



documentation, sworn depositions and affidavits potentially indicating fraud on the Oklahoma Supreme Court. The Appellants seek a hearing of recent evidence and claims of fraud. The Court has power to "set aside fraudulently begotten judgments." *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). R. 418-419.

**2. Commission has Continuing Jurisdiction to "Correct Abuses" (Art. 9, § 18)**

Bribery, intrinsic fraud and public corruption have adulterated law and justice in a Corporation Commission case. Oklahoma ratepayers suffer because of the abhorrent disregard of its "public duties" by a regulated utility. In prescribing our "duty" to "correct abuses," the Constitution grants strong authority and continuing jurisdiction to the Corporation Commission that applies in this case against Southwestern Bell Telephone Company (SW Bell) d/b/a AT&T Oklahoma. *See Missouri, K. & T. Ry. Co. v Richardson.*, 1910 OK 50, 106 P. 1108; *see also St. Louis & S.F.R. Co. v. Lewis*, 1911 OK 113, 114 P. 702.

**3. Repugnancy to the Constitution (see *Wiley v. ONG* and Art. 9, § 40)**

Ignoring the "repugnancy to the constitution" exception, Respondent parties persist in claiming that the bribery schemes by SW Bell (now AT&T) involving the 2-1 vote in PUD 260 do not make the rate order invalid. The parties continue to quote *Wiley v. Oklahoma Natural Gas Company*, 1967 OK 152, 429 P.2d 957. However, in *Wiley*, the Oklahoma Supreme Court stated, "¶5 It is equally well settled that the judiciary cannot annul or pronounce void any act of the Legislature on any ground other than that of repugnancy to the constitution." (Emphasis added.) Per Art. 9, § 40, bribery is repugnant to the Constitution.

**4. Due Process is Denied to Ratepayers, including the U.S. Government and Military**

Order No. 655899 issued by a 2-1 vote in Oklahoma Corporation Commission (OCC) Cause No. PUD 201500344 (PUD 344) makes "Findings Of Fact" based on an understanding

of “the history surrounding this Cause” and without any evidentiary hearings. R. 1518. Therefore, issuing the Order Dismissing Cause has denied the ratepayer Applicants an opportunity to present their case with claimed new evidence of intrinsic fraud. Furthermore, the dismissal also denied a pending motion of the United States Department of Defense and all other Federal Executive Agencies that cited “compelling evidence of intrinsic fraud utilized by Southwestern Bell Telephone Company to obtain certain orders and judgments of the Oklahoma Corporation Commission, to include [SW Bell PUD 260] Order No. 341630. DOD/FEA was affirmatively injured through the aforementioned criminal activity. To date, such injury has yet to be remedied.” R. 1467-1468.

**5. "Does bribery win?" "Do bribed votes count?"**

As indicated to the Oklahoma Supreme Court Referee on July 24, 2014 in Case No. 112,973, the issue raised by the PUD 260 matter now before the Court can be stated in three words, "Does bribery win?" Or in four words, "Do bribed votes count?" R. 348 So far, the shameful and unfortunate answer in Oklahoma is, “YES. Public corruption wins again.”

**6. The Supreme Court has already denied AT&T’s claims of “Prohibited Retroactive Ratemaking”**

Once again, AT&T attempts to persuade the Oklahoma Supreme Court that a Corporation Commission decision establishing or enforcing “lawfully temporary” and “conditional rates subject to refund” instead commits “unlawful retroactive ratemaking.” In Case No. 77,521, *Southwestern Bell Telephone Company, Petitioner v. Oklahoma Corporation Commission, Respondent*, this Court has already ruled on the Commission’s authority to change SW Bell’s lawful permanent rates to lawful temporary rates subject to refund, pertaining to Commission rate case PUD 662, the companion rate case to PUD 260.

On July 2, 1991, the Court denied the May 9, 1991 Application of SW Bell that claimed, “The ‘subject to refund’ order is a form of retroactive ratemaking ....”

To the benefit of ratepayers, the Corporation Commission successfully argued against SW Bell’s “prohibited retroactive ratemaking” claim in a June 14, 1991, Amended Response filed in Case No. 77,521. R. 922-941 and R. 1641-1660. (*See* Response, Section II, partially entitled “MAKING EXISTING RATES CONDITIONAL IS NEITHER RETROACTIVE RATEMAKING NOR CONFISCATION.” R. 931.) The principal author of this Response was nationally-recognized utility regulation authority Scott Hempling, Esq., who subsequently became Executive Director of the National Regulatory Research Institute. Attorney General Robert Henry and Assistant Attorney General Robert Butkin argued similarly on June 10, 1991, stating on page 6, “This Commission’s broad constitutional power to regulate utilities includes the power to place a utility’s rates subject to refund during the pendency of a rate investigation.” R. 1661-1678. Attorney General Susan Loving and again Assistant Attorney General Robert Butkin argued similarly, stating, “Bell’s motion is frivolous, and must be dismissed.” R. 1281. It was.

**7. The bribed Order (No. 341630) did not enforce the Stipulation Order (No. 313853)**

In addition to the PUD 260 Order (No. 341630) being the product of crime, corruption and SW Bell’s apparent fraud on the Oklahoma Supreme Court, that September 20, 1989 PUD 260 Order did not enforce Order No. 313853, a constitutionally valid order, issued on June 23, 1987 adopting the rate refund Stipulation. In the ordering section of that order, the Commission states, “It Is Further Ordered that if the Commission ultimately determines that a rate reduction is required for Respondent, Southwestern Bell Telephone Company, that said reduction shall be effective July 1, 1987.” (Emphasis added.)

Using estimated, projected and incomplete accounting and financial data, the bribed Order (No. 341630) still found that “a rate reduction is required for Respondent, Southwestern Bell Telephone Company.” However, the bribed Order did not comply with Order No. 313853’s requirement “that said reduction shall be effective July 1, 1987.” Instead, the bribed PUD 260 Order made said reduction of \$7,847,172 effective September 20, 1989. In order to satisfy the Stipulation Order No. 313853 mandate that requires “said reduction shall be effective July 1, 1987,” the Commission must order the refund of the excess revenues accumulating forward from July 1, 1987. The bribed Order No. 431630 did not. Furthermore, the Oklahoma Supreme Court itself has stated, “First, some stipulations are tantamount to contracts.” *McFarling v. Demco, Inc.*, 1976 OK 15, 546 P.2d 625 ¶13.

**8. PUD 260 has Already Required Refunds from Several Oklahoma Public Utilities**

The actual Application for Corporation Commission Cause No. PUD 860000260 (PUD 260) named twelve Respondents, including those known as ARKLA, AOG, Empire District, General Telephone, KPL, Lone Star Gas, OG&E, ONG, PSO, and SW Bell (now AT&T). The recorded history of the PUD 260 case itself tells us that some of the twelve public utility companies were found to have generated “excess revenues” and subsequently paid refunds to customers under the terms of their PUD 260 stipulations and/or Commission orders. (R. 1738+, R. 1748+, R. 1753+, R. 1756+, R. 1762, R. 2028+, R. 2033+, R. 2044+.) Making the rates of those companies subject to refund was not “prohibited retroactive ratemaking” under PUD 260 then, and an “ultimate determination” involving SW Bell or AT&T would not be “prohibited retroactive ratemaking” now.

Respectfully submitted,  
Commissioner Bob Anthony, Pro Se



## CERTIFICATE OF SERVICE

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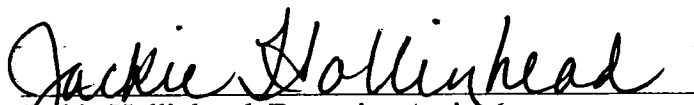
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