

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1374

By: Boles

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5
6 AS INTRODUCED

7 An Act relating to utilities; amending 17 O.S. 2021,
8 Section 151, as amended by Section 1, Chapter 67,
9 O.S.L. 2024 (17 O.S. Supp. 2024, Section 151), which
10 relates to public utility defined; modifying certain
11 exception to definition; and providing an effective
12 date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 17 O.S. 2021, Section 151, as
14 amended by Section 1, Chapter 67, O.S.L. 2024 (17 O.S. Supp. 2024,
15 Section 151), is amended to read as follows:

16 Section 151. A. 1. The term "public utility" as used in
17 Sections 151 through 155 of this title, shall be taken to mean and
18 include every corporation, association, company, individuals, their
19 trustees, lessees, or receivers, successors or assigns, except as
20 hereinafter provided, and except cities, towns, or other bodies
21 politic, that now or hereafter may own, operate, or manage any plant
22 or equipment, or any part thereof, directly or indirectly, for
23 public use, or may supply any commodity to be furnished to the
24 public.

- 1 (a) For the conveyance of gas by pipeline.
- 2 (b) For the production, transmission, delivery or
3 furnishing of heat or light with gas.
- 4 (c) For the production, transmission, delivery or
5 furnishing electric current for light, heat or power.
- 6 (d) For the transportation, delivery or furnishing of
7 water for domestic purposes or for power. Provided
8 further that a corporation organized and existing not
9 for profit pursuant to Title 18 of the Oklahoma
10 Statutes, Sections 851-863, but for the purpose of
11 developing and providing rural water supply and sewage
12 disposal facilities to serve rural residents shall not
13 be declared a public utility under this act, and shall
14 be exempt in any and all respects from the
15 jurisdiction and control of the Corporation Commission
16 of this state.

17 2. The term "Commission" shall be taken to mean Corporation
18 Commission of Oklahoma.

19 B. Provided that:

20 1. In Washington County, where any corporation, association,
21 company, individuals, their trustees, lessees, or receivers,
22 successors or assigns, is engaged in the private business of
23 manufacturing any products other than those hereinbefore defined,
24 and in the manufacture of such products operate and maintain private

1 electric or water plants for its own power and electrical energy or
2 water used in its manufacturing plant, without the right of eminent
3 domain and without the use of streets, highways or public property,
4 it may contract upon terms and prices approved by Corporation
5 Commission the sale of a bona fide surplus of electrical energy or
6 water developed in such private plants to any public utility engaged
7 in manufacturing and distributing electrical energy in Washington
8 County, Oklahoma, without becoming a public utility. Provided
9 further any city or town within a county having a population of over
10 five hundred thousand (500,000) or any county having a population of
11 over five hundred thousand (500,000), according to the 1970 Federal
12 Census, which is a beneficiary of a public trust that has multiple
13 beneficiaries and that includes within any or all of its boundaries
14 a water supply and/or distribution system, or any portion thereof,
15 shall have the authority to condemn all or any portion of any water
16 supply and/or distribution system owned and/or operated and/or
17 leased by a public trust within the limits of the condemning city or
18 town or within the unincorporated areas of the condemning county;
19 provided the power granted hereunder shall not be exercised until
20 the condemning city, town or county shall have made provision to pay
21 off all outstanding bonded indebtedness incurred by the public
22 trust, including interest on the bonds to maturity of the bonds, or
23 first call date, and premium, if any, to which the property to be
24 condemned or the revenues therefrom has been pledged for security.

1 2. The term public utility shall not include or be taken to
2 mean a corporation, association, company, individuals, their
3 trustees, lessees, receivers, successors, or assigns engaged in the
4 production of ~~green hydrogen~~ electricity, provided that such entity
5 furnishes an electric service or commodity only to itself, an
6 affiliate, or tenants ~~solely engaged in the production of green~~
7 ~~hydrogen~~ on the premises, so long as that service or commodity is
8 not resold as retail electric service. Nothing herein shall relieve
9 such an entity of its obligation to comply with state and federal
10 grid interconnection and registration requirements and associated
11 costs from the applicable regional transmission organization or
12 public utility in the state, nor shall it limit any party from
13 asserting a right they may otherwise be entitled to under Oklahoma
14 law.

15 SECTION 2. This act shall become effective November 1, 2025.

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