

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

June 5, 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 June 5, 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 11:00 a.m., June 3, 2024, 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. 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 Kim David, and Commissioner Bob Anthony. 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 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.) Commissioner Hiatt announced the agenda item. The Commissioners unanimously approved the proposed orders.

Discussion of and possible vote(s) on a proposed Order Denying Motion to Dismiss for Lack of Jurisdiction, and/or any alterations, revisions, or amendments thereto proposed at the meeting, in Case No. PUD2024-000012, In the Matter of the Application of Summit Utilities Oklahoma, Inc. for Approval of an Alternative Process for Acquisition of Hydrogen Fuel Source and for Waiver of Applicable Competitive Bidding Rules Commissioner Hiatt announced the agenda item and recognized Justin Cullen, deputy general counsel for the Public Utility Division, to provide a summary of the provisions contained in the proposed order. Discussion was held. Commissioner Hiatt **CALLED FOR A VOTE** on the proposed *Order Denying Motion to Dismiss for Lack of Jurisdiction*.

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

The order was approved.

Commissioner David asked that her Dissenting Opinion be attached to the order upon issuance.

Re-submitted and updated by Corporation Commissioner Bob Anthony (previously submitted for the February 28, 2023, 1:30 p.m. regular meeting of the Commission):

Consideration and discussion of the status of Case CD No. 2006-004826 (a pooling case now more than seventeen 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.

Joint Motion to Dismiss with Prejudice filed May 1, 2024.

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.”

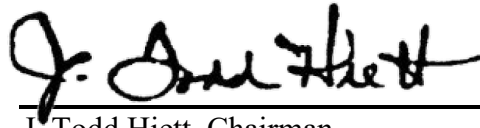
Article IX, Section 18 of the Oklahoma Constitution specifying Oklahoma Corporation Commission power and authority and duty of “... correcting abuses and preventing unjust discrimination and extortion by such companies”

Concurring Opinion of Commissioner Bob Anthony filed on October 27, 2017, attached.

Commissioner Hiett announced the agenda item and deferred to Commissioner Anthony to present this item. Commissioner Anthony recognized Mary Candler, chief administrative law judge, to provide a case status update. Discussion was held.

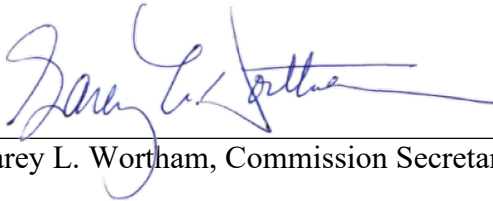
New Business There was no new business.

Adjournment The meeting adjourned at 1:52 p.m.



J. Todd Hiatt, Chairman

ATTESTED this 23rd day of July 2024.



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. Wednesday, June 05, 2024

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

The Concourse Theater is located 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 J. Todd Hiatt

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	Discussion of and possible vote(s) on a proposed Order Denying Motion to Dismiss for Lack of Jurisdiction, and/or any alterations, revisions, or amendments thereto proposed at the meeting, in Case No. PUD2024-000012, <i>In the Matter of the Application of Summit Utilities Oklahoma, Inc. for Approval of an Alternative Process for Acquisition of Hydrogen Fuel Source and for Waiver of Applicable Competitive Bidding Rules</i>
IV	Re-submitted and updated by Corporation Commissioner Bob Anthony (previously submitted for the February 28, 2023, 1:30 p.m. regular meeting of the Commission): Consideration and discussion of the status of Case CD No. 2006-004826 (a pooling case now more than seventeen years old) that raises questions about the integrity of the Oklahoma Corporation Commission (OCC), with consideration of:

	<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><i>Joint Motion to Dismiss with Prejudice</i> filed May 1, 2024.</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>
V	<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>
VI	<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 Will Rogers Memorial Office Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 11:00 a.m., Monday, June 03, 2024.



OKLAHOMA
Corporation
Commission

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

Date: Wednesday, June 5, 2024

Time: 1:30 PM

Place: CONCOURSE THEATER - WILL ROGERS
BUILDING

Case Number PUD2024-000017	Order Type Final	RSO OKC
Parties CANADIAN VALLEY ELECTRIC COOPERATIVE INC (Applicant)	Relief In Caption IN THE MATTER OF THE APPLICATION OF CANADIAN VALLEY ELECTRIC COOPERATIVE, INC. FOR A STREAMLINED COMMISSION ORDER APPROVING CHANGES TO ITS TERMS AND CONDITIONS	
Order Title FINAL ORDER		

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