

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF AN EMERGENCY
RULEMAKING OF THE OKLAHOMA
CORPORATION COMMISSION AMENDING
OAC 165:35, ELECTRIC UTILITY RULES

CAUSE NO. RM 201800009

NOTICE OF PROPOSED EMERGENCY RULEMAKING

NOTICE IS HEREBY GIVEN that the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("Commission") recommends that in order to conform the Commission's rules to the procedures and requirements set forth in the Oklahoma Wind Energy Development Act, which was amended by Senate Bill ("S.B.") 1576, which became effective May 2, 2018, an emergency rulemaking should be initiated to amend the Electric Utility Rules, specifically the Wind Energy Rules, that are set forth in the Oklahoma Administrative Code ("OAC") 165:35, Subchapter 45.

The proposed changes to OAC 165:35, Subchapter 45 include: adding definitions for "Determination of No Hazard," "FAA," and "Local base commander;" shortening "Public Utility Division" to "PUD;" general grammatical changes; stating the required documentation to be included when submitting an annual report to PUD; adding a requirement that notifications be submitted electronically to PUD; and modifying the notification of intent to build a wind energy facility section.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this emergency rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, 17 O.S. §§ 160.11 *et seq.*, and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that PUD believes it is necessary to adopt these rules on an emergency basis due to the passage of S.B. 1576, which modified the Oklahoma Wind Energy Development Act. Further, PUD believes that the proposed changes are necessary to protect the public health, safety and welfare, avoid serious prejudice to the public interest, and protect our national security.

NOTICE IS FURTHER GIVEN that the proposed emergency rules will be made available for public inspection at the Commission's Oklahoma City Court Clerk's office. A copy of the proposed rules may be requested by phone at (405) 521-2352, email at courtclerk@occcemail.com, or by visiting the Commission's Oklahoma City Court Clerk's Office, located on the First Floor, Jim

Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. The proposed emergency rules are also accessible on the Commission's website at <http://www.occeweb.com>, and may be downloaded at no cost to the end user.

NOTICE IS FURTHER GIVEN that the Rule Impact Statement, pursuant to 75 O.S. § 253(b), will be timely prepared and made available for public inspection in the Commission's Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

NOTICE IS FURTHER GIVEN that PUD will have a **technical conference on Thursday, October 11, 2018, at 10:00 a.m.** in Room 301, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One or more of the Commissioners may be present at the technical conference and may participate in the dialogue with the rulemaking participants regarding the issues of the proposed rulemaking.

NOTICE IS FURTHER GIVEN that the Commission invites all interested persons to **submit data, comments, or arguments regarding the proposed changes to the Rules on or before October 15, 2018.** Those persons interested in submitting data, comments, or arguments should file one (1) copy of their data, comments, or arguments, referring to Cause No. RM 201800009, with the Commission's Court Clerk's Office. The data, comments, or arguments will be made available for public inspection by telephone, email, or in-person request during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

Pursuant to 75 O.S. §§ 303 and 504, business entities are requested, if the proposed rules affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rules, economic or otherwise, and use quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

NOTICE IS FURTHER GIVEN that PUD may initiate a permanent rulemaking at a later date to address fees and additional issues. PUD is presently requesting data, comments, or arguments concerning the following questions:

1. PUD intends to propose an annual per turbine fee to cover internal compliance with the law, including but not limited to collection and retention of reports, and monitoring compliance.

- a. Is a fee on turbines appropriate to apply during this emergency rulemaking proceeding?
 - b. Is a fee of \$50.00 per turbine per year appropriate? The first year fee would be due at time of notice, regardless of final construction or not.
 - c. Should these fees be considered separate from the fees that may be assessed under OAC 165:35-45-6?
2. Should OAC 165:35-45-4(c) be amended to require amended or additional notifications of intent to build to be submitted to PUD?

NOTICE IS FURTHER GIVEN that the **Commission en banc** shall consider the emergency adoption of the proposed rules at a public hearing at 9:30 a.m. on Thursday, November 1, 2018, in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed rulemaking should be directed to Jeff W. Kline, Assistant General Counsel, by telephone (405) 521-2308, e-mail j.kline@occemail.com, facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA

DANA L. MURPHY, Chairman

J. TODD HIETT, Vice Chairman

BOB ANTHONY, Commissioner

CERTIFICATION

DONE and PERFORMED this 2ND day of OCTOBER, 2018 BY ORDER OF THE COMMISSION:

[Seal]

PEGGY MITCHELL, Commission Secretary