

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. M
8/27/2024

TO: Mayor and City Council

FROM: Kenneth Jordan
Municipal Counselor

Resolution authorizing legal counsel to participate in Federal Energy Regulatory Commission proceedings and to initiate litigation to enforce the Settlement Agreement and protect the rights and interests of The City of Oklahoma City related to the Settlement Act, the Settlement Agreement, Sardis Lake storage rights, Kiamichi River stream water rights, and other related rights and interests from the application by the Southeast Oklahoma Power Company, and its affiliates, for a license under the Federal Power Act, and from the actions of the Federal Energy Regulatory Commission; and authorizing legal counsel to negotiate and execute joint agreements to cooperate and coordinate with co-plaintiffs and co-parties to the Settlement Agreement to enforce the Settlement Agreement and protect the rights and interests of The City of Oklahoma City.

Background:

The City of Oklahoma City and the Oklahoma City Water Utilities Trust entered into a Settlement Agreement (Settlement Agreement) on August 16, 2016 with the Chickasaw Nation, the Choctaw Nation of Oklahoma, and the State of Oklahoma related to the storage rights in Sardis Lake and stream water rights in the Kiamichi River. On December 16, 2016, the United States Congress passed, and the President signed Public Law 114-322, known as the 2016 Water Infrastructure Improvements for the Nation Act (Settlement Act), authorizing and approving by federal legislation certain provisions of the Settlement Agreement. The Settlement Agreement and Settlement Act have been fully implemented, including the certification by the Department of the Interior, published in the Federal Register on February 28, 2024.

The Southeast Oklahoma Power Corporation (SEOPC) has since filed an application with the Federal Energy Regulatory Commission (FERC), Pushmataha Project No. 14890-005, for a license and permit that would likely impact the storage rights in Sardis Lake, the stream water rights in the Kiamichi River, and the provisions of the Settlement Agreement and the Settlement Act.

Recommendation: Resolution be adopted.