

**FILED**  
FEB 12 2016

**BEFORE THE CORPORATION COMMISSION OF OKLAHOMA**

COURT CLERK'S OFFICE - OKG  
CORPORATION COMMISSION  
OF OKLAHOMA

IN THE MATTER OF THE APPLICATION OF	)	
OKLAHOMA GAS AND ELECTRIC COMPANY	)	
FOR COMMISSION APPROVAL OF THE	)	CAUSE NO. PUD 201600059
COMPANY'S PLAN TO INSTALL DRY	)	
SCRUBBERS AT THE SOONER GENERATING	)	
FACILITY	)	

**MOTION TO DETERMINE NOTICE REQUIREMENTS  
AND APPROVE FORM OF NOTICE**

COMES NOW Oklahoma Gas and Electric Company ("OG&E", "Company" or "Applicant") and requests the Commission to issue an order establishing notice requirements and approving form of notice in this Cause. In support of this Motion, OG&E states as follows:

1. On February 12, 2016, OG&E filed its Application in this cause requesting that the Commission issue an order approving OG&E's plan to install two dry scrubbers at the Sooner generating facility to comply with the Regional Haze rule under the federal Clean Air Act.

2. OAC 165:5-7-51(b) applies and requires notice of hearing of the Application to be published once each week for two consecutive weeks at least fifteen days prior to hearing in a newspaper of general circulation published in each county in which are located utility customers affected.

3. Newspapers of general circulation are not published in each county in which affected utility customers are located. Applicant requests that the Commission waive said portion of OAC 165:5-7-51(b), and proposes that notice of hearing of the Application be published in two newspapers of general circulation within the State of Oklahoma.

4. Applicant proposes that the notice of hearing of the Application be published in *The Oklahoman, Tulsa World and The Journal Record* once each week for two consecutive

weeks at least fifteen days prior to the hearing on the merits. The proposed Notice of Hearing is attached to this Motion as Exhibit "A". In addition, a proposed Order Determining Notice and Approving Form of Notice is attached to this Motion as Attachment "A". Notice of Hearing will be published at Applicant's expense.

6. The Commission has jurisdiction to grant the relief requested herein by virtue of Article IX, Section 18 of the Constitution of the State of Oklahoma and 17 O.S. §151.

WHEREFORE, premises considered, Applicant requests that the Commission issue an order determining notice requirements and approving the form of notice as requested herein.

Respectfully submitted,

OKLAHOMA GAS AND ELECTRIC COMPANY

By  \_\_\_\_\_

Kimber L. Shoop, OBA No. 19571  
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Attorneys for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that on the 12th day of February, 2016, a true and correct copy of the foregoing Motion was electronically transmitted to:

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Natasha M. Scott  
Kathy Champion  
Oklahoma Corporation Commission  
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Kimber L. Shoop

**BEFORE THE CORPORATION COMMISSION OF OKLAHOMA**

IN THE MATTER OF THE APPLICATION OF	)	
OKLAHOMA GAS AND ELECTRIC COMPANY	)	
FOR COMMISSION APPROVAL OF THE	)	CAUSE NO. PUD 201600059
COMPANY'S PLAN TO INSTALL DRY	)	
SCRUBBERS AT THE SOONER GENERATING	)	
FACILITY	)	

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that Oklahoma Gas and Electric Company ("OG&E" or "Applicant") filed its Application in this cause requesting that the Oklahoma Corporation Commission ("Commission") issue an Order approving OG&E's plan to install two dry scrubbers at the Sooner generating facility to comply with the Regional Haze rule under the federal Clean Air Act.

**NOTICE IS FURTHER GIVEN** that Notice of Hearing of the Application shall be published, at OG&E's expense, in *The Oklahoman*, *Tulsa World* and *The Journal Record*, once each week for two (2) consecutive weeks with the first publication being at least fifteen (15) days prior to the hearing on the merits.

**NOTICE IS FURTHER GIVEN** that a hearing on the merits will be held on said Application before the Commission *En Banc* commencing on the 22nd day of March, 2016 at 8:30 a.m. until the record is closed at the Oklahoma Corporation Commission in Courtroom 301, First Floor, Jim Thorpe Building, 2101 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

**NOTICE IS FURTHER GIVEN** that for further information concerning this Cause, please contact Kimber L. Shoop, P.O. Box 321, Oklahoma City, Oklahoma 73102, phone 405-553-3023, attorney for Oklahoma Gas and Electric Company.

OKLAHOMA CORPORATION COMMISSION

\_\_\_\_\_  
BOB ANTHONY, Chairman

\_\_\_\_\_  
DANA L. MURPHY, Vice Chairman

\_\_\_\_\_  
J. TODD HIETT, Commissioner

DONE AND PERFORMED by the Commissioners participating in the making of this order, as shown by their signatures above this \_\_\_\_\_ day of February, 2016.

[seal]

\_\_\_\_\_  
PEGGY MITCHELL, Secretary

**BEFORE THE CORPORATION COMMISSION OF OKLAHOMA**

IN THE MATTER OF THE APPLICATION OF	)	
OKLAHOMA GAS AND ELECTRIC COMPANY	)	
FOR COMMISSION APPROVAL OF THE	)	CAUSE NO. PUD 201600059
COMPANY'S PLAN TO INSTALL DRY	)	
SCRUBBERS AT THE SOONER GENERATING	)	
FACILITY	)	

HEARING: February 23, 2016, in Courtroom 301  
2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105  
Before the Oklahoma Corporation Commission *En Banc*

APPEARANCES: Kimber L. Shoop, Patrick Shore, and William L. Humes, Attorneys  
*representing* Oklahoma Gas and Electric Company  
Natasha M. Scott, Senior Attorney *representing* Public Utility Division,  
Oklahoma Corporation Commission  
Dara Derryberry, and Eric Davis, Assistant Attorneys General,  
*representing* Office of the Oklahoma Attorney General

**ORDER DETERMINING NOTICE REQUIREMENTS AND  
APPROVING FORM OF NOTICE**

This cause comes before the Corporation Commission of Oklahoma ("Commission") on the Motion to Determine Notice Requirements and Approve Form of Notice filed by Oklahoma Gas and Electric Company ("OG&E") on February 12, 2016. The Motion was set for hearing on February 23, 2016, and heard and recommended on that date.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

THE COMMISSION FINDS that it has jurisdiction in this Cause pursuant to Article IX, Section 18 of the Oklahoma Constitution and 17 O.S. §§ 151 *et seq.*

THE COMMISSION FURTHER FINDS that the relief requested in OG&E's Application could indirectly alter charges made for service performed.

THE COMMISSION FURTHER FINDS that newspapers of general circulation are not published in each county in which affected utility customers are located, therefore notice of hearing of the Application shall be published in three newspapers of general circulation within the State of Oklahoma once each week for two consecutive weeks at least fifteen days prior to the hearing on the merits.

THE COMMISSION FURTHER FINDS that notice as set forth herein shall be deemed to comply with OAC 165:5-7-51(b).

**ORDER**

THE COMMISSION THEREFORE ORDERS that Oklahoma Gas and Electric Company shall be directed to publish Notice of Hearing of the Application in this Cause, attached hereto as Exhibit A, in *The Oklahoman, Tulsa World and The Journal Record*, once each week for two (2) consecutive weeks with the first publication being at least fifteen (15) days prior to the hearing on the merits. Proof of Publication shall be filed herein.

THE COMMISSION FURTHER ORDERS that the Findings of Fact and Conclusions of Law set forth herein are hereby adopted as the Order of the Commission.

THIS ORDER SHALL BE EFFECTIVE immediately.

OKLAHOMA CORPORATION COMMISSION

\_\_\_\_\_  
BOB ANTHONY, Chairman

\_\_\_\_\_  
DANA L. MURPHY, Vice Chairman

\_\_\_\_\_  
J. TODD HIETT, Commissioner

DONE AND PERFORMED by the Commissioners participating in the making of this order, as shown by their signatures above, this \_\_\_\_\_ day of February, 2016.

[seal]

\_\_\_\_\_  
PEGGY MITCHELL, Secretary