

FLOWCHART FOR COTTON GINS REQUESTING TO GO DORMANT

No corporation, company, firm or individual in Oklahoma shall allow a cotton gin utility to remain dormant during any ginning season without first obtaining written permission and authority from the Oklahoma Corporation Commission (OCC or Commission). Below are the basic required steps that a licensed cotton gin must follow to obtain that permission before going dormant, in accordance with Commission Rule OAC 165:75-3-5, Dormant gins, and OAC 165:75-3-2(b), Notice. Contact the Public Utility Division of the OCC with questions: (405) 521-4114.

STEP 1: FILE AN APPLICATION OR SUBMIT A LETTER OF REQUEST:

1. Applicants must file an Application OR submit a Letter of Request for permission for the cotton gin to go dormant, to the Director of the Public Utility Division of the OCC.
2. The Application or Letter of Request shall be made by certified mail on or before August 1 each year. A new request to go dormant must be made each year that the gin will seek to go, or remain dormant.
3. The Application or Letter of Request **MUST** show the following six (6) primary factors:
 - a. Name of the gin and license number;
 - b. Owner of the gin;
 - c. Each cotton gin together with the name and address of owner within a thirty (30) mile radius;
 - d. A statement of reasons for making the application or request to go dormant;
 - e. Names and addresses of ten (10) cotton farmers not patronizing gin; and
 - f. Convenience and necessity do not require operation of this gin during the coming season.
4. The Application or Letter of Request **MUST** be accompanied by an Affidavit attesting to the six (6) primary factors listed above. The affidavit may be found on the OCC website, and is titled "Affidavit-Dormant Gin."
5. Once completed, mail the Application OR Letter of Request AND Affidavit to: Public Utility Division of the Oklahoma Corporation Commission, P.O. Box 52000, Oklahoma City, OK 73152-2000. Please note on the envelope "Attention: Cotton Gins." Do not proceed to Step 2, below, until the OCC has acknowledged receipt of, and responded to, the Letter of Request and Affidavit.

STEP 2: NOTICE:

After filing an Application OR submitting a Letter of Request to go dormant, the applicant must give notice to customers, to allow them the opportunity to protest or object to the Application or Letter of Request. The OCC must approve the form of notice prior to its posting. Therefore, Applicants must complete Step 1, above, and await a response from the OCC before completing Step 2.

1. Applicant must post the notice in three (3) conspicuous places within the county in which the cotton gin is located (i.e., gin, post office, feed store, grocery, bank).
2. The notice shall be in a form approved by the Director of the Public Utility Division.
3. The notice shall include the following six (6) items:
 - a. Name of the Applicant;
 - b. The relief requested;

- c. The date the notice is posted;
- d. The name of the individual to contact for additional information;
- e. The statement: "**Protests or objections must be submitted in writing to the Director of the Public Utility Division of the Oklahoma Corporation Commission, P.O. Box 52000, Oklahoma City, OK 73152-2000, on or before...**" the date listed below in (f);
- f. An identified date that alerts the public that any protest or objection must be submitted on or before that date. This date must be no less than a thirty (30) day time period for the submission of protests or objections.

STEP 3: FILE AFFIDAVIT OF POSTING:

Once the notice has been posted, the applicant shall submit an Affidavit of Posting, verifying notice was actually posted. This form is available on the OCC website - <http://www.occeweb.com>. Under the "Consumers" tab, click on "Cotton Gins," then click on "Affidavit of Posting." Select the Affidavit marked "Dormant Gin."

STEP 4: PROTESTS OR OBJECTIONS:

1. If no protests or objections have been filed by the end of the thirty (30) day time period, the Director of the Public Utility Division may grant written permission and authority to go dormant for the season.
2. If a written protest or objection is received by the Director of the Public Utility Division, a hearing before an Administrative Law Judge will be scheduled, and notice of the hearing will be issued by the Public Utility Division.

Applicable Commission Rules:

165:75-3-5. Dormant gins

(a) No corporation, company, firm, or individual in this State shall allow a cotton gin utility to remain dormant during any ginning season without first obtaining written permission and authority from this Commission. Written permission and authority may be granted by the Director of the Public Utility Division, without notice and hearing, if there have been no objections or protests submitted. In the event that a written protest or objection is received by the Director of the Public Utility Division, a hearing before an Administrative Law Judge will be scheduled, and notice of the hearing will be issued by the Public Utility Division. A new request must be made each year.

(b) Any individual or entity seeking authority to allow a gin to remain dormant must show the following primary factors:

- (1) Name of gin, location, and license number;
- (2) Owner of gin;
- (3) Each cotton gin together with name and address of owner within a thirty (30) mile radius;
- (4) A statement of reasons for making application to remain dormant;
- (5) Name and address of ten (10) cotton farmers now patronizing gin; and
- (6) Convenience and necessity does not require operation of gin during coming season.

(c) Such request shall be made by certified mail on or before August 1 each year and shall be accompanied by an affidavit attesting to the six (6) primary factors listed above. [Source: Amended at 18 Ok Reg 2455, eff 7-1-01; Amended at 20 Ok Reg 2333, eff 7-15-03]

165:75-3-2 Notice

(a) **Notice required upon application for license.** An applicant shall give notice of the filing of an application for a license for maintenance and operation of a cotton gin utility by publication once a week for two consecutive weeks in a newspaper of general circulation in the county in which the cotton gin is to be located. An applicant shall also mail notice to all other cotton gin operators within a thirty (30) mile radius of the applicant's proposed operating location. The notice shall be in a form approved by the Director of the Public Utility Division and shall include the name of the entity seeking a license, the cause number, the relief requested in the application, the area to be served, the phone number of the individual to contact for additional information, and the date, time and place of the hearing on the merits.

(b) **Notice required upon application or letter request of a cotton gin utility to dismantle or go dormant.** An applicant filing an application or submitting a letter request to dismantle or go dormant shall give notice of the request by posting notice in three conspicuous places within the county in which the cotton gin is located. The notice shall be in a form approved by the Director of the Public Utility Division, and shall include the name of the applicant, the relief requested, the date the notice is posted, the name of the individual to contact for additional information, and the statement that protests or objections must be submitted in writing to the Director of the Public Utility Division of the Oklahoma Corporation Commission, P. O. Box 52000, Oklahoma City, OK 73152-2000, on or before an identified date. The applicant must allow no less than a thirty (30) day time period for the submission of written objections or protests.

[Source: Amended at 18 Ok Reg 2455, eff 7-1-01; Amended at 20 Ok Reg 2332, eff 7-15-03]

QUESTIONS?

If you have questions or need additional information, please contact the Public Utility Division of the Oklahoma Corporation Commission (405) 521-4114 and ask for the person who handles cotton gins.