

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

**February 1, 2023 – 1:30 p.m.**

These are the minutes for the Corporation Commission’s (“Commission”) special meeting conducted in accordance with the Open Meeting Act on February 1, 2023, in Room 301 of the Commission’s principal office at 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Archived Commission meeting recordings may be accessed on the Commission’s website.

The notice and agenda for the meeting were publicly posted at the principal office of the Commission at the Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 11:00 a.m. January 30, 2023, by Commission employees acting under the direction of Chairman Todd Hiatt. Notice was provided in writing to the Oklahoma Secretary of State at least forty-eight hours in advance of the meeting. The notice and agenda are also made available to the public on the Commission’s website, [oklahoma.gov/occ](http://oklahoma.gov/occ). A copy of the notice and agenda is attached to these minutes as Appendix A.

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

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

**Consideration of and Possible Vote(s) on Proposed or Potential Orders in Cases on 24-hour Signing Agenda Docket** The 24-hour signing agenda of proposed orders was presented by Stacy D. Marsee, acting Commission secretary. Discussion was held.

Commissioner Hiatt **CALLED FOR A VOTE** on the order for a Motion to Intervene in PUD2022-000093.

<b><u>VOTE:</u></b>	<b>Commissioner Hiatt</b>	<b>No</b>
	<b>Commissioner Anthony</b>	<b>Aye</b>
	<b>Commissioner David</b>	<b>No</b>

**The order failed.**

Commissioner Hiatt offered an alternative order for the Motion to Intervene in PUD2022-000093 and **CALLED FOR A VOTE**.

<b><u>VOTE:</u></b>	<b>Commissioner Hiatt</b>	<b>Aye</b>
	<b>Commissioner Anthony</b>	<b>Not participating</b>
	<b>Commissioner David</b>	<b>No</b>

**The order failed.**

Commissioner Hiett **CALLED FOR A VOTE** on the remainder of the orders on the 24-hour signing agenda excluding the previously voted on orders in PUD2022-000093.

<b><u>VOTE:</u></b>	<b>Commissioner Hiett</b>	<b>Aye</b>
	<b>Commissioner Anthony</b>	<b>Aye</b>
	<b>Commissioner David</b>	<b>Aye</b>

**The remainder of the orders were approved.**

**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**

**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 202255147, Oklahoma Corporation Commission vs. Respondents Named on Attached Docket Report “Exhibit A”**

Darren Ferguson, deputy general counsel for the Transportation Division, was recognized and provided an update on the motor carrier activity. Discussion was held. The Commissioners unanimously approved the proposed order in Case No. MCC202255147.

*Commissioner Anthony requested clarification on the vote for the orders on the 24-hour signing agenda. Discussion was held. Commissioner Hiett requested and received, from Ms. Marsee, confirmation that the remainder of the orders, excluding the Motion to Intervene in PUD2022-000093, were voted on and approved.*

**Submitted by Corporation Commissioner Bob Anthony:**

**Consideration and discussion on the status of Commissioner Anthony's requests for information and records from the Commission, including the Public Utility Division ("PUD"), and/or from regulated public utilities Oklahoma Gas and Electric Company ("OG&E"), Oklahoma Natural Gas Company ("ONG"), and Public Service Company of Oklahoma ("PSO").**

**In September 2022, I created a spreadsheet that attempted to document and detail the ratepayer-backed bond issuance costs -- specifically who got paid how much for what -- for OG&E, ONG and PSO. In October 2022, I asked for assistance from Commission personnel to help fill in the remaining blanks.**

On September 22, 2022, I filed a 74-page dissent and "Report Card on Securitization" in the securitization cases for OG&E (PUD2021-000072), ONG (PUD2021-000079) and PSO (PUD2021-000076) questioning how language in the Final Financing Orders that misquoted the terms of the Joint Stipulation and Settlement Agreements -- language alterations that probably cost ratepayers hundreds of millions of dollars -- came to be included in those Final Financing Orders.

On October 6, 2022, I filed a Concurring Opinion in the OG&E "Show Cause" case (PUD2022-000097) asking a series of questions (labeled "A"-"L") including how/why a half-billion-dollar undercollection was allowed to accumulate, whether that amount included any 2021 fuel costs, about the utility's fuel procurement processes, about the methodology for assuring the utility was not recovering the same costs twice (through both securitization and the fuel adjustment clause), and whether contracts with suppliers who did not meet their contractual obligations during the February 2021 Winter Storm were resumed afterwards.

On October 28, 2022, I filed an Opinion in both the OG&E "Show Cause" case (PUD2022-000097) and the utility's 2021 Fuel Cost Review and Prudence Review case (PUD2022-000057) repeating on the record my September request for information about "Who got paid how much for what?" in the securitization cases in light of an October 10 email from Commission Administrator Brandy Wreath essentially "instructing" OCC staff not to respond to my request.

On November 22, 2022, I filed a Deliberations Statement and Dissenting Opinion in the OG&E "Show Cause" case (PUD2022-000097) in which I called out "Threats, coercion, administrative 'irregularities' and withholding information have hindered or obstructed my efforts to perform my constitutional duties as an Oklahoma Corporation Commissioner and to investigate billion-dollar charges to public utility customers, including credible evidence of public corruption and undisclosed conflicts of interest." I also repeated some of the questions from my October 6 filing and asked some very specific questions about the regulated utility's issuance costs from the ratepayer-backed bonds.

On December 15, 2022, in the courtroom, before the "sua sponte" orders closing the so-called "Regulatory Asset" cases for OG&E (PUD2021-000039), ONG (PUD2021-000034) and PSO (PUD2021-000040), I requested that each utility provide me with (1) electronic communications that passed between officials or representatives of their companies (including parents, affiliates and subsidiaries) and officials, staff or personnel of the Commission between February and April 2021.

On January 5, 2023, I filed a Dissenting Opinion in the so-called "Regulatory Asset" cases for OG&E (PUD2021-000039), ONG (PUD2021-000034), and PSO (PUD2021-000040), protesting the "sua sponte" closing of those cases without hearing any evidence about whether the requirements of earlier orders had been met -- including compliance reports which were supposed to detail the costs associated with the alternative financing mechanism (securitization) to which those costs were ultimately subjected. (The utilities had each

pretended to meet that "detailed" requirement with a one-page report.) I made clear the one-page reports were inadequate and asked yet again for "detailed disclosure of specifically who was paid how much for what regarding any expense related to securitization or the 2021 Winter Storm that was, directly or indirectly, passed through to customers." I also repeated in writing my December 15 verbal constitutional request for the communications between the utilities, their officials and representatives, and officials or staff of the Commission in early 2021.

On January 24, 2023, I filed Questions from Commissioner Anthony in the 2021 Fuel Cost Review and Prudence Review cases for OG&E (PUD2022-000057), ONG (PUD2022-000089), and PSO (PUD2022-000077), including about the utility's fuel procurement processes, about the PUD's methodology for determining the "prudence" of contracts, about the methodology for assuring the utility was not recovering the same 2021 costs twice (through both securitization and the fuel adjustment clause), and whether contracts with suppliers who did not meet their contractual obligations during the February 2021 Winter Storm were resumed afterwards. A hearing was held in the ONG case on January 26 at which none of the witnesses for the utility or PUD adequately addressed the questions in my filing.

As a Corporation Commissioner with constitutional duties and responsibilities, I ask for a status explanation and by what authority my requests for legally available and essential information have not been fulfilled.

Commissioner Anthony announced the agenda item and provided comment. Brandy Wreath, director of administration was recognized. Discussion was held. No votes were taken.

Adjournment The meeting adjourned at 2:40 p.m.

  
J. Todd Hiett, Chairman

ATTESTED this 10th day of August 2023.

*Amy L. Cummings*

Amy L. Cummings, Commission Secretary



**OKLAHOMA CORPORATION COMMISSION**  
**Notice of Public Meeting**  
**Special 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. Wednesday, February 01, 2023
- Place:** Room 301, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
- Purpose:** Conducting of daily business enumerated in the items below
- Posting Division:** Chairman J. Todd Hiatt

**AGENDA**

<b>Item</b>	<b>Topic</b>
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 attached <b>24-hour signing agenda</b> 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.)
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 202255147, <i>Oklahoma Corporation Commission vs. Respondents Named on Attached Docket Report “Exhibit A”</i>

IV

Submitted by Corporation Commissioner Bob Anthony:

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	<p>Continuation of Submission by Corporation Commissioner Bob Anthony:</p> <p>On December 15, 2022, in the courtroom, before the "sua sponte" orders closing the so-called "Regulatory Asset" cases for OG&amp;E (PUD2021-000039), ONG (PUD2021-000034) and PSO (PUD2021-000040), I requested that each utility provide me with (1) electronic communications that passed between officials or representatives of their companies (including parents, affiliates and subsidiaries) and officials, staff or personnel of the Commission between February and April 2021.</p> <p>On January 5, 2023, I filed a Dissenting Opinion in the so-called "Regulatory Asset" cases for OG&amp;E (PUD2021-000039), ONG (PUD2021-000034), and PSO (PUD2021-000040), protesting the "sua sponte" closing of those cases without hearing any evidence about whether the requirements of earlier orders had been met -- including compliance reports which were supposed to detail the costs associated with the alternative financing mechanism (securitization) to which those costs were ultimately subjected. (The utilities had each pretended to meet that "detailed" requirement with a one-page report.) I made clear the one-page reports were inadequate and asked yet again for "detailed disclosure of specifically who was paid how much for what regarding any expense related to securitization or the 2021 Winter Storm that was, directly or indirectly, passed through to customers." I also repeated in writing my December 15 verbal constitutional request for the communications between the utilities, their officials and representatives, and officials or staff of the Commission in early 2021.</p> <p>On January 24, 2023, I filed Questions from Commissioner Anthony in the 2021 Fuel Cost Review and Prudence Review cases for OG&amp;E (PUD2022-000057), ONG (PUD2022-000089), and PSO (PUD2022-000077), including about the utility's fuel procurement processes, about the PUD's methodology for determining the "prudence" of contracts, about the methodology for assuring the utility was not recovering the same 2021 costs twice (through both securitization and the fuel adjustment clause), and whether contracts with suppliers who did not meet their contractual obligations during the February 2021 Winter Storm were resumed afterwards. A hearing was held in the ONG case on January 26 at which none of the witnesses for the utility or PUD adequately addressed the questions in my filing.</p> <p>As a Corporation Commissioner with constitutional duties and responsibilities, I ask for a status explanation and by what authority my requests for legally available and essential information have not been fulfilled.</p>
V	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.

Notice was provided in writing to the Oklahoma Secretary of State at least 48 hours in advance of the scheduled meeting, and notice and the agenda were posted prominently and publicly at the principal offices of the Commission at the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 11:00 a.m. January 30, 2023.





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

**Date:** Wednesday, February 1, 2023

**Time:** 1:30 PM

**Place:** COURTROOM 301

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**Case Number** PUD2021-000037      **Order Type** Motion      **RSO** OKC

**Parties** ARKANSAS OKLAHOMA GAS CORPORATION  
(Applicant)

**Order Title** ORDER GRANTING MOTION FOR ORDER  
PRESCRIBING NOTICE OF HEARING

**Relief In Caption** EMERGENCY APPLICATION OF ARKANSAS OKLAHOMA GAS CORPORATION FOR APPROVAL OF A REGULATORY ASSET FOR RECOVERY OF EXTRAORDINARY GAS SUPPLY COSTS ARISING FROM EXTREME WINTER WEATHER, FOR WAIVER OF APPLICABLE PURCHASED GAS ADJUSTMENT TARIFFS AND RULES UNDER OAC 165:50 SPECIFYING METHODOLOGY FOR RECOVERY OF GAS SUPPLY COSTS TO AVOID ADVERSE IMPACTS ON CUSTOMERS

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**Case Number** PUD2021-000037      **Order Type** Motion      **RSO** OKC

**Parties** ARKANSAS OKLAHOMA GAS CORPORATION  
(Applicant)

**Order Title** ORDER ESTABLISHING PROCEDURAL SCHEDULE

**Relief In Caption** EMERGENCY APPLICATION OF ARKANSAS OKLAHOMA GAS CORPORATION FOR APPROVAL OF A REGULATORY ASSET FOR RECOVERY OF EXTRAORDINARY GAS SUPPLY COSTS ARISING FROM EXTREME WINTER WEATHER, FOR WAIVER OF APPLICABLE PURCHASED GAS ADJUSTMENT TARIFFS AND RULES UNDER OAC 165:50 SPECIFYING METHODOLOGY FOR RECOVERY OF GAS SUPPLY COSTS TO AVOID ADVERSE IMPACTS ON CUSTOMERS

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**Case Number** PUD2021-000057      **Order Type** Motion      **RSO** OKC

**Parties** FORT COBB FUEL AUTHORITY LLC (Applicant)

**Order Title** ORDER GRANTING MOTION TO REOPEN THE  
RECORD

**Relief In Caption** APPLICATION OF FORT COBB FUEL AUTHORITY, LLC FOR APPROVAL OF SPECIAL REGULATORY TREATMENT FOR ABNORMAL GAS SUPPLY COSTS ARISING FROM EXTREME WINTER WEATHER AND WAIVER OF APPLICABLE PURCHASED GAS ADJUSTMENT TARIFFS AND RULES UNDER OAC 165:50 SPECIFYING METHODOLOGY FOR RECOVERY OF GAS SUPPLY COSTS

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**Case Number** PUD2022-000093      **Order Type** Interim      **RSO** OKC

**Parties** PUBLIC SERVICE COMPANY OF OKLAHOMA  
(Applicant)

**Order Title** PRELIMINARY ORDER

**Relief In Caption** APPLICATION OF PUBLIC SERVICE COMPANY OF OKLAHOMA, AN OKLAHOMA CORPORATION, FOR AN ADJUSTMENT IN ITS RATES AND CHARGES AND THE ELECTRIC SERVICE RULES, REGULATIONS AND CONDITIONS OF SERVICE FOR ELECTRIC SERVICE IN THE STATE OF OKLAHOMA AND TO APPROVE A FORMULA BASE RATE PROPOSAL

