

**BEFORE THE CORPORATION COMMISSION  
OF THE STATE OF OKLAHOMA**

**FILED**  
JUL 13 2011

**APPLICANT:**                    **GARY S. WALKER, DIRECTOR,** )  
    **PETROLEUM STORAGE TANK** )  
    **DIVISION, OKLAHOMA** )  
    **CORPORATION COMMISSION** )  
    )  
**RESPONDENT:**                **GARY GREENE** )  
    )  
**RELIEF SOUGHT:**            **PENALTY ASSESSMENT** )  
    )  
    )  
    )

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CORPORATION COMMISSION  
OF OKLAHOMA

**CAUSE EN NO.**  
**201000137**

**CORRECTED REPORT OF THE OIL AND GAS APPELLATE  
REFEREE**

This Cause came on for hearing before **Michael J. Porter**, Administrative Law Judge ("ALJ") for the Corporation Commission of the State of Oklahoma, on the 11th day of February and the 6th day of April, 2011, at 8:30 a.m. in the Commission's Courtroom, Jim Thorpe Building, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Commission for the purpose of taking testimony and reporting to the Commission.

**APPEARANCES:** **Jeffrey P. Southwick**, Deputy General Counsel, and **Kathy L. Nelson**, Assistant General Counsel, appeared on behalf of applicant, Gary S. Walker, Director, Petroleum Storage Tank Division ("PSTD"), Oklahoma Corporation Commission ("Director"); **Gary Greene** ("Greene") did not appear at the hearing on February 11, 2011 and presented no evidence, but appeared Pro Se at the hearing on April 6, 2011. Greene was absent from the Appellate argument concerning the Director's Exceptions on June 13, 2011 and made no appearance; and **Jim Hamilton**, Assistant General Counsel for the Conservation Division, filed notice of appearance.

The ALJ filed his Report of the Administrative Law Judge on the 13th day of May, 2011, to which Exceptions were timely filed and proper notice given of the setting of the Exceptions.

The Appellate argument concerning the Exceptions was referred to **Patricia D. MacGuigan**, Oil and Gas Appellate Referee ("Referee"), on the 13th day of June, 2011. The Referee filed her Report of the Oil and Gas Appellate Referee on the 12<sup>th</sup> day of July, 2011.

**CORRECTION**

The Referee issues this Corrected Report for the below items: Presently, in the original report it reads under Statement of the Case, the ALJ Found, paragraph (1):

The Director's application pertains to a facility known as "The Station" located at 374 S. Highway 99, Tishomingo in Johnson County, Oklahoma....

This portion should be corrected to read:

The Director's application pertains to a facility known as "The Station" located at 374 S. Highway 99, Tishomingo in Johnston County, Oklahoma....

Presently, in the original report it also reads under Conclusions, page 13 paragraph (8):

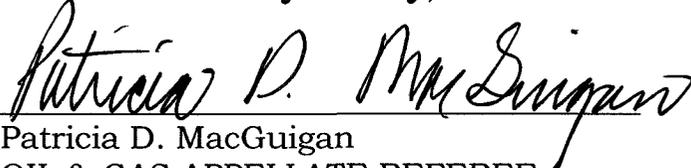
For the above stated reasons the Referee would recommend that the recommendation of the ALJ as to the determination of Greene as an impacted party should be reversed...

This portion should be corrected to read:

For the above stated reasons the Referee would recommend that the recommendation of the ALJ as to the determination of Greene as an impacted party should be modified/reversed...

In all other matters the Report should remain the same.

**RESPECTFULLY SUBMITTED THIS 13<sup>th</sup> day of July, 2011**

  
Patricia D. MacGuigan  
OIL & GAS APPELLATE REFEREE

PM:ac

xc: Commissioner Murphy  
Commissioner Cloud  
Commissioner Anthony  
Jim Hamilton  
ALJ Michael J. Porter  
Jeffrey P. Southwick  
Kathy L. Nelson  
Gary Greene  
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