

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

August 20, 2024 – 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 August 20, 2024, in the Concourse Theater, Suite C50, Will Rogers Memorial Office Building, 2401 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 Will Rogers Memorial Office Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 1:00 p.m., August 16, 2024, by Commission employees acting under the direction of Chairman Kim David. The notice and agenda are also made available to the public on the Commission’s website, oklahoma.gov/occ. A copy of the notice and agenda is attached to these minutes as Appendix A.

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

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

Approval of minutes of prior meeting(s) Commissioner David **CALLED FOR APPROVAL** of the following minutes of prior meetings read for consideration: July 23, 2024, at 10:00 a.m.; July 23, 2024, at 1:30 p.m.; July 31, 2024, at 1:30 p.m. The Commissioners unanimously approved the minutes.

Discussion and possible vote on a Final Order of the Commission Permitting the Juanita SWD #1 (API No. 35-087-21891) as a Commercial Disposal Well Pursuant to OAC 165:10-5-5 and 165:10-5-6, in Case No. PD2023-000027, Application No. 2300102501, Application of Charter Oak Production Co., LLC, requesting Commercial Disposal Well Pursuant to OCC-OGR Rules 165:10-5-5 and 165:10-5-6, legal description Juanita SWD #1 C NW/4 SW/4 SE/4 Section 27, Township 9 North, Range 4 West, McClain County, Oklahoma

Commissioner David announced the agenda item. Discussion was held. Commissioner David **CALLED FOR A VOTE** on the proposed order.

VOTE:	Commissioner David	Aye
	Commissioner Anthony	Aye
	Commissioner Hiatt	Aye

The order was approved.

Discussion, possible hearing, and possible vote(s) on (i) Oklahoma Industrial Energy Consumers’ (“OIEC”) Motion for Oral Argument and (ii) OIEC’s Exceptions to the Report and Recommendation of the Administrative Law Judge, in Case No. PUD2024-000010, 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, 2023, Energy Efficiency True-Up and Utility Incentive Adjustments for Program Year 2023, and Changes or Modifications to Its Tariffs

Submitted by Commissioner Bob Anthony:

Case No. PUD2024-000010, 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, 2023, Energy Efficiency True-Up and Utility Incentive Adjustments for Program Year 2023, and Changes or Modifications to Its Tariffs

- A. **Possible discussion, possible hearing, and possible vote(s) regarding any entries of appearance recently entered or requested to be entered in this case pursuant to OAC 165:5-7-51(a)(2); 165:5-9-4(d); 165:5-13-3(c); and any other applicable Commission rules**
- B. **Possible discussion, possible hearing, and possible vote(s) regarding any motions to intervene made pursuant to OAC 165:5-9-4 and any other applicable Commission rules**
- C. **Possible public comment** Commissioner David announced that agenda items IV and V would be taken up together. Commissioner David took appearances from the parties. The Commissioners unanimously agreed to grant *OIEC’s Motion for Oral Argument* and proceeded to take appearances from the parties and hear oral argument from counsel. Thereafter, the Commissioners unanimously agreed to take this case under advisement.

At 2:43 p.m., Commissioner David announced that the meeting would be in recess until 2:55 p.m. on this date. The Commission reconvened and the record was reopened at 2:56 p.m. in Suite C50 with all three Commissioners present.

Discussion of Commission compliance with the Oklahoma Open Records Act, to include staff processes, tracking of requests, response times, fees charged, and OCC related costs associated with processing the requests, to be presented by agency personnel Commissioner David announced the agenda item and recognized Trey Davis, chief public information officer, to give an update on open record requests. Mr. Davis recognized Kelsey Schwartz, public information officer, who provided further information on tracking agency open records requests. Discussion was held.

Status update on the independent investigation handling the non-criminal complaints regarding allegations of misconduct, to be presented by Melvin C. Hall, Attorney with Riggs Abney Commissioner David announced the agenda item and recognized Melvin C. Hall, attorney with Riggs Abney law firm, to provide a status update on the independent investigation handling the non-criminal complaints regarding allegations of misconduct. Discussion was held.

Submitted by Commissioner Bob Anthony:

Given that the Oklahoma Corporation Commission faces an extraordinary, unprecedented assault on the integrity, credibility and legitimacy of its operations and legislative and judicial proceedings (since prior commissioners facing comparable allegations have resigned);

and given that, to date, the only publicly-known outside investigation into recently-reported OCC Commissioner misconduct has been initiated and controlled by subordinates of Commissioner Todd Hiatt whose OCC employment is dependent upon the Commissioners;

Commissioner Bob Anthony calls for a recorded commissioner vote to formally authorize any OCC-initiated outside investigation(s) of Commissioner misconduct in order to make clear to the public that it is Oklahoma’s Corporation Commissioners, and no one else, who are ultimately responsible for the way this exceptional circumstance is now being handled, including for the terms and scope of any investigation(s), the public availability of the results, and the ultimate consequences thereof for the agency and the public trust. For the record, I view the failure by any commissioner(s) to take a formal position for or against approval of any Commissioner misconduct investigation to reflect willful neglect of duty by said commissioner(s).

1. Consideration, discussion and vote(s) to approve an independent, thorough, transparent investigation into possible Commissioner misconduct since January 12, 2015 and possible State, agency and/or personal liability related thereto, with possible revisions or amendments.

2. Consideration, discussion and possible vote(s) to adopt suggested language and/or modifications to the scope of any Commissioner misconduct investigation that were submitted by representatives of the Riggs Abney law firm in response to Commissioner Anthony’s August 14, 2024 request for “changes to the currently-proposed scope and form/availability of the results of this investigation that the Riggs Abney investigators would recommend to ensure they are able to conduct a legitimate, thorough, independent, and transparent investigation, the consequences of which are fully in the public interest and do the most possible public good,” with possible revisions or amendments thereto.

3. Consideration, discussion and vote(s) to require the terms of any investigation of Commissioner misconduct, and to amend the terms of any existing investigation of Commissioner misconduct, to enable and require the results of such investigation(s) be substantially made public within five business days, with possible revisions or amendments thereto.

Submitted by Corporation Commissioner Bob Anthony:

Given the allegations published in *The Oklahoman* on August 7, 2024 (“Todd Hiatt 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 *The Oklahoman'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; 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 destruction of evidence 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 and 13, 2024 (explicitly allowing for possible revisions or amendments):

- A. Consideration (with possible revisions or amendments), discussion (with possible revisions or amendments) and possible vote(s) (with possible revisions or amendments) to 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.
- B. Possible public comment.

Commissioner David announced that she received an email from Pat Franz, general counsel, wherein Ms. Franz expressed concerns about the Commission discussing agenda items VIII and IX in light of recent supreme court filings made by Commissioner J. Todd Hiett. Commissioner

David recommended that the Commission table agenda items VIII and IX. Commissioner David recognized Pat Franz, general counsel, who offered clarification of the scope of documents subject to agency disposition schedules which are to be reviewed by Riggs Abney in relation to the independent investigation. Discussion was held. No public comment was taken.


New Business There was no new business.

Adjournment The meeting adjourned at 4:00 p.m.



Kim David, Chairman

ATTESTED this 11th day of September 2024.


Garey L. Wortham, Commission Secretary

APPENDIX A



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 20, 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	Approval of minutes of prior meeting(s)
III	Discussion and possible vote on a Final Order of the Commission Permitting the Juanita SWD #1 (API No. 35-087-21891) as a Commercial Disposal Well Pursuant to OAC 165:10-5-5 and 165:10-5-6, in Case No. PD2023-000027 , Application No. 2300102501, <i>Application of Charter Oak Production Co., LLC, requesting Commercial Disposal Well Pursuant to OCC-OGR Rules 165:10-5-5 and 165:10-5-6, legal description Juanita SWD #1 C NW/4 SW/4 SE/4 Section 27, Township 9 North, Range 4 West, McClain County, Oklahoma</i>
IV	Discussion, possible hearing, and possible vote(s) on (i) Oklahoma Industrial Energy Consumers' ("OIEC") Motion for Oral Argument and (ii) OIEC's Exceptions to the Report and Recommendation of the Administrative Law Judge, in Case No. PUD2024-000010 , <i>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, 2023, Energy Efficiency True-Up and Utility Incentive Adjustments for Program Year 2023, and Changes or Modifications to Its Tariffs</i>

V	<p>Submitted by Commissioner Bob Anthony:</p> <p>Case No. PUD2024-000010, <i>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, 2023, Energy Efficiency True-Up and Utility Incentive Adjustments for Program Year 2023, and Changes or Modifications to Its Tariffs</i></p> <p>A. Possible discussion, possible hearing, and possible vote(s) regarding any entries of appearance recently entered or requested to be entered in this case pursuant to OAC 165:5-7-51(a)(2); 165:5-9-4(d); 165:5-13-3(c); and any other applicable Commission rules</p> <p>B. Possible discussion, possible hearing, and possible vote(s) regarding any motions to intervene made pursuant to OAC 165:5-9-4 and any other applicable Commission rules</p> <p>C. Possible public comment</p>
VI	<p>Discussion of Commission compliance with the Oklahoma Open Records Act, to include staff processes, tracking of requests, response times, fees charged, and OCC related costs associated with processing the requests, to be presented by agency personnel</p>
VII	<p>Status update on the independent investigation handling the non-criminal complaints regarding allegations of misconduct, to be presented by Melvin C. Hall, Attorney with Riggs Abney</p>
VIII	<p>Submitted by Commissioner Bob Anthony:</p> <p>Given that the Oklahoma Corporation Commission faces an extraordinary, unprecedented assault on the integrity, credibility and legitimacy of its operations and legislative and judicial proceedings (since prior commissioners facing comparable allegations have resigned);</p> <p>and given that, to date, the only publicly-known outside investigation into recently-reported OCC Commissioner misconduct has been initiated and controlled by subordinates of Commissioner Todd Hiatt whose OCC employment is dependent upon the Commissioners;</p> <p>Commissioner Bob Anthony calls for a recorded <u>commissioner vote to formally authorize any OCC-initiated outside investigation(s) of Commissioner misconduct in order to make clear to the public that it is Oklahoma's Corporation Commissioners</u>, and no one else, <u>who are ultimately responsible</u> for the way this exceptional circumstance is now being handled, including for the terms and scope of any investigation(s), the public availability of the results, and the ultimate consequences thereof for the agency and the public trust. For the record, I view the failure by any commissioner(s) to take a formal position for or against approval of any Commissioner misconduct investigation to reflect willful neglect of duty by said commissioner(s).</p>

	<p>1. Consideration, discussion and vote(s) to approve <u>an independent, thorough, transparent investigation</u> into possible Commissioner misconduct since January 12, 2015 and possible State, agency and/or personal liability related thereto, with possible revisions or amendments.</p> <p>2. Consideration, discussion and possible vote(s) to adopt suggested language and/or modifications to the scope of any Commissioner misconduct investigation that were submitted by representatives of the Riggs Abney law firm in response to Commissioner Anthony’s August 14, 2024 request for “<u>changes to the currently-proposed scope and form/availability of the results of this investigation that the Riggs Abney investigators would recommend to ensure</u> they are able to conduct a <u>legitimate, thorough, independent, and transparent investigation, the consequences of which are <u>fully in the public interest and do the most possible public good,</u>”</u> with possible revisions or amendments thereto.</p> <p>3. Consideration, discussion and vote(s) to require the terms of any investigation of Commissioner misconduct, and to amend the terms of any existing investigation of Commissioner misconduct, to enable and <u>require the results of such investigation(s) be substantially made public within five business days,</u> with possible revisions or amendments thereto.</p>
IX	<p>Submitted by Corporation Commissioner Bob Anthony:</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; it seems exceptionally important that the Corporation Commission</p>

	<p>immediately discontinue and disallow any destruction or deletion of any commission records, given that records relevant to misconduct and wrongdoing by Commissioner Hiatt 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 destruction of evidence 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 and 13, 2024 (explicitly allowing for possible revisions or amendments):</p> <p>A. Consideration (with possible revisions or amendments), discussion (with possible revisions or amendments) and possible vote(s) (with possible revisions or amendments) to 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>B. Possible public comment.</p>
X	<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>
XI	<p>Adjournment</p>

The Commission may take up the above items of business in a different sequence than that listed.

If public comment is listed on an agenda item, each speaker will be allowed no more than five (5) minutes, and the subject must pertain to the agenda item.

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 1:00 p.m., Friday, August 16, 2024.