

**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>711669</u>
RESPONSE TO COVID-19	)	

**SECOND 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 Second 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 May 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 on March 15, 2020, Governor J. Kevin Stitt issued Executive Order 2020-07 declaring an emergency in all seventy-seven Oklahoma Counties caused by the threat of COVID-19 to the people of the State, and as of May 14, 2020, the Executive Order 2020-07 had been amended eight times. The eighth amendment to Executive Order 2020-07, filed April 2, 2020, remained effective for thirty days after its filing.

THE COMMISSION FURTHER FINDS that on March 17, 2020, Tim Rhodes, Director of Administration of the Oklahoma Corporation Commission, filed an Application seeking an order of the Commission authorizing action in response to COVID-19. On that same date, the Commission en banc heard the Application and issued Interim Order No. 710005.

THE COMMISSION FURTHER FINDS that on April 8, 2020, Governor Stitt issued Executive Order 2020-13 again declaring an emergency in all seventy-seven Oklahoma Counties caused by the threat of COVID-19 to the people of the State and noting that Oklahoma had 1,472 confirmed cases of COVID-19 as of April 7, 2020.

THE COMMISSION FURTHER FINDS that Executive Order 2020-13 was amended for the sixth time on May 12, 2020. Sixth Amended Executive Order 2020-13 notes that as of May 12, 2020, the number of confirmed cases of COVID-19 in Oklahoma had increased to 4,732. Additionally, the sixth amendment orders that “[a]ll State agencies shall encourage Oklahomans interacting with agency services to utilize online options whenever possible.” The sixth amendment orders that “State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.” The sixth amendment orders that “[u]nless otherwise addressed in the Open Up and Recover Safely (OURS) Plan . . . adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as “vulnerable individuals,” shall stay in their home or place of residence until May 31<sup>st</sup> except for those working in a critical infrastructure sector . . . and conducting essential errands.” The sixth amendment also orders that Oklahomans “should follow Centers for Disease Control (CDC) guidelines for social distancing by staying out of crowded places, not gathering in groups, and staying at least 6 feet from other people.”

THE COMMISSION FURTHER FINDS that on April 8, 2020, Tim Rhodes filed a Motion to Extend Interim Order No. 710005 and Advance to the Commission En Banc for Hearing, along with a Notice of Hearing. The Motion was advanced and heard by the Commission En Banc on April 15, 2020, and on that same date, the Commission issued Order No. 710681, Order Granting Motion to Extend Interim Order No. 710005 and Advance to the Commission En Banc for Hearing.

THE COMMISSION FURTHER FINDS that since issuance of Order Nos. 710005 and 710681, COVID-19 guidance from the Centers for Disease Control and Prevention, State health officials, and other government entities has continually evolved and been updated as the pandemic continues.

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 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 this time of emergency, 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, including 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 the ongoing and ever-changing nature of the pandemic, and the steadily 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 any findings of fact and conclusions of law set forth in Order Nos. 710005 and 710681, which are not stated above, are incorporated herein.

## II. ORDER

THE COMMISSION THEREFORE ORDERS that Interim Order No. 710005 is hereby again extended 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 July 22, 2020. In the event the Commission cannot convene on July 22, 2020, Order No. 710005 shall be automatically extended for an additional 14 days or until the next regular Commission meeting.

### OKLAHOMA CORPORATION COMMISSION

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J. TODD HIETT, Chairman

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BOB ANTHONY, Vice Chairman

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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 19<sup>th</sup> day of May, 2020.

[Seal]

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PEGGY MITCHELL, Secretary

Cause No.

CORPORATION COMMISSION OF OKLAHOMA

\_\_\_\_\_  
J. TODD HIETT, CHAIRMAN

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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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY ORDER OF THE COMMISSION:

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