

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 City, Oklahoma 73105

Purpose: Conducting of 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	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, <i>Oklahoma Corporation Commission vs. Respondents Named on Attached Docket Report “Exhibit A”</i>
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.)

<p>V</p>	<p>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, <i>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</i></p>
<p>VI</p>	<p>Discussion of and possible vote(s) on the Commission retaining a consultant to assist the Commission in the following cases:</p> <p>A. Case No. PUD2022-000057, <i>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,</i></p> <p>B. Case No. PUD2022-000077, <i>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</i></p> <p>C. Case No. PUD2022-000089, <i>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</i></p> <p>Discussion and possible vote(s) may include the following: purpose; scope; timing; selection; funding; cost; oversight management; and process/procedure.</p>
<p>VII</p>	<p>Submitted by Corporation Commissioner Bob Anthony:</p> <p>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:</p>

	<p><i>Continuation of Submission by Corporation Commissioner Bob Anthony:</i></p> <p>Commission Order No. 721690, <i>Order on Optima’s Motion to Reopen and Mewbourne’s Amended Motion to Dismiss Motion to Reopen</i>, issued November 17, 2021.</p> <p>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.</p> <p>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.”</p> <p>U.S. Supreme Court decision in <i>Hazel-Atlas Glass Co. v Hartford-Empire Co.</i>, 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.”</p> <p>Oklahoma Supreme Court decision involving OCC in <i>Leck v. Continental Oil Co.</i>, 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.”</p> <p>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”</p> <p>Concurring Opinion of Commissioner Bob Anthony filed on October 27, 2017, attached</p>
VIII	<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>
IX	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

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

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

Order Title FINAL ORDER

Case Number CD2021-002020 **Order Type** Final **RSO** OKC

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

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

Order Title FINAL ORDER

Case Number CD2021-002416 **Order Type** Final **RSO** OKC

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

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

Order Title FINAL ORDER

Case Number CD2021-002691 **Order Type** Final **RSO** OKC

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

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

Order Title FINAL ORDER

Case Number CD2022-001518 **Order Type** Final **RSO** OKC

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

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

Order Title FINAL ORDER

Case Number CD2022-001519 **Order Type** Final **RSO** OKC

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

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

Order Title FINAL ORDER

Case Number CD2022-001560 **Order Type** Final **RSO** OKC

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

1st Legal Loc./County S32 T1N R3W / Garvin

Order Title FINAL ORDER

Case Number CD2022-003505 **Order Type** Final **RSO** OKC

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

1st Legal Loc./County S19 T1N R3W / Garvin

Order Title FINAL ORDER

Case Number CD2022-003699 **Order Type** Final **RSO** OKC

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

1st Legal Loc./County S1 T2S R4W / Stephens

Order Title FINAL ORDER

Case Number CD2023-000010 **Order Type** Final **RSO** OKC

Parties RED ROCKS ENERGY PARTNERS LP (Applicant) **Relief Type(s)** Increased well density

1st Legal Loc./County S9 T3N R3W / Garvin

Order Title FINAL ORDER

Case Number CD2023-000011 **Order Type** Final **RSO** OKC

Parties RED ROCKS ENERGY PARTNERS LP (Applicant) **Relief Type(s)** Increased well density

1st Legal Loc./County S16 T3N R3W / Garvin

Order Title FINAL ORDER

Case Number CD2023-000012 **Order Type** Interim **RSO** OKC

Parties RED ROCKS ENERGY PARTNERS LP (Applicant) **Relief Type(s)** Multi-unit horizontal well

1st Legal Loc./County S9 T3N R3W / Garvin

Order Title INTERIM ORDER

Case Number EN2022-000009 **Order Type** Motion **RSO** OKC

Parties STRICKLAND, ROBYN OIL FIELD PRODUCTION **Relief Type(s)** Assess Fine(s) | Contempt | Surety - Forfeit |
(Applicant) INC (Respondent) Surety - Increase

1st Legal Loc./County S31 T5N R4W / McClain

Order Title ORDER REOPENING AND DISMISSING

Case Number SF2022-000125 **Order Type** Final **RSO** OKC

Parties STRICKLAND, ROBYN (Applicant) **Relief Type(s)** Plug Abandoned Well(s)

1st Legal Loc./County S27 T4N R19W / Jackson

Order Title FINAL ORDER

Case Number SF2022-000126 **Order Type** Final **RSO** OKC

Parties STRICKLAND, ROBYN (Applicant) **Relief Type(s)** Plug Abandoned Well(s)

1st Legal Loc./County S5 T7N R17W / Kiowa

Order Title FINAL ORDER

Case Number SF2022-000128 **Order Type** Final **RSO** OKC

Parties STRICKLAND, ROBYN (Applicant) **Relief Type(s)** Plug Abandoned Well(s)

1st Legal Loc./County S28 T3N R4W / Garvin

Order Title FINAL ORDER

Case Number SF2022-000129 **Order Type** Final **RSO** OKC

Parties STRICKLAND, ROBYN (Applicant) **Relief Type(s)** Plug Abandoned Well(s)

1st Legal Loc./County S25 T4N R3W / Garvin

Order Title FINAL ORDER

Case Number SF2022-000130 **Order Type** Final **RSO** OKC

Parties STRICKLAND, ROBYN (Applicant) **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 (Applicant) **Relief Type(s)** Plug Abandoned Well(s)

1st Legal Loc./County S1 T7N R16W / Kiowa

Order Title FINAL ORDER

Case Number SF2022-000133 **Order Type** Final **RSO** OKC

Parties STRICKLAND, ROBYN (Applicant) **Relief Type(s)** Plug Abandoned Well(s)

1st Legal Loc./County S23 T9N R19W / 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

Parties LEGENT COMM LLC (Applicant)

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

Relief In Caption IN THE MATTER OF THE APPLICATION OF LEGENT COMM LLC D/B/A DC COMMUNICATIONS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE INTRASTATE TOLL TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF OKLAHOMA

Case Number PUD2022-000125 **Order Type** Final **RSO** OKC

Parties CENTURYTEL OF NORTHWEST ARKANSAS (Applicant)
ONVOY SPECTRUM 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

Parties IM TELECOM LLC (Applicant)

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

tolerated consistently with the good order of society. 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.****

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,



Commissioner Bob Anthony