

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

APPLICATION OF DAVID B. DYKEMAN, )  
DIRECTOR OF THE PUBLIC UTILITY DIVISION OF )  
THE OKLAHOMA CORPORATION COMMISSION, )  
FOR AN ORDER DETERMINING WHAT RECORDS )  
WILL BE KEPT CONFIDENTIAL IN COMPLIANCE )  
WITH THE OKLAHOMA OPEN RECORDS ACT )

CAUSE NO. PUD 201100097

**FILED**

JUL 08 2011

**AMENDED APPLICATION**

**COURT CLERK'S OFFICE — OKC  
CORPORATION COMMISSION  
OF OKLAHOMA**

COMES NOW, David B. Dykeman, Director of the Public Utility Division of the Oklahoma Corporation Commission (Applicant) alleges and states as follows:

**I. PARTIES**

Applicant is David B. Dykeman, Director of the Public Utility Division of the Oklahoma Corporation Commission, Suite 500, Jim Thorpe Building, Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

Respondents are all telecommunications public utilities as defined by the Oklahoma Open Records Act in 51 O.S. 24A.22(B)(2). (The Amended Application clarifies the name of the respondents).

**II. ALLEGATIONS OF FACT**

1. The Oklahoma Corporation Commission (Commission) “shall keep confidential those records of a public utility, its affiliates, suppliers and customers which the Commission determines are confidential books and records or trade secrets.” 51 O.S. § 24A.22(A). As used in this section, a “public utility” is any entity regulated by the Commission, owning or operating for compensation in this state equipment or facilities for, among other things, the conveyance, transmission, or reception of communication over a telephone system. 51 O.S. 24A.22(B)(2).
2. To protect the confidentiality of records submitted by telecommunications public utilities to the Commission, the Commission has issued numerous Protective Orders.
3. The Applicant has noticed that many of the Protective Orders have become vague and broad, and that the orders have extended the scope of protecting proprietary and competitively sensitive information.
4. Telecommunications public utilities are currently required to submit Annual Reports to the Commission. Information within those reports has heretofore been considered confidential.

5. Applicant has determined the need for the Commission to determine what records the Commission will keep confidential in compliance with the Oklahoma Open Records Act.

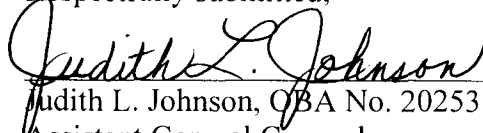
### III. LEGAL AUTHORITY

The Commission has jurisdiction over this cause pursuant to Article IX, Section 18 of the Oklahoma Constitution, 51 O.S. § 24A.22, and 17 O.S. § 139.101 *et seq.*

### IV. RELIEF SOUGHT

WHEREFORE, David B. Dykeman, Director of the Public Utility Division of the Corporation Commission, requests that the Commission issue an order determining (1) what records will be deemed proprietary, confidential, and competitively sensitive in Protective Orders, pursuant to Section 24A.22 of the Oklahoma Open Records Act; and 2) what information required by the Commission to be reported in the Annual Reports will be deemed proprietary, confidential, and competitively sensitive, in accordance with Section 24A.22 of the Oklahoma Open Records Act.

Respectfully submitted,



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