

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

**February 28, 2023 – 1:30 p.m.**

These are the minutes for the Corporation Commission’s (“Commission”) regular meeting conducted in accordance with the Open Meeting Act on February 28, 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 11:45 a.m. February 27, 2023, by Commission employees acting under the direction of Chairman Todd Hiatt. 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 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.)** Discussion was held. Commissioner Hiatt **CALLED FOR A VOTE** to strike the orders in cases CD2021-002416, CD2021-002691, CD2022-001518, CD2022-001519, CD2022-001560, and CD2022-003505.

<b>VOTE:</b>	<b>Commissioner Hiatt</b>	<b>Aye</b>
	<b>Commissioner Anthony</b>	<b>Aye</b>
	<b>Commissioner David</b>	<b>Nay</b>

**The orders were approved to be stricken.**

Commissioner Hiatt **CALLED FOR A VOTE** on the remaining orders on the daily signing agenda.

<b>VOTE:</b>	<b>Commissioner Hiatt</b>	<b>Aye</b>
	<b>Commissioner Anthony</b>	<b>Aye with the exception of cases CD2021-002019, CD2021-002020, CD2022-003699, in which the vote is no with a dissenting opinion to be filed.</b>
	<b>Commissioner David</b>	<b>Aye</b>

**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** Darren Ferguson, deputy general counsel for the Transportation Division, was recognized and provided a summary of recent activity.

**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”** Commissioner Hiatt announced the agenda item and called for any questions or comments on the proposed order. The Commissioners unanimously approved the proposed order.

**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.)** The 24-hour signing agenda of proposed orders was presented by Ms. Amy L. Cummings, Commission secretary. The Commissioners unanimously approved the proposed orders.

**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** Commissioner Hiatt announced the agenda item. Discussion was held. Commissioner Hiatt **CALLED FOR A VOTE** to vacate Order No. 732329.

<b>VOTE:</b>	<b>Commissioner Hiatt</b>	<b>Aye</b>
	<b>Commissioner Anthony</b>	<b>Aye</b>
	<b>Commissioner David</b>	<b>Aye</b>

Commissioner Hiett **CALLED FOR A VOTE** to approve the proposed Order Granting Motion to Determine Notice in PUD2022-000121.

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

**Discussion of and possible vote(s) on the Commission retaining a consultant to assist the Commission in the following cases:**

**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,**

**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**

**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.** Commissioner Hiett announced the agenda item. Discussion was held.

A recess was taken from 3:15 p.m. to 3:32 p.m. All three Commissioners were present when the meeting resumed.

Commissioner Hiett **MOVED** that the Commission approve the first two sections of the document provided by his office, consisting of the Purpose section and the Selecting/Retaining Consultant section, to assist the Commission in the pending ONG (PUD2022-000089), PSO (PUD2022-000077) and OG&E (PUD2022-000057) FAC/Prudency cases for calendar year 2021.

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

**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:**

**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.”**

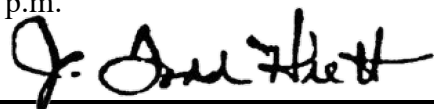
**Oklahoma Supreme Court decision involving OCC in *Leck v. Continental Oil Co.*, 1989 OK 173, 800 P. 2d 224, where “... allegations are in the nature of intrinsic fraud for which relief, if any, must be sought in the forum where the fraud allegedly occurred.”**

**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 ....”**

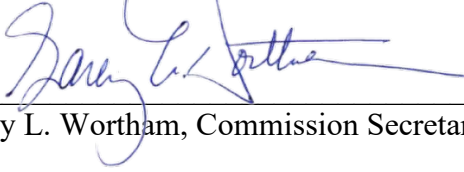
**Concurring Opinion of Commissioner Bob Anthony filed on October 27, 2017, attached**  
Commissioner Anthony announced the agenda item and recognized Mary Candler, administrative law judge. Discussion was held.

**New Business** There was no new business.

**Adjournment** The meeting adjourned at 4:06 p.m.

  
\_\_\_\_\_  
J. Todd Hiatt, Chairman

ATTESTED this 21st day of November, 2023.



---

Gary L. Wortham, Commission Secretary



**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**

<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 the <b>daily 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 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 <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.)

<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 <b>Oklahoma Gas and Electric Company</b> for the Calendar Year 2021 and, for a Prudence Review of the Electric Generation, Purchased Power, and Fuel Procurement Processes and Costs of <b>Oklahoma Gas and Electric Company</b> 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 <b>Public Service Company of Oklahoma</b> for the Calendar Year 2021 and, for a Prudence Review of the Electric Generation, Purchased Power, and Fuel Procurement Processes and Costs of <b>Public Service Company of Oklahoma</b> 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 <b>Oklahoma Natural Gas Company, a Division of One Gas, Inc.</b>, for the Calendar Year 2021 and, for a Prudence Review of the Electric Generation, Purchased Power, and Fuel Procurement Processes and Costs of <b>Oklahoma Natural Gas Company, a Division of One Gas, Inc.</b> 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

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

APPLICANT: MEWBOURNE OIL COMPANY )  
)  
RELIEF SOUGHT: POOLING )  
)  
LEGAL DESCRIPTION: SECTION 1, TOWNSHIP 20 )  
NORTH, RANGE 24 WEST, )  
ELLIS COUNTY, )  
OKLAHOMA )

CAUSE CD NO. 200604826

**FILED**  
OCT 27 2017

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

Order No. 669457

**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 "set aside fraudulently begotten judgments" 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 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