

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF TIM RHODES, DIRECTOR OF)	
ADMINISTRATION, OKLAHOMA CORPORATION)	CAUSE NO. GD 202000001
COMMISSION, FOR AN ORDER OF THE)	
COMMISSION AUTHORIZING ACTION IN)	ORDER NO. <u>715419</u>
RESPONSE TO COVID-19)	

FIFTH ORDER EXTENDING INTERIM ORDER NO. 710005

The Corporation Commission (“Commission”) of the State of Oklahoma being regularly in session and the undersigned Commissioners present and participating, there comes on for consideration and action the Fifth Order Extending Interim Order No. 710005.

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

THE COMMISSION FINDS that it has jurisdiction over this Cause pursuant to Article IX, § 18 of the Oklahoma Constitution and OAC 165:5-1-2(c), which states the “rules of this Chapter shall not be construed as limiting the Commission’s authority to grant an exception, for good cause shown, to any rule contained herein unless otherwise precluded by law.”

THE COMMISSION FURTHER FINDS that notice of this matter was properly provided, and that upon sua sponte advancement, pursuant to OAC 165:5-13-2(b), the matter came on for consideration by the Commission on November 19, 2020.

THE COMMISSION FURTHER FINDS that on March 11, 2020, the World Health Organization initially made the assessment that COVID-19 could be characterized as a pandemic. The World Health Organization also stated, “[t]his is not just a public health crisis, it is a crisis that will touch every sector – so every sector and every individual must be involved in the fight.”

THE COMMISSION FURTHER FINDS that beginning in March, 2020, Governor J. Kevin Stitt issued numerous executive orders declaring an emergency in all seventy-seven Oklahoma Counties caused by the threat of COVID-19 to the people of the State. Most recently, on November 16, 2020, Governor Stitt issued the Seventh Amended Executive Order 2020-20, again declaring an emergency in all seventy-seven Oklahoma Counties caused by the threat of COVID-19 to the people of the State. This Executive Order is effective for thirty days after its filing.

THE COMMISSION FURTHER FINDS that on March 17, 2020, the Commission issued Interim Order No. 710005, which remained in effect until April 20, 2020. On April 15, 2020, the Commission entered Order No. 710681, *Order Granting Motion to Extend Interim Order No. 710005 and Advance to the Commission En Banc for Hearing*, which remained in effect until May 20, 2020. On May 19, 2020, the Commission entered Order No. 711669, *Second Order Extending Interim Order No. 710005*, which remained in effect until July 22, 2020. On July 14, 2020, the Commission entered Order No. 713128, *Third Order Extending Interim Order No. 710005*, which

remained in effect until September 22, 2020. On September 22, 2020, the Commission entered Order No. 714512, *Fourth Order Extending Interim Order No. 710005*, which was to remain in effect until November 15, 2020, unless the Commission was unable to convene on such date. Because the Commission was unable to convene on November 15, 2020, Order No. 714512 remains in effect until November 19, 2020.

THE COMMISSION FURTHER FINDS that the unique circumstances attending the COVID-19 pandemic are ongoing and ever-changing and that the length of time the pandemic will necessitate the need for responsive measures, such as closure of some non-critical infrastructure businesses, remote work, and social distancing, remains unknown at this time.

THE COMMISSION FURTHER FINDS that Order No. 710005, and the extension thereof, has provided much needed flexibility during the pandemic, and has been effectively utilized to put in place, and allow for the continuation of, processes and procedures which are consistent with relevant governmental COVID-19 guidance, which facilitate social distancing and remote work, and to temporarily waive provisions of OAC 165:5 to facilitate continuity of Commission business.

THE COMMISSION FURTHER FINDS that to aid in continuing operations in the midst of the pandemic, Interim Order No. 710005 should be extended, with the exception of the portion for “waiving provisions requiring filing fees due at filing,” appearing on page 2, paragraph II.b. of that order. The ongoing and ever-changing nature of the pandemic, and the quickly increasing number of confirmed COVID-19 cases in Oklahoma, necessitate the need to maintain flexibility in the Commission’s administrative processes and procedures, continued adherence to governmental COVID-19 guidance, and for continued efforts to protect the health and safety of Commission employees and the public.

THE COMMISSION FURTHER FINDS that neither Interim Order No. 710005, nor any extension thereof, shall be used to unnecessarily delay any portion of or any proceeding in a cause.

THE COMMISSION FURTHER FINDS that this Fifth Interim Order does not make a determination regarding opening the Jim Thorpe Building. *See Oklahoma Open Meeting Act (“OMA”), 25 O.S. §§ 301, et seq.* With respect to matters not subject to the OMA, the Commission will continue to conduct business at its Eastern and Western offices in a manner to protect Commission employees and the public.

THE COMMISSION FURTHER FINDS that the findings of fact and conclusions of law set forth in Order Nos. 710005, 710681, 711669, 713128, and 714512 are incorporated herein, unless specifically excluded.

II. ORDER

THE COMMISSION THEREFORE ORDERS that Interim Order No. 710005 is hereby extended, with the exception noted herein, and is subject to further extension or modification as necessitated by circumstances related to the COVID-19 pandemic.

THE COMMISSION FURTHER ORDERS that Order No. 710005 shall remain in effect until December 31, 2020, unless otherwise ordered by the Commission. In the event the Commission cannot convene on December 31, 2020, Order No. 710005 shall be automatically extended for an additional 14 days or until the next regular Commission meeting.

CORPORATION COMMISSION OF OKLAHOMA



J. TODD HIETT, CHAIRMAN



BOB ANTHONY, VICE CHAIRMAN



DANA L. MURPHY, COMMISSIONER

CERTIFICATION

DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this 19th day of November, 2020.

BY ORDER OF THE COMMISSION:



PEGGY MITCHELL, Commission Secretary

