

CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

93:1-1-4. Availability of records

(a) **Document location.** All rules and other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its functions and all final orders, decisions and opinions will be made available for public inspection at the principal office during regular office hours ~~as well as being available on the Oklahoma Broadband Office website.~~

(b) **Official records.** Copies of official records of the Board may be made and certified by the Executive Director or his designee according to the fee schedule enacted by the Board. Any records or material in the ~~Board's offices~~ Office that are protected from disclosure by state law shall not be released.

93:1-1-5. Petitions for adoption, amendment, or repeal of a rule

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning:

- (1) **"Rule"** means any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the agency. See the Administrative Procedures Act at 75 O.S. § 250.3.
- (2) **"Rulemaking"** means the process employed by an agency for the formulation of a rule.
- (3) **"Submission of a petition"** means receipt of a petition by the Board in accordance with the requirements of (b) of this Section.

(b) **Petitions.** Any person may initiate an informal proceeding for the purpose of requesting the Board to promulgate, amend, or repeal a rule in this Title. An informal proceeding to request rulemaking in accordance with the provisions of this Section shall be initiated by filing a petition in accordance with all of the following requirements:

(1) Petitions shall be submitted in writing and filed with the Oklahoma Broadband Governing Board: by emailing broadband@broadband.ok.gov or by mail to Oklahoma Broadband Office 301 NW 63rd Street., Suite 200, Oklahoma City, OK 73116. The petition shall meet all of the following requirements:

- (A) The petition shall state a description of the alleged necessity or basis for the requested change;
- (B) The petition shall describe any potential conflicts with any existing statute or regulation that would result from the proposed rulemaking action requested;
- (C) The petition shall include citations to all statutory provisions, if any, which provide authority for the Board to promulgate, amend, or repeal the rule;
- (D) The petition shall be signed by the petitioner or an authorized representative of the petitioner; and
- (E) The petition shall state the name, address, telephone number, and email address of the petitioner or an authorized representative of petitioner.

(2) Upon receipt by the Board, the petition will be stamped to show the date of submission, and the Board shall review the petition for compliance with all of the provisions of this Section. If the petition complies with all provisions of (b) of this Section, the Board may set the petition for consideration by the Board at the next regular meeting of the Board, or at a subsequent meeting if the petition is not received until after the agenda for the next meeting has already been set.

(c) **Review and consideration of petitions.** Petitions for adoption, amendment, or repeal of a rule in accordance with the provisions of this Section shall be considered by the Board in accordance with the following provisions:

- (1) If the Board approves further consideration of the proposed change, the decision shall be reflected in the meeting minutes of the Board. Within five (5) business days of the date of the meeting, written notification will be mailed to petitioner that such proposal will be formally considered for adoption, amendment, or repeal, provided that the process for rule adoption, amendment, or repeal shall be conducted in accordance with the requirements of the Administrative Procedures Act.
- (2) In the event the Board determines that the proposal or request should not receive further consideration, the decision shall be reflected in the minutes of the Board. Within five (5) business days of the date of the meeting, written notification of the denial of the petition will be mailed to petitioner.
- (3) In the event the Board fails to decide whether or not to take action on the petition within thirty (30) days of the date of submission of the petition, the petition shall be deemed to have been denied in accordance with the provisions of 75 O.S. § 305.