



## Inside

### Page 4

Board Report - January/  
February

#### OMPA MEMBER CITIES

Altus, Blackwell, Comanche, Copan, Cordell, Duncan, Edmond, Eldorado, Fairview, Fort Supply, Frederick, Gearsy, Goltry, Granite, Hominy, Kingfisher, Laverne, Lexington, Mangum, Manitou, Marlow, Mooreland, Newkirk, Okeene, Olustee, Orlando, Pawhuska, Perry, Ponca City, Pond Creek, Prague, Purcell, Ryan, Spiro, Tecumseh, Tonkawa, Walters, Watonga, Waynoka, Wetumka, Wynnewood, Yale. Also serving Clarksville, Arkansas, Paris, Arkansas, and Electra, Texas.

A member of the American Public Power Association, Municipal Electric Systems of Oklahoma and Southwestern Power Resources Association.

2701 West I-35 Frontage Road  
Post Office Box 1960  
Edmond, Oklahoma 73083-1960  
Phone: 405-359-2500  
Fax: 405-359-1071  
www.ompa.com

OMPA is a wholesale power company owned by 42 municipal electric utilities. OMPA provides economies of scale in power generation and related services to support community-owned electric utilities. The members of OMPA serve approximately 250,000 Oklahomans. This publication is issued by OMPA as authorized by the OMPA General Manager. 425 copies have been prepared and distributed at a cost of \$700. [74 O.S. § 3105(B)]

### Public Power Event Page 7



# outlet

news from your Oklahoma Municipal Power Authority

## Board makes move to avoid rate increase after storm

The Oklahoma Municipal Power Authority (OMPA) Board of Directors approved at its February meeting a plan to help recover expenditures from extraordinary costs incurred from recent winter storm Gerri.

The plan approved largely avoids any impact on rates, thanks to utilization of the Authority's Rate Stabilization Fund.

Power suppliers throughout the region were forced to deal with natural gas prices

topping as much as 10 times beyond normal during the three-day-holiday weekend of Jan. 13-16. OMPA was able to take advantage of a variety of strategies – including calling on natural gas storage, hedging and purchasing physical deliveries at fixed prices – to avoid some of the expense but was still left with approximately \$3.53 million in unexpected cost.

The Board agreed to fund \$2.9 million

**Continued on Page 7**

## Annual Meeting set for March in Edmond

The Oklahoma Municipal Power Authority's Annual Meeting will be March 14 at 1 p.m. at the Edmond Conference Center.

The meeting serves as the designated time to elect some seats to the OMPA Board of Directors, but is also a chance for attendees to hear industry-related topics and receive broad updates about the Authority.

The highlighted speakers for this year's event are Colin Hansen, CEO and General Manager of the Kansas Power Pool, and Marshall Vogts, Director of Community Development for the Oklahoma Department of Commerce.

As part of the agenda, there will also be the presentation of the annual Our Local Power Champion Award and the Charles D. Lamb Scholarship Award, in addition to comments from Board Chair Homer



**Colin Hansen**



**Marshall Vogts**

Nicholson and OMPA General Manager Dave Osburn. The full meeting agenda will be posted online at ompa.com before the meeting.

**Continued on Page 2**

### Annual Meeting:

Continued from Page 1



Hansen has been CEO and General Manager of the Kansas Power Pool since February of 2022. He is responsible for the strategic direction, administration, and overall management of the agency. Prior to joining KPP, Hansen served for 22 years as Executive Director of Kansas Municipal Utilities (KMU), the statewide trade association for municipal electric, natural gas, water, wastewater, and telecommunications utilities. Before joining KMU, Hansen worked as Assistant Executive Director for the Iowa Association of Municipal Utilities. He served as the 2021-2022 Chairman of the Board of Directors for the American Public Power Association (APPA) and has been on their Board since 2012.

Vogts will update members on grant opportunities available through the Oklahoma Department of Commerce and possibly elsewhere. He has worked in various aspects of community and workforce development since 2004, and has served on advisory boards for homelessness, early childhood education, transportation, agriculture and human services. He also spent more than 15 years as an adjunct instructor of sociology at many colleges and universities in the Oklahoma City area.

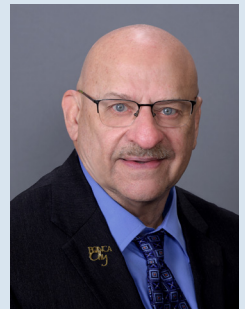
### Board of Directors

Every year at the Annual Meeting, approximately one-third of the Board of Directors is up for vote.

This year, the terms expiring are held by Karrie Beth Little with the City of Watonga, Glenn Fisher with the City of Edmond and Homer Nicholson with the City of Ponca City. All have indicated a willingness to serve. Electors will also need to confirm the appointments of Kenzie Wheeler with the City of Duncan and Richard Raupe with the Town of Okeene, each of whom were chosen to replace Board members who vacated during their terms.

#### Homer Nicholson, Ponca City

Nicholson has served on the OMPA board since 2008 and became the Board Chair in 2020. He was elected Mayor of Ponca City in 2007 after a 38-year career with Conoco. As such, he has presided over a number of large projects in the city, including a new \$25 million YMCA and the completion of a Comprehensive Master Plan. A past President of the Oklahoma Municipal League, he was a 2010 recipient of the Meritorious Service Award, presented by MESO. He has also been inducted into the Oklahoma Hall of Fame for City and Town Officials.



**Homer Nicholson**

#### Glenn Fisher, Edmond

Fisher joined the OMPA Board of Directors in 2020. He was hired as Edmond Electric's Director in 2011, after serving for more than two decades in the industry, including as the General Manager at Raton Public Service in New Mexico and at a public power utility in Texas. He currently serves as the Board's Secretary.



**Glenn Fisher**

#### Karrie Beth Little, Watonga

Little was elected to the OMPA Board of Directors in 2023. She was hired as the first City Manager of the City of Watonga in 2021 and General Manager of the Watonga Public Works Authority, where she has brought the City government and public trust authority through the transition of changing the form of government in the 21st century. She is a member of the City Management Association of Oklahoma (CMAO) and the Oklahoma Municipal League (OML) and is active in the organizations. She is also part of the 12th Oklahoma Arts Council Leadership class.



**Karrie Beth Little**

# New CUP application deadlines approaching

*Program change means all applications in 2024 are due by March 31*

OMPA staff would like to remind members that applications as part of the Competitive Utility Program (CUP) are due March 31 this year.

The program recently underwent a change to its admissions process in an attempt to improve consistency throughout the program and make submission data more current. As such, all applications are to be submitted between Jan. 1 and March 31. This includes both applications for re-certification, as well as interim reviews.

As such, those that went through the CUP review process after March of 2023 will have their requirements reduced. An email was sent out in February detailing what those requirements are. For further information, contact Palma Lough at [plough@ompa.com](mailto:plough@ompa.com) or Melissa Douglas at [mdouglas@ompa.com](mailto:mdouglas@ompa.com).

## Customer survey shows increased interest in solar

OMPA staff and personnel from GreatBlue Research recently presented results from the most recent survey of member customers. OMPA conducts such a survey on behalf of the membership every two years.

Complete survey results are available to all members. Please contact Palma Lough at [plough@ompa.com](mailto:plough@ompa.com) for more information.

As usual, several questions regarding industry-related technology

were posed to customers. The number of those responding that they were likely to use technology to control how and when they use electricity was 67.7 percent, up 4.5 percent from two years earlier. This sort of technology could refer to programs like customer portals, time-of-use rates or demand response.

There was also an increase of 2.9 percent in the number of respondents who were interested in having solar panels installed at their residence, up to

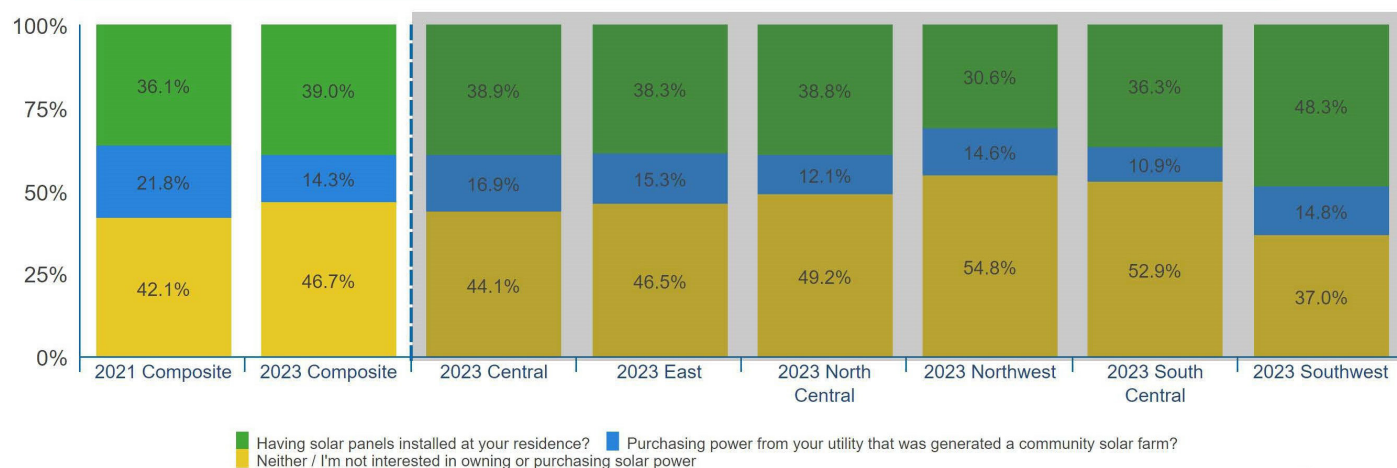
39 percent. This interest was strongest in the southwest part of the state at 48.3 percent.

The number of respondents who either own and electric vehicle or were interested in owning one was 18.7 percent. When asked how likely they would be to purchase one if incentives were available for home-charging equipment, the percentage rose to 22.8 percent, which was actually a 4.9 percent drop from two years earlier.

## Renewable Energy | Higher Interest in Rooftop Solar

While nearly one-half were not interested in owning or purchasing solar power, over one-third were interested in "having solar panels installed at their residence," which is 2.9 percentage points higher than 2021. Of note, nearly one-half of customers in the Southwest region were interested in having solar panels installed.

Solar | Interest in Solar Energy Options





# Board's planning for costs is admirable

I would like to add some additional comments to the article on winter storm costs. First, I want to commend the OMPA Board in taking the steps to use Rate Stabilization Funds to cover the extraordinary costs. This is Public Power at its best by taking steps to protect our member cities, and in turn your customers, from price increases. I also want to commend the Board for their foresight to build reserve

funds so that actions like this are possible. OMPA, like most businesses, needs to hold ample reserve funds for emergencies. Having sufficient cash on hand also improves our credit ratings. Strong credit ratings lower costs over time. In addition, I want to recognize the effort and planning put forth by the OMPA gas purchasing and operations groups. Mitigation plans and smart decisions lowered the impact of the high costs of the event

## General Manager's Report

David W. Osburn



by over \$2.5 million. OMPA is lucky to have talented staff who care about controlling costs.

## Board Reports

### *Highlights From January 2024 Board of Directors Meeting*

- Approved CUP recertification award to Tonkawa Municipal Authority with two awards valued at 1.75 points
- Approved two additional CUP awards to Comanche Public Works Authority for a total of four awards valued at 3.5 points
- Appointed Gary Jones of Altus at Board Treasurer
- Authorized General Manager to execute OGT Firm Transportation and OGS Storage contracts for Redbud
- Set alternate dates of June 20 for the June Board of Directors meeting and September 19 for the

### *Highlights From February 2024 Board of Directors Meeting*

- Approved CUP Interim Review award to Okeene Public Works Authority for three awards at the level valued at 2.5 points•
- Approved CUP Interim Review Award to Fort Supply Public Works Authority for three awards valued at 2.5 points
- Approved a plan to recover extraordinary costs from Winter Storm Gerri by using \$2.9 million from the Rate Stabilization Fund
- Approved the transfer of excess 2023 revenues of \$3.5 million into the Decommissioning Fund and \$4.3 million into the Rate Stabilization Fund
- Authorized the General Manager to executive a short-term capacity agreement for 35 MW with NextEra Energy Marketing
- Approved contract award to Elite Pipeline Services in the amount of \$249,000 to make repairs to condenser line on Unit No. 1
- Awarded bid for Kaw 15kV switchgear to Siemens Industry, Inc. in the amount of \$545,074

The next Board of Directors meeting is scheduled to be held at 10 a.m. on March 14 at OMPA offices in Edmond.

## Jones of Altus named Treasurer for OMPA Board

The OMPA Board of Directors elected Gary Jones of Altus as the Board Treasurer at its monthly meeting in January.

Jones is the City Manager for the City of Altus, which is the third-largest member in terms of meters served. He has had a long and distinguished career, serving as the Oklahoma State Auditor and Inspector after being elected in both 2010 and 2014. He received the 2016 “Sunshine Award”, which recognizes a public official that has shown a commitment to freedom of information.

Jones also was elected five times as Chairman of the Oklahoma Republican Party and served as Comanche County Commissioner from 1995-1999 where he received the “Superior Achievement Award” from



**Gary Jones**

the Oklahoma Good Roads and Streets Association.

Jones has been on the OMPA Board since 2019 and takes over the Treasurer position from Dale Bunn of Purcell.

There are four officers named on the Authority’s Board, including the Chair, the Vice Chairman and the Secretary, in addition to the Treasurer. Those other positions are filled by Homer Nicholson of Ponca City (Chair), Jim Greff of Prague (Vice Chairman) and Glenn Fisher of Edmond (Secretary).

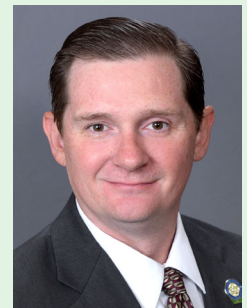
## Comanche's Chuck Ralls featured in APPA article on promoting the value of Public Power

*From the American Public Power Association*

The value of a utility isn’t just in the sum of its equipment and assets. Especially for public power utilities, the value is gained through how it supports its community in ensuring rates are affordable and equitable, reliable service doesn’t interrupt economic potential and opportunities, and that locally made decisions reflect the best interests of the community.

Despite the many ways public power provides value to the communities served, this true value is not often recognized, especially when it isn’t pointed out. Public power utility leaders need to ensure that their communities see the value of the utility as it is embedded throughout the community, not just its potential dollar value. Many public power utilities are making the effort to ensure their communities understand the value the utility brings, whether in pushing back against a buyout threat, spreading awareness, or reminding customers of the reasons to protect what they have.

Chuck Ralls has served on the OMPA Board of Directors since 2016. He also serves on the Board’s Risk Committee. He was selected as the Comanche Chamber Member of the Year in his first year as the community’s city manager. He is active in promoting his community and the value of the electric system, always looking for ways to improve both. In 2016, he was awarded the Keep Oklahoma Beautiful “Best Government Clean-Up” award.



**Chuck Ralls**

With their backs against a proverbial wall, city council members can start seeing potential price tags on any city asset — and overlook the long-term ramifications of a sale.

In Massachusetts, the Merrimac Municipal Light Department had to quickly pull together the numbers behind these distinctions when it faced a sudden proposal from the town’s Board of Selectmen to consider selling the utility. Mary Usovicz, Merrimac Light’s general manager, said the topic likely arose on the board’s agenda as a potential way to increase funds for the town.

The board brought up the consideration of selling the department at its meeting in late March 2023, proposing to add the article to sell to be voted on in its April meeting, less than one month away.

Given the short turnaround to address the sale, the message about the value of the utility to the town needed to get out quickly to drum up support. Right away, Usovicz called Energy New England, a regional electric cooperative, which includes Merrimac Light Department. Energy

**Continued on Page 9**

# Study finds cyberattacks on state and local governments were up in 2023



The Center for Internet Security, the Upstate New York nonprofit that runs information sharing and analysis operations to support government agencies, found in a study announced Tuesday that cyberattacks on state and local governments increased from 2022 to 2023.

That's according to the results from its 2022 Nationwide Cybersecurity Review, a survey of more than 3,600 state, local, tribal and territorial government organizations on cybersecurity preparedness.

The report focuses on the first eight months of 2022 and 2023, when participating government organizations claim they saw noticeable growth in several types of cyberattack. The center found that malware attacks increased by 148%, while ransomware incidents were 51% more prominent during the first eight months of 2023 than they were during the same period a year earlier.

Non-malware cyberattacks, in which hackers use the tools that already exist on a device or within software to take over a system instead of creating a custom tool that could be flagged

as malware, increased by 37%. The report also documented a 313% rise in endpoint security services incidents, such as data breaches, unauthorized access and insider threats.

The biggest weakness in many state and local government organizations' cybersecurity programs, according to the report, is simply that they're still being created.

#### Advertisement

"An organization may have a process in place to address vulnerabilities, and there may be response or recovery plans in place, but these various activities may not have been formalized or tested consistently," the center's Multi-State Information Sharing and Analysis Center team, which conducted the survey, documents in the survey results.

Organizations without established cybersecurity plans cited "insufficient funding, an increasing sophistication of cyber threats, a lack of documented processes, emerging technologies, and limited access to cybersecurity professionals" among the challenges they face — the same top five concerns that have plagued government entities

## OMPA receives grant for members for cybersecurity training

OMPA has secured a \$67,000 grant through the Oklahoma Office of Homeland Security for cybersecurity training for some of the membership.

The grant is online training with KnowBe4 software through the State and Local Cybersecurity program. The funding for the program originated with the Infrastructure Invest and Jobs Act (IIJA).

Thirteen different OMPA members who expressed interest in being part of the grant – and who weren't already subscribed with KnowBe4 – will be able to use the software for two years without any costs to the city or town. KnowBe4 provides online training for all municipal employees, as well as routine phishing campaigns to help them identity scams.

for the past eight years, according to the report.

While the CIS report highlights state and local governments' cybersecurity weaknesses, it also found areas where survey participants strengthened cyber protections, including identity management, cybersecurity awareness training and implementing mitigation and recovery strategies in the event of an attack.



# 2024 Public Power Conference will feature speakers from around the region



The 2024 MESO Public Power Conference will be April 21-23 in Norman.

Conference session will be April 22-23 at the Hilton Norman Hotel & Conference Center in Norman. Deadline for attendee registration is April 5.

Featured speakers for this year's event include Scott Corwin, President and CEO of the American Public Power Association (APPA), and Dave Osburn, Oklahoma Municipal Power Authority (OMPA) General Manager and Chair of the APPA Board of Directors.

The annual conference offers a chance for educational and networking opportunities with those from locally owned and operated municipal systems. Traditionally, more than 200 participants attend from electric systems in Oklahoma, Kansas and Arkansas. The event draws mayors, city managers/administrators, public works



OMPA's Alex Mucha, right, speaks at the 2023 Public Power Conference.

directors, supervisors, lineworkers, customer service representatives, human resources personnel and finance professionals.

Scheduled sessions will include the following topics: USDA grants, solar renewables, grid security, vegetation management, metering, safety manuals,

recruiting/onboarding, capacitors, Southwest Power Pool 101, NERC/FERC requirements and more.

The pre-conference golf event will be held on April 21. The traditional MESO Steak Dinner Night will be April 22. The MESO awards luncheon will be at 11:30 a.m. on April 23.

## Winter storm

Continued from Page 1

of the unexpected costs through OMPA's Rate Stabilization Fund, allowing the fuel cost for January to remain near what was anticipated.

"The OMPA Board electing to use reserve funds to cover the cost of severe storms is a great example of the value of Public Power and being a member of OMPA," General Manager Dave Osburn said.

The Board then voted to replenish OMPA's Rate Stabilization Fund with \$4.3 million from excess revenues from 2023. OMPA's average monthly cost to cities in 2023 was the lowest since 2019, leaving the Authority with lower-than-expected costs to the membership. A further \$3.5 million in excess revenue from 2023 was also placed into the Decommissioning Fund, upon

direction of the Board.

The Rate Stabilization Fund was previously called upon following winter storm Uri in 2021. OMPA incurred around \$64 million in unexpected costs following that storm, but was again able to avoid raising wholesale rates by utilizing the fund and reissuing bonds.

## Energy programs have much participation for 2023

More than 500 customers have signed up for the Turn Down the Watts demand response program since it debuted in late 2023.

The program offers incentives for customers of OMPA members who voluntarily sign-up to have their thermostats adjusted during peak demand periods. Incentives include \$50 for signing up and \$50 for annual participation.

It is accompanied by a rebate program for Smart Thermostats that met eligible criteria. A list of manufacturers eligible for the program can found online at [ompa.com/services/rebate-programs/](https://ompa.com/services/rebate-programs/)

A test run for the Turn Down the Watts program was performed by operating vendor Virtual Peaker in early February.

### 2023 Energy-Efficiency Programs

An estimated 299 kilowatts of



### Demand and Energy Efficiency Program

peak were shaved from the OMPA demand through energy-efficiency improvements rebated through various programs in 2023.

The Demand & Energy Efficiency (DEEP) program gave rebates to 11 projects for \$36,510. The program provides matching funds to customers who implement energy-saving measures through heat pumps and geothermal systems, as well as lighting conversions.



The Ways I Save Electricity (W.I.S.E.) program provides incentives for an improvement in ceiling insulation, as well as energy-efficiency improvements with heat pumps and hot water heaters. For W.I.S.E., a total of 75 rebates were awarded \$34,624.

In all, rebates came out to \$237.95 per kilowatt reduced.

OMPA staff also conducted 82 energy audits throughout the state in 2023.

## City Update

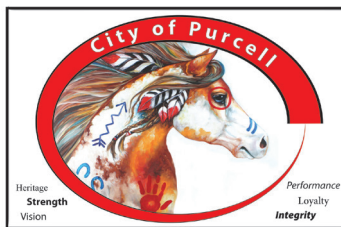
### New city manager on the job in Purcell

Purcell's City Council voted to hire Sam Demel as the replacement for long-time City Manager Dale Bunn.

Demel was the City Administrator for Kiowa, Kan. at the time of his hiring.

Mayor Graham Fishburn reported 25 people applied for the Purcell position. Eight were interviewed with four making in-person visits for interviews in Purcell including Demel.

Demel, who has 25 years of experience, started his duties in January.



Councilman Allen Eubanks said Demel met with every department head during his day-long interview in Purcell.

He will be the General Manager for the Purcell Public Works Authority in addition to wearing the title of City Manager.

"First of all I'd like to say how much I appreciate Dale and all he's done," Mayor Graham Fishburn said. "But, we're excited about Sam.

"He was our top choice due to

his experience, education and his background. He provided the best fit for our city," Fishburn continued. "He distinguished himself by the way he listened to the employees when he was here. He had an excellent interview and is highly motivated to be here."

Demel has a Masters of Public Administration degree from Wichita State University. He earned a Bachelor of Business Administration from The College of Santa Fe in Santa Fe, NM.

He had been the City Administrator at Kiowa since December 14, 2020.

Prior to that he was an account manager for the Kansas Corporation Commission, served as the Community and Organizational Specialist for the Community Engagement Institute at Wichita State University and was a development coordinator for the South Central Kansas Economic Development District in Wichita.



## Public Power

Continued from Page 5

New England brought in support from the Northeast Public Power Association and the Municipal Electric Association of Massachusetts. The leadership of these entities joined with Usovicz and the Merrimac Light union leadership to develop a detailed response. Campaign activities, which could not be directly from the utility, included the utility's commissioners sending a letter to all customers and a local union chapter helping to create and distribute lawn signs and door hangers to customers, among other materials. The materials pulled in key data, such as comparing rates and reliability indices between Merrimac Light and the neighboring investor-owned utility. Materials also explained how customers could participate in the board meeting to oppose the sale.

More than 1,000 people — out of a population of under 7,000 — came to the meeting to show their support for keeping ownership of the utility. The vote tally was 782 opposed to six in favor of the sale, and the measure was dropped.

Another key piece of educating about the utility's value came in helping the board to better understand the nature of the utility's financial position and potential value to the town. This involved getting a third-party evaluation, which helped clear up misconceptions about how any funds from a sale could be allocated to the town and what agreements and costs would change under a different ownership model. The evaluation helped show that while the utility held a strong financial position and consisted of high-value assets, by state law, most of any cash value from the sale would revert back to ratepayers, not to the city. The assessment also helped explain how the nature of offering the utility for sale would position it to be available at a discount to any buyer.

"They would buy us if it's a

fire sale, but their system might not integrate. They are buying an asset that might not be worth anything to them," said Usovicz.

### Essential Awareness

A few years ago, the Oklahoma Municipal Power Authority noticed a concerning result in its biannual survey of customers in its member cities: customers weren't aware that their utility was locally owned and operated.

To remedy this, OMPA decided to launch an awareness campaign, Our Local Power, that would not only help people realize that their utility is community-owned, but that would also showcase the different contributions its 42 members make to their communities. The campaign includes a suite of messages that members can use on social media or other outlets, including video testimonials about the value of public power to different types of residents. In Comanche, Oklahoma, a video interview with the individual that runs the city's recreational facilities spoke about how the utility provides power to local athletic fields at no charge.

Chuck Ralls, city manager for the City of Comanche, said the public power utility has been sure to use campaign materials in a customer appreciation event during Public Power Week, in local radio advertisements, and in branding prizes given out as part of an annual raffle.

Ralls said that the efforts has helped boost awareness of community ownership in Comanche by 60%.

Oklahoma doesn't collect property taxes, so Ralls said the municipalities are reliant on sales tax. For small towns like Comanche, which get very low sales taxes from the few local businesses, the utility's transfer to the general fund is imperative to cover other essential services, like the fire department and police.

"Without it, we would cease to exist. We would be a ghost town," said Ralls.

Ralls said that awareness efforts need to be continuous, especially in areas like Comanche, which is seeing a lot of new residents moving in from other states. "As the demographics continue to change, we have to continually market who we are and what we do. [Customers] just don't know," he noted.

While high-visibility events and activities help, Ralls said it also helps to be able to tout the utility's reliability against its neighboring IOUs, and reminding customers that local ownership correlates with higher reliability.

"We have a chain of grocery stores from across the state, and the response time and reliability is much lower in IOU territory. Whereas if we go out, we're back up within an hour or two. Businesses recognize that local power... [means] we respond in a timely manner," he said.

Utility messages also distinguish public power from cooperatives, which some customers might be familiar with.

Ralls noted that utilities need to keep adapting along with technology and available methods of communication. Like Merrimac, Comanche's local news outlets are limited, which is why Ralls said the utility focuses on radio ads for now, and is exploring other opportunities, like geofencing. He's seeing reduced engagement on the utility's Facebook account, and more in other social channels, like Instagram. The city also put in a public electric vehicle charger that is branded with the Our Local Power campaign.

While the channel might change, "the message is going to stay consistent — the value of ownership. That they have control over what the utility does," added Ralls.

# Judge orders removal of wind farm in Osage County near city of Pawhuska

## In Brief

- Project had been opposed by Osage Nation in court
- Ruling centered on the use of mineral rights during construction
- Federal lawsuit had been filed more than a decade earlier

A judge has ordered the removal of a wind farm in Osage County and set a trial for damages in a win for the Osage Nation and its Mineral Council, which, along with the federal government, have been fighting the erection of the turbines for more than 10 years.

U.S. Court of International Trade Judge Jennifer Choe-Groves, sitting by designation, issued the ruling Wednesday in Tulsa federal court against Osage Wind LLC, Enel Kansas LLC and Enel Green Power North America Inc.

The ruling grants the United States and the Osage Nation through its Minerals Council permanent injunctive relief via “ejection of the wind turbine farm for continuing trespass.”

The Minerals Council is an arm of the Osage Nation that manages the Osage Minerals Estate.

The ruling follows a 2017 appellate court ruling that determined that construction of the wind farm constituted mining and required a lease from the Osage Nation’s Minerals

Council, which the defendants failed to obtain.

“The developers failed to acquire a mining lease during or after construction, as well as after issuance of the 10th Circuit Court of Appeals’ decision holding that a mining lease was required,” Choe-Groves said.

“On the record before the Court, it is clear the Defendants are actively avoiding the leasing requirement,” Choe-Groves said. “Permitting such behavior would create the prospect for future interference with the Osage Mineral Council’s authority by Defendants or others wishing to develop the mineral lease.

“The Court concludes that Defendants’ past and continued refusal to obtain a lease constitutes interference with the sovereignty of the Osage Nation and is sufficient to constitute irreparable injury.”

Osage Minerals Council Chairman Everett Waller said in an interview Thursday morning that he was still “stunned” by the ruling.

“I hope no other tribe has to do what we had to do,” Waller said, referring to the long court battle.

“This is a win not only for the Osage Minerals Council; this is a win for Indian Country,” Waller said.

“There are a lot of smaller tribes that couldn’t have battled this long, but that’s why we’re Osages,” Waller said. “We’re here, and this is our homeland, and we are going to protect it at all costs.”

Osage Wind, for its part, claimed that while an appeals court found that it had “mined without a lease in 2014, it did not hold that Osage Wind was obligated to obtain a lease for that completed mining or for any other ongoing purposes.”

The legal saga has been ongoing for more than a decade, at one point reaching the U.S. Supreme Court.

The Osage Nation filed a federal lawsuit in October 2011 seeking to halt the construction of the wind farm, alleging that the project unlawfully deprived the Osage Nation of access to and the right to develop the mineral estate.

The nation’s claims were denied, and the case was dismissed on merits.

The defendants began leasing surface rights for the project in 2013, according to the ruling.

The wind farm includes 84 turbines spread across 8,400 acres of leased surface rights in Osage County, underground lines, overhead transmission lines, meteorological towers and access roads, the ruling said.

Construction on the wind towers began in October 2013, with excavation for the towers beginning in September 2014.

The federal government filed a federal lawsuit in November 2014, seeking a declaratory judgment that the defendants engaged in unauthorized mining and excavation in the Osage Mineral Estate, according to the ruling.

The U.S. Department of the Interior administers the Osage Nation’s mineral rights, which include ownership of rocks and minerals below the ground’s surface. Federal law requires developers to obtain a permit from the tribe’s Minerals Council to engage in any mining activity in the county.

A federal district judge initially ruled in favor of the wind farm project in 2015, finding that excavation of the rock for the wind turbine concrete foundation did not constitute mining.

## City Update

## Ground broken on new fire station project

The city of Edmond broke ground on the first new fire station in nearly two decades.

The \$8.1 million project began near Kelly Avenue and Sorghum Mill Road. Fire Station 6 will be the city's first station built since 2005.

An empty plot of land will be transformed into the station in one of the busiest parts of Edmond. Chief Chris Goodwin with the Edmond Fire



Department said this will help with their response time.

"Minutes count. Seconds count at times. This response will affect all of our calls. We'll be able to respond more quickly from this location," Goodwin said. "This quadrant of the city is the most populated area of our city that doesn't have a fire station in a close proximity."

The chief said the northwest side of

Edmond is booming with new houses and developments.

"What this station will do is, it's going to keep us within our four-minute to five-minute time frame, and it's going to allow us to do public safety at its highest," said Edmond Mayor Darrell Davis.

Right now, the closest Edmond fire station to the area is Fire Station 3, which is three miles away. The fire chief said the new station will house up to seven firefighters.

"I was told they'll be out here doing heavy dirt work on Monday, and they'll be working as a 15-month contract," Goodwin said.

Firefighters said they look forward to serving residents as quickly as possible. The project is expected to be completed in the summer of 2025.

## One council seat settled, another in a run-off

Voters across Southwest Oklahoma made their voices heard during the Feb. 13 special elections. On the ballot were a number of school bond propositions and city council seats.

Out of Jackson County, voters in Altus' Ward 4 got to vote on a new council member. Cody Nelson and Michelle Clement each vied for the Ward 4 seat and with a 69% majority, Nelson secured the win.

While on the campaign trail, Nelson said he aims to focus on infrastructure and water quality, pointing to the city's aging water plant.

The Ward 3 City Council seat in Walters was also up for grab. However, voters will have to sound off on the issue again in a few months, as the election's votes resulted in a run-off.



Sherri Flanagan had 42% of the vote, while Clint Thurman had 32%, and Larry Perez took 26% of the voting populace. A 50% plus one vote majority was needed in order to win the election, so a runoff will be held April 2.

Both Flanagan and Thurman said they will be reaching out to more of the ward residents to increase their votes for the run-off.

"I just feel like, we're probably going to have to get out and campaign a lot more than we did," Flanagan said. "We did a lot, but, you know, it's not going to be a problem. We're just going to get out and do better as far as contacting more people."

Flanagan also said she feels confident, given the percentage of the

vote she took, and she hopes voters will come out to vote again for her in April.

"Yeah, I can get out and meet everybody in my ward and that's probably one of the main things that a person needs to do if he's running for office, is get out and meet the people, ask them if they have any questions," Thurman said. "If they have any questions then they can run them by me and I'll say alright, well, we'll do what we can."

Thurman is the incumbent for the Ward 3 seat and also the current Mayor of Walters.

He said he feels confident the difference in votes was due to his temporary inability to get out to campaign, and that he will win the run-off now that he is in better health.

And though Thurman said he was unable to get out as much as he would have liked to due to illness, now that he's doing better he can meet more of the residents in Ward 3 to earn their votes.



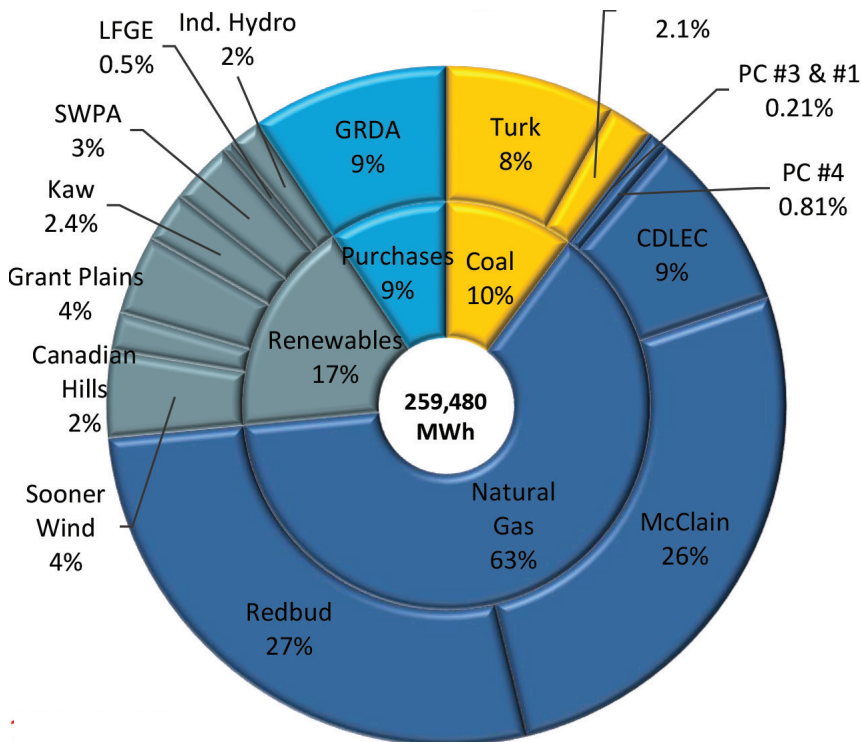


# outlet

News From Your  
Oklahoma Municipal Power Authority  
PO BOX 1960,  
Edmond, Oklahoma 73083-1960

PRSRT STD  
US POSTAGE PAID  
EDMOND OK  
PERMIT NO. 298

## Generation Mix Through December 2023



## OMPA Board of Directors

### Chair

Homer Nicholson, Ponca City

### Vice Chair

Jim Greff, Prague

### Secretary

Glenn Fisher, Edmond

### Treasurer

Gary Jones, Altus

### Members

Karrie Beth Little, Watonga  
Richard Raupe, Okeene  
Kenzie Wheeler, Duncan  
Dixie Johnson, Perry  
Jason McPherson, Marlow  
Chuck Ralls, Comanche  
Patty Witchey, Laverne

OMPA Web Address: [www.ompa.com](http://www.ompa.com)  
24-Hour Emergency.....1-405-340-8313

OMPA E-Mail Address: [ompa@ompa.com](mailto:ompa@ompa.com)  
Non-Emergency (from 8 am to 5 pm, Monday - Friday).....1-405-359-2500