



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, August 13, 2024

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

The Concourse Theater is 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 Kim David

AGENDA

Item	Topic
I	A. Call to order B. Announcement concerning public notice C. Determination of quorum
II	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.)
III	Case No. PUD2023-000086, 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 Various Cost Recovery Mechanisms A. Discussion and possible vote(s) on an Order Referring Case to Administrative Law Judge, and/or any alterations, revisions, or amendments thereto proposed at the meeting B. Discussion and possible vote(s) on a Second Amended Preliminary Order, and/or any alterations, revisions, or amendments thereto proposed at the meeting
IV	Case No. PUD2024-000032, Application of Public Service Company of Oklahoma, an Oklahoma Corporation, for a Proceeding before the Commission En Banc as Provided for by Order No. 738226 to Address the Private Letter Ruling Received from the Internal Revenue Service A. Status update from Public Service Company of Oklahoma and Oklahoma Industrial Energy Consumers concerning compliance with Order No. 743260

	<p>B. Discussion and possible vote(s) on an Order Referring Case to Administrative Law Judge, and/or any alterations, revisions, or amendments thereto proposed at the meeting</p> <p>C. Discussion and possible vote(s) on an Amended Order Granting Motion for Procedural Schedule, and/or any alterations, revisions, or amendments thereto proposed at the meeting</p>
V	<p>Case No. CD2024-001745, <i>Application of Robyn Strickland, Director of Oil and Gas Conservation Division Oklahoma Corporation Commission, for Statewide Proration Formula for Unallocated Gas Wells for the Period of October, 2024, through September, 2025</i> – Hearing, deliberations, and possible vote(s) on a proposed Order Establishing Proration Formula for the Period of October 1, 2024, through September 30 2025, and/or any alterations, revisions, or amendments thereto proposed at the meeting</p>
VI	<p>Discussion, nomination, and possible vote(s) to designate a Commission Vice Chairman, effective on August 14, 2024</p>
VII	<p>Discussion of current record retention schedules applicable to Commissioners and their staff, including those records on or associated with any government or personal device or account, to be presented by agency personnel</p>
VIII	<p>Status update on the hiring of an independent investigator to handle the non-criminal complaints regarding allegations of misconduct, to be presented by agency personnel</p>
IX	<p>Submitted by Commissioner Bob Anthony:</p> <p>In light of recently revealed allegations of sexual assault (“Witnesses allege Oklahoma Corporation Commissioner Todd Hiett groped man” <i>The Oklahoman</i> July 29, 2024: https://www.oklahoman.com/story/news/2024/07/29/oklahoma-corporation-commissioner-todd-hiett-accused-groping-conference-minnesota/74583362007/) and sexual harassment (“Todd Hiett steps down as chair of Corporation Commission as new accusation emerges” <i>The Oklahoman</i> August 7, 2024: https://www.oklahoman.com/story/news/2024/08/07/todd-hiett-oklahoma-corporation-commission-accusations/74699772007/) against a sitting Corporation Commissioner, consideration and possible discussion by commissioners of presentation(s) and/or public comment by Commissioner Bob Anthony, victims, victims’ rights advocates, subject matter experts, and/or others on <u>misconduct and abuse of power (including predation, sexual harassment and sexual assault) by people in authority and the coverup/enabling thereof; how and how not to investigate</u> unlawful, unethical or other misconduct and the consequences thereof; how employees and others should be protected; possible personal or institutional liability; possible ethical consequences for proceedings and the conduct of business at the OCC; and how alleged perpetrators can or should be held accountable, generally and at a constitutional state agency.</p> <p>Possible illustrative topics, issues, matters, and agency concerns include but are not limited to, similar situations and circumstances involving the Catholic church, Penn State University, Baylor University, U.S.A. Gymnastics/Michigan State University, Boy Scouts of America, Harvey Weinstein, Jeffrey Epstein, Bill Cosby, Roger Ailes, Oklahoma County</p>

	<p>District Judge Tim Henderson, the University of Oklahoma, secondary educational institutions and others.</p> <p>Additional possible topics, issues, matters, and agency concerns include the posted “hiring of an independent investigator to handle the non-criminal complaints regarding allegations of misconduct” and commentary by former Oklahoma Secretary of Public Safety Chip Keating, as reported by <i>NonDoc</i> on August 7, 2028 (“‘Makes no sense’: Uncertainty over Hiett investigation revealed as OCC gets new chairperson” https://nondoc.com/2024/08/07/uncertainty-over-todd-hiett-investigation-revealed-as-occ-gets-new-chairperson/):</p> <p style="padding-left: 40px;">Keating questioned why OCC would retain a private law firm to conduct an investigation, and he called the idea “a misuse of taxpayer money.”</p> <p style="text-align: center;">...</p> <p>“Now the commission is going to engage a law firm to investigate one of their own? That’s not an independent investigation. And what are they going to do with the findings? They’re not even a prosecutorial arm. It’s just the tail wagging the dog.”</p>
<p>X</p>	<p>Submitted by Commissioner Bob Anthony:</p> <p>In light of recently revealed allegations of drunk driving (“Todd Hiett steps down as chair of Corporation Commission as new accusation emerges” <i>The Oklahoman</i> August 7, 2024: https://www.oklahoman.com/story/news/2024/08/07/todd-hiett-oklahoma-corporation-commission-accusations/74699772007/) against a sitting Corporation Commissioner, consideration and possible discussion by commissioners of presentation(s) and/or public comment by Commissioner Bob Anthony, victims, victims’ rights advocates, subject matter experts, and/or others on misconduct and abuse of power, including <u>drunk/impaired driving and intimidation of witnesses by people in authority and the coverup/enabling thereof; how and how not to investigate</u> such unlawful, unethical or other misconduct and the consequences thereof; how employees and others should be protected; possible personal or institutional liability; possible ethical consequences for proceedings and the conduct of business at the OCC; and how alleged perpetrators can or should be held accountable, generally and at a constitutional state agency.</p> <p>Possible topics, issues, matters, and agency concerns include but are not limited to the posted “hiring of an independent investigator to handle the non-criminal complaints regarding allegations of misconduct,” the 2024 involuntary manslaughter conviction of former State Representative Dan Kirby for causing the death of Sheryl Bichsel while operating a motorcycle under the influence, the 2023 arrest and subsequent resignation of State Representative Ryan Martinez after pleading guilty to felony DUI, the 2024 resignation of Wister, OK Police Chief Kurt Dewayne Morsund after being arrested by</p>

	<p>OHP for aggravated DUI and child endangerment, and the 2023 resignation of Edmond’s Boulevard Academy Principal Jeffery Nemcok after an arrest for driving under the influence.</p> <p>Additional possible topics, issues, matters, and agency concerns include the posted “hiring of an independent investigator to handle the non-criminal complaints regarding allegations of misconduct,” and commentary by former Oklahoma Secretary of Public Safety Chip Keating, as reported by <i>NonDoc</i> on August 7, 2028 (“‘Makes no sense’: Uncertainty over Hiett investigation revealed as OCC gets new chairperson” https://nondoc.com/2024/08/07/uncertainty-over-todd-hiett-investigation-revealed-as-occ-gets-new-chairperson/), including “That makes no sense to me.” and “Something stinks here.”</p>
<p>XI</p>	<p>Given the allegations published in <i>The Oklahoman</i> on August 7, 2024 (“Todd Hiett steps down as chair of Corporation Commission as new accusation emerges” https://www.oklahoman.com/story/news/2024/08/07/todd-hiett-oklahoma-corporation-commission-accusations/74699772007/) that multiple employees of the Oklahoma Corporation Commission had knowledge of public drunkenness and sexual misconduct by Commissioner Todd Hiett more than a year before <i>The Oklahoman</i>’s July 16 story, “Oklahoma Corporation Commissioner Todd Hiett apologizes for drunken behavior” (https://www.oklahoman.com/story/news/2024/07/16/oklahoma-corporation-commissioner-todd-hiett-drunken-behavior-minnesota-conference/74419244007/); and given the contention of the OCC Director of Administration in a July 29, 2024 email to Commissioner Bob Anthony and OCC Commissioner Staff that, despite his reportedly prodigious efforts to “reach out more than once” to OCC employees who had been in Minnesota on June 9 (excepting Commissioner Anthony apparently), to witnesses to the alleged sexual assault, to the alleged victim, to the victim’s employer, to the witnesses’ employers, and to Commissioner Hiett himself, when reporter Nolan Clay submitted an Open Records Act request to the OCC on July 12, 2024 for “any written correspondence... about Commissioner Todd Hiett and his behavior at the Mid-America Regulatory Conference in Minnesota,” the Director of Administration determined that “only [one] potential record,” an email received by the OCC on July 14, 2024 which “merely included a mention that a rumor was heard,” could be identified (and was deemed “confidential” by the general counsel and the public information office); it seems exceptionally important that the Corporation Commission immediately discontinue and disallow any destruction or deletion of any commission records, given that records relevant to misconduct and wrongdoing by Commissioner Hiett may in fact have been created or obtained by any employee, agent, contractor or representative of the Oklahoma Corporation Commission at any time in the last decade. In my opinion, this agency risks compounding its potential liability in these matters by abetting <u>destruction of evidence</u> in violation of 21 O.S. § 454 and related statutes if it can prevent the potential destruction of evidence and, again, chooses not to. Consequently, I resubmit my proposal to the Commission from August 7, 2024 (explicitly allowing for possible revisions or amendments):</p> <p>Consideration (with possible revisions or amendments), discussion (with possible revisions or amendments) and possible vote(s) (with possible revisions or amendments) to</p>

	<p>immediately suspend and prohibit the destruction or deletion of any records of any kind or type related to the activities of the Oklahoma Corporation Commission or its employees, by personnel of the OCC or any other custodial agency or third-party, including those records on or associated with any government or personal device or account, for a period of 12 months, the suspension only to be lifted thereafter by a vote of a majority of commissioners; such action and direction, upon approval, to be immediately conveyed by OCC Administration to all OCC employees, agents, vendors and representatives as well as all custodial agencies, third-parties and record destruction contractors.</p>
<p>XII</p>	<p>Submitted by Commissioner Bob Anthony for consideration, discussion and vote(s):</p> <p>Regarding any and all investigations (including inquiries, reviews, inspections, studies, assessments or other examinations) commenced in 2024 by the Oklahoma Corporation Commission (OCC), at the request of the OCC, or on behalf of the OCC, in response to or related to issues, allegations, witness statements, news accounts, rumors or general claims of possible OCC <u>commissioner misconduct</u> (including, but not limited to, drunkenness, sexual assault, sexual harassment, impaired driving, intimidation of witnesses, conspiracy to conceal, destruction of evidence, unlawful behavior, unethical behavior, and impeachable offenses) or circumstances related thereto, in order to ensure the legitimacy of such investigation(s), the following criteria, obligations and/or requirements shall govern and/or be deemed necessary and essential:</p> <ol style="list-style-type: none"> 1. Such matter or investigation(s) shall conform to and adopt the preferred standards and approach summarized below announced by Commissioner Kim David at the July 31, 2024 Regular Meeting of the Oklahoma Corporation Commission, when she stated her preference: that this agency not be seen as brushing something under the rug; that we show the public that we're committed to being <u>open and transparent</u>; that it may be prudent for us to do <u>an independent investigation – not involving this agency</u> or people whose job depends on the Commissioners – especially to look into whether there are any <u>other incidences</u> [of commissioner misconduct]; and so that we can <u>show the public</u> that we <u>take all allegations seriously</u>. 2. Such matter or investigation(s) shall, from the beginning, <u>not</u> be considered a confidential “personnel investigation,” but shall meet the requirements of a full, thorough, open and transparent “independent investigation” (including a publicly disclosed scope), governed by the irrevocable waiver of any attorney-client privilege by the OCC and any other “client” entity engaging the investigators at the request of or on behalf of the OCC. 3. Such matter or investigation(s) shall result in at least one publicly disclosed, detailed report that does not redact the names of any commissioners or responsible agency administrators, and shall include recommendations: regarding agency governance, oversight, and administrative policies and procedures that will better enable the agency to prevent and more effectively respond to incidents of commissioner misconduct and/or the active or passive concealment thereof in the future; regarding possible repair of the agency’s credibility, legitimacy, and integrity, especially among its stakeholders and the public; regarding better (more

comprehensive and law-abiding) performance of its constitutional and statutory duties.

4. Such matter or investigation(s) shall, in all aspects of its administration and conduct (including in the process of selecting the investigators), be **independent in appearance and in fact** of the Corporation Commission, current or former Commissioners, current or former commission employees, and the current or former friends, family and associates thereof.
5. Such matter or investigation(s) shall identify, examine, assess and report **who had any knowledge of alleged commissioner misconduct**, when, what reporting, administrative or corrective action was or was not taken, and by whose decision.
6. Such matter or investigation(s) shall explicitly examine, assess and report commissioner and/or agency administration **failures to properly act upon and/or report** incidences of possible or alleged commissioner misconduct, as well as active or passive concealment thereof (including by failure to report, lying, misrepresentation, evasion, impediment, concealment or destruction of evidence, or inequitable treatment of employees or agents with knowledge thereof), non-performance of duty and **possible obstruction of justice**.
7. Such matter or investigation(s) shall examine, assess and report the potential for State, agency and/or personal **liability** deriving from commissioner misconduct, administrative or staff action and/or inaction thereabout, and/or the active or passive concealment thereof.
8. Such matter or investigation(s) shall examine, assess and report the **consequences** of both the alleged misconduct and the public allegations thereof with respect to the **credibility, legitimacy, and integrity** of the OCC's operations as well as any potential or possible threats to the credibility, legitimacy, and integrity of the OCC's legislative and/or judicial conduct of cases.
9. Such matter or investigation(s) shall examine, assess and report the impact of any alleged commissioner misconduct and/or the active or passive concealment thereof on **agency compliance** with other constitutional and statutory requirements, including the Open Records Act, the Open Meeting Act and legal, ethical or professional requirements to report unlawful or unethical activities and misconduct or abuse.
10. Such matter or investigation(s) shall identify examine, and report any potential **violations** or failures to comply with either Oklahoma's **Code of Professional Conduct** for attorneys or the State's Code of Judicial Conduct.
11. Such matter or investigation(s) shall examine, assess and report related **inappropriate use of government property or resources**, including but not limited to, travel reimbursement and per diem payments.

	<p>12. Such matter or investigation(s) shall, from the beginning, publicly identify any past, present or potential political or professional relationships or conflicts of interest between anyone involved with the investigation (including anyone involved with choosing the investigators or defining the scope of the investigation) and past/present commissioners and/or staff of the OCC or other involved state offices/agencies.</p> <p>Vote(s) to authorize a full, thorough, open and transparent independent investigation, and/or adopt the proposed criteria, obligations and/or requirements above are subject to possible revisions or amendments as well as consideration and discussion.</p>
XIII	<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>
XIV	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 1:15 p.m., Monday, August 12, 2024.



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

Date: Tuesday, August 13, 2024

Time: 1:30 PM

Place: CONCOURSE THEATER- WILL ROGERS
BUILDING

Case Number PUD2024-000034 **Order Type** Final **RSO** OKC

Parties ARGENBRIGHT, MARK (Applicant) | LTD
BROADBAND LLC (Respondent)

Relief In Caption APPLICATION OF MARK ARGENBRIGHT,
DIRECTOR OF THE PUBLIC UTILITY DIVISION OF THE
OKLAHOMA CORPORATION COMMISSION, REQUESTING
THE CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY OF LTD BROADBAND,
LLC

Order Title FINAL ORDER CANCELLING
CERTIFICATE OF CONVENIENCE AND NECESSITY

Case Number PUD2024-000041 **Order Type** Final **RSO** OKC

Parties BULLSEYE TELECOM INC (Applicant)

Relief In Caption APPLICATION OF BULLSEYE TELECOM,
INC. FOR WITHDRAWAL OF ITS CERTIFICATES OF
CONVENIENCE AND NECESSITY AND CANCELLATION OF
ITS TARIFFS

Order Title FINAL ORDER GRANTING
WITHDRAWAL OF CERTIFICATES OF
CONVENIENCE AND NECESSITY AND
CANCELLATION OF TARIFFS