

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

March 7, 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 March 7, 2023, in Room 301 of the Commission’s principal office at 2101 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 Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 11:45 a.m. March 6, 2023, by Commission employees acting under the direction of Chairman J. Todd Hiett. 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 Hiett called the meeting to order at 1:30 p.m.

Members present were Chairman J. Todd Hiett, Vice Chairman Bob Anthony and Commissioner Kim David. 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 and possible vote(s) on proposed or potential orders in cases on attached 24-hour signing agenda docket. At the meeting, 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.) The 24-hour signing agenda of proposed orders was presented by Stacy D. Marsee, acting Commission secretary. The Commissioners unanimously approved the proposed orders.

Discussion, hearing, and possible vote(s) in Case No. RM2023-000001, *In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:20, Gas & Hazardous Liquid Pipeline Safety*

Discussion, hearing, and possible vote(s) in Case No. RM2023-000002, *In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:30, Motor Carriers, Private Carriers and Transportation Network Companies* Commissioner Hiett announced the agenda items and recognized Michael Copeland, deputy general counsel. Mr. Copeland provided procedural information and reviewed the draft amendments for Chapter 20 and Chapter 30 Rules of Practice, facilitated the discussion, and the forum was open for all those participating to give their input. Discussion was held. Commissioner Hiett moved to continue these matters to March 14, 2023, at 1:30 p.m. in Room 301 of the Jim Thorpe Building.

Discussion and public comment concerning Case No. RM2023-000005, In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:55, Telecommunications Services Commissioner Hiett announced the agenda item and recognized Mike Velez, deputy general counsel. Discussion was held.

Teryl Williams, chief advisor and legal counsel, was recognized. Ms. Williams revisited agenda items III and IV in order to clarify the motion made previously during the initial discussions. Commissioner Hiett **MADE A MOTION** to continue agenda items III and IV to March 14, 2023, at 1:30 p.m. in Room 301 of the Jim Thorpe Building.

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

The motion passed.

The following agenda item VIII was taken out of order:

Submitted by Corporation Commissioner Bob Anthony:

Repeating from the Commission's Regular Meeting Agenda of December 29, 2022, at 9:30 a.m., with further consideration, discussion, report of OCC Staff, and possible vote(s) on the compliance or non-compliance of the Commission with the Oklahoma Open Records Act (51 O.S. § 24A.1, et seq.), specifically the August 8 and August 23, 2022 Open Records requests from Oklahoma Progress Now ("OPN") (submitted by OPN director Nick Singer) which, in its November 1, 2022 write-up about responses to its requests, said: "We received a majority response from the Corporation Commission. To date, only Commissioner Hiett still has not responded." (Singer, Nick. "Oklahoma Progress Now: Oklahoma Utility Cost Crisis" (Nov.1, 2022) <https://www.okprogressnow.org/oklahoma-utility-cost-crisis>). Possible vote(s) instructing OCC Staff to immediately take action to fully comply with these requests of OPN and the requirements of the Open Records Act and make the results available in electronic form to all Commissioners as soon as possible. Commissioner Anthony announced the agenda item and made a statement.

The following agenda item VII was taken out of order:

Submitted by Corporation Commissioner Bob Anthony:

Based on personal knowledge and belief, Commissioner Anthony asserts that hard-copy Original Official Minutes of Corporation Commission meetings held since at least 1990 were retained at Commission offices in the Jim Thorpe Office Building through at least 2021 and were treated as Original Permanent Records. The Director of Administration is requested to report on the status of these original government property documents, noting the Commission's constitutional duties and responsibilities as well as its power and authority of a court of record, and further noting the Oklahoma Archives and Records Commission (ARC) provisions stated below. Specifically,

• Where are the official original minutes with meeting agendas that were for years secured subject to the usually locked Commission Secretary office and locked file cabinets?

• Do you agree the original records in Series 1-1A Minutes—Official, whether kept at the Corporation Commission or transferred to the State Archives, are to be treated for permanent preservation as essential records?

• If any permanent minutes or attached documents have been discarded, why might they have been subject to shredding or destruction?

• Regarding official minutes of meetings for the last 40 years that may have been imaged, currently how can they be accessed, by whom, and with what technical features of indexing, search ability, storage, and verification of authenticity?

• As a State agency with the special and extraordinary designation of having the power and authority of a court of record, does the Commission have a high regard for its historical and official records, especially its official original meeting minutes?

• When in 2017 the Corporation Commission experienced one of the worst computer hacks in state history and forever lost use of certain electronic files and records, were the Original Official Minutes compromised or damaged?

Excerpts from pages 7, 8, and 11 of [ARC] Consolidated General Records Disposition Schedule, dated January 26, 2023:

Optical Imaging Systems (from page 7, emphasis added)

Records with stipulated retention periods of ten (10) years or longer included in this General Records Disposition Schedule may be maintained in optical imaging format provided the following conditions are satisfied:

5. Hard copy records in Series 1-1A and 1-13A shall be transferred to the State Archives for permanent preservation.

Permanent Records (from page 8)

• Records that possess continuing value because they document the organization, functions, policies, decisions, and procedures or protect the legal and financial rights of the state or persons directly affected by state agencies, boards, commissions, and institutions must be retained permanently

Essential Records (from page 8, emphasis added)

The original records in Series 1-1A [Minutes—Official] and 1-13A [Policies and Procedures File] shall be transferred to the State Archives for permanent preservation as essential records.

In addition to transferring the original records in Series 1-1A and 1-13A to the State Archives for permanent preservation, agencies, boards, commissions, and institutions must retain at least one (1) copy.

Administrative Records (from p. 11, emphasis added)

1-1 Minutes--Official Essential Record (67 O.S., §203(e))

Description: Official minutes and copies of Agendas of Board or Commission meetings.

Disposition: Retain official copy in office two (2) years, then transfer to the State Archives for permanent preservation. Retain one (1) copy in office permanently

Commissioner Anthony announced the agenda item and made a statement. Brandy Wreath, director of administration, provided the referenced document to the Commissioners and the Secretary in response to the request from Commissioner Anthony.

The following agenda item V was taken out of order:

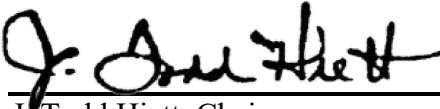
Commissioner Hiatt revisited agenda item V and recognized Mr. Velez. Mr. Velez provided procedural information and recognized Mark Argenbright, director of the public utility division and Jenny Dillon, PUD policy advisor, who reviewed the draft amendments for Chapter 55 Rules of Practice, facilitated the discussion, and the forum was open for all those participating to give their input. Discussion was held.

Discussion and public comment concerning Case No. RM2023-000006, *In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:59, Oklahoma Universal Service and Oklahoma Lifeline*

Commissioner Hiatt announced the agenda item and recognized Mike Velez, deputy general counsel. Mr. Velez provided procedural information and recognized Mark Argenbright, director of the public utility division, who reviewed the draft amendments for Chapter 59 Rules of Practice, facilitated the discussion, and the forum was open for all those participating to give their input. Discussion was held. Commissioner Anthony exited the meeting at 2:28 p.m. Commissioner David exited the meeting at 2:59 p.m.

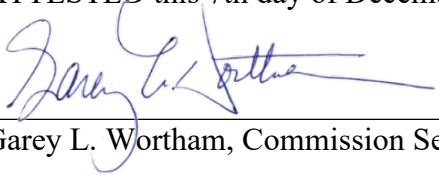
New Business There was no new business.

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



J. Todd Hiatt, Chairman

ATTESTED this 7th day of December, 2023.



Gary 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., Tuesday, March 07, 2023

Place: Room 301, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105

Purpose: Conducting of 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 and possible vote(s) on proposed or potential orders in cases on attached 24-hour signing agenda docket. At the meeting, 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, hearing, and possible vote(s) in Case No. RM2023-000001, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:20, Gas & Hazardous Liquid Pipeline Safety</i>
IV	Discussion, hearing, and possible vote(s) in Case No. RM2023-000002, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:30, Motor Carriers, Private Carriers and Transportation Network Companies</i>
V	Discussion and public comment concerning Case No. RM2023-000005, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:55, Telecommunications Services</i>

VI	Discussion and public comment concerning Case No. RM2023-000006, <i>In the Matter of a Permanent Rulemaking of the Oklahoma Corporation Commission Amending OAC 165:59, Oklahoma Universal Service and Oklahoma Lifeline</i>
VII	<p>Submitted by Corporation Commissioner Bob Anthony:</p> <p>Based on personal knowledge and belief, Commissioner Anthony asserts that hard-copy Original Official Minutes of Corporation Commission meetings held since at least 1990 were retained at Commission offices in the Jim Thorpe Office Building through at least 2021 and were treated as Original Permanent Records. The Director of Administration is requested to report on the status of these original government property documents, noting the Commission’s constitutional duties and responsibilities as well as its power and authority of a court of record, and further noting the Oklahoma Archives and Records Commission (ARC) provisions stated below. Specifically,</p> <ul style="list-style-type: none"> • Where are the official original minutes with meeting agendas that were for years secured subject to the usually locked Commission Secretary office and locked file cabinets? • Do you agree the <u>original records</u> in Series 1-1A Minutes—Official, whether kept at the Corporation Commission or transferred to the State Archives, are to be treated for <u>permanent preservation as essential records</u>? • If any permanent minutes or attached documents have been discarded, why might they have been subject to shredding or destruction? • Regarding official minutes of meetings for the last 40 years that may have been imaged, currently how can they be accessed, by whom, and with what technical features of indexing, search ability, storage, and verification of authenticity? • As a State agency with the special and extraordinary designation of having the power and authority of a court of record, does the Commission have a high regard for its historical and official records, especially its official original meeting minutes? • When in 2017 the Corporation Commission experienced one of the worst computer hacks in state history and forever lost use of certain electronic files and records, were the Original Official Minutes compromised or damaged? <p>Excerpts from pages 7, 8, and 11 of [ARC] Consolidated General Records Disposition Schedule, dated January 26, 2023:</p> <p>Optical Imaging Systems (from page 7, emphasis added)</p> <p>Records with stipulated retention periods of ten (10) years or longer included in this General Records Disposition Schedule may be maintained in optical imaging format provided the following conditions are satisfied:</p>

	<p><i>Continuation of Submission by Corporation Commissioner Bob Anthony:</i></p> <p>5. Hard copy records in Series 1-1A and 1-13A shall be transferred to the State Archives for <u>permanent preservation</u>.</p> <p><u>Permanent Records</u> (from page 8)</p> <ul style="list-style-type: none"> Records that possess continuing value because they document the organization, functions, policies, decisions, and procedures or protect the legal and financial rights of the state or persons directly affected by state agencies, boards, commissions, and institutions must be retained permanently <p><u>Essential Records</u> (from page 8, emphasis added) The <u>original records</u> in Series 1-1A [Minutes—Official] and 1-13A [Policies and Procedures File] shall be transferred to the State Archives for <u>permanent preservation as essential records</u>.</p> <p>In addition to transferring the original records in Series 1-1A and 1-13A to the State Archives for permanent preservation, agencies, boards, commissions, and institutions must retain at least one (1) copy.</p> <p>Administrative Records (from p. 11, emphasis added)</p> <p>1-1 Minutes--Official Essential Record (67 O.S., §203(e))</p> <p>Description: <u>Official minutes</u> and copies of Agendas of Board or Commission meetings. Disposition: Retain official copy in office two (2) years, then transfer to the State Archives <u>for permanent preservation</u>. Retain one (1) copy in office <u>permanently</u></p>
VIII	<p>Submitted by Corporation Commissioner Bob Anthony:</p> <p>Repeating from the Commission's Regular Meeting Agenda of December 29, 2022, at 9:30 a.m., with further consideration, discussion, report of OCC Staff, and possible vote(s) on the compliance or non-compliance of the Commission with the Oklahoma Open Records Act (51 O.S. § 24A.1, et seq.), specifically the August 8 and August 23, 2022 Open Records requests from Oklahoma Progress Now ("OPN") (submitted by OPN director Nick Singer) which, in its November 1, 2022 write-up about responses to its requests, said: "We received a majority response from the Corporation Commission. To date, only Commissioner Hiatt still has not responded." (Singer, Nick. "Oklahoma Progress Now: Oklahoma Utility Cost Crisis" (Nov.1, 2022) https://www.okprogressnow.org/oklahoma_utility_cost_crisis). Possible vote(s) instructing OCC Staff to immediately take action to fully comply with these requests of OPN and the requirements of the Open Records Act and make the results available in electronic form to all Commissioners as soon as possible.</p>

IX	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
X	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 Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 11:45 a.m., Monday, March 06, 2023.



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

Date: Tuesday, March 7, 2023

Time: 1:30 PM

Place: COURTROOM 301

Case Number PUD2022-000112 **Order Type** Motion **RSO** OKC

Parties FORT COBB FUEL AUTHORITY LLC (Applicant)

Relief In Caption APPLICATION OF FORT COBB FUEL AUTHORITY, LLC, FOR APPROVAL OF REVISIONS TO ITS TARIFF

Order Title ORDER GRANTING MOTION TO ESTABLISH PROCEDURAL SCHEDULE

Case Number PUD2023-000009 **Order Type** Final **RSO** OKC

Parties SOUTHWESTERN BELL TELEPHONE COMPANY (Applicant) FUSION CLOUD SERVICES LLC (Applicant)

Relief In Caption APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY, D/B/A AT&T OKLAHOMA SEEKING OKLAHOMA CORPORATION COMMISSION APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN AT&T OKLAHOMA AND FUSION CLOUD SERVICES, LLC D/B/A FUSION CLOUD SERVICES OF OKLAHOMA

Order Title FINAL ORDER APPROVING AMENDMENT TO INTERCONNECTION AGREEMENT