

OKLAHOMA CORPORATION COMMISSION
Amended 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, May 14, 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, possible hearing and possible vote(s) on (i) <i>Public Service Company of Oklahoma’s (PSO) Motion to Advance</i> ; (ii) <i>PSO’s Motion to Correct Order No. 740230</i> ; (iii) <i>Oklahoma Industrial Energy Consumers, The Petroleum Alliance of Oklahoma, The United States Department of Defense and all other Federal Executive Agencies and AARP (“Movants”) Motion to Advance</i> ; and (iv) <i>Movants’ Joint Motion to Require PSO to File a New Application or to Amend its Application</i> , including possible orders on all such motions, and consideration of any alterations, revisions, or amendments to such orders, in Case No. PUD2023-000086, <i>Application of Public Service Company of Oklahoma, an Oklahoma Corporation, for an Adjustment in its Rates and Charges and the Electric Service Rules, Regulations and Conditions of Service for Electric Service in the State of Oklahoma and to Approve Various Cost Recovery Mechanisms</i>

IV

Submitted by Corporation Commissioner Bob Anthony:

Continuation of discussion of and questions regarding Commission (“OCC”) budget, hiring, contracting, competitive bidding, procurement, purchasing, payments, and other expenditures, past, present and future, especially as may be related to issues raised in the April 23, 2024, *State of Oklahoma Single Audit Report For the Fiscal Year Ended June 30, 2022* prepared by Office of the State Auditor and Inspector (“SAI”).

Discussion and possible vote(s) by Commissioners in response thereto.

Consideration, discussion of and possible editing and vote(s) on the following resolution:

Whereas, according to “OCCAA, Brandy Wreath and Agency Response to Commissioner Posted Questions” provided to Commissioners on April 9, 2024, by the Commission’s Director of Administration and Appointing Authority, “OCC has contracted with eight vendors under the existing OMES-established rolling solicitation process,” at least six of whose work for the Commission appears to be ongoing.

Whereas, according to the April 23, 2024, *State of Oklahoma Single Audit Report For the Fiscal Year Ended June 30, 2022* prepared by Office of the State Auditor and Inspector:

Office of Management and Enterprise Services (OMES) created a pilot program (starting in SFY 2019/2020) wherein vendors were put on Statewide Contract, thus no longer requiring them to competitively bid their services. These pilot programs are known as Rolling Request for Proposal (RFP) or Rolling Solicitations.

Whereas, according to the State Auditor and Inspector’s *FY 2022 Single Audit*:

[T]here are no written policies and procedures for any of the Statewide Contracting pilot programs (Rolling RFP’s) to describe how these contracts are to be executed to meet both federal and state law.

Whereas, according to the State Auditor and Inspector’s *FY 2022 Single Audit*:

[A]s of January 2024, no recommendations have been made to the Legislature on how the Statewide Contract pilot programs has helped state procurement become more effective and efficient for the State of Oklahoma as required by law. As a result, the longer the pilot programs remain open without recommendations to the Legislature, entities on Statewide Contract pilot programs are allowed to charge what they feel are appropriate rates per their federal contracts, without any competitive or vetting process in place.

Whereas, according to the State Auditor and Inspector's *FY 2022 Single Audit*:

[C]ontracts awarded under the Statewide Contracting pilot programs, do not appear to meet State of Oklahoma competitive bidding requirements.

Whereas, according to the State Auditor and Inspector's *FY 2022 Single Audit*:

[T]he Statewide Contracting pilot programs lack support to show that federal grant contracts are being awarded to the lowest and best, or best value, bidder or bidders per Title 74 O.S. § 85.7.A.7.B.

Whereas, according to the State Auditor and Inspector's *FY 2022 Single Audit*, "Management [OMES] does not agree with the finding."

Whereas, to our knowledge as of Friday, May 10, 2024, no statement in defense of the Statewide Contracting pilot programs has been issued by OMES or any other state authority since the release of the SAI's *FY 2022 Single Audit*.

Whereas, according to the Commission's Director of Administration and Appointing Authority in comments made before the Commissioners on Thursday, May 9, 2024:

I definitely have concerns with the rolling contract concept as they've pointed it out and as we learn more about how it's done.

Whereas, in comments made on Thursday, May 9, 2024, Commissioner Todd Hiatt said:

You indicated, Commissioner Anthony indicated, I'll go ahead and indicate myself, we agree with the Auditor in her findings.

Whereas, the Commission's Director of Administration and Appointing Authority also said on May 9, 2024:

The agencies using those [Statewide Contracting pilot programs] contracts, there's not a problem with that. If an agency goes out today and gets services under one of those contracts today, that agency is okay. What has to change is the process in the future, how OMES negotiates those [contracts].

Whereas the Commission's Director of Administration and Appointing Authority affirmed Commissioner Todd Hiatt's stated understanding:

Am I understanding you correctly, that ... [the SAI's] findings are asking OMES to make changes, but until OMES makes those changes – sounds like all three of us think they should, but that's up to them – until they make those changes, we have to operate within the parameters that OMES currently has?

	<p>In order to provide clarity for current and future Commission operations, especially to ensure hiring, contracting and purchasing are “meeting the competitive bidding requirements per Title 74 O.S. § 85.7” and avoiding the “circumvention of financial safeguards” associated by the SAI with the use of Statewide Contracting pilot programs that were never legislatively authorized, be it therefore resolved:</p> <p>Effective immediately, the OCC shall adopt the SAI position regarding Statewide Contracting pilot programs known as Rolling Request for Proposal (RFP) or Rolling Solicitations.</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 amended 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 2:00 p.m., Friday, May 10, 2024.



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

Date: Tuesday, May 14, 2024

Time: 1:30 PM

Place: CONCOURSE THEATER - WILL ROGERS BUILDING

Case Number PUD2023-000030 **Order Type** Final **RSO** OKC

Parties FORT COBB FUEL AUTHORITY LLC (Applicant)

Order Title FINAL ORDER APPROVING JOINT STIPULATION AND SETTLEMENT AGREEMENT

Relief In Caption IN THE MATTER OF THE APPLICATION OF FORT COBB FUEL AUTHORITY, L.L.C. FOR AN ORDER OF THE COMMISSION AUTHORIZING APPLICANT TO CHANGE OR MODIFY ITS RATES, CHARGES, AND TARIFFS

Case Number PUD2023-000064 **Order Type** Final **RSO** OKC

Parties TEMPO TELECOM LLC (Applicant)

Order Title FINAL ORDER GRANTING ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

Relief In Caption APPLICATION OF TEMPO TELECOM, LLC FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER ON A WIRELESS BASIS (LOW-INCOME ONLY)

Case Number PUD2023-000070 **Order Type** Final **RSO** OKC

Parties ARGENBRIGHT, MARK (Applicant) FORT COBB FUEL AUTHORITY LLC (Respondent)

Order Title FINAL ORDER

Relief In Caption 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 FORT COBB FUEL AUTHORITY, LLC, FOR THE CALENDAR YEAR 2022 AND, FOR A PRUDENCE REVIEW OF THE FUEL PROCUREMENT PROCESSES AND COSTS OF FORT COBB FUEL AUTHORITY, LLC, FOR THE CALENDAR YEAR 2022

Case Number PUD2024-000009 **Order Type** Final **RSO** OKC

Parties METRO FIBERNET LLC (Applicant)

Order Title FINAL ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY

Relief In Caption APPLICATION OF METRO FIBERNET, LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES BASED AND RESOLD LOCAL EXCHANGE AND INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS SERVICES IN THE STATE OF OKLAHOMA