

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

TODD HIETT, Commissioner of the Oklahoma
Corporation Commission,

Petitioner,

vs.

BOB ANTHONY, Commissioner of the Oklahoma
Corporation Commission,

Respondent.

Sup. Ct. Case No.

12244 1

**PETITIONER'S BRIEF IN SUPPORT OF
APPLICATION TO ASSUME ORIGINAL JURISDICTION AND
PETITION FOR WRIT OF PROHIBITION TO PROHIBIT CORPORATION
COMMISSIONER BOB ANTHONY FROM ACTING OUTSIDE THE AUTHORITY
GRANTED TO HIM BY THE OKLAHOMA CONSTITUTION AS AN OKLAHOMA
CORPORATION COMMISSIONER**

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August 16, 2024

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FACTUAL BACKGROUND AND ISSUES PRESENTED

Commissioner Anthony (“Anthony”) has been an Oklahoma Corporation Commissioner since 1988. During his twenty-second year of service, the Oklahoma Constitution was amended to include term limits for Oklahoma Corporation Commissioners to 12 years. Commissioner Anthony is, therefore, serving his final year as a Corporation Commissioner and will “term out” January 13, 2025.

During his time as Commissioner, Anthony has touted his involvement in a 1994 FBI bribery case that uncovered former Corporation Commissioner Bob Hopkins had taken \$15,000 cash from a former Southwestern Bell Telephone lawyer as a bribe for his vote in 1989. Since that time, Anthony has repeatedly attacked other Commissioners based on his own unsubstantiated beliefs that his fellow Commissioners and other employees of the Commission are corrupt. These accusations usually follow a decision with which Anthony does not agree. In fact, based on his disagreement with a vote issued April 20, 2023, Anthony wrote that “these public injustices [are] rotting from a putrid core of greed, public corruption and regulatory capture...” Perhaps Anthony’s continued allegations of corruption against his fellow Commissioners derive from his own known abuses of power, having been chastised by fellow Commissioners and three Attorneys General for pursuing matters in a manner that violates his Oath of Office. His filings to this Court have also been rejected for raising frivolous argument that the Court had previously rejected years earlier.

For example, in 2002, then Commissioner Ed Apple wrote a dissenting opinion wherein he documented “Commissioner Bob Anthony’s gross abuse of power, which has been evident since the inception of the ONG/Dynamic Energy Case.” See Appx. Tab 1: Dissenting Opinion of Commissioner Ed Apple, Filed 5/17/2002, Corporation Commission

Cause No. PUD 200100057, et al. Commissioner Apple wrote that Anthony's "conduct has been delusional, deceitful, duplicitous and in short, has been in violation of his Oath of Office." *Id.* Commissioner Apple further documented that Anthony "has been flagrant in the misuse of his official power," by acting as "investigator, looking for information to use against ONG and then he became a prosecutor driven by a curious obsession to punish the Company." *Id.* Commissioner Apple also documented that Anthony had been involved in the case before it was filed, had gathered information for years against ONG on the contract at issue, and had violated the Commission's protective order by giving prefiled testimony to the news media. *Id.* Commissioner Apple also noted that, while Anthony criticized a former Corporation Commission employee for now working at ONG, Anthony failed to apply his same strict standard to his own former employee, Jim Proctor, who had previously worked for Anthony at the Commission and now represented the applicant. Apple also stated Proctor had been able to bill ONG in the case at issue hundreds of thousands of dollars due to Anthony's "inappropriate and overbearing involvement in the settlement of the case." Commissioner Apple opined that Anthony's "application of a double standard reveals that he uses ethical standards as a political weapon instead of a code of moral conduct." *Id.*

Since the 1994 FBI investigation, Anthony expended significant Commission funds in an issue that had been "fully litigated and finally decided by both the Supreme Court and the Corporation Commission." See Appx. Tab 2: Memorandum, B. Humes to R. Hudson, Dated 3/21/2011. Anthony's expenditure of these public funds was done in relation to the 1989 vote, which included a vote cast by Bob Hopkins. Anthony wrongfully expended these funds with full knowledge that his conduct was not authorized by the Oklahoma Constitution. On January 31, 2002, Anthony discussed with then Attorney General Drew Edmondson

Anthony's desire to pursue litigation related to the 1989 vote. See Appx. Tab 3: Corres. from D. Edmondson to B. Anthony, Dated 2/5/2002. This discussion occurred after the Commission, upon consideration of Anthony's claims regarding the bribed vote, found the vote was "voidable" but not void and determined PUD 860000260 should be closed. See Appx. Tab 2: Memorandum, B. Humes to R. Hudson, Dated 3/21/2011.

Drew Edmondson wrote Anthony on February 5, 2002, advising him that Attorney General Opinion No. 97-76 applied to the issue and noted that, during their conversation, Anthony expressed his understanding of that opinion, which held that the Oklahoma Constitution does not vest a Corporation Commissioner with authority to make unilateral demands under Article 9, §28. See Appx. Tab 3: Corres. from D. Edmondson to B. Anthony, Dated 2/5/2002. Mr. Edmondson ended the correspondence by noting: "Bob, quite frankly, in light of the comments made to me at our early morning conversation on the 31st, and the understanding of the law you express, I am at a loss to understand the reason for the litigation you encouraged the Commission to pursue." *Id.*

Despite this admonition from then Attorney General Drew Edmondson, Anthony unilaterally commenced a cause in the Corporation Commission on May 7, 2003, Cause PUD 200300250. The cause purported to be a "Notice of Inquiry by Commissioner Bob Anthony." Mr. Edmondson was compelled to send Anthony a letter the following day, attaching the Attorney General Opinion 97-76. See Appx. Tab 4: Corres. from D. Edmondson to B. Anthony, Dated 5/8/2003. Mr. Edmondson's letter advised Anthony that the PUD case "cited above purports to be an inquiry into the activities of the Commission"; however, he noted the second page appeared to be an attempt to "engage in a unilateral investigation of a telephone utility." *Id.* Mr. Edmondson advised, "[t]hat would be a violation of AG Opinion 97-76 and

any funds spent, supplies used, employee time devoted or other public resources devoted to that exercise may well constitute misappropriation of public funds.” *Id.* Mr. Edmondson further noted that the Commission’s filing fees had been waived in that matter, which he advised was a violation of 165:5-3-1, as Anthony is “not an instrumentality of the State and the filing was not directed or authorized by the Commission.” *Id.*

Continuing to pursue this issue with Commission funds into 2010, Anthony caused to be filed a Suggestion for Sua Sponte Recall of Mandate, Vacation of Opinion, and Remand of Cause to the Oklahoma Corporation Commission for Want of Appellate Jurisdiction in Supreme Court Case No. 74,194. This filing related to this Court’s Opinion in *State ex rel. Henry v. Southwestern Bell Tel. Co.*, 1991 OK 134, 825 P.2d 1305, which was an appeal of PUD 860000260 (the Hopkins’ bribed vote Commission case). On February 8, 2010, this Court issued an Order in response to Anthony’s filing, finding Anthony had “failed to advance any new factual or legal argument” from a Suggestion filed by him on March 27, 1997, and found the “proceeding is barred by issue and claim preclusion.” *See* Order filed in Supreme Court Case No. 74,194 on 2/8/2010; *See also* **Appx. Tab 2**: Memorandum, B. Humes to R. Hudson, Dated 3/21/2011.

By this point, Anthony developed an unsubstantiated belief that his inability to reopen PUD 860000260 was the result of continued corruption in the Commission. He then inquired of then Attorney General Scott Pruitt as to whether “contracting with a potential expert witness to re-open” PUD 200300260 “would expose the Commission, its officers, and its employees to civil and/or criminal action.” *See* **Appx. Tab 5**: Corres. from R. Hudson to A. Tevington, Dated 3/22/2011. In the accompanying Memorandum, Bill Humes noted PUD 200300260 (previously discussed in Drew Edmondson’s May 8, 2003 correspondence) was a

Notice of Inquiry by Commissioner Anthony “in which Commissioner Anthony sought to act as an individual commissioner, without the concurrence of one or more other commissioners to inquire ‘into the performance or nonperformance of duties and responsibilities at the Oklahoma Corporation Commission...and conduct an examination of past corruption and improper conduct involving the Oklahoma Corporation Commission, its staff and individual commissioners.” See Appx. Tab 2: Memorandum, B. Humes to R. Hudson, Dated 3/21/2011. Mr. Humes opined, after referencing Drew Edmondson’s May 8, 2003 correspondence, this Court’s decision in *Henry, supra*, the Corporation Commission’s majority decision to close PUD 860000260, and this Court’s rejection of Anthony’s 2010 Suggestion for Sua Sponte Recall of Mandate, that “it would constitute a misappropriation of public funds to initiate, or otherwise facilitate, an attempt” to do that which Anthony sought to do. *Id.*

Anthony has become obsessed with delusions of continued corruption within the Commission and cannot accept decisions that are contrary to his determination of the proper outcome. In support of his efforts, he continues to accuse other Commissioners (including former Commissioners) and employees of corruption based on this one instance of corruption in 1989 – the Hopkins bribe. Since that time, no similar corruption has been found to have occurred, but Anthony is never afraid to invoke the word, recall the 1989 corruption, or impugn the integrity of others. His incessant and unsupported attacks caused former Corporation Commissioner J.C. Watts, Jr. to send in public comments in two PUD causes noting, “Bob Anthony’s obsession with this twenty year old matter causes me to believe that he has now crossed over into mental illness.” See Appx. Tab 6: Comments Submitted by Former Corporation Commissioner J.C. Watts, Jr., Filed 4/20/2010 in PUD 201000002. Watts wrote:

“For the subsequent twenty years, Anthony has been obsessed with trying to resuscitate a closed case. The FBI and the Justice Department did not agree with Anthony’s allegations. Obviously, I was never accused of any wrongdoing nor was I the target of any branch of law enforcement. It appears that Anthony believes that both the FBI and the Justice Department are either incompetent compared to his investigative and legal skills or that the FBI and the Justice Department obstructed justice. Again, this story is 20 [years] old. Unfortunately, the only way Anthony can get his name mentioned in the media is to use mine. He is a mean spirited evil man and I will continue to hope and pray that therapy and counseling will be helpful and constructive.”

Thirteen years after Watts chastised Anthony for Anthony’s continued obsession with theories of corruption, Anthony was likewise chastised by Attorney General Gentner Drummond after Anthony advised him “on several occasions” that Anthony was in possession of emails that demonstrate collusion between Commission employees and the staff of utility companies. See Appx. Tab 7: Corres. from G. Drummond to B. Anthony, dated 10/30/2023. Drummond advised Anthony he needed to either produce the alleged emails of which he continues to speak, or “resist making further inflammatory comments about any unsubstantiated theory of collusion between the utility companies and state employees,” as Anthony’s comments threatened the success of an Attorney General investigation into market manipulation by out-of-state natural gas entities. *Id.*

Undeterred by any of this, Anthony has again acted outside of his Constitutional authority and utilized his position and office as a political weapon in an effort to coerce Commissioner Hiett to resign, attempting to bully and prevent Commissioner Hiett from exercising his right to the level of due process to which he is entitled. Indeed, Commissioner Hiett is aware accusations of misconduct have been made against him. After seeking treatment for his admitted reliance on alcohol and not using alcohol since that time, Commissioner Hiett has clearly stated his support for a full, fair, and impartial investigation

into the matter. That, however, is not good enough for Anthony. Anthony has publicly and privately interfered with what was supposed to be an independent investigation by the law firm, Riggs Abney, used his office and public funds to publicly attempt to coerce Commissioner Hiatt's resignation, including by parading in various members of the public – none of whom have any firsthand knowledge regarding the allegations made against Commissioner Hiatt but all of whom clearly believe in his guilt and called for his resignation – into a public meeting of the Commissioners, and has now unilaterally opened his own “inquiry” into the matter – an act he has previously been advised by two Attorneys General is outside the scope of his authority as a Corporation Commissioner.

Specifically, on August 7, 2024, Anthony filed Case No. GD-2024-00003, captioned “In the Matter of Commissioner Bob Anthony’s Inquiry Into the Performance or Nonperformance of Constitutional Duties and Responsibilities at the Oklahoma Corporation Commission and His Inquiry/Examination/Inspection of Past Corruption and Improper Conduct Involving the Commission, Its Staff and Its Commissioners, Pursuant to Oklahoma Constitution Article 9 Section 16, 17, 18, 19, 25, 28, 29 and Article 15, Section 1 and Schedule 15.” See Appx. Tab 8: Notice of Inquiry/Examination/Inspection by Corporation Commissioner Bob Anthony, filed 8/7/2024, in Corporation Commission Case No. GD-2024-000003. Since then, Anthony filed an “Opinion and Considerations of Corporation Commissioner Bob Anthony,” calling on Commissioner Hiatt’s resignation based on an allegation of misconduct made against him. See Appx. Tab 9: Opinion and Considerations of Corporation Commissioner Bob Anthony, filed 8/13/2024 in Case No. GD 2023-000005.

On the same day of that filing, a public hearing of the Corporation Commission was held in which the Commission’s General Counsel, Pat Franz, advised the Commissioners that

the Commission had retained the law firm of Riggs Abney to perform an independent investigation into the conduct of all Commissioners. Anthony was not happy with the hiring of Riggs Abney, and questioned the Commission's Administrator, Brandy Wreath, as to his authority to hire the firm. Wreath advised he was acting within his authority as Administrator to investigate personnel matters, and that Wreath signs contracts like this regularly without the input of the Commissioners. Wreath further advised that, despite Anthony's demands that Riggs Abney also perform a criminal investigation, any such investigation was outside the authority of the Corporation Commission, and the Commission could not expend funds on any such investigation. It was confirmed, however, that any allegations that might be criminal in nature would be referred to the Attorney General's office for investigation. Anthony then demanded to review the scope of the employment before it was finalized and to speak directly with the investigating attorneys regarding the investigation as well.

At that same hearing, Anthony also paraded in four (4) speakers to berate and shame Commissioner Hiatt into resigning based on their personal determination of his guilt despite having no firsthand knowledge of the allegations against him. First, Jess Eddy recounted sexual abuse he alleged was committed against him by former University of Oklahoma President David Boren. Eddy told Commissioner Hiatt "[t]here should be consequences," and Hiatt should resign. Eddy was followed by Christine Riley, a realtor from Eufaula, who told a story of a motorcycle accident in which her friend was killed while riding on the back of the motorcycle with former legislator Dan Kirby, who was drinking at the time. She also called for Commissioner Hiatt's resignation, noting public officials "become drunk with power, and they all think they're above the law. And you know what, sometimes they are, and it's not right."

Ms. Riley was followed by Rev. Lori Walke, a minister in Oklahoma City, who pontificated that Commissioner Hiatt could not resign because of his “ego,” “pride,” and “personal power that you have accumulated during your many years in public office.” Rev. Walke also questioned whether Commissioner Hiatt was attempting to “keep someone quiet.” Rev. Walke’s calls for Commissioner Hiatt’s resignation were followed by attorney Cameron Spradling who reported he has represented victims of sexual assault. After advising Commissioner Hiatt that “[n]obody believes your story,” and also calling for his resignation, Mr. Spradling then offered his pro bono services to assist the firm of Riggs Abney with their “independent” investigation into the allegations.

Doing what he has done for years, Anthony is attempting to utilize his office as a weapon to turn an independent investigation toward his desired outcome. Indeed, and in addition to his public antics, Anthony has sent correspondence directly to Riggs Abney, despite its purported independence in the investigation, demanding it define certain terms, challenging the legitimacy of the investigation given its scope (which is, in fact, very broad and includes investigating all Commissioners), and advising he will immediately make public any responses to his demands to Riggs Abney without a vote of the Commission. This behavior is improper and clearly designed to bully and intimidate what is supposed to be an independent investigative body to bend to Anthony’s will and his own personal beliefs as to outcome of the investigation.

Additionally, Anthony’s behavior can be seen as an effort to keep the investigation focused on only Commissioner Hiatt even though the scope of work for this investigation is not limited to the allegations against Commissioner Hiatt, but includes that the firm will “conduct an independent investigation of Commissioner misconduct impacting Commission

employees or others who do business with the Commission.” See Appx. Tab 10: Riggs Abney Oklahoma Corporation Commission Engagement Letter, Dated 8/13/2024. Petitioner is aware that complaints have been made against Anthony by Commission employees, including a public complaint by fellow Commissioner David that Anthony’s comments, at minimum, bordered on sexual harassment. See Appx. Tab 11: Concurring Statement of Commissioner Kim David, Filed 4/21/2023 in Case No. PUD2022-000057.

Commissioner Hiett supports a fair and impartial investigation into the conduct of all Commissioners. That cannot occur when a rogue Commissioner, acting outside the authority vested in him by the Oklahoma Constitution and as a result of a personal vendetta, impedes the investigation, injects it with prejudice and partiality, uses his office to grandstand and to bully and pressure investigators into performing an investigation where the determination of guilt is made before the investigation can begin, and tramples the rights of his fellow Commissioner by exceeding his own Constitutionally granted authority as a Corporation Commissioner to begin a sham investigation so that he can continually publish materials, as a matter of public record, designed to affect the fairness of the independent investigation that is to be performed by Riggs Abney, incite the public, and prevent Commissioner Hiett from receiving the fair and impartial investigation which he desires and to which he is entitled.

Therefore, Commissioner Hiett seeks this Court’s intervention and requests it enter a Writ of Prohibition, prohibiting Commissioner Anthony from taking any further part in the independent investigation, including by attempting to invoke his authority as a Corporation Commissioner to perform his own investigation, and from making further public comment or filings related to the investigation and which are designed to taint the investigation in favor of Anthony’s desired outcome. Commissioner Hiett requests this writ of prohibition to

prevent Anthony from continuing to act outside of the authority granted him by the Constitution, and to protect Commissioner Hiett's right to a fair and impartial investigation, which has in no way been respected by Commissioner Anthony.

ARGUMENTS AND AUTHORITY

I. THIS COURT SHOULD ENTER A WRIT OF PROHIBITION, PROHIBITING ANTHONY FROM TAKING FURTHER ACTION FOR WHICH HE HAS NO AUTHORITY UNDER THE CONSTITUTION AND WHICH IS DESIGNED TO TRAMPLE COMMISSIONER HIETT'S RIGHTS.

This Court has held that where the Corporation Commission acts "in excess of its jurisdiction the writ of prohibition is the proper remedy..." *Oklahoma Gas & Elec. Co. v. Corp. Commission*, 1975 OK 15, ¶10, 543 P.2d 546, 548. In *Oklahoma Gas & Elec.*, this Court noted that, "[t]he Corporation Commission is a tribunal of limited jurisdiction and has only such jurisdiction and authority as is expressly or by necessary implication conferred upon it by the Constitution and statutes of this state." *Id.* at ¶8 (Citation Omitted).

In determining the extent of a Corporation Commissioner's authority, a court must apply general rules of Constitutional or statutory construction.¹ "The object of construction, applied to a Constitution, is to give effect to the intent of its framers...The intent is to be found in the instrument itself; and when the text of a constitutional provision is not ambiguous, the courts, in construing it, are not at liberty to search for its meaning beyond the instrument. Words must be given their ordinary and natural meaning." *Boswell v. State*, 1937 OK 727, 74 P.2d 940, 942. The meaning of the amendment at the time the amendment is made remains fixed. *Wimberly v. Deacon*, 1943 OK 432, 144 P.2d 447, 450. The Constitution "shall not be taken to mean one thing at one time and another thing at another time, even though the circumstances may have so changed as to make a different rule seem

¹ "Generally, the provisions of a Constitution are construed using the usual rules of statutory construction." *City of Guymon v. Butler*, 2004 OK 37, ¶11, 92 P.3d 80, 84.

desirable. Constitutions do not change with the varying tides of public opinion and desire.” *Hines v. Winters*, 1957 OK 334, 320 P.2d 1114, 1119 (Internal Ellipses Omitted). The courts are “bound to follow the Oklahoma Constitution, and we cannot ‘circumvent it because of private notions of justice or because of personal inclinations.’” *Institute for Responsible Alcohol Policy v. State ex rel Okla. Alcoholic Beverage Laws Enforcement Commission*, 2020 OK 5, ¶11, 457 P.3d 1050, 1055. Here, none of the Constitutional provisions upon which Anthony has claimed power and authority to file a unilateral action without the concurrence of the Commission provide him with the authority he has claimed.

In his Notice of Inquiry filed August 7, 2024 in the Corporation Commission case captioned “In the Matter of Commissioner Bob Anthony’s Inquiry Into the Performance or Nonperformance of Constitutional Duties and Responsibilities at the Oklahoma Corporation Commission and His Inquiry/Examination/Inspection of Past Corruption and Improper Conduct Involving the Commission, Its Staff and Its Commissioners...” (See Appx. Tab 8), Anthony claimed authority to institute and perform an investigation pursuant to the Oklahoma Constitution at Article 9, §§16, 17, 18, 19, 25, 28, and 29, and Article 15, §1.

Article 15, §1 contains the Oath of Office required to be taken by all public officers before undertaking the duties of his or her office. Notably, at the above-referenced August 13, 2024 Commission hearing, Anthony referenced this Oath and emphasized its statement that the officer “will support, obey, and defend...the Constitution...” While such duty is, in fact, an important and notable duty incumbent upon each public official in this State, this Oath has never been utilized by any other public official to claim the power that Anthony claims under it. To interpret this provision in the manner prescribed by Anthony would be to permit this provision to allow all public officials to claim essentially any power he or she wants under

the auspices that the official is supporting, obeying, and defending the Constitution. Further, it would render null the rule that this Court has espoused for over a century – namely, that as a Constitutionally created Commission, the Corporation Commissioner’s possess only those “powers and duties [which] are prescribed by” the Oklahoma Constitution. *Okla. City v. Corp. Com’n*, 1921 OK 35, ¶4, 195 P. 498. As such, it is incumbent upon the Court to review the Constitutional duties granted by Oklahoma’s Constitution to the Corporation Commissioners under Article 9.

As stated above, Anthony contends sections 16, 17, 18, 19, 25, 28, and 29 of the Oklahoma Constitution at Article 9 provide him the authority to perform this Notice of Inquiry. However, none of these sections speak to any such authority. Importantly, other than sections 16 (qualifications of commissioners) and 17 (additional oath required of each commissioner), the remaining sections to which Anthony points all speak to the jurisdiction, powers, and duties of “the Commission,” acting as a body not as an individual Commissioner without the concurrence of the Commission. And, while Article 9, §28 uses the phrase, “[t]he commissioners, or either of them...” this specific section has been interpreted by then Attorney General Edmondson to prevent the unilateral action of a Commissioner. *See Question Submitted by: The Honorable Ed Apple, Chairman, Okla. Corp. Commission*, 1997 OK 76. Even if it did permit unilateral action (which it does not), Section 28 only speaks to the Commission’s power to “inspect the books and papers” of the entities the Commission regulates. It does not speak to a power to unilaterally create and perform an investigation of the other Commissioners or compel compliance by any person with such investigation.

The finding of the Attorney General in the 1997 Opinion is also consistent with this Court’s holding in *Clements v. Southwestern Bell Telephone*, 2017 OK 107, 413 P.3d 539. In

Clements, this Court found the “Commission is created by Article IX of our state Constitution and consists of three members elected by the people at a general election. A concurrence by a majority is required to exercise the authority of the state...” *Id.* at ¶16 (Emphasis Added). Although *Clements* was deciding a different issue,² this Court made clear that Article 9 of the Constitution “[g]ranted the authority to the *concurrence* of Commissioners. *Id.* at ¶17 (Emphasis in Original). The Constitution does not permit a lone Commissioner to unilaterally act or to take a power not granted by the Constitution.

Anthony’s lack of authority or power to act as a Commissioner in a unilateral capacity has been described and detailed to Anthony by two Attorneys General as detailed above. Further, according to then Attorney General Edmondson’s February 5, 2002, correspondence, (*See* Appx. Tab 3), Anthony understood this to be the law during their conversation in January of 2002 – 22 years ago. Thus, his actions now, though claiming to be an attempt to uphold the Constitution, are in direct defiance of that very Constitution, and Anthony is well aware of that fact. Thus, this Court should enter a Writ of Prohibition, prohibiting Commissioner Anthony’s conduct as it is in violation of the powers granted to him by the Constitution. Further, Anthony’s Notice of Inquiry and efforts to pursue the same could result in a misappropriation of public funds, as Mr. Edmondson previously advised Anthony.

Additionally, Anthony’s conduct (detailed above) is designed to taint the independent investigation of Riggs Abney, which investigation should be performed in a fair and impartial manner. An investigation that is performed with a predetermination of guilt, as Anthony

² Ironically, the *Clements* case was an appeal to this Court brought by six individuals who sought to vacate or modify the 1989 Order that resulted from the bribed vote cast by Hopkins. The Court detailed the history of that issue, including Anthony’s efforts to reverse the vote and noted, “Anthony’s tireless dissent to the 1989 Order is also well documented as are his repeated efforts to overturn it.” *Clements*, 2017 OK 107, ¶13.

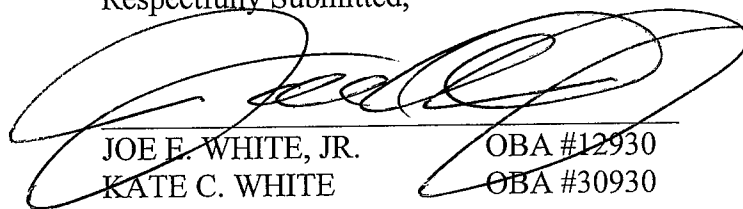
clearly desires, will taint any future proceedings, if any occur. This will rob Commissioner Hiett of his right for a “reasonable opportunity be present and be heard,” and the level of due process to which he is entitled as an elected official. *See Rose v. Arnold*, 1938 OK 445, ¶¶18-19, 82 P.2d 293 (noting that while a public office is not property, it is a “position held by right of election,” which rights are protected by all courts. Thus, this Court has held “it is the duty of courts to protect a citizen in the enjoyment of every right which he acquires under statutory or constitutional authority, as quickly and as fully as they would his property”). For this reason as well, Commissioner Hiett seeks a writ of prohibition, prohibiting Anthony from any further efforts, whether public or private, to taint, derail, or impair the independent, fair, and impartial investigation being performed by Riggs Abney as to all Commissioners.

CONCLUSION

The Oklahoma Constitution provides authority for this Court to assume original jurisdiction for consideration of the relief requested herein. OKLA. CONST. ART. 19, §20. Coupled with the factors discussed *supra*, this Court should enter a writ of prohibition, prohibiting Anthony from continuing to engage in the conduct detailed herein. The weight of authority as well as the Constitution of the State of Oklahoma govern the results of this case. Pursuant to Supreme Court Rule 1.191, Petitioner’s Application and Petition, as well as an Appendix, are filed separately.

Dated: August 16, 2024

Respectfully Submitted,



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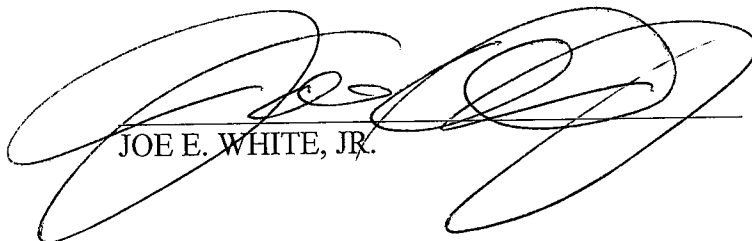
CERTIFICATE OF SERVICE

I hereby certify that on the ¹⁹~~16~~th day of August, 2024, a true, correct, and exact copy of the above and foregoing instrument was mailed certified mail to the parties via USPS as follows:

Oklahoma Corporation Commission
c/o Office of General Counsel
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