

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 770

By: Hicks

AS INTRODUCED

An Act relating to the Corporation Commission; establishing jurisdiction; directing Commission to establish certain procedures for certain petitioning; requiring Commission to develop certain findings; requiring certain components in an order by the Commission; directing Commission to promulgate rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 803 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. Subject to the limitations of this act, the Corporation Commission shall have jurisdiction, power, and authority over the provisions of this act.

B. The Commission shall establish procedures for the form and manner in which petitions may be filed and notice and hearings may commence. If the Commission finds that:

1. The unitized management, operation, and further development of a common source of supply of wind and solar energy or portion thereof is reasonably necessary in order to effectively carry on

1 production operations for the renewable source to substantially
2 increase the ultimate recovery of wind and solar energy from the
3 common source or supply;

4 2. That one or more of the unitized methods of operation as
5 applied to such common source of supply or portion thereof are
6 feasible, will prevent waste, and will, with reasonable probability,
7 result in the increased recovery of substantially more wind and
8 solar energy from the common source of supply than would otherwise
9 be recovered;

10 3. That the estimated additional cost, if any, of conducting
11 such operations will not exceed the value of the additional wind and
12 solar energy so recovered; and

13 4. That such unitization and adoption of one or more of such
14 unitized methods of operation is for the common good and will result
15 in the general advantage of the owners of the surface rights within
16 the common source of supply or portion thereof directly affected,
17 then, the Commission shall make a finding to that effect and make an
18 order creating the unit and providing for the unitization and
19 unitized operation of the common source of supply or portion thereof
20 described in the order all upon such terms and conditions as may be
21 shown by the evidence to be fair, reasonable, equitable, and which
22 are necessary or proper to protect, safeguard, and adjust the
23 respective rights and obligations of the several persons affected.

24 The petition shall set forth a description of the proposed unit area

1 with a map or plat thereof attached, must allege the existence of
2 the facts required to be found by the Commission as provided and
3 shall have attached thereto a recommended plan of unitization
4 applicable to such proposed unit area and which the petitioner or
5 petitioners consider to be fair, reasonable, and equitable.

6 C. An order by the Commission pursuant to this act shall define
7 the area of the common source of supply or portion thereof to be
8 included within the unit area and prescribe with reasonable detail
9 the plan of unitization applicable thereto. Each unit and unit area
10 shall be limited to all or a portion of a single common source of
11 supply. Only so much of a common source of supply as has been
12 defined and determined to be productive of wind and solar energy may
13 be so included within the unit area.

14 D. The plan of unitization for each such unit and unit area
15 shall be one suited to the needs and requirements of the unit
16 dependent upon the facts and conditions found to exist with respect
17 thereto in addition to such other terms, provisions, conditions, and
18 requirements found by the Commission to be reasonably necessary or
19 proper to effectuate or accomplish the purpose of this act.

20 E. The Commission shall promulgate any rules necessary to
21 effectuate the provisions of this act.

22 SECTION 2. This act shall become effective November 1, 2023.
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