

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1942

By: Hamilton of the House

and

Williams (Don) of the  
Senate

AS INTRODUCED

An Act relating to the Corporation Commission;

amending 17 O.S. 1991, Section 152, as last amended  
by Section 6, Chapter 315, O.S.L. 1994 (17 O.S.  
Supp. 1994, Section 152), which relates to  
regulation of public utilities; expanding the  
inquisitorial power of the Corporation Commission;  
requiring certain reductions in rates and charges  
of a public utility relating to certain tax  
reductions; requiring certain reductions in charges  
of a pipeline relating to certain tax reductions;  
providing for codification; providing an effective  
date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 17 O.S. 1991, Section 152, as last  
amended by Section 6, Chapter 315, O.S.L. 1994 (17 O.S. Supp. 1994,  
Section 152), is amended to read as follows:

Section 152. A. The Commission shall have general supervision  
over all public utilities, with power to fix and establish rates and

to prescribe and promulgate rules, requirements and regulations, affecting their services, operation, and the management and conduct of their business; shall inquire into the management of the business thereof, and the method in which same is conducted.

B. 1. When any public utility subject to general supervision pursuant to this section or to Section 158.27 of this title shall file with the Commission a request for review of its rates and charges, such request shall be given immediate attention.

2. In the exercise of this responsibility, the Commission shall complete any examination of such request for a review of its rates and charges within one hundred twenty (120) days from the date such application for review of its rates and charges is filed.

3. Public hearings on such matter must commence within forty-five (45) days of the end of such examination to be conducted by the Commission and in no event shall the conclusion of such examination of the rates and charges and the hearing conducted by the Commission exceed one hundred eighty (180) days from the date the request was filed.

4. If such request for review of the applicant's rates and charges has not been completed and an order issued within one hundred eighty (180) days from the date of filing of such application, some or all of the request for changes in the rates, charges, and regulations made in such application shall be immediately placed into effect and collected through new tariffs on an interim basis at the discretion of the applicant.

5. Should the Commission determine upon the completion of its examination and public hearings that a refund regarding the amount of interim relief is appropriate and necessary, the Commission shall order such refund including reasonable interest at the one-year U.S. Treasury bill rate accruing on that portion of the rate increase to be refunded for a period not to exceed ninety (90) days from the effective date of the rate increase which is being refunded.

C. The Commission shall have full visitorial and inquisitorial power to examine such public utilities, and keep informed as to their general conditions, their capitalization, rates, plants, equipments, apparatus, and other property owned, leased, controlled or operated, the value of same and the rate of taxation, the management, conduct, operation, practices and services; not only with respect to the adequacy, security and accommodation afforded by their service, but also with respect to their compliance with the provisions of this act, and with the Constitution and laws of this state, and with the orders of the Commission.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 157.1 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. In its review and examination of rates and charges of a public utility, if the Corporation Commission finds that the rate of taxation assessed by the State Board of Equalization is changed, which results in a reduction in taxes paid by the utility, the Commission shall reduce the rates and charges to the consumer in an amount which reflects the reductions in taxes paid by the utility.

B. If the Commission finds that the rate of taxation assessed by the State Board of Equalization to an oil or gas pipeline is changed which results in a reduction in taxes paid by the pipeline, the Commission shall reduce the charges paid by public utilities purchasing gas from the pipeline, in an amount which reflects the reduction in taxes paid by the pipeline which shall be distributed on a pro rata basis to each public utility which purchases from the pipeline.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-6158

KB