

Oklahoma Corporation Commission

Compliance Report | Executive Order 2020-03

Comprehensive Review of Administrative Rules as of July 31, 2020

Report Submitted by: J. Todd Hiett

Title: Chairman of the Oklahoma Corporation Commission

Email: todd.hiett@occ.ok.gov

Phone: 405-521-2264

**Method Used to Conduct Review:** The Judicial & Legislative Services Division of the Oklahoma Corporation Commission (“OCC” or “Commission”) created an Executive Order 2020-03 (“EO 2020-03”) Compliance Report Team (“Team”). The Team consisted of OCC staff attorneys and representatives from each OCC Division. The Team requested that each OCC Division conduct a critical and comprehensive review of all OCC rules to identify costly, ineffective, duplicative, outdated, and/or unnecessary rules. Additionally, each OCC Division requested and reviewed input from the various industry stakeholders. After each OCC Division completed its review, the Division’s staff attorney performed an additional review to ensure that all rules on the list met the criteria set forth in EO 2020-03. Division staff attorneys paid particular attention to making sure that the OCC Divisions did not include rules that are required by Federal or State law. Staff attorneys submitted final lists for inclusion in the report to be submitted pursuant to EO 2020-03. In addition to the comprehensive review conducted in compliance with EO 2020-03, the OCC conducts rulemakings every year and routinely seeks public and regulated entities’ input thereby giving those parties the opportunity to identify to us rules that are costly, ineffective, duplicative, outdated, and/or unnecessary. As evidence of our frequent rulemakings, the comprehensive review has identified only 52 rules for this report out of thousands of OCC rules. The report was presented to Corporation Commissioners J. Todd Hiett, Chairman; Bob Anthony, Vice Chairman, and Dana L. Murphy for review and approval. Having been approved by the Commissioners, the following report is submitted on behalf of the OCC.

TOTAL NUMBER OF UNNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATED REGULATIONS: 52

|          |    |          |    |
|----------|----|----------|----|
| Ch. 05 - | 1  | Ch. 45 - | 3  |
| Ch. 10 - | 0  | Ch. 50 - | 0  |
| Ch. 15 - | 0  | Ch. 55 - | 10 |
| Ch. 16 - | 0  | Ch. 56 - | 1  |
| Ch. 20 - | 0  | Ch. 57 - | 1  |
| Ch. 25 - | 1  | Ch. 58 - | 2  |
| Ch. 26 - | 3  | Ch. 59 - | 3  |
| Ch. 27 - | 2  | Ch. 60 - | 0  |
| Ch. 29 - | 0  | Ch. 61 - | 0  |
| Ch. 30 - | 0  | Ch. 65 - | 3  |
| Ch. 32 - | 13 | Ch. 70 - | 6  |
| Ch. 35 - | 0  | Ch. 75 - | 3  |
| Ch. 40 - | 0  | Ch. 80 - | 0  |

**Title 165 Corporation Commission**  
**Chapter 5-Rules of Practice**

| Section  | Title               | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|----------|---------------------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 5-1-5(f) | Filing of documents | 8/1/2019           |        |             |           |                         | X                     | This rule concerns the filing of documents with the OCC Court Clerk by fax. This rule is outdated and should be updated to include filing by email. |

**Title 165 Corporation Commission**  
**Chapter 25-Underground Storage Tanks**

| Section     | Title     | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|-------------|-----------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 25-18-19(a) | Penalties | 8/1/2019           |        |             |           |                         | X                     | Rule states that persons who violate Commission rules are liable for a fine. This rule is unnecessary because this same language is already in statute at 17 O.S. § 311(A). |

**Title 165 Corporation Commission**  
**Chapter 26-Aboveground Storage Tanks**

| Section    | Title                             | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication   | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|------------|-----------------------------------|--------------------|--------|-------------|-----------|---------------------------|-----------------------|---|
| 26-1-21    | Overview of applicability         | 8/1/2019           |        |             |           |                           | X                     | Rule addresses the applicability of regulations for storage tank owners. This rule is unnecessary because applicability is found in the statutes that govern storage tanks at 17 O.S. § 301 et seq. |
| 26-1-44    | Tank closure or change in service | 10/1/2018          |        |             | X         | 26-2-210 through 26-2-214 |                       | Rule states notification requirements to close a tank. The same language in this rule is duplicated in other rules in this Chapter.   |
| 26-4-21(a) | Penalties                         | 8/1/2019           |        |             |           |                           | X                     | Rule states that persons who violate Commission rules are liable for a fine. This rule is unnecessary because this same language is found in statute at 17 O.S. § 311(A).                           |

**Title 165 Corporation Commission  
Chapter 27-Indemnity Fund**

| Section   | Title                        | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|-----------|------------------------------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 27-3-2(3) | Eligible person              | 8/1/2019           |        |             |           |                         | X                     | Rule states the requirements for eligibility for Indemnity Fund reimbursement. This rule is unnecessary because the same language, although not identical, is found in statute at 17 O.S. § 327.3 (O)(2)(c).            |
| 27-7-6(a) | Conditions for reimbursement | 10/1/2018          |        |             |           |                         | X                     | Rule allows the Petroleum Storage Tank Division to require competitive bidding in some instances. The rule is unnecessary because the language, although not identical, is already in statute at 17 O.S. § 327.3(b)(1). |

**Title 165 Corporation Commission  
Chapter 32-Railroads**

| Section | Title                                    | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|---------|--|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 32-5-1  | Definitions                              | 9/12/2014          |        |             |           |                         | X                     | Defines specific terms located in this Subchapter. These definitions relate to requirements that are no longer regulated by the OCC.  |
| 32-5-2  | Applicability to existing structures     | 7/1/1995           |        |             |           |                         | X                     | Clarifies which types of structures this Subchapter's regulations refers to. These requirements are no longer regulated by the OCC.   |
| 32-5-3  | Incorporation of AREMA Manual provisions | 9/12/2014          |        |             |           |                         | X                     | Incorporates the American Railway Engineering and Maintenance-of-Way Association by manual by reference. The contents of this manual, as it applies to this Subchapter, are no longer regulated by the OCC. |
| 32-5-6  | Platforms                                | 7/1/1995           |        |             |           |                         | X                     | Rule allows railway platforms to be combined in certain situations. These requirements are no longer regulated by the OCC.  |
| 32-5-7  | Interlockers and switch boxes            | 7/1/1995           |        |             |           |                         | X                     | Rule requires side clearances of no less than 3 feet on proscribed structures. These requirements are no longer regulated by the OCC.   |
| 32-5-9  | Signals, signal poles and switch stands  | 7/1/1995           |        |             |           |                         | X                     | Rule dictates the heights of signals, poles and switches. These requirements are no longer regulated by the OCC.  |
| 32-5-10 | Track clearances                         | 7/1/1995           |        |             |           |                         | X                     | Rule dictates the minimum distances between certain track types. These requirements are no longer regulated by the OCC.   |
| 32-5-11 | Changes                                  | 7/1/1995           |        |             |           |                         | X                     | Rule prevents changes to clearances that are outside the limits of this chapter. These requirements are no longer regulated by the OCC.   |

|         |                        |          |  |  |  |  |   |  |
|---------|------------------------|----------|--|--|--|--|---|--|
| 32-5-13 | Partial replacements   | 7/1/1995 |  |  |  |  | X | Where existing structures provide clearance less than the standards which are specified in this Subchapter, this section allows the portion of the structure producing the impaired clearance to be repaired or maintained by partial replacements. These requirements are no longer regulated by the OCC. |
| 32-5-14 | Rebuilds               | 7/1/1995 |  |  |  |  | X | Rule requires rebuilt portions to provide the full standard clearance as provided by this Subchapter. These requirements are no longer regulated by the OCC.   |
| 32-5-15 | Emergencies            | 7/1/1995 |  |  |  |  | X | Rule prevents restricted clearances from applying to shoo-fly tracks or other temporary emergency conditions caused by derailments, washout, slides or other unavoidable disasters. These requirements are no longer regulated by the OCC.   |
| 32-5-17 | Construction materials | 7/1/1995 |  |  |  |  | X | Rule prevents restricted clearances set out in the Chapter from applying to ballast, track material, or construction material unloaded on and adjacent to tracks for contemplated use thereon or in the immediate vicinity. These requirements are no longer regulated by the OCC.                         |
| 32-5-18 | Exemptions             | 7/1/1995 |  |  |  |  | X | Rule allows the OCC to consider exemptions to this Subchapter. These requirements are no longer regulated by this agency.  |

**Title 165 Corporation Commission  
Chapter 45-Gas Service Utilities**

| Section     | Title  | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category   |
|-------------|--|--------------------|--------|-------------|-----------|-------------------------|-----------------------|--|
| 45-3-5(a)   | Sale or disposal of jurisdictional facilities by utility | 7/25/2019          | X      |             |           |                         | X                     | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary.           |
| 45-3-5(g)   | Sale or disposal of jurisdictional facilities by utility | 7/25/2019          | X      |             |           |                         | X                     | This subsection, in part, requires a certain number of copies to be submitted to the Public Utility Division. This element of this subsection is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary. |
| 45-3-5.1(a) | Acquisition, control, or merger of                       | 7/25/2019          | X      |             |           |                         | X                     | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is   |

|  |                               |  |  |  |  |  |  |   |
|--|-------------------------------|--|--|--|--|--|--|---|
|  | domestic public gas utilities |  |  |  |  |  |  | costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary. |
|--|-------------------------------|--|--|--|--|--|--|---|

**Title 165 Corporation Commission  
Chapter 55-Telecommunications Services**

| <b>Section</b>     | <b>Title</b>  | <b>Date Last Modified</b> | <b>Costly</b> | <b>Ineffective</b> | <b>Duplicate</b> | <b>Location Of Duplication</b> | <b>Outdated/ Unnecessary</b> | <b>Summary of rule and explanation of determined category</b>  |
|--------------------|---|---------------------------|---------------|--------------------|------------------|--------------------------------|------------------------------|--|
| 55-3-1(c)          | Certificate of Convenience and Necessity                    | 9/11/2017                 | X             |                    |                  |                                | X                            | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary.   |
| 55-3-3(c)          | Approval of initial tariffs                                 | 9/11/2017                 | X             |                    |                  |                                | X                            | This subsection, in part, requires a certain number of copies to be submitted to the Public Utility Division. This element of this subsection is costly due to the quantity of copies required. It is also outdated because the document(s) should be submitted electronically. The balance of this subsection, at this time, remains necessary.                       |
| 55-3-22(d) and (e) | Records to be provided to the Commission                    | 7/25/2019                 | X             |                    |                  |                                | X                            | These subsections, in part, require a certain number of copies of an exchange map to be submitted to the Public Utility Division. These elements of these subsections are costly due to the quantity of copies required, and are outdated because the document(s) should be submitted electronically. The balance of this subsection, at this time, remains necessary. |
| 55-3-22(d)(1)(B)   | Records to be provided to the Commission                    | 7/25/2019                 |               |                    |                  |                                | X                            | This subparagraph, is outdated because it provides a specific printed paper size, weight, and color for each exchange boundary map. This element of this subsection should be modified to require an electronic format. The balance of this subsection, at this time, remains necessary.   |
| 55-5-20(a)         | Requirements as to size, form and identification of tariffs | 8/27/2015                 | X             |                    |                  |                                | X                            | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary.   |

|                    |  |           |   |  |  |  |   |   |
|--------------------|--|-----------|---|--|--|--|---|---|
| 55-5-20(b)         | Requirements as to size, form and identification of tariffs  | 8/27/2015 |   |  |  |  | X | This subsection, in part, is outdated because it provides a specific printed paper size, font, and paper description for each tariff page. This element of this subsection should be modified to require an electronic format. The balance of this subsection, at this time, remains necessary.   |
| 55-15-1(a) and (j) | Notification of certain transactions affecting the customers or operations of a telecommunications service provider or IXC | 9/11/2017 | X |  |  |  | X | These subsections, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of these subsections is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of these subsections, at this time, remain necessary.   |
| 55-15-5(a)         | Cessation of business in Oklahoma  | 8/27/2015 | X |  |  |  | X | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary.  |
| 55-22-5(b)         | Formal non-expedited dispute resolution  | 8/27/2015 | X |  |  |  | X | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon be outdated upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary.  |
| 55-23-3(i)         | Forms to be provided to the Commission   | 9/11/2017 |   |  |  |  | X | This subsection, in part, requires Eligible Telecommunications Carriers to submit the Federal Communications Commission Form 481 to the OCC. This element of this subsection is unnecessary because the form is available online; therefore, these companies do not need to submit the form to OCC directly. The balance of this subsection, at this time, remains necessary. |

**Title 165 Corporation Commission**  
**Chapter 56-Resellers of Interexchange Telecommunications Services**

| Section | Title          | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category   |
|---------|----------------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|--|
| 56-7-1  | Who shall file | 7/1/1995           |        |             |           |                         | X                     | This rule is unnecessary because it was revoked in 165:55-3-10 on 7/1/99, and similar language appears here. |

**Title 165 Corporation Commission**  
**Chapter 57-Operator Service Providers Telecommunications Services**

| Section | Title          | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category   |
|---------|----------------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|--|
| 57-5-20 | Who shall file | 7/1/1995           |        |             |           |                         | X                     | This rule is unnecessary because it was revoked in 165:55-3-10 on 7/1/99, and similar language appears here. |

**Title 165 Corporation Commission**  
**Chapter 58-Facilitation and Provisioning of Payphone Service**

| Section | Title                | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|---------|----------------------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 58-3-10 | Who shall file       | 5/15/1997          |        |             |           |                         | X                     | This rule is unnecessary because it was revoked in 165:55-3-10 on 7/1/99, and similar language appears here.  |
| 58-3-31 | Due dates of reports | 5/15/1997          |        |             |           |                         | X                     | This rule is unnecessary because it was revoked in 165:55-3-31 on 7/12/12, and similar language appears here. |

**Title 165 Corporation Commission**  
**Chapter 59-Oklahoma Universal Service and Oklahoma Lifeline**

| Section               | Title   | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|-----------------------|---|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 59-3-10               | Use of the Oklahoma Universal Service Fund              | 8/2/2015           |        |             |           |                         | X                     | An element of this rule is outdated because it includes a provision relating to the E911 and Technology Training Fund, which is no longer available following a statutory change. The balance of this section, at this time, remains necessary. |
| 59-3-11               | How the Oklahoma Universal Service Fund shall be funded | 9/11/2017          |        |             |           |                         | X                     | This rule is unnecessary in that it merely states that the OUSF shall be funded consistent with the statute that sets the requirements for its funding.   |
| 59-3-60(a), (d) & (e) | Requests for funding from the OUSF                      | 9/11/2017          |        |             |           |                         | X                     | These subsections are unnecessary because they rephrase the statutory provision found in 17 O.S. § 139.106(D). The balance of this section, at this time, remains necessary.  |

**Title 165 Corporation Commission  
Chapter 65-Water Service Utilities**

| <b>Section</b> | <b>Title</b>   | <b>Date Last Modified</b> | <b>Costly</b> | <b>Ineffective</b> | <b>Duplicate</b> | <b>Location Of Duplication</b> | <b>Outdated/ Unnecessary</b> | <b>Summary of rule and explanation of determined category</b>   |
|----------------|--|---------------------------|---------------|--------------------|------------------|--------------------------------|------------------------------|---|
| 65-3-5(a)      | Sale or disposal of facilities by utility                  | 7/25/2019                 | X             |                    |                  |                                | X                            | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon become unnecessary upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary. |
| 65-3-5(g)      | Sale or disposal of facilities by utility                  | 7/25/2019                 | X             |                    |                  |                                | X                            | This subsection, in part, requires a certain number of copies of a proposed tariff change to be provided to the OCC. This element of this subsection is costly and outdated because the OCC only needs one electronic copy. The balance of this subsection, at this time, remains necessary.                                      |
| 65-9-7(f)      | Filing of rate schedules, contracts, agreements, and rules | 7/25/2019                 | X             |                    |                  |                                | X                            | This subsection requires certified copies of certain documents to be filed with the OCC. This subsection is unnecessary and outdated because it can be submitted to the OCC electronically and is not filed with the OCC Court Clerk but merely submitted.  |

**Title 165 Corporation Commission  
Chapter 70-Minimum Standard Filing Requirements in Support of a Request by a Public Utility Doing Business in Oklahoma for a Proposed General Rate Change**

| <b>Section</b> | <b>Title</b>                            | <b>Date Last Modified</b> | <b>Costly</b> | <b>Ineffective</b> | <b>Duplicate</b> | <b>Location Of Duplication</b> | <b>Outdated/ Unnecessary</b> | <b>Summary of rule and explanation of determined category</b>   |
|----------------|---|---------------------------|---------------|--------------------|------------------|--------------------------------|------------------------------|---|
| 70-3-1(a)      | Application; Staff response; and Waiver | 7/11/1994                 | X             |                    |                  |                                | X                            | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon become unnecessary upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary. |
| 70-5-20(f)     | General requirements                    | 7/11/1994                 |               |                    |                  |                                | X                            | This subsection, in part, is outdated because it references “diskettes” and should instead be modified to “electronic documents.” The balance of this subsection, at this time, remains necessary.  |



|           |  |           |   |  |  |  |   |   |
|-----------|--|-----------|---|--|--|--|---|---|
| 70-7-1(c) | General filing instructions - Class C or D utilities                                 | 7/11/1994 | X |  |  |  | X | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon become unnecessary upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary. |
| 70-9-6(a) | Streamlined general rate change filing; and Staff response                           | 7/15/1998 | X |  |  |  | X | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It will soon become unnecessary upon implementation of an e-filing system. The balance of this subsection, at this time, remains necessary. |
| 70-9-7(b) | Narrative discussion regarding need for streamlined general rate change and exhibits | 7/15/1998 | X |  |  |  | X | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It is also outdated due to the soon to be allowed e-filing system. The balance of this subsection, at this time, remains necessary.         |
| 70-9-7(d) | Narrative discussion regarding need for streamlined general rate change and exhibits | 7/15/1998 | X |  |  |  | X | This subsection, in part, requires a certain number of copies to be filed with the OCC Court Clerk. This element of this subsection is costly due to the quantity of copies required. It is also outdated due to the soon to be allowed e-filing system. The balance of this subsection, at this time, remains necessary.         |

**Title 165 Corporation Commission  
Chapter 75-Cotton Gin Utilities**

| Section      | Title        | Date Last Modified | Costly | Ineffective | Duplicate | Location Of Duplication | Outdated/ Unnecessary | Summary of rule and explanation of determined category  |
|--------------|--------------|--------------------|--------|-------------|-----------|-------------------------|-----------------------|---|
| 75-3-4(b)(4) | New gins     | 07/15/2003         |        | X           |           |                         | X                     | This paragraph requires new cotton gin applicants to provide the name of other cotton gin utilities within a 30-mile radius. This paragraph is ineffective and unnecessary because the other cotton gin providers must provide notice by other means already. |
| 75-3-5(b)(3) | Dormant gins | 07/15/2003         |        | X           |           |                         |                       | The paragraph requires that a cotton gin seeking authority to remain dormant provide the name and address of each cotton gin owner within a 30-mile radius; this paragraph is ineffective because it does not provide actual notice to the other gin owners.  |

|              |              |            |  |   |  |  |  |  |  |
|--------------|--------------|------------|--|---|--|--|--|--|--|
| 75-3-5(b)(5) | Dormant gins | 07/15/2003 |  | X |  |  |  |  | The paragraph requires that a cotton gin seeking authority to remain dormant provide the name and address of 10 cotton farmers patronizing the gin; this paragraph is ineffective because it does not provide actual notice to the other gin owners. |
|--------------|--------------|------------|--|---|--|--|--|--|--|

END OF REPORT