

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2553

By: Proctor

4
5 AS INTRODUCED

6 An Act relating to public utilities; amending 17 O.S.
7 2011, Section 122, which relates to judgment for and
8 collection of overcharges; updating statutory
9 language; adding prohibition from filing an
10 application for a review of rates and charges for
11 certain period; prohibiting certain public utilities
12 from increasing rates using a certain streamlined
13 general rate filing procedure; amending 17 O.S. 2011,
14 Section 152, which relates to the jurisdiction of the
15 Corporation Commission over public utilities;
16 prohibiting the Commission from examining a request
17 for review of rates and charges under certain
18 conditions for a certain period; prohibiting certain
19 public utilities from filing an application for
20 review of rates and charges for certain period; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 17 O.S. 2011, Section 122, is
24 amended to read as follows:

25 Section 122. A. Upon ascertaining the amount of overcharge due
26 from any public service corporation, person or firm, the Corporation
27 Commission shall have authority to render judgment against ~~such~~ the
28 public service corporation, person, or firm, for the amount of ~~such~~
29 overcharge that may have been collected from the public in violation

1 of any legal rate, or order of the Commission, if necessary to
2 ~~insure~~ ensure the prompt payment of the same to the Commission.
3 ~~Such~~ The judgment shall be a lien upon the property of the public
4 service corporation, person, or firm, and shall be collected in the
5 same manner that fines and penalties imposed by the Corporation
6 Commission are now authorized to be collected by law, and, when
7 collected, shall be paid immediately by the Commission to the
8 parties to whom it is due.

9 B. In addition to the penalty provided for in subsection A of
10 this section, any public utility found to have charged an amount for
11 any service in excess of the lawful rate in force shall be
12 prohibited from filing an application for a review of its rates and
13 charges pursuant to Section 152 of this title for a period of five
14 (5) years from the date the order to make a refund of overcharges is
15 issued by the Commission. In addition, the public utility may not
16 file a notice of intent to increase rates using the streamlined
17 general rate filing procedures established by the Commission for a
18 period of five (5) years from the date the order to make a refund of
19 overcharges is issued.

20 SECTION 2. AMENDATORY 17 O.S. 2011, Section 152, is
21 amended to read as follows:

22 Section 152. A. The Commission shall have general supervision
23 over all public utilities, with power to fix and establish rates and
24 to prescribe and promulgate rules, requirements and regulations,

1 affecting their services, operation, and the management and conduct
2 of their business; shall inquire into the management of the business
3 thereof, and the method in which same is conducted.

4 B. 1. ~~When~~ Except as otherwise provided for in subsection D of
5 this section, when any public utility subject to general supervision
6 pursuant to this section or to Section 158.27 of this title shall
7 file with the Commission a request for review of its rates and
8 charges, ~~such~~ the request shall be given immediate attention.

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

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

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

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

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

21 D. When a public utility files a request for a review of the
22 rates and charges of the public utility, the Commission shall
23 determine if the public utility has been ordered to make a refund of
24 an overcharge pursuant to Sections 121 through 123 of this title or

1 has been fined for violation of a federal tariff agreement in
2 Oklahoma during the previous five (5) years. If so, the Commission
3 shall not conduct an examination of or issue an order approving a
4 request for a review of the rates and charges of the public utility
5 for a period of five (5) years from the date the order to make a
6 refund of an overcharge was issued or from the date the fine for
7 violation of a federal tariff agreement was ordered. The public
8 utility shall also be prohibited from filing an application for a
9 review of its rates and charges for a period of five (5) years.

10 SECTION 3. This act shall become effective November 1, 2012.

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