

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

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

CASE NO. TD2023-000011

ORDER NO. 741981

HEARING: March 5, 2024, in Room C50, Concourse Theater
2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
Before Michael Norris, Administrative Law Judge

APPEARANCES: Michael Copeland and Darren Ferguson, Deputy General Counsel
representing Transportation Division, Oklahoma Corporation
Commission
Sabre Weathers, Attorney *representing* Ronda Townsend as
Representative of AAAA Wrecker Service, Inc.
A. Chase Snodgrass, Deputy Attorney General, K. Christine Chevis and
Ashley N. Youngblood, Assistant Attorneys General *representing*
Office of Attorney General, State of Oklahoma

FINAL ORDER

This Case comes before the Corporation Commission (“Commission”) of the State of Oklahoma on the above styled and numbered Application of Mark Willingham¹, Director of the Transportation Division (“Division”), filed on June 20, 2023.

I. PROCEDURAL HISTORY

On June 20, 2023, the Division filed an Application for an Order of the Commission Modifying Commission Order No. 605104 and Authorizing a Change to Non-Consensual Tow Rates.

Also on June 20, 2023, the Division filed a Motion for Consolidation, Motion for Variance, and Motion for Determination of Notice (“Motions”), along with a Notice of Hearing setting it for hearing on July 26, 2023, before an Administrative Law Judge (“ALJ”).

On June 27, 2023, an Entry of Appearance was filed on behalf of the Attorney General of Oklahoma (“Attorney General”).

On July 26, 2023, a hearing on the Division’s Motions was continued to August 11, 2023.

On August 7, 2023, Affidavits of Publication were filed showing that publication occurred in the *Journal Record* and the *Tulsa World* on August 3, 2023.

¹ Paul Swigart is the current Director of the Commission’s Transportation Division

On August 9, 2023, an Entry of Appearance was filed on behalf of Rhonda Townsend, as Representative of AAAA Wrecker Service, Inc. (“AAAA Wrecker”).

On August 11, 2023, a hearing on the Division’s Motions occurred before an ALJ. During the hearing, the Division announced that it would withdraw its Motion for Consolidation and Motion to Determine Notice. After hearing statements from counsel, the ALJ recommended granting the Division’s Motion for Variance.

On August 21, 2023, a Certificate of Service was filed showing that service was provided by regular United States Postal Service (“USPS”) mail to the non-consensual tow operators listed on Exhibit A.

On September 11, 2023, the Division filed a Motion to Establish Procedural Schedule, along with a Notice of Hearing, setting it for hearing on September 18, 2023.

On September 18, 2023, a hearing on the Motion to Establish Procedural Schedule was continued to September 20, 2023.

On September 20, 2023, the Division’s Motion to Establish Procedural Schedule was recommended by the ALJ.

On October 10, 2023, the Commission issued Order No. 737624, an Order Granting Motion for Variance.

On October 30, 2023, the Direct Testimony of Geoffrey M. Rush, on behalf of the Division, was filed.

On November 13, 2023, an additional Entry of Appearance was filed on behalf of the Attorney General of Oklahoma.

On November 15, 2023, the Summary of Direct Testimony of Geoffrey M. Rush, on behalf of the Division, was filed.

On November 21, 2023, the Commission issued Order No. 738570, an Order Establishing Procedural Schedule.

On December 15, 2023, the Direct Testimony of William Clark and Summary of Direct Testimony of William Clark, were filed on behalf of AAAA Wrecker.

On December 20, 2023, the Attorney General’s Statement of Position was filed.

On February 1, 2024, the Settlement Testimony of Geoffrey M. Rush, on behalf of the Division was filed.

Also on February 1, 2024, a Joint Stipulation and Settlement Agreement (“Stipulation”) was filed. A copy of the Stipulation is appended hereto as Attachment “A”.

On February 21, 2024, Affidavits of Publication were filed showing that publication occurred in the *Journal Record* and the *Tulsa World* on February 16, 2024.

On February 26, 2024, the Witness and Exhibit List of the Attorney General was filed.

On February 27, 2024, the Witness and Exhibit List of the Division was filed.

Also on February 27, 2024, the Witness and Exhibit List of AAAA Wrecker was filed.

On March 5, 2024, the ALJ opened the record for the hearing on the merits, took the appearances from counsel, and allowed public comment. The parties announced that a non-unanimous but unopposed Stipulation was filed in the Case. After hearing testimony from the witnesses, admitting pre-filed testimony and exhibits into the record, and allowing statements from counsel, the ALJ recommended approval of the Stipulation.

II. SUMMARY OF EVIDENCE

Documents filed in this Case, including the pre-filed witness testimonies and summaries of such, and exhibits admitted into the record at the hearing are contained in the records maintained by the Court Clerk of the Commission. Summaries of the pre-filed and oral testimonies in support of the Stipulation, as well as testimony presented at the hearing on the merits on March 5, 2024, are as follows:

Summary of Written Testimony

Geoffrey M. Rush, Division

Mr. Rush testified on behalf of the Division. He testified that the Division filed this Application because the industry had not received a rate increase since 2012, and the data gathering burden on the industry to support a rate change request had proven problematic. The Division requested that the Commission issue a new rate order identical to Commission Order 605104, but with rates modified by the Consumer Price Index (“CPI”) to reflect the cost in 2024. Mr. Rush testified that the requested increase is reasonable and in the public interest, and will allow towing and wrecker services the ability to maintain financial integrity.

William Clark, AAAA Wrecker

Mr. Clark testified on behalf of AAAA Wrecker. Mr. Clark testified that he was employed as a professor of economics at the University of Oklahoma from 1977 to 2017. He testified that the wrecker industry has historically had difficulties gathering sufficient data to apply for and justify a non-consensual tow rate increase. His evaluation of available data supported Mr. Rush’s testimony and recommendation to increase existing rates based on the CPI. Mr. Clark’s opinion was that certain categories of rates would qualify for more than the suggested recommendations, but that AAAA Wrecker was not raising that as a contention against the Division’s recommendation. Mr. Clark testified that in his opinion, the Division’s analysis and recommendation were reasonable and fair.

Summary of Statement of Position

Attorney General

The Attorney General did not oppose the relief as proposed by the Division because of the length of time since the last rate case. The Attorney General understood the need to increase the non-consensual tow rates. However, for future rate increase applications, the Attorney General would not support using CPI as the sole basis for determining what was fair and reasonable. Instead, the Attorney General believed future applications should be filed by the industry and should be supported by more substantial evidence, such as further expert evaluations, testimony, and exhibits. The Attorney General disagreed with Mr. Clark's testimony that the legislature intended the Commission to have the duty to gather data to support a rate change. The Attorney General believed this was erroneous and unsupported by the statute's language. Attorney General advised the industry to pool resources to support gathering data to support future rate change requests.

Summary of Oral Testimony

Scott Greenawalt, Division

Scott Greenawalt provided testimony on behalf of the Division. Mr. Greenawalt testified that he is a policy advisor, employed by the Division since 2004, and that the Commission has previously accepted his credentials to testify as an expert witness. He confirmed he had previously testified at the original non-consensual tow rate hearing in Cause No. 201200008, which led to Commission Order No. 605104, and about his role in overseeing non-consensual towing rates.

Mr. Greenawalt discussed the differences between non-consensual and consensual tows, noting that non-consensual tows are initiated without the vehicle owner's consent by law enforcement or property owners. In contrast, consensual tows occur when the vehicle owner directly requests the service. Mr. Greenawalt discussed the reasons for regulating non-consensual tows but not consensual ones. Greenawalt explained that regulation is necessary due to the breakdown of market forces, which can lead to potential price gouging when property is taken without the owner's consent.

Mr. Greenawalt testified about the Division's extensive outreach efforts to inform stakeholders of the current Case, including mailings, published notices, and emails. Mr. Greenawalt also noted meetings with insurance companies to discuss the rate case and acknowledged the industry's initial filing and their challenges in gathering adequate data, which resulted in the Division filing this Case. Mr. Greenawalt concluded by affirming that he had reviewed the Stipulation and agrees that the terms are fair and reasonable.

Geoffrey M. Rush, Division

Geoffrey Rush provided testimony on behalf of the Division. Mr. Rush testified that he has been employed by the Commission's Public Utility Division since 2013, and that the Commission has previously accepted his credentials to testify as an expert witness. While he is an employee of the Public Utility Division, his assistance was requested in this Case due to his ratemaking experience.

Mr. Rush described the settlement process as a robust discussion between the intervenors and the Division, leading to the Stipulation without objection from the Attorney General. Mr. Rush referred to the signed Stipulation and detailed the two key provisions. First, Mr. Rush explained that the Stipulation proposes to update the non-consensual towing rates based on the CPI, from 2012 to 2024, recognizing the need for an update due to inflation since the last rate order had been entered. Second, the Stipulation addressed the need for ongoing collaboration between the Division, the towing industry, and other parties to prevent delays in future rate updates and adapt to technological and industry practice changes.

Mr. Rush testified that the proposed rates in the Stipulation are fair, just, and reasonable. The Stipulation specifically requested the Commission to issue a new order adjusting the rates detailed in Commission Order No. 605104 based on the CPI from 2012 to 2024; otherwise, maintaining the same terms as the previous order. Mr. Rush affirmed the fairness and necessity of this adjustment to reflect the changing economic conditions since 2012.

During cross-examination by counsel for the Attorney General, Mr. Rush clarified points regarding the Stipulation. He acknowledged an error in his earlier testimony, confirming the Stipulation was non-unanimous as the Attorney General had not signed it but did not object to it. Mr. Rush discussed using the CPI for rate increases, specifying that his testimony and support were specific to this Case, and should not be seen as a general endorsement for its use in other rate cases.

In response to questions by Commissioner Kim David, Mr. Rush responded to inquiries about the indicators considered for the rate increase. He stated that the CPI was chosen for its widespread recognition and use. Additionally, Mr. Rush assured the Commissioners that the Division would promptly address the agreement for the public inquiry related to aiding the industry in gathering data to properly present future rate order applications.²

William Clark, AAAA Wrecker

William Clark provided testimony on behalf of the Intervenor, AAAA Wrecker. Mr. Clark is an economic consultant and former economics professor at the University of Oklahoma. Mr. Clark's credentials to testify in this Case as an expert witness were accepted without objection.

Mr. Clark testified that he reviewed the Division's testimony, including the analysis and recommendations regarding rate increases, as detailed in the admitted exhibits. He provided a report describing the composition of wrecker service expenses, explicitly excluding fuel costs due to its inherent price volatility. Based on profit and loss statements from four wrecker services from 2012 to 2022, his analysis determined that labor, insurance, and equipment expenses had undergone significant increases over the past decade.

Upon reviewing Mr. Rush's direct testimony, Mr. Clark concurred with Mr. Rush's analysis and supported the CPI increases recommended, showing consistency between his findings and the proposed rate adjustments.

² The Commission notes that on April 24, 2024 it issued a Notice of Inquiry in Case No. GD2024-000002, *In re: Inquiry of the Oklahoma Corporation Commission to Examine and Evaluate the Non-Consensual Tow Rate Case Process, Determine Necessity of Rule Changes, Data Collection, and Regulatory Requirements for Future Rate Adjustments*.

Mr. Clark acknowledged the possibility of undervalued areas or aspects not addressed in the original rate order. However, he did not provide testimony on what the rates should be. He affirmed that the rate increase suggested by the Division was fair and reasonable based on the available information. He clarified that he was not offering any testimony on statutory interpretation.

Rhonda Townsend, AAAA Wrecker

Rhonda Townsend provided testimony on behalf of the intervenor, AAAA Wrecker. Ms. Townsend currently serves as the President of AAAA Wrecker, which has been in operation since 1998. She testified that AAAA Wrecker initially sought a rate increase in 2022 and described the difficulties encountered by industry members while trying to gather data. Ms. Townsend stated that she reviewed the Division's testimony and recommendation, as well as the terms of the Stipulation, and agreed that the terms are fair and reasonable.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission makes the following findings of fact and conclusions of law:

1. The Commission has jurisdiction over this Case by virtue of the provisions of Article IX, § 18 of the Constitution of the State of Oklahoma, and 47 O.S. §§ 966-968.
2. Notice of the Application was provided by regular USPS mail to the non-consensual tow operators listed on Exhibit A to the Certificate of Service filed on August 21, 2023. Additionally, notice of the Application was published in the *Journal Record* and the *Tulsa World* on August 3, 2023; and, notice of the hearing on the merits was published in the *Journal Record* and the *Tulsa World* on February 16, 2024. Therefore, due and proper notice of these proceedings was given as required by law.
3. Rates for non-consensual tow operators were last established in Cause No. TD 201200008, by Order No. 605104, issued on December 6, 2012.
4. Since issuing Order No. 605104, non-consensual tow operators have experienced difficulty complying with the requirements in OAC 165:30-26-3 to adjust the rates. Consistent with the terms of the Stipulation, on April 24, 2024, the Division requested the Commission issue a Notice of Inquiry in Case No. GD2024-000002, requesting information about improving the process to request future adjustments.

A. Stipulation

5. The Stipulation, appended hereto as Attachment "A", and incorporated herein by reference, was filed on February 1, 2024.
6. The Stipulation reflects a full, final, and complete settlement of all issues in this proceeding.
7. The rates listed in "Exhibit A" to the Stipulation are supported by substantial evidence, are fair, just, and reasonable, and should be adopted by this Commission. Policies and

procedures contained in Order No. 605104 that were not addressed by the Stipulation are restated herein.

8. The Division shall post an updated list of all non-consensual tow rates to the Commission's website.

B. Non-Consensual Tow Rates

9. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a non-consensual tow shall charge any rate, fee, or charge in excess of those established by order of the Commission.

No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a non-consensual tow shall charge any rate, fee, or charge for services or activities that are not addressed in the order establishing Commission rates. Any provisions of 47 O.S. §§ Sections 953.1 or 953.2 which may be interpreted to allow a rate, fee, or charge other than those established by order of the Commission are superseded by this Final Order, pursuant to 47 O.S. §§ 966(D), 953.1(C), and 953.2(C).

10. In addition to the requirements of OAC 595:25-3-1(12) and OAC 595:25-5-5, and 47 O.S. § 954A, all bills or invoices for services performed by a wrecker or tow service shall be presented to the customer and shall include the following information:

- A. Serial number of the bill or invoice;
- B. Name, address, permit number, and telephone number of wrecker or tow service;
- C. Unit number of the wrecker or tow vehicle used;
- D. Beginning and ending odometer readings;
- E. Signature and printed name of the wrecker or tow vehicle driver and that of any other wrecker or tow service personnel providing services;
- F. Date and time of call, time of arrival at scene, time the towed vehicle is placed in storage and all other times necessary for calculation of hourly charges;
- G. Make, model, year, color, vehicle identification number, and license tag number of the towed vehicle;
- H. Origin location of the tow, destination location of the tow, and the one-way mileage between the locations;
- I. An itemization of all charges assessed and clear identification of the services for which they were charged; and
- J. The following statement must appear on all bills or invoices: Complaints may be addressed to the Oklahoma Corporation Commission - Transportation Division/Wrecker Services-P.O. Box 52000, Oklahoma City, Oklahoma 73152-2000. Complaints may also be made at <https://oklahoma.gov/occ.html>.

11. The Established Rates:

- A. The rates established by the Commission shall determine the non-consensual tow maximum fees and charges for wrecker or towing services performed in this state,

including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety (“Department”) when that service appears on the rotation log of the Department or on the rotation log of any municipality, county or other political subdivision of this state, and the services performed are at the request or at the direction of any officer of the Department or of a municipality, county, or political subdivision. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a non-consensual tow shall charge any fee which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed, or required by law and costs to collect such fees. Any wrecker or towing service is authorized to collect from the owner, lienholder, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of any towed or stored vehicle, the fee required by 47 O.S. § 904 including environmental remediation fees and services.

B. When wrecker or towing services are performed as provided in subsection A of this section:

1. Each performance of a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department and by order of the Commission;
2. Nothing herein shall limit the right of an operator who has provided or caused to be provided wrecker or towing services to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services;
3. This section shall not be construed to require an operator to charge a fee for the performance of any wrecker or towing services; and
4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services and costs to collect such fees. An operator shall release the vehicle from storage upon authorization from the owner, agent, or lienholder of the vehicle or, in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. Distance Rates:

1. Rates in this subsection shall apply to the distance the towed vehicle is transported and shall include services of the operator of the wrecker vehicle, except for services billed under paragraph (F)(1)(a). Billing for waiting and standby time at the hourly rate is allowable in conjunction with application

of distance rates. Billing for waiting and standby time shall not include the first fifteen (15) minutes of service.

Such distance rates shall be computed via the shortest highway mileage as determined from the latest official Oklahoma Department of Transportation state highway map, except as follows:

- a. For distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical route will apply;
- b. In computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile;
- c. When, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice; or
- d. When the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.

2. Maximum distance rates shall be as follows:

Distance Rates-		
Weight of Towed Vehicle (In pounds, including equipment & lading)	Distance Towed	Rate Per Mile
Single vehicle: 8,000 or less	25 miles or less	\$4.99
Single vehicle: 8,000 or less	Over 25 miles	\$4.16
Single vehicle: 8,001 – 12,000	25 miles or less	\$5.65
Single vehicle: 8,001 – 12,000	Over 25 miles	\$4.99
Single vehicle: 12,001 – 40,000	Any	\$9.56
Single vehicle: 40,001 or over	Any	\$11.23
Combination of vehicles:	Any	\$11.23

D. Hourly Rates:

1. Hourly rates may be charged instead of distance rates. Hourly rates will apply from the time the wrecker vehicle is assigned to the service call until the time it is released from service either upon return to the premises of the

wrecker or towing service or upon being available to perform another wrecker or towing service, whichever occurs first. Hourly rates include the use of a wrecker vehicle and shall include services of the operator of such wrecker.

As used in this subsection, rates stated per hour apply for whole hours and, for fractions of an hour, rates stated per fifteen (15) minutes apply for each fifteen (15) minutes or fraction thereof over seven and one-half (7½) minutes. However, if the service subject to an hourly rate is performed in less than one and a half (1½) hours, the charge applicable for one and a half (1½) hours may be charged, except for services billed under paragraph (F)(1)(a).

2. Maximum hourly rates for wrecker or towing services performed for passenger vehicles, shall be as follows:

Hourly Rates - Weight of Towed Passenger Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
Single vehicle: 8,000 or less	\$99.75	\$24.94
Single vehicle: 8,001 to 24,000	\$133.00	\$33.25
Single vehicle: 24,001 to 44,000	\$199.50	\$49.88
Single vehicle: 44,001 or over	\$299.25	\$74.81
Combination of vehicles:	\$299.25	\$74.81

3. Maximum hourly rates for all other wrecker or towing services shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used as follows:

Hourly Rates - GVWR of Wrecker Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
Single vehicle: 8,000 or less	\$99.75	\$24.94
Single vehicle: 8,001 to 24,000	\$133.00	\$33.25
Single vehicle: 24,001 to 44,000	\$199.50	\$49.88
Single vehicle: 44,001 or over	\$299.25	\$74.81
Combination of vehicles with GVWR of 24,000 or over	\$299.25	\$74.81

- a. Maximum hourly rates for extra labor shall be Forty-Seven Dollars and Eighty-Eight Cents (\$47.88) per person per hour.
- b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment. When skilled or specialized labor or equipment is required, the wrecker operator's cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover overhead costs for such labor may be added to the invoice or freight bill to be collected in addition to all other applicable charges.

E. Hookup Rates:

1. Rates in this subsection shall apply to the hookup of a vehicle to a wrecker vehicle when such hookup is performed in connection with a wrecker or towing service described in this section. Hookup rates may only be charged when distance rates are used but shall not include the use of a dolly or rollback equipment or a combination wrecker vehicle to accomplish such hookup, for which an additional fee may be charged as provided in subsection F of this section. Hookup shall include, but not be limited to, the attachment of a vehicle to or the loading of a vehicle onto a wrecker vehicle.
2. Maximum hookup rates shall be as follows:

Hookup Rates Weight of Vehicle Being Hooked Up (In pounds, including equipment and lading)	Rate
Single vehicle: 8,000 or less	\$108.06
Single vehicle: 8,001 to 12,000	\$124.69
Single vehicle: 12,001 to 24,000	\$141.31
Single vehicle: 24,001 or over	\$157.94
Combination of vehicles:	\$157.94

F. Additional Service Rates:

1. Rates in this subsection shall apply to the performance of the following services as specified within this subsection:
 - a. Recovery services provided, including but not limited to winching, hoisting, up righting, or removal services necessary to position the towed vehicle so that the wrecker vehicle can hookup to or load the vehicle that is to be towed. Recovery services may be billed in addition to distance rates or hourly rates. Recovery services shall not be charged in excess of the hourly rates provided by Commission order. When recovery services are billed, the time spent providing those services must be documented on the face of the invoice.

The actual customary and ordinary rates charged for low pressure air cushions are excluded from regulation by the Commission; however, such exclusion shall not prohibit the Commission from regulating such services and rates in the future if necessary.

- b. The disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,

- c. The removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or
- d. The use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

Additional Service Rates Weight of Towed Vehicle (In pounds, including equipment and lading)	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
8,000 or less	\$15.96	\$23.94	\$39.90
8,001-12,000	\$23.94	\$31.92	\$47.88
Rate Per 15 Minutes of Service Performed			
12,001 or over	\$31.92	\$31.92	Not applicable

- G. An operator shall be required to provide reasonable documentation to substantiate all fees charged the owner, lienholder, agent, or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.
- H. Distance, hourly (excluding recovery services), and hookup rates may be adjusted weekly by adding a fuel surcharge as provided in this section. The fuel surcharge shall be based on the United States Department of Energy “weekly retail on-highway diesel prices” for the “Midwest region” using Two Dollars (\$2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase in fuel cost starting at Two Dollars and Ten Cents (\$2.10) per gallon.
- I. When skilled or specialized labor or equipment is required, the cost incurred by the wrecker operator for such skilled or specialized labor or equipment plus an additional twenty-five percent (25%) gross profit markup to cover overhead costs for such labor may be added to the invoice or freight bill to be collected in addition to all other applicable charges. This applies to labor and equipment not regulated by the Commission.
- J. Wrecker operators shall be allowed to obtain ownership and insurer information, including accident reports and other public records, from Service Oklahoma or other states’ motor vehicle agencies or from law enforcement agencies for the purpose of determining ownership and responsibility for wrecker fees. In the event a state of origin is not known, the Department and Service Oklahoma shall assist in

providing such information. Wrecker operators may charge no more than Nineteen Dollars and Ninety-Five Cents (\$19.95) to obtain ownership and insurer information for the purpose of determining ownership and responsibility for wrecker fees. This amount may only be collected from the owner, lien holder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the owner of any towed or stored vehicle. This fee may only be charged for obtaining ownership and insurance information, when necessary, for vehicles towed at the request of law enforcement and shall not be applicable to vehicles towed pursuant to 47 O.S. § 954A.

Any provisions of Section 953.1 of Title 47 that are contradictory to those of this Order are superseded.

12. “Extra labor”, as used in 47 O.S. §§ 951 through 965 is additional manpower and includes services or work customarily performed during the course of providing adequate wrecker or towing services.

13. “Specialized equipment”, as used in 47 O.S. §§ 951 through 965, shall not include the equipment, tools, consumables, or implements required by OAC 595:25-5-2, with the exception of absorbent used for absorbing liquid spills from the highway or highway right of way during the performance of non-consensual towing services.

The wrecker or towing service may include the cost of the absorbent consumed during the performance of non-consensual towing services, plus an additional twenty-five percent gross profit markup pursuant to Paragraph I, on the invoice for non-consensual towing services. All invoices for non-consensual towing services which include costs for absorbent shall be accompanied by reasonable documentation, as required by Paragraph G. Labor charges related to the use of absorbent during the performance of non-consensual towing services may not be charged.

14. The Commission shall have no regulatory authority of non-consensual towing rates or vehicle storage rates when the wrecker or towing services are performed pursuant to a contract, executed under the provisions of 47 O.S. § 952, with a political subdivision and contains non-consensual towing rates other than those established by the Commission.

15. For vehicles weighing less than 10,000 pounds (gross vehicle weight rating or “GVWR”), towed under the provisions of 47 OS. § 954A, wrecker or towing services may charge a drop fee instead of wrecker or towing service fees to allow the wrecker vehicle operator to terminate the tow without charging the full wrecker or towing service fees and storage fees. A wrecker or towing service may collect a drop fee when called to perform a non-consensual tow and the vehicle owner, authorized operator, or agent wants to take possession of the operable vehicle before the vehicle is removed from the private property location where the tow originated by the wrecker or towing service. Wrecker or towing services are required to relinquish possession of the vehicle but may collect the drop fee as compensation for costs incurred up to that point.

The drop fee shall not exceed Ninety-Nine Dollars and Seventy-Five Cents (\$99.75) for vehicles weighing less than 10,000 pounds GVWR and may not be charged when other wrecker or towing service fees are charged.

16. For vehicles towed under the provisions of 47 O.S. § 954A, wrecker operators may collect up to Thirty-Three Dollars and Twenty-Five Cents (\$33.25) for purposes of obtaining ownership and lienholder information from Service Oklahoma or other states' motor vehicle agencies or from law enforcement agencies for the purpose of determining responsibility for wrecker fees. This fee may be collected in addition to the cost incurred by the wrecker operator for certified postage and towing and storage of the vehicle.

C. Storage and After-Hours Release

17. The rates established by this order shall determine the maximum fees and charges for the storage and after-hours release of non-consensual towed vehicles, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department. No wrecker or towing service shall charge any fee for non-consensual towed vehicles and storage not prescribed in this order or which exceeds the maximum rates prescribed in this Final Order.

18. Storage and Release:

- A. Storage or after-hours release of a towed vehicle, or both, provided by a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department and by this Final Order.
- B. Nothing herein shall limit the right of an operator who has provided or caused to be provided storage or after-hours release of a towed vehicle, or both, to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services.
- C. This section shall not be construed to require an operator to charge a fee for the storage or after-hours release, or both, of any towed vehicle.
- D. The operator is authorized to collect all fees prescribed in this order from the owner, lienholder or agent of the towed vehicle or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent, or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

19. Outdoor Storage Rates:

- A. Rates in this subsection shall apply to the outdoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought onto the outdoor storage facility premises. Rates shall apply to each calendar day of outdoor storage;

provided, the maximum twenty-four-hour fee as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period. The maximum fee which shall be charged for a period of less than twenty-four hours of storage is the one calendar day rate provided for in this section.

B. Maximum outdoor storage rates shall be as follows:

Outdoor Storage Rates	
Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$23.94
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$31.92
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$39.90
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$55.86

20. Indoor Storage Rates:

A. Rates in this subsection shall apply to the indoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought into the indoor storage facility premises. Rates shall apply to each calendar day of indoor storage; provided, the maximum twenty four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period. The maximum fee which shall be charged for a period of less than twenty-four hours of storage is the one calendar day rate provided for in this section.

B. Maximum indoor storage rates shall be as follows:

Indoor Storage Rates	
Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$39.90
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$47.88
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$55.86
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$71.82
After Hours Release Fee (per quarter hour)	\$19.95

- C. For purposes of this subsection, “indoor storage” means the vehicle is kept in an enclosed facility.
21. After-Hours Release Rate:
- A. The rate in this subsection shall apply to the release of a towed vehicle to the owner, lienholder, or agent when such release occurs at a time other than normal business hours.
 - B. As used in this subsection:
 - 1. “After-hours release rate” shall mean the rate charged for the release of a towed vehicle between the hours of midnight and 8:00 a.m., or between the hours of 5:00 p.m. and midnight Monday through Friday, or any time on Saturday, Sunday, or a national holiday, and
 - 2. “National holiday” shall mean New Year’s Day, Martin Luther King Day, President’s Day, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, and shall further include the Friday before such national holiday which falls on a Saturday and the Monday following such national holiday which falls on a Sunday.
 - C. The maximum after-hours release rate shall be Nineteen dollars and Ninety-Five Cents (\$19.95) per quarter hour for the release of any single vehicle or combination of vehicles.
22. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent, or insurer accepting liability for paying the claim for the towed vehicle or purchasing the towed vehicle. Fees for which the operator is being reimbursed, or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate the payment to the third party.

ORDER

IT IS THEREFORE THE ORDER OF THE COMMISSION that the findings of fact and conclusions of law herein, are hereby adopted as the findings of fact and conclusions of law of the Commission, and the rates for non-consensual towing and storage of vehicles, and the policies and procedures for supervision and enforcement of such rates, stated herein, shall apply to the provision of non-consensual tow services.

IT IS FURTHER ORDERED that the Stipulation, appended hereto as Attachment “A”, reflects a full, final, and complete settlement of all issues in this proceeding, and the same is hereby adopted and approved.

IT IS FURTHER ORDERED that the rates established in “Exhibit A” to the Joint Stipulation and Settlement Agreement shall become effective on June 1, 2024.

IT IS FURTHER ORDERED that the Division shall post an updated list of all ordered non-consensual tow rates to the Commission's website.

CORPORATION COMMISSION OF OKLAHOMA



J. ODD HIETT, Chairman



KIM DAVID, Vice Chairman



BOB ANTHONY, Commissioner

DONE AND PERFORMED THIS 30TH DAY OF MAY 2024

BY ORDER OF THE COMMISSION:



ELEISE ROUSE, Acting Commission Secretary



BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF MARK WILLILNGHAM,)
DIRECTOR OF THE TRANSPORTATION)
DIVISION, OKLAHOMA CORPORATION)
COMMISSION FOR AN ORDER OF THE)
COMMISSION MODIFYING COMMISSION) CASE NO. TD 2023-000011
ORDER NO. 605104 AND AUTHORIZING A)
CHANGE TO NON-CONSENSUAL TOW)
RATES)

JOINT STIPULATION AND SETTLEMENT AGREEMENT

COME NOW the undersigned parties to the above-entitled cause and present the following Joint Stipulation and Settlement Agreement ("Joint Stipulation") for the Oklahoma Corporation Commission's ("OCC" or "Commission") review and approval as their compromise and settlement of all issues in this proceeding between the parties to this Joint Stipulation ("Stipulating Parties"). The Stipulating Parties represent to the Commission that this Joint Stipulation represents a fair, just, and reasonable settlement of these issues, that the terms and conditions of the Joint Stipulation are in the public interest, and the Stipulating Parties urge the Commission to issue an Order in this Case adopting and approving this Joint Stipulation.

It is hereby stipulated and agreed by and between the Stipulating Parties as follows:

TERMS OF THE JOINT STIPULATION AND SETTLEMENT AGREEMENT

Effective with the final order of the OCC approving all elements of this Joint Stipulation:

Revenue increase and other agreements.

1. The Stipulating Parties agree that an increase, based on the Consumer Price Index ("CPI"), shall be established for current rates. Those rates, as set out more fully in Exhibit A, include:
 - a. Distance Rates.
 - b. Hourly Rates.
 - c. Max Hourly Rates for all other wrecker or towing services.
 - d. Hookup Rates.
 - e. Additional Service Rates.
 - f. Indoor Storage Rates
 - g. Outdoor Storage Rates.
 - h. Miscellaneous Fees
 - i. Extra Labor Rate.
 - j. After Hours Release Rate

2. The Stipulating Parties agree it is their expectation that future actions to adjust nonconsensual tow rates shall be initiated by the industry and justified by data collected

by the industry. In support of those efforts, the Transportation Division may file a Notice of Inquiry ("NOI") and invite interested parties to provide comment – both written and in a Technical Conference, to help resolve the challenges of gathering the data necessary to determine fair and reasonable nonconsensual tow rates.

Discovery and Motions.

As between and among the Stipulating Parties, all pending requests for discovery, and all motions pending before either the Commission or the Administrative Law Judge are hereby withdrawn.

General Reservations.

The Stipulating Parties represent and agree that, except as specifically otherwise provided herein:

1. This Joint Stipulation represents a negotiated settlement for the purpose of compromising and settling all issues which were raised relating to this proceeding.
2. Each of the undersigned counsel of record affirmatively represents that he or she has full authority to execute this Joint Stipulation on behalf of their client(s).
3. None of the signatories hereto shall be prejudiced or bound by the terms of this Joint Stipulation in the event the Commission does not approve this Joint Stipulation nor shall any of the Stipulating Parties be prejudiced or bound by the terms of this Joint Stipulation should any appeal of a Commission order adopting this Joint Stipulation be filed with the Oklahoma Supreme Court.
4. The Stipulating Parties agree that the provisions of this Joint Stipulation are the result of extensive negotiations, and the terms and conditions of this Joint Stipulation are interdependent. The Stipulating Parties agree that settling the issues in this Joint Stipulation is in the public interest and, for that reason, they have entered into this Joint Stipulation to settle among themselves the issues in this Joint Stipulation. This Joint Stipulation shall not constitute nor be cited as a precedent nor deemed an admission by any Stipulating Party in any other proceeding except as necessary to enforce its terms before the Commission or any state court of competent jurisdiction. The Commission's decision, if it enters an order consistent with this Joint Stipulation, will be binding as to the matters decided regarding the issues described in this Joint Stipulation, but the decision will not be binding with respect to similar issues that might arise in other proceedings. A Stipulating Party's support of this Joint Stipulation may differ from its position or testimony in other causes. To the extent there is a difference, the Stipulating Parties are not waiving their positions in other causes. Because this is a stipulated agreement, the Stipulating Parties are under no obligation to take the same position as set out in this Joint Stipulation in other dockets.

Non- Severability.

The Stipulating Parties stipulate and agree that the agreements contained in this Joint Stipulation have resulted from negotiations among the Stipulating Parties and are interrelated and interdependent. The Stipulating Parties hereto specifically state and recognize that this Joint

Stipulation represents a balancing of positions of each of the Stipulating Parties in consideration for the agreements and commitments made by the other Stipulating Parties in connection therewith. Therefore, in the event that the Commission does not approve and adopt the terms of this Joint Stipulation in total and without modification or condition (provided, however, that the affected party or parties may consent to such modification or condition), this Joint Stipulation shall be void and of no force and effect, and no Stipulating Party shall be bound by the agreements or provisions contained herein. The Stipulating Parties agree that neither this Joint Stipulation nor any of the provisions hereof shall become effective unless and until the Commission shall have entered an Order approving all of the terms and provisions as agreed by the parties to this Joint Stipulation and such Order becomes final and non-appealable.

WHEREFORE, the Stipulating Parties hereby submit this Joint Stipulation and Settlement Agreement to the Commission as their negotiated settlement of this proceeding with respect to all issues which were raised with respect to this Application, and respectfully request the Commission to issue an Order approving this Joint Stipulation and Settlement Agreement.

**TRANSPORTATION DIVISION
OKLAHOMA CORPORATION COMMISSION**

By: Paul Swigart
Paul Swigart, Director of the Transportation
Division

AAAA WRECKER SERVICE

By: Sabre N. Weathers
Sabre N. Weathers (Jan 17, 2024 14:49 CST)
Sabre N. Weathers
Attorney for Ronda Townsend as Representative of
AAAA Wrecker Service

EXHIBIT A

Distance Rates-	Distance Towed	Rate Per Mile-- Current	Adjusted Rate (+33%)
Weight of Towed Vehicle in Pounds, Including Equipment & Lading			Rate Calculated since 1/1/2013 to 11/30/2023 (most recent available)
Single vehicle: 8,000 or less	25 miles or less	\$3.75	\$4.99
Single vehicle: 8,000 or less	Over 25 miles	\$3.13	\$4.16
Single vehicle: 8,001 – 12,000	25 miles or less	\$4.25	\$5.65
Single vehicle: 8,001 – 12,000	Over 25 miles	\$3.75	\$4.99
Single vehicle: 12,001 – 40,000	Any	\$7.19	\$9.56
Single vehicle: 40,001 or over	Any	\$8.44	\$11.23
Combination of vehicles:	Any	\$8.44	\$11.23

Hourly Rates - Weight of Towed Passenger Vehicle (In Pounds)	Rate Per Hour-- Current	Rate Per 15 minutes-- Current	Adjusted Rate (+33%) per Hour	Adjusted Rate (+33%) per 15 minutes
Single vehicle: 8,000 or less	\$75.00	\$18.75	\$99.75	\$24.94
Single vehicle: 8,001 to 24,000	\$100.00	\$25.00	\$133.00	\$33.25
Single vehicle: 24,001 to 44,000	\$150.00	\$37.50	\$199.50	\$49.88
Single vehicle: 44,001 or over	\$225.00	\$56.25	\$299.25	\$74.81
Combination of vehicles:	\$225.00	\$56.25	\$299.25	\$74.81
Hourly Rates - GVWR of Wrecker Vehicle (In Pounds)	Rate Per Hour-- Current	Rate Per 15 minutes-- Current	Adjusted Rate (+33%) per Hour	Adjusted Rate (+33%) per 15 minutes
Single vehicle: 8,000 or less	\$75.00	\$18.75	\$99.75	\$24.94
Single vehicle: 8,001 to 24,000	\$100.00	\$25.00	\$133.00	\$33.25
Single vehicle: 24,001 to 44,000	\$150.00	\$37.50	\$199.50	\$49.88
Single vehicle: 44,001 or over	\$225.00	\$56.25	\$299.25	\$74.81
Combination of vehicles with GVWR of 24,000 or over	\$225.00	\$56.25	\$299.25	\$74.81

Hookup Rates	Rate--Current	Adjusted Rate (+33%)
Single vehicle: 8,000 or less	\$81.25	\$108.06
Single vehicle: 8,001 to 12,000	\$93.75	\$124.69
Single vehicle: 12,001 to 24,000	\$106.25	\$141.31
Single vehicle: 24,001 or over	\$118.75	\$157.94
Combination of vehicles:	\$118.75	\$157.94
Miscellaneous Fees	Amount--Current	Adjusted Rate (+33%)
Registration Check (Law Enforcement Tows)	\$15	\$19.95
PPI-Ownership/Lien Check	\$25	\$33.25
PPI-Drop fee GVWR <10,000	\$75	\$99.75
*Title 42 – Notification Processing Fee	\$50	\$50.00
Extra Labor	\$36	\$47.88
Title 42 certified postage	Actual	Actual

*Set by Statute

Additional Service Rates Weight of Towed Vehicle	Disconnect Drive Line; Remove Axle--Current	Adjusted Rate (+33%)	Reconnect Drive Line; Replace Axle--Current	Adjusted Rate (+33%)	Dolly or Rollback--Current	Adjusted Rate (+33%)
8,000 or less	\$12	\$15.96	\$18	\$23.94	\$30	\$39.90
8,001-12,000	\$18	\$23.94	\$24	\$31.92	\$36	\$47.88
Rate Per 15 Minutes of Service Performed						
12,000 or over	24	\$31.92	\$24	\$31.92	N/A	N/A

Outdoor Storage Rates		
Type of Towed Vehicle	Rate / Each 24-hour Period or Portion Thereof	
	Current Rate	Adjusted Rate (+33%)
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$18	\$23.94
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$24	\$31.92
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$30	\$39.90
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$42	\$55.86
Indoor Storage Rates		
Type of Towed Vehicle	Rate / Each 24-hour Period or Portion Thereof	
	Current Rate	Adjusted Rate (+33%)
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$30	\$39.90
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$36	\$47.88
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$42	\$55.86
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$54	\$71.82
After Hours Release Fee (per quarter hour)	\$15	\$19.95

Certificate of Electronic Service
TD2023-000011

CERTIFICATE OF ELECTRONIC SERVICE

I, the undersigned, do hereby certify that on the 1st day of February 2024, a true and correct copy of the above and foregoing was sent electronically via electronic mail to the following:

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Darlene Mayhew Legal Assistant
Oklahoma Corporation Commission