-000008, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:10, Oil & Gas Conservation</i> . Commissioners might attend and participate. No vote or other action is anticipated.
X	Technical Conference conducted by the Petroleum Storage Tank Division (“PSTD”) for discussion and public comment in Case No. RM2023-000009, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:15, Fuel Inspection</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XI	Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000010, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:25, Underground Storage Tanks</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XII	Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000011, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:26, Aboveground Storage Tanks</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XIII	Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000012, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:27, Indemnity Fund</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XIV	Technical Conference conducted by PSTD for discussion and public comment in Case No. RM2023-000013, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:29, Corrective Action of Petroleum Storage Tank Releases</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XV	Adjournment

The Commission may take up the above items of business in a different sequence than that listed.

The meeting is open to the public.

This notice was posted prominently and publicly at the principal offices of the Oklahoma Corporation Commission at the Will Rogers Memorial Office Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 3:15 p.m., Friday, November 17, 2023.



BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA 24 HR SIGNING AGENDA (PROPOSED ORDERS)

Date: Tuesday, November 21, 2023

Time: 1:30 PM

Place: CONCOURSE THEATER - WILL ROGERS BUILDING

Case Number PUD2022-000128 **Order Type** Final **RSO** OKC

Parties OKLAHOMA NATURAL GAS COMPANY-A DIVISION OF ONE GAS INC (Applicant)

Order Title FINAL ORDER ADOPTING JOINT STIPULATION AND SETTLEMENT AGREEMENT

Relief In Caption APPLICATION OF OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONE GAS, INC., FOR APPROVAL OF A RENEWABLE NATURAL GAS PILOT PROGRAM AND TARIFF

Case Number PUD2023-000039 **Order Type** Final **RSO** OKC

Parties ARGENBRIGHT, MARK (Applicant) OKLAHOMA NATURAL GAS COMPANY-A DIVISION OF ONE GAS INC (Respondent)

Order Title FINAL ORDER

Relief In Caption APPLICATION OF MARK ARGENBRIGHT, DIRECTOR OF THE PUBLIC UTILITY DIVISION, OKLAHOMA CORPORATION COMMISSION, FOR A PUBLIC HEARING TO REVIEW AND MONITOR APPLICATION OF THE FUEL ADJUSTMENT CLAUSE OF OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONE GAS, INC., FOR THE CALENDAR YEAR 2022, AND FOR A PRUDENCE REVIEW OF THE FUEL PROCUREMENT PROCESSES AND COSTS OF OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONE GAS, INC., FOR THE CALENDAR YEAR 2022

Case Number PUD2023-000060 **Order Type** Final **RSO** OKC

Parties ARGENBRIGHT, MARK (Applicant) ARKANSAS VALLEY ELECTRIC COOPERATIVE (Respondent)

Order Title FINAL ORDER

Relief In Caption APPLICATION OF MARK ARGENBRIGHT, DIRECTOR OF THE PUBLIC UTILITY DIVISION, OKLAHOMA CORPORATION COMMISSION, FOR A PUBLIC HEARING TO REVIEW AND MONITOR APPLICATION OF THE PURCHASED POWER ADJUSTMENT CLAUSE OF ARKANSAS VALLEY ELECTRIC COOPERATIVE, CANADIAN VALLEY ELECTRIC COOPERATIVE, NORTHEAST OKLAHOMA ELECTRIC COOPERATIVE, RICH MOUNTAIN ELECTRIC COOPERATIVE, AND SOUTHWEST ARKANSAS ELECTRIC COOPERATIVE, FOR THE CALENDAR YEAR 2022, AND FOR A PRUDENCE REVIEW OF THE PURCHASED POWER AND FUEL PROCUREMENT PROCESSES AND COSTS OF ARKANSAS VALLEY ELECTRIC COOPERATIVE, CANADIAN VALLEY ELECTRIC COOPERATIVE, NORTHEAST OKLAHOMA ELECTRIC COOPERATIVE, RICH MOUNTAIN ELECTRIC COOPERATIVE, AND SOUTHWEST ARKANSAS ELECTRIC COOPERATIVE, FOR THE CALENDAR YEAR 2022

Case Number PUD2023-000073 **Order Type** Final

RSO OKC

Parties OKLAHOMA COMMUNICATION SYSTEMS LLC
(Applicant)

Order Title FINAL ORDER APPROVING INTERCONNECTION
AGREEMENT

Relief In Caption APPLICATION OF OKLAHOMA
COMMUNICATION SYSTEMS, LLC, D/B/A TDS TELCOM AND
MID-AMERICA TELEPHONE, LLC, D/B/A TDS TELECOM
SEEKING OKLAHOMA CORPORATION COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT WITH
ONVOY, LLC

Case Number TD2023-000011 **Order Type** Motion

RSO OKC

Parties WILLINGHAM, MARK (Applicant)

Order Title ORDER ESTABLISHING PROCEDURAL SCHEDULE

Relief In Caption APPLICATION OF MARK WILLINGHAM,
DIRECTOR OF THE TRANSPORTATION DIVISION,
OKLAHOMA CORPORATION COMMISSION FOR AN ORDER
OF THE COMMISSION MODIFYING COMMISSION ORDER
NO. 605104 AND AUTHORIZING A CHANGE TO NON-
CONSENSUAL TOW RATES