

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

**March 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 March 28, 2023, in Room 301 of the Commission’s principal offices at the Jim Thorpe Office Building, 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 offices of the Commission at the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, 73105, at 1:30 p.m. March 24, 2023, by Commission employees acting under the direction of Chairman J. 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 24-hour Signing Agenda Docket** The 24-hour signing agenda of proposed orders was presented by Ms. Cummings. The Commissioners unanimously approved the proposed orders.

**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** Commissioner Hiatt announced the agenda item. Darren Ferguson, deputy general counsel, was recognized to provide an update.

**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 202308740, Oklahoma Corporation Commission vs. Respondents Named on Attached Docket Report “Exhibit A”** Commissioner Hiatt announced the agenda item. The Commissioners unanimously approved the proposed order.

**Discussion, hearing, and possible vote(s) in Case No. RM2023-000003, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:5, Rules of Practice** Commissioner Hiatt announced the agenda item and recognized Darren

Ferguson, deputy general counsel, who gave procedural information, reviewed the draft amendments for Chapter 5 Rules of Practice and facilitated the discussion. The forum was open for all those participating to give their input. Discussion was held. Mr. Ferguson requested a motion be made to adopt the proposed final rules with the revisions suggested by Commissioners' staff.

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

**The motion passed.**

**Discussion, hearing, and possible vote(s) in Case No. RM2023-000004, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:10, Oil & Gas Conservation** Tracy Case, deputy general counsel, gave procedural information, reviewed the draft amendments for Chapter 10 Oil & Gas Conservation and facilitated the discussion. The forum was open for all those participating to give their input. Discussion was held. Ms. Case requested a motion be made to adopt the proposed final rules.

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

**The motion passed.**

**Discussion, hearing, and possible vote(s) in Case No. RM2023-000005, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:55, Telecommunications Services** Ken Behrens, deputy general counsel, gave procedural information, and made introductions. Mr. Behrens and Mark Argenbright, director of the public utility division, reviewed the draft amendments for Chapter 55 Telecommunications Services and facilitated the discussion. The forum was open for all those participating to give their input. Discussion was held. Mr. Behrens requested a motion be made to adopt the proposed final rules with the exceptions suggested by Commissioners' staff.

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

**The motion passed.**

**Discussion, hearing, and possible vote(s) in Case No. RM2023-000006, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:59, Oklahoma Universal Service and Oklahoma Lifeline** Mr. Behrens announced the agenda item, gave procedural information, and made introductions. Mr. Behrens and Mr. Argenbright reviewed the draft amendments for Chapter 59 Oklahoma Universal Service and Oklahoma Lifeline and facilitated the discussion. The forum was open for all those participating to give their input. Discussion was held. Commissioner Anthony exited the room at 3:13 p.m. and reentered at 3:18 p.m. Mr. Behrens requested a motion be made to adopt the proposed final rules.

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

The motion passed.

**Submitted by Corporation Commissioner Bob Anthony:**  
**Status update, consideration and discussion regarding the First Semi-Annual True-Up Adjustment for Ratepayer-Backed Bonds issued under the OCC’s Securitization Order Nos. 722254, 723033 and 723434 in OCC Cause Nos. PUD 202100072, 202100079, and 202100076, respectively.**

**The Final Financing Orders for Oklahoma Gas & Electric Company, Oklahoma Natural Gas Company and Public Service Company of Oklahoma each specified that “the WES Charge will be adjusted (or true-up) semi-annually.” (See “Frequency of True-Ups and Reconciliation” paragraphs on pages 8, 9 and 8 of the above-referenced orders, respectively.) It has been six months or more since each utility’s bonds were issued.**

**The orders also each specified that “the ODFA and the Utility will submit to the Commission, by submitting to PUD, a final accounting of their respective issuance costs.” Depending on whether those “actual issuance costs” were less or more than “the issuance costs included in the principal amount financed,” the orders each specified that “the revenue requirement for the first semi-annual true-up adjustment” be corrected accordingly. (See paragraph 58 on page 25, paragraph 13 on page 28, and paragraph 79 on page 25 of the above-referenced orders, respectively.)**

**OCC PUD received the required “Issuance Advice Letters” signed by the utility and the president of the ODFA reporting that, in total, the “Actual Issuance Costs” for these three utilities’ bond sales exceeded \$38 million, all of which are being passed through to ratepayers.**

**On February 24, 2023, I issued “For Deliberations: Commissioner Bob Anthony Questions Millions in Cost Discrepancies” in OCC Case Nos. PUD 2022-000057, 2022-000077, 2022-000089 and 2022-000093**

**(<https://public.occ.ok.gov/WebLink/DocView.aspx?id=13468654>), pointing out inconsistencies, omissions and outright contradictions between the “Actual Issuance Costs”**

**for each utility’s bond sale as reported in the “Issuance Advice Letters” and the “Statement of Approval of Professional Fees” used by the State Treasurer’s Office to officially approve payment of these costs.**

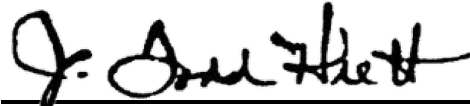
**I also noted significant and substantial discrepancies between certain banks’ and law firms’ original RFP bid amounts and what they were actually paid for their services. Specifically, I questioned how the underwriters came to be paid significantly more than their bids to perform the work submitted in their RFP responses, including (by my math) one underwriter that was paid more than \$500,000 more and another that was paid \$1.6 million more than the bid amounts they agreed to work for!**

**In short, the discrepancies I identified are worth millions of dollars to ratepayers.**

**Consideration, discussion of and possible vote(s) on potential remedies in the absence of complete and satisfactory explanations to the issues raised above.** Commissioner Anthony announced the agenda item. Discussion was held. No action was taken.

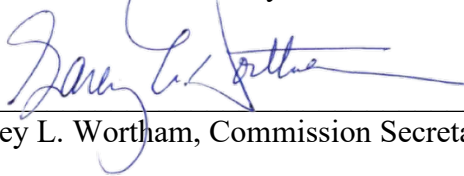
**New Business** There was no new business.

**Adjournment** The meeting adjourned at 3:48 p.m.



J. Todd Hiatt, Chairman

ATTESTED this 21st day of December, 2023.



Garey 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, March 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 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 causes 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 202308740, <i>Oklahoma Corporation Commission vs. Respondents Named on Attached Docket Report “Exhibit A”</i>
IV	Discussion, hearing, and possible vote(s) in Case No. RM2023-000003, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:5, Rules of Practice</i>

V	Discussion, hearing, and possible vote(s) in Case No. RM2023-000004, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:10, Oil &amp; Gas Conservation</i>
VI	Discussion, hearing, and possible vote(s) in Case No. RM2023-000005, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:55, Telecommunications Services</i>
VII	Discussion, hearing, and possible vote(s) in Case No. RM2023-000006, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:59, Oklahoma Universal Service and Oklahoma Lifeline</i>
VIII	<p>Submitted by Corporation Commissioner Bob Anthony:</p> <p>Status update, consideration and discussion regarding the First Semi-Annual True-Up Adjustment for Ratepayer-Backed Bonds issued under the OCC’s Securitization Order Nos. 722254, 723033 and 723434 in OCC Cause Nos. PUD 202100072, 202100079, and 202100076, respectively.</p> <p>The Final Financing Orders for Oklahoma Gas &amp; Electric Company, Oklahoma Natural Gas Company and Public Service Company of Oklahoma each specified that “the WES Charge will be adjusted (or trued-up) <u>semi-annually</u>.” (See “Frequency of True-Ups and Reconciliation” paragraphs on pages 8, 9 and 8 of the above-referenced orders, respectively.) It has been six months or more since each utility’s bonds were issued.</p> <p>The orders also each specified that “the ODFA and the Utility will submit to the Commission, by submitting to PUD, a final accounting of their respective issuance costs.” Depending on whether those “actual issuance costs” were less or more than “the issuance costs included in the principal amount financed,” the orders each specified that “the revenue requirement for <u>the first semi-annual true-up adjustment</u>” be corrected accordingly. (See paragraph 58 on page 25, paragraph 13 on page 28, and paragraph 79 on page 25 of the above-referenced orders, respectively.)</p> <p>OCC PUD received the required “Issuance Advice Letters” signed by the utility and the president of the ODFA reporting that, in total, the “Actual Issuance Costs” for these three utilities’ bond sales <u>exceeded \$38 million</u>, all of which are being passed through to ratepayers.</p> <p>On February 24, 2023, I issued “For Deliberations: Commissioner Bob Anthony Questions Millions in Cost Discrepancies” in OCC Case Nos. PUD 2022-000057, 2022-000077, 2022-000089 and 2022-000093 (<a href="https://public.occ.ok.gov/WebLink/DocView.aspx?id=13468654">https://public.occ.ok.gov/WebLink/DocView.aspx?id=13468654</a>), pointing out <b>inconsistencies, omissions and outright contradictions</b> between the “Actual Issuance Costs” for each utility’s bond sale as reported in the “Issuance Advice Letters” and the “Statement of Approval of Professional Fees” used by the State Treasurer’s Office to officially approve payment of these costs.</p>

	<p><i>Continuation of Submission by Corporation Commissioner Bob Anthony:</i></p> <p>I also noted <b>significant and substantial discrepancies</b> between <u>certain banks' and law firms'</u> original RFP bid amounts and what they were actually paid for their services. Specifically, I questioned how the underwriters came to be <u>paid significantly more than their bids</u> to perform the work submitted in their RFP responses, including (by my math) <b>one underwriter that was paid more than \$500,000 more and another that was paid \$1.6 million more than the bid amounts they agreed to work for!</b></p> <p>In short, <b>the discrepancies I identified are <u>worth millions of dollars to ratepayers.</u></b></p> <p>Consideration, discussion of and possible vote(s) on potential remedies in the absence of complete and satisfactory explanations to the issues raised above.</p>
IX	<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>
X	<p>Adjournment</p>

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 1:30 p.m., Friday, March 24, 2023.



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

**Date:** Tuesday, March 28, 2023

**Time:** 1:30 PM

**Place:** COURTROOM 301

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**Case Number** PUD2023-000011      **Order Type** Motion      **RSO** OKC

**Parties** HAMILTON NG911 INC (Applicant)

**Order Title** ORDER GRANTING WITHDRAWAL OF CCN AND CANCELLATION OF TARIFFS

**Relief In Caption** IN THE MATTER OF THE APPLICATION OF HAMILTON NG911, INC. FOR WITHDRAWAL OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY AND CANCELLATION OF ITS TARIFF

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**Case Number** PUD2023-000012      **Order Type** Motion      **RSO** OKC

**Parties** OKLAHOMA NATURAL GAS COMPANY (Applicant)

**Order Title** ORDER ESTABLISHING NOTICE REQUIREMENTS

**Relief In Caption** APPLICATION OF OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONE GAS, INC., FOR APPROVAL OF ITS PERFORMANCE BASED RATE CHANGE PLAN CALCULATIONS FOR THE TWELVE MONTHS ENDING DECEMBER 31, 2022, ENERGY EFFICIENCY TRUE-UP AND UTILITY INCENTIVE ADJUSTMENTS FOR PROGRAM YEAR 2022, AND CHANGES OR MODIFICATIONS TO ITS TARIFFS

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**Case Number** PUD2023-000012      **Order Type** Motion      **RSO** OKC

**Parties** OKLAHOMA NATURAL GAS COMPANY (Applicant)

**Order Title** ORDER ESTABLISHING PROCEDURAL SCHEDULE

**Relief In Caption** APPLICATION OF OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONE GAS, INC., FOR APPROVAL OF ITS PERFORMANCE BASED RATE CHANGE PLAN CALCULATIONS FOR THE TWELVE MONTHS ENDING DECEMBER 31, 2022, ENERGY EFFICIENCY TRUE-UP AND UTILITY INCENTIVE ADJUSTMENTS FOR PROGRAM YEAR 2022, AND CHANGES OR MODIFICATIONS TO ITS TARIFFS