

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

December 21, 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 December 21, 2023, 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 2:00 p.m., December 19, 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. 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.

Approval of Minutes of Prior Meeting(s) Chairman Hiatt **CALLED FOR APPROVAL** of the following minutes of prior meetings ready for consideration: March 21, 2023, at 1:30 p.m.; March 28, 2023, at 1:30 p.m.; April 4, 2023, at 1:30 p.m.; April 11, 2023, at 8:30 a.m.; November 29, 2023, at 1:30 p.m.; November 30, 2023, at 10:00 a.m.; November 30, 2023, at 1:30 p.m.; December 7, 2023, at 9:30 a.m.; December 12, 2023, at 1:30 p.m.

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

The minutes were approved.

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 Final Order of the Commission and/or any alterations, revisions, or amendments thereto proposed at the meeting, in Case No.

PUD2023-000028, Application of Arkansas Oklahoma Gas Corporation for Approval of its Performance Based Rate Plan Adjustments for the Twelve Months Ended December 31, 2022

Commissioner Hiatt announced the agenda item. Discussion was held. Commissioner Hiatt CALLED FOR A VOTE.

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

The order was approved.

Agenda Item submitted by Commissioner Bob Anthony:

An article by M. Scott Carter entitled “As more Oklahoma state officials use Signal app, are they breaking open records law?” was published at *Oklahoman.com* on December 14, 2023 [<https://www.oklahoman.com/story/news/politics/government/2023/12/14/oklahoma-officials-chat-on-encrypted-app-signal-public-record-data-being-deleted/71831753007/>] and on the front page of the Sunday print edition of *The Oklahoman* on December 17, 2023. It reveals officials and/or personnel of certain state agencies are using apps or other software that “allow conversations, data and records to be quickly deleted.” These apps may even be configured to automatically delete data and records of their use.

The article points out that, whether on state government or personal devices, if such software is used for state business, it “runs counter to an attorney general’s opinion written in 2002 by then-Attorney General Drew Edmondson.”

The article quotes Edmondson as writing: “Electronic communications that qualify as records are subject to the Open Records Act and Records Management Act. Moreover, to conclude otherwise would allow public officials and employees to circumvent the open records laws simply by using privately owned personal electronic communication devices to conduct public business.”

Consideration, questions, discussion and possible vote(s) regarding whether or not the current OCC Personnel Manual and Ethics Policy adequately address (1) the use of personal or other non-state-government devices to conduct state business, or (2) the use for state business of any apps or software that does not automatically preserve all related data and records in full compliance with the Oklahoma Open Records Act and Records Management Act, or that can be configured to automatically delete such data and records, regardless of the ownership of the device on which it is installed.

Are any OCC officials or employees using, or have they used, any non-state-government-licensed apps or software for state business, including Signal, Snapchat, Telegram, WhatsApp, iMessage and other apps that could be configured to automatically delete

government data and records? Commissioner Hiett announced the agenda item and deferred to Commissioner Anthony to present this item. Discussion was held.

Commissioner David exited the meeting at 1:48 p.m.

Technical Conference for discussion and public comment in Case No. RM2023-000007, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:5, Rules of Practice. Commissioners might attend and participate. No vote or other action is anticipated. Commissioner Hiett announced the agenda item and recognized Darren Ferguson, deputy general counsel, to provide an update and accept public comments. Discussion was held.

Technical Conference for discussion and public comment in Case No. RM2023-000008, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:10, Oil & Gas Conservation. Commissioners might attend and participate. No vote or other action is anticipated. Commissioner Hiett announced the agenda item and recognized Tracy Case, deputy general counsel for the Oil and Gas Conservation Division, to provide an update and accept public comments. Discussion was held.

Technical Conference for discussion and public comment in Case No. RM2023-000009, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:15, Fuel Inspection. Commissioners might attend and participate. No vote or other action is anticipated.

Technical Conference for discussion and public comment in Case No. RM2023-000010, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:25, Underground Storage Tanks. Commissioners might attend and participate. No vote or other action is anticipated.

Technical Conference for discussion and public comment in Case No. RM2023-000011, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:26, Aboveground Storage Tanks. Commissioners might attend and participate. No vote or other action is anticipated.

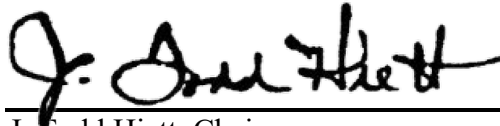
Technical Conference for discussion and public comment in Case No. RM2023-000012, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:27, Indemnity Fund. Commissioners might attend and participate. No vote or other action is anticipated.

Technical Conference for discussion and public comment in Case No. RM2023-000013, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:29, Corrective Action of Petroleum Storage Tank Releases. Commissioners might attend and participate. No vote or other action is anticipated. Commissioner Hiett recognized Jamie Andrews, deputy general counsel for the Petroleum Storage Tank Division, to present agenda items VIII through XII. Ms. Andrews provided updates on agenda items VIII and IX and solicited public comment. Ms. Andrews acknowledged Aaron Johnson, deputy general counsel for the Petroleum Storage Tank Division, to address agenda items X, XI, and XII. Mr. Johnson

provided updates and solicited public comment. At the conclusion of the technical conferences, Commissioner Hiett recognized Darren Ferguson, deputy general counsel and agency rulemaking liaison, to provide next steps on all rulemaking cases which were addressed in this meeting.

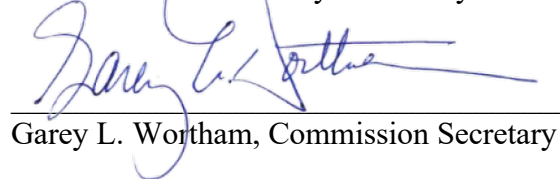
New Business There was no new business.

Adjournment The meeting adjourned at 2:07 p.m.



J. Todd Hiett, Chairman

ATTESTED this 4th day of January 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. Thursday, December 21, 2023

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	Approval of minutes of prior meeting(s)
III	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.)
IV	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. PUD2023-000028, <i>Application of Arkansas Oklahoma Gas Corporation for Approval of its Performance Based Rate Plan Adjustments for the Twelve Months Ended December 31, 2022</i>

<p>V</p>	<p>Agenda Item submitted by Commissioner Bob Anthony:</p> <p>An article by M. Scott Carter entitled “As more Oklahoma state officials use Signal app, are they breaking open records law?” was published at <i>Oklahoman.com</i> on December 14, 2023 [https://www.oklahoman.com/story/news/politics/government/2023/12/14/oklahoma-officials-chat-on-encrypted-app-signal-public-record-data-being-deleted/71831753007/] and on the front page of the Sunday print edition of <i>The Oklahoman</i> on December 17, 2023. It reveals officials and/or personnel of certain state agencies are using apps or other software that “allow conversations, data and records to be quickly deleted.” These apps may even be configured to automatically delete data and records of their use.</p> <p>The article points out that, whether on state government or personal devices, if such software is used for state business, it “runs counter to an attorney general’s opinion written in 2002 by then-Attorney General Drew Edmondson.”</p> <p>The article quotes Edmondson as writing: “Electronic communications that qualify as records are subject to the Open Records Act and Records Management Act. Moreover, to conclude otherwise would allow public officials and employees to circumvent the open records laws simply by using privately owned personal electronic communication devices to conduct public business.”</p> <p>Consideration, questions, discussion and possible vote(s) regarding whether or not the current OCC Personnel Manual and Ethics Policy adequately address (1) the use of personal or other non-state-government devices to conduct state business, or (2) the use for state business of any apps or software that does not automatically preserve all related data and records in full compliance with the Oklahoma Open Records Act and Records Management Act, or that can be configured to automatically delete such data and records, regardless of the ownership of the device on which it is installed.</p> <p>Are any OCC officials or employees using, or have they used, any non-state-government-licensed apps or software for state business, including Signal, Snapchat, Telegram, WhatsApp, iMessage and other apps that could be configured to automatically delete government data and records?</p>
<p>VI</p>	<p>Technical Conference for discussion and public comment in Case No. RM2023-000007, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:5, Rules of Practice</i>. Commissioners might attend and participate. No vote or other action is anticipated.</p>

VII	Technical Conference for discussion and public comment in Case No. RM2023-000008, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:10, Oil & Gas Conservation</i> . Commissioners might attend and participate. No vote or other action is anticipated.
VIII	Technical Conference for discussion and public comment in Case No. RM2023-000009, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:15, Fuel Inspection</i> . Commissioners might attend and participate. No vote or other action is anticipated.
IX	Technical Conference for discussion and public comment in Case No. RM2023-000010, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:25, Underground Storage Tanks</i> . Commissioners might attend and participate. No vote or other action is anticipated.
X	Technical Conference for discussion and public comment in Case No. RM2023-000011, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:26, Aboveground Storage Tanks</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XI	Technical Conference for discussion and public comment in Case No. RM2023-000012, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:27, Indemnity Fund</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XII	Technical Conference for discussion and public comment in Case No. RM2023-000013, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:29, Corrective Action of Petroleum Storage Tank Releases</i> . Commissioners might attend and participate. No vote or other action is anticipated.
XIII	New business A. Any matter not known about and which could not have been reasonably foreseen 24 hours before the meeting B. Possible vote(s) on matters of new business
XIV	Adjournment

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 2:00 p.m., Tuesday, December 19, 2023.



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

Date: Thursday, December 21, 2023

Time: 1:30 PM

Place: CONCOURSE THEATER - WILL ROGERS BUILDING

Case Number PUD2023-000054 **Order Type** Final **RSO** OKC

Parties SYNTRIO SOLUTIONS LLC (Applicant)
Order Title FINAL ORDER GRANTING ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

Relief In Caption APPLICATION OF SYNTRIO SOLUTIONS, L.L.C. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996

Case Number PUD2023-000080 **Order Type** Final **RSO** OKC

Parties EARTHGRID PBC (Applicant)
Order Title FINAL ORDER GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY

Relief In Caption APPLICATION OF EARTHGRID PBC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED AND RESOLD LOCAL EXCHANGE AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES IN THE STATE OF OKLAHOMA AND FOR APPROVAL OF INITIAL TARIFFS

Case Number PUD2023-000090 **Order Type** Motion **RSO** OKC

Parties SAGE TELECOM COMMUNICATIONS LLC (Applicant)
Order Title ORDER GRANTING PROTECTIVE ORDER

Relief In Caption APPLICATION OF SAGE TELECOM COMMUNICATIONS, LLC D/B/A TRUCONNECT FOR DESIGNATION IN ADDITIONAL AREAS AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER PURSUANT TO 47 U.S.C. § 214(E)