

SEP 29 11 11 AM '08

ARKANSAS PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF THE APPLICATION OF)
OKLAHOMA GAS AND ELECTRIC COMPANY)
FOR APPROVAL OF A GENERAL CHANGE IN)
RATES AND TARIFFS)

DOCKET NO. 08-103-U
ORDER NO. 2

ORDER

On August 29, 2008, Oklahoma Gas and Electric Company ("OG&E") filed in the above-styled Docket its Application and supporting testimony for a general change in its rates and tariffs. By its Application OG&E seeks a general rate increase in the amount of \$26,391,288.

Pursuant to Ark. Code Ann. § 23-4-407, OG&E's August 29, 2008, proposed rates and tariffs are hereby suspended pending investigation by the Arkansas Public Service Commission (the "Commission").

The following procedural schedule is established for the investigation and consideration of OG&E's Application:

1. Direct Testimony by the General Staff of the Commission ("Staff") and Intervenors shall be filed by noon on January 13, 2009.
2. Rebuttal Testimony by OG&E shall be filed by noon on February 3, 2009.
3. Surrebuttal Testimony by Staff and Intervenors shall be filed by noon on February 24, 2009.
4. An evidentiary hearing on OG&E's Application is set to begin at 9:30 a.m. on Tuesday, April 7, 2009, in Commission Hearing Room No. 1,

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Arkansas Public Service Commission Building, 1000 Center Street,
Little Rock, Arkansas.

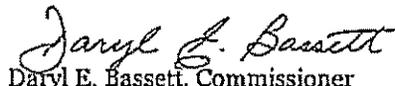
5. A public comment hearing on OG&E's Application is set to begin at 6:00 p.m. on Tuesday, April 14, 2009, at the Arkansas Oil and Gas Commission Building, 3309 Phoenix Avenue, Fort Smith, Arkansas.
6. OG&E is directed to publish notice of its Application in compliance with Rule 3.03(b)(1) of the Commission's *Rules of Practice and Procedure*.

BY ORDER OF THE COMMISSION.

This 29th day of September, 2008.



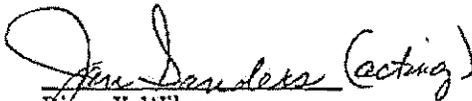
Paul Suskie, Chairman



Daryl E. Bassett, Commissioner

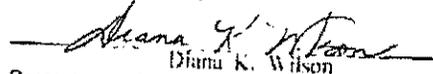


Colette D. Honorable, Commissioner



Diana K. Wilson
Secretary of the Commission

I hereby certify that the following order issued by the Arkansas Public Service Commission has been served on all parties of record this date by U.S. mail with postage prepaid, using the address of each party as indicated in the official docket file.



Secretary of the Commission

Date 9-29-08 JS

SECTION 3. PROCEEDINGS

Rule 3.01. Subject Matter

The following rules shall have application to all Commission proceedings unless otherwise specifically stated.

Rule 3.02. Hearings

The Commission may call a hearing to assist it in the adjudication of any matter coming before it. Any matter before the Commission, including formal applications as defined in Section 4. of these Rules, may be adjudicated by administrative order based on the facts presented in the application without a hearing unless a hearing is required by law, the Commission, or these Rules.

Rule 3.03. Notice

- (a) The Commission shall fix the time and place of all hearings and notice of the place, day and hour of a hearing shall be served on all parties to the proceeding at least thirty (30) calendar days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date. (See also Rule 1.04.(b).)
- (b) Notice of the filing of a formal application by a public utility shall be given by a public utility in the following manner, unless otherwise provided by the Commission.
 - (1) Upon the filing of an application for a general rate increase, a notice shall be published once each week for two (2) consecutive weeks in a newspaper or newspapers having substantial circulation in the area served by the utility filing such application. The notice shall be at least one-eighth (1/8) page with print in at least six (6) point type. For purposes of this Rule, a general rate increase shall mean an increase affecting ten percent (10%) or more of applicant's customers. Said notice shall contain the following information:

- (A) Name of applicant.

- (B) A general description of the purpose of the application, the total amount of the requested rate increase, the classes of customers affected, and the approximate amount of the dollar increase and percentage increase proposed for each class under test period conditions together with a brief statement that rates of other customer classes or services may be affected by the final order of the Commission.
- (C) The present and proposed unit price, telephone basic service charge, and customer charges, if any. The unit prices referred to are the per kw, per kwh, per gallon, and cf or mcf price contained in the present rate schedule and the proposed rate schedule.
- (D) A statement that the utility will, upon request, provide to the consumer an estimate of the calculated average monthly dollar amount by which the proposed rates will increase such customer's utility bill. If applicable, the estimate shall be based on the consumer's average consumption level, unless such consumption data is not reasonably ascertainable by the utility. The utility may advise those customers requesting the calculated average monthly dollar amount that the information is subject to the following qualifications:
- (a) the calculated average is an estimate which may change depending upon the rates finally approved by the Commission; and
 - (b) the calculated average will be provided in only those cases where a customer's proposed rate schedule will not be a different rate than the rate schedule under which the customer presently takes service.
- (E) The date of filing of the application, the Public Service Commission docket number, and the proposed effective date of the new rates.

If a utility requests immediate and impelling relief pursuant to Ark. Code Ann. §23-4-408,

the notice shall include the date the utility is requesting the rates to go into effect under bond.

(F) A statement that the Commission Rules provide procedures for interested persons to intervene as a party or make limited appearances, and that further information may be obtained by writing or calling the Secretary of the Commission. The name of the Secretary shall be set forth.

(G) The name and mailing address of the Commission.

(2) Application for Certificates of Public Convenience and Necessity for utilities other than Telecommunications Providers.

The applicant for a Certificate of Public Convenience and Necessity shall notify each owner of record (or the person or firm to whom property tax statements have been mailed in the most recent year) of lands which the applicant proposes in its application to traverse. Such notice shall be given by first-class mail, properly addressed with charges prepaid and shall include the following information:

(A) The date the application was filed, the docket number assigned thereto; and, if known, the place, day, and hour of the hearing on such application; if hearing date is unknown at the time of filing for a Certificate of Public Convenience and Necessity, the name and address of the Commission's Secretary where such information may be obtained in the future;

(B) A brief description of the facilities to be constructed and a description of the owner's lands to be traversed.

(3) Application for Certificate of Environmental Compatibility and Public Need.

The applicant for a Certificate of Environmental Compatibility and Public Need shall give notice as required by Ark. Code Ann. § 23-18-513, Rule 7.08.

of these Rules, and such other notice as the Commission may require in each case, pursuant to Ark. Code Ann. § 23-18-513.

(4) All other proceedings and formal applications.

The Commission may, in its discretion, give all other corporations, municipalities, or persons who may be affected thereby an opportunity to be heard either by service upon them of a copy of the petition or by publication of the substance thereof together with notice of the place, day and hearing of such application, at the expense of the applicant, of such length of time and in such newspaper or newspapers as the Commission may designate. In such cases the form of notice may be prepared by the Commission and a proof of the publication thereof must be filed at or before the hearing.

(c) Proof of notice given by newspaper or by mail, as may be required by this Rule, shall be made by the applicant not later than two (2) weeks prior to the hearing unless a later time is specified by the Commission or hearing examiner.

(1) Proof of newspaper notice may be made by filing a copy of the newspaper notice, accompanied by a declaration of which newspaper published it, and the dates of publication.

(2) Proof of notice by mail may be made by filing a copy of the notice sent to the landowner. If a form notice was sent to each landowner, then the applicant may file a copy of the text of the notice and a list of the names and addresses of the landowners to whom the notices were sent.

Rule 3.04. Intervention and Limited Appearance

(a) Petitions to Intervene -- Deadlines

(1) Generally

Any person having an interest which may be directly affected by the Commission's action and which interest is not adequately represented by other parties may petition the

Commission for leave to intervene as a party in any formal proceeding up to thirty (30) days prior to the date set for the hearing in such proceeding, but not afterward, except for good cause shown. The time when such petition is filed shall not extend any time limit applicable to an intervenor in a proceeding.

(2) Major Utility Facility Proceedings

Petitions for leave to intervene in dockets pertaining to Major Utility Facilities must be filed within thirty (30) days after the date given in the public notice as the date of filing the application. (See Ark. Code Ann. § 23-18-517(a).) The Commission may, for good cause shown, grant a petition for leave to intervene and to participate in subsequent phases of the proceeding, filed by any person who failed to file a timely petition for leave to intervene, whose interests the Commission finds are not otherwise adequately represented by another party, and whose participation will not delay the proceedings, if such intervention or limited appearance is filed and served at least ten (10) days in advance of the date the hearing on the application is scheduled to commence. The time when such petition is filed shall not extend any time limit applicable to an intervenor in a proceeding.

(b) Intervention Generally

(1) Commission Ruling on Intervention

The Commission shall, within twenty (20) days from the date any petition to intervene is filed, rule on the petition to intervene. If no ruling is issued within that time, the petition to intervene shall be deemed to have been denied.

(2) Contents of Petition to Intervene

Every petition to intervene shall be in writing and shall comply with all procedural rules of the Commission and shall contain: clear and concise statements of the nature of the right or interest of the petitioner or intervenor in the proceeding; a clear and concise statement as to why the