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, February 28, 2023

Place: Room 301, Jim Thorpe Office Building, 2101 North Lincoln

Boulevard, Oklahoma Čity, Oklahoma 73105

Purpose: Conducting of business enumerated in the items below

Posting Division: Chairman J. Todd Hiett

AGENDA

Item	Торіс
I	A. Call to order B. Announcement concerning public notice C. Determination of quorum
II	Consideration of and possible vote(s) on proposed or potential orders in cases on the daily signing agenda docket. At the meeting, 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 daily signing agenda docket as a whole, or both by individual cases and the remaining docket.)
III	A. Summary of and possible discussion on recent Transportation Division activity for motor carrier enforcement, ports of entry, and weigh stations, including the number of vehicles processed and screened, the dollar amounts, numbers, and types of citations issued recently and comparisons to prior periods, and the base jurisdictions involved as listed by state—Deputy General Counsel Darren Ferguson or/and Deputy General Counsel Michael Copeland
	B. Discussion of and possible vote(s) on a proposed Final Order of the Commission and/or any alterations, revisions, or amendments thereto proposed at the meeting, in Case No. MCC 202300565, Oklahoma Corporation Commission vs. Respondents Named on Attached Docket Report "Exhibit A"
IV	Consideration of and possible vote(s) on proposed or potential orders in cases on attached 24-hour signing agenda docket. At the meeting, 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.)

- V Discussion of and possible vote(s) on the following proposed orders: Order Vacating Order No. 732329 and Order Granting Motion to Determine Notice and/or any alterations, revisions, or amendments thereto proposed at the meeting, in Case No. PUD2022-000121, Application of Public Service Company of Oklahoma (PSO) for Approval of the Cost Recovery of the Selected Wind and Solar Facilities (Renewable Resources); a Determination there is a Need for the Renewable Resources; Approval for Future Inclusion in Base Rates for Cost Recovery of Prudent Costs Incurred by PSO for the Renewable Resources; Approval of a Temporary Cost Recovery Rider; Approval of Certain Treatment of Federal Production Tax Credits; and Such Other Relief the Commission Deems PSO is Entitled
- VI Discussion of and possible vote(s) on the Commission retaining a consultant to assist the Commission in the following cases:
 - A. Case No. PUD2022-000057, 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 Gas and Electric Company for the Calendar Year 2021 and, for a Prudence Review of the Electric Generation, Purchased Power, and Fuel Procurement Processes and Costs of Oklahoma Gas and Electric Company for the Calendar Year 2021,
 - B. Case No. PUD2022-000077, 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 **Public Service Company of Oklahoma** for the Calendar Year 2021 and, for a Prudence Review of the Electric Generation, Purchased Power, and Fuel Procurement Processes and Costs of **Public Service Company of Oklahoma** for the Calendar Year 2021, and
 - C. Case No. PUD2022-000089, 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 2021 and, for a Prudence Review of the Electric Generation, Purchased Power, and Fuel Procurement Processes and Costs of Oklahoma Natural Gas Company, a Division of One Gas, Inc. for the Calendar Year 2021

Discussion and possible vote(s) may include the following: purpose; scope; timing; selection; funding; cost; oversight management; and process/procedure.

VII Submitted by Corporation Commissioner Bob Anthony:

Consideration and discussion of Cause CD No. 200604826 (a pooling case now more than sixteen years old) that raises questions about the integrity of the Oklahoma Corporation Commission (OCC), with consideration of:

Continuation of Submission by Corporation Commissioner Bob Anthony: Commission Order No. 721690, Order on Optima's Motion to Reopen and Mewbourne's Amended Motion to Dismiss Motion to Reopen, issued November 17, 2021. Decision of Oklahoma Supreme Court in Case No. 120,079 on February 22, 2022, to deny Mewbourne Oil Company's Application to Assume Original Jurisdiction. The Governor's Task Force formed August 2017 to conduct an analysis of the Oklahoma Corporation Commission that would include, among other items, "Time required to process workload and individual cases." U.S. Supreme Court decision in Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 U.S. 238, 64 S.Ct. 997, 88 L.Ed.1250 (1944) stating, "Surely, it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud." Oklahoma Supreme Court decision involving OCC in Leck v. Continental Oil Co., 1989 OK 173, 800 P. 2d 224, where "... allegations are in the nature of intrinsic fraud for which relief, if any, must be sought in the forum where the fraud allegedly occurred." Article IX, Section 18 of the Oklahoma Constitution specifying Oklahoma Corporation Commission power and authority and duty of "... correcting abuses and preventing unjust discrimination and extortion by such companies" Concurring Opinion of Commissioner Bob Anthony filed on October 27, 2017, attached VIII New business A. Any matter not known about and which could not have been reasonably foreseen 24 hours before the meeting B. Possible vote(s) on matters of new business ΙX 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 Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 11:45 a.m., Monday, February 27, 2023.



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

Date: Tuesday, February 28, 2023 Time: 1:30 PM Place: COURTROOM 301

Case Number CD2021-002019 Order Type Final RSO OKC

CONTINENTAL RESOURCES INC (Applicant)

Relief Type(s) Pooling

Order Type Final

1st Legal Loc./County S19 T1S R3W / Carter

1st Legal Loc./County S18 T1S R3W / Carter

Parties CONTINENTAL RESOURCES INC (Applicant) Relief Type(s) Pooling

Order Title FINAL ORDER

Order Title FINAL ORDER

Case Number CD2021-002020

Case Number CD2021-002416 Order Type Final RSO OKC

CONTINENTAL RESOURCES INC (Applicant)

1st Legal Loc./County S12 T2S R3W / Carter

Order Title FINAL ORDER

Case Number CD2021-002691 RSO OKC Order Type Final

Parties CONTINENTAL RESOURCES INC (Applicant)

1st Legal Loc./County S8 T6N R6W / Grady

Order Title FINAL ORDER

Case Number CD2022-001518 Order Type Final RSO OKC

CONTINENTAL RESOURCES INC (Applicant) **Parties**

1st Legal Loc./County S14 T1S R3W / Carter

Order Title FINAL ORDER

Relief Type(s) Pooling

Case Number CD2022-001519

Order Type Final

Relief Type(s) Pooling

Relief Type(s) Pooling

Relief Type(s) Pooling

CONTINENTAL RESOURCES INC (Applicant)

1st Legal Loc./County S24 T1S R3W / Carter

Order Title FINAL ORDER

RSO OKC

RSO OKC

Case Nur	nber CD2022-001560	Order Type Final		RSO OKC
Parties	CONTINENTAL RESOUR	CES INC (Applicant)	Relief Type(s) Pooling	
1st Legal	Loc./County S32 T1N R3	BW / Garvin		
Order Tit	le FINAL ORDER			
Case Nur	mber CD2022-003505	Order Type Final		RSO OKC
Parties	CONTINENTAL RESOUR	CES INC (Applicant)	Relief Type(s) Pooling	
	Loc./County S19 T1N R3		Reflet Type(s) Fooling	
	le FINAL ORDER	ow / Garviii		
order in	IE I IIVAL ONDLIN			
Case Nur	mber CD2022-003699	Order Type Final		RSO OKC
Parties	CONTINENTAL RESOUR	CES INC (Applicant)	Relief Type(s) Pooling	
1st Legal	Loc./County S1 T2S R4V	V / Stephens	. ,	
_	le FINAL ORDER	·		
Case Nur	mber CD2023-000010	Order Type Final		RSO OKC
Parties	RED ROCKS ENERGY PA	RTNERS LP (Applicant)	Relief Type(s) Increased well density	
	Loc./County S9 T3N R3V		nener 1,pe(e) mereacea wen achievy	
•	le FINAL ORDER	, , Gai. v		
Case Nur	mber CD2023-000011	Order Type Final		RSO OKC
Parties	RED ROCKS ENERGY PA	RTNERS LP (Applicant)	Relief Type(s) Increased well density	
1st Legal	Loc./County S16 T3N R3	BW / Garvin		
Order Tit	le FINAL ORDER			
Case Nur	mber CD2023-000012	Order Type Interim		RSO OKC
Parties	RED ROCKS ENERGY PA	RTNERS LP (Applicant)	Relief Type(s) Multi-unit horizontal well	
	Loc./County S9 T3N R3V		, ,	
•	le INTERIM ORDER			
Case Nur	mber EN2022-000009	Order Type Motion		RSO OKC
Parties	STRICKLAND, ROBYN	OIL FIELD PRODUCTION	Relief Type(s) Assess Fine(s) Contempt S	Surety - Forfeit
	(Applicant)	INC (Respondent)	Surety - Increase	,
1st Legal	Loc./County S31 T5N R4	IW / McClain		

Case Number SF2022-000125	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	plicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S27 T4N R19	W / Jackson			
Order Title FINAL ORDER				
Case Number SF2022-000126	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	plicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S5 T7N R17V	/ / Kiowa			
Order Title FINAL ORDER				
Case Number SF2022-000128	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	olicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S28 T3N R4V	/ / Garvin			
Order Title FINAL ORDER				
Case Number SF2022-000129	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	plicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S25 T4N R3V	/ / Garvin			
Order Title FINAL ORDER				
Case Number SF2022-000130	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	plicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S2 T4N R2W	/ Garvin			
Order Title FINAL ORDER				
Case Number SF2022-000132	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	plicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S1 T7N R16V	/ / Kiowa			
Order Title FINAL ORDER				
Case Number SF2022-000133	Order Type	Final		RSO OKC
Parties STRICKLAND, ROBYN (Ap	plicant)		Relief Type(s) Plug Abandoned Well(s)	
1st Legal Loc./County S23 T9N R19	W / Washita			
Order Title FINAL ORDER				



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

Date: Tuesday, February 28, 2023 Time: 1:30 PM Place: COURTROOM 301

Case Number PUD2022-000088

Order Type Final

RSO OKC

LEGENT COMM LLC (Applicant)

Order Title FINAL ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY AND APPROVAL OF INITIAL **TARIFF**

LEGENT COMM LLC D/B/A DC COMMUNICATIONS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE INTRASTATE TOLL TELECOMMUNICATIONS

Relief In Caption IN THE MATTER OF THE APPLICATION OF

SERVICES WITHIN THE STATE OF OKLAHOMA

Case Number PUD2022-000125

Order Type Final

RSO OKC

Parties CENTURYTEL OF

ONVOY SPECTRUM LLC

NORTHWEST ARKANSAS (Applicant)

LLC (Applicant)

Order Title FINAL ORDER APPROVING INTERCONNECTION

AGREEMENT

Relief In Caption APPLICATION OF CENTURYTEL OF NORTHWEST ARKANSAS, LLC, D/B/A CENTURYLINK, FOR APPROVAL OF A CMRS INTERCONNECTION AGREEMENT WITH ONVOY SPECTRUM, LLC PURSUANT TO SECTION 252(e) OF THE TELECOMMUNICATIONS ACT OF 1996

Case Number PUD2023-000006

Order Type Motion

RSO OKC

IM TELECOM LLC (Applicant) **Parties**

Order Title ORDER GRANTING PROTECTIVE ORDER

Relief In Caption APPLICATION OF IM TELECOM LLC d/b/a INFINITI MOBILE FOR DESIGNATION IN ADDITIONAL AREAS AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER PURSUANT TO 47 U.S.C § 214(e)

Case Number PUD2023-000010

Order Type Motion

RSO OKC

Parties PUBLIC SERVICE COMPANY OF OKLAHOMA

(Applicant)

Order Title ORDER ESTABLISHING PROCEDURAL SCHEDULE

Relief In Caption IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF OKLAHOMA FOR AUTHORITY PERMITTING IT TO ISSUE SENIOR UNSECURED NOTES AND/OR UNSECURED PROMISSORY NOTES IN A PRINCIPAL AMOUNT OF \$1,750,000,000

Case Number PUD2023-000010

Order Type Motion

RSO OKC

Parties PUBLIC SERVICE COMPANY OF OKLAHOMA

(Applicant)

Order Title ORDER GRANTING MOTION TO DETERMINE

NOTICE

Relief In Caption IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF OKLAHOMA FOR AUTHORITY PERMITTING IT TO ISSUE SENIOR UNSECURED NOTES AND/OR UNSECURED PROMISSORY NOTES IN A PRINCIPAL AMOUNT OF \$1,750,000,000

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

APPLICANT: MEWBOU	RNE OIL COMPANY)			
RELIEF SOUGHT: POO) CAUSE CD NO. 200604826				
LEGAL DESCRIPTION:	SECTION 1, TOWNSHIP 20 NORTH, RANGE 24 WEST, ELLIS COUNTY, OKLAHOMA)))	F	OCT 27 2017	A de la constante de la consta
Order No. 669457			T CLERK'S OFFICE PORATION COMMIS		

OF OKLAHOMA

Concurring Opinion of Corporation Commissioner Bob Anthony

The Governor of Oklahoma on August 7, 2017 formed a Task Force to conduct an analysis of the Oklahoma Corporation Commission that shall include, among other items, "A performance assessment, addressing: ... Time required to process workload and individual cases." Because Cause CD No. 200604826 is now more than eleven years old, and because it also raises questions about the integrity of the Oklahoma Corporation Commission, I suggest the Task Force start here with its performance review.

In my opinion, lack of leadership and failed attention to duty by the commissioners has allowed unnecessary delay and neglect of serious issues in this case. For example, my participation in Order No. 529450 adopted by a 2-0 Commission vote on September 8, 2006 failed to appreciate an Oklahoma Supreme Court decision in *Leck v. Continental Oil Co.*, 1989 OK 173, 800 P. 2d 224 where "allegations are in the nature of intrinsic fraud for which relief, if any, must be sought in the forum where the fraud allegedly occurred." That means the Corporation Commission should own up to and confront our own issues of alleged intrinsic fraud. Also, preservation of the integrity of our judicial process must not wait upon the diligence of private litigants.

The power to <u>"set aside fraudulently begotten judgments"</u> was addressed by the United States Supreme Court in *Hazel-Atlas Glass Company v. Hartford Empire Company*, 1944, 64 S.Ct. 997,322 U.S. 238, 88 L.Ed. 1250. "This case involves the power of a Circuit Court of Appeals, upon proof that **fraud** was perpetrated on it by a successful litigant, to vacate its own judgment entered at a prior term and direct vacation ... " The decision continues, in part (with emphasis added):

Every element of the fraud here disclosed demands the exercise of the historic power of equity to set aside fraudulently begotten judgments. ... Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be

tolerated consistently with the good order of society. Surely, it <u>cannot</u> be that preservation of the integrity of the judicial process must always <u>wait</u> upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud.

This Cause CD No. 200604826 involves claims of

- adjudicated finding on appeal that counsel misled the Oklahoma Corporation Commission and caused it to enter an erroneous order
- misconduct that was in the nature of "intrinsic fraud" and, as such, is a "public rights" issue which is within the jurisdiction of the Commission.

The U. S. Court of Appeals for the Tenth Circuit held in this matter that, under Oklahoma law, only the Oklahoma Corporation Commission has the jurisdiction to determine damages or other relief arising from ... litigation misconduct occurring before the Commission.

The current Motion to Dismiss in this Cause CD No. 200604826 argues

- there is no basis for a claim that the Commission was misled
- even if proved, intrinsic fraud upon the Commission cannot result in money damages.

The inaction of this Commission has now been addressed, overruled or countermanded by reports, recommendations, decisions, orders, judgments or holdings from

- Corporation Commission Administrative Law Judges
- Corporation Commission Appellate Referees
- Oklahoma Court of Civil Appeals
- Oklahoma Supreme Court
- U. S. District Court for the Western District of Oklahoma
- U. S. Court of Appeals for the Tenth Circuit.

Surely, the Corporation Commission should heed the Order and Judgment of the Tenth Circuit, recognize its constitutional duties and move expeditiously to resolve this matter now.

Respectfully submitted,

Bob Autho

Commissioner Bob Anthony