

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF THE APPLICATION OF ) CAUSE NO. PUD 200800398  
**OKLAHOMA GAS AND ELECTRIC COMPANY** )  
 FOR AN ORDER OF THE COMMISSION )  
 AUTHORIZING APPLICANT TO MODIFY ITS )  
 RATES, CHARGES, AND TARIFFS FOR RETAIL ) ORDER NO. **567563**  
 ELECTRIC SERVICE IN OKLAHOMA. )

HEARING: April 30, 2009  
 Before the Commission *en banc* with Referee Maribeth D. Snapp

APPEARANCES: William J. Bullard, Patrick D. Shore and Kimber L. Shoop, Attorneys  
 for Oklahoma Gas and Electric Company  
 James L. Myles, Deputy General Counsel for Public Utility Division,  
 Oklahoma Corporation Commission  
 William L. Humes, Elizabeth Ryan and Whitney Weingartner, Assistant  
 Attorneys General for the Office of the Attorney General, State of  
 Oklahoma  
 Thomas P. Schroedter, James D. Satrom and J. Fred Gist, Attorneys for  
 Oklahoma Industrial Energy Consumers  
 Ronald E. Stakem and Jack G. Clark, Jr., Attorneys for OG&E  
 Shareholders Association  
 Kendall W. Parrish, Attorney for AES Shady Point, LLC  
 Shelton L. Benedict, Attorney for PowerSmith Cogeneration Project,  
 Limited Partnership  
 Rick D. Chamberlain, Attorney for Wal-Mart Stores East, LP and  
 Sam's East, Inc.

**ORDER DISMISSING OBJECTIONS  
 OF OKLAHOMA GAS AND ELECTRIC COMPANY  
 TO DATA REQUESTS OF OKLAHOMA INDUSTRIAL ENERGY CONSUMERS**

BY THE COMMISSION:

The Corporation Commission of the State of Oklahoma ("the Commission") being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration the Objections to Oklahoma Industrial Energy Consumers ("OIEC") 8<sup>th</sup> set of Data Requests, filed by Oklahoma Gas and Electric Company ("OG&E").

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction pursuant to Article IX, Section 18 of the Oklahoma Constitution, Title 17 O.S. §§ 151 *et seq.* and Title 51 O.S. §24A.22 of the Oklahoma Statutes.

The Commission further finds that after discussions between OG&E and OIEC, OIEC has agreed to withdraw, without prejudice, OIEC 8-6, 8-7 and 8-8, thereby making the objections filed by OG&E moot.

**ORDER**

IT IS THEREFORE ORDERED that the Objections filed by OG&E be and are hereby dismissed, based upon the withdrawal by OIEC of Data Request Nos. OIEC 8-6, 8-7, and 8-8.

OKLAHOMA CORPORATION COMMISSION

  
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BOB ANTHONY, Chairman

  
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JEFF CLOUD, Vice-Chairman

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DANA L. MURPHY, Commissioner

DONE AND PERFORMED ON THIS 8 DAY OF MAY, 2009.  
BY ORDER OF THE COMMISSION:

  
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PEGGY MITCHELL, Commission Secretary

APPROVED AS TO FORM:

  
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MARIBETH D. SNAPP, Referee

5-4-09  
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Date