



Deposition of:

**Hearing**

*January 8, 2020*

In the Matter of:

**Public Hearings To Screen Candidates  
For The Public Service Commission**

[A. William Roberts, Jr & Assoc.](#)

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STATE REGULATION OF PUBLIC UTILITIES  
REVIEW COMMITTEE

2020 Public Service Commission Screening

Seats 1,3,5,7,9

DATE: January 8, 2020

TIME: 9:21 AM

LOCATION: Senate of South Carolina  
1101 Pendleton Street, Room 207  
Gressette Building  
Columbia, SC

REPORTED BY: Priscilla Nay,  
Certified Shorthand Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 APPEARANCES:

2 SEN. THOMAS C. ALEXANDER, CHAIRMAN

3 REP. WILLIAM E. SANDIFER, III, VICE CHAIRMAN

4 MARGARET BLUESTEIN, ESQUIRE

5 REP. MICHAEL P. FORRESTER

6 REP. DAVID J. MACK, III

7 SEN. LUKE A. RANKIN, SR.

8 JOHN S. SIMMONS, ESQUIRE

9 RICHELE K. TAYLOR, ESQUIRE

10 HEATHER ANDERSON, ESQUIRE, COMMITTEE COUNSEL

11 STEVE DAVIDSON, ESQUIRE, COMMITTEE COUNSEL

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1                   SENATOR ALEXANDER: Good morning.  
2           I'll call this meeting of the State Regulation  
3           of Public Utilities Review Committee to order  
4           on Wednesday, January 8th as we continue Public  
5           Service Commission screenings, Seats 1, 3, 5  
6           and 7. By motions yesterday we will go into  
7           executive session with each candidate at the  
8           appropriate time within their screening.

9                   Also, I do want to remind folks at  
10          the Review Committee request that substantive  
11          information during the screening not be shared  
12          until after the final candidate has been screened.  
13          The candidates are sequestered prior to their  
14          screening in order to ensure fairness during the  
15          process.

16                   However, the purpose of being  
17          sequestered is defeated if candidates are contacted  
18          or read about what questions are being asked or  
19          read an earlier candidate's screening online.  
20          A transcript of these screenings will be posted  
21          online. So I just bring that again to everyone's  
22          attention, members as well as those in the audience  
23          and certainly the candidates from that standpoint.

24                   Those executive sessions that we have  
25          are pursuant to the sections that we have that were

1 referenced yesterday. Okay. I believe we're  
2 prepared to go into our first for today. We have  
3 before us first for seat -- now screening Seat 3.  
4 First up is Mr. Stephen Mike Caston. Good morning.

5 MR. CASTON: Good morning.

6 SENATOR ALEXANDER: I appreciate you  
7 being here. I'm going to ask that the court  
8 reporter swear you in for your testimony.

9 STEPHEN MICHAEL CASTON  
10 being first duly sworn, testified as follows:

11 SENATOR ALEXANDER: And I'm going to  
12 recognize Mr. Davidson again for our process.

13 MR. DAVIDSON: Good morning, Mr.  
14 Caston. If you'll press the top -- thank you.  
15 Mr. Caston earned a Bachelor of Science degree in  
16 Civil Engineering from Clemson University in 1978  
17 and later earned a Masters in Public Administration  
18 in 2004 from the Clemson University/University of  
19 South Carolina Joint Master Program.

20 Mr. Caston currently owns and operates  
21 Mike Caston Consulting which he started in March  
22 of 2019. Prior to starting the consulting firm  
23 Mr. Caston served as CEO and General Manager of  
24 SJWD Water District of Spartanburg County. He  
25 worked for SJWD from '91 to 2019 starting as a

1 district engineer where he performed all  
2 engineering and managed all professional  
3 contracts before becoming the general manager and  
4 CEO in '97. Mr. Caston saw the growth of the  
5 utility from serving approximately 12,000  
6 customers in '96 to approximately 27,000 in 2019.

7 During this time Mr. Caston oversaw  
8 the following changes: Project initiatives using  
9 technology and assessments of business practices to  
10 decrease the number of employees from 51 to 39, no  
11 base rate increases since '96, a reduction in  
12 customer service fees, a change from a declining  
13 block rate structure to an inclining block rate  
14 over 15,000 gallons a month, establish a capital  
15 reserve fund to fund the bulk of their capital  
16 expenditures, maintain low debt including a \$1.3  
17 million revenue bond that would be paid off in July  
18 of 2020 leaving zero debt installing approximately  
19 \$75 million of infrastructure since '97.

20 Prior to working for SJWD Mr. Caston  
21 was a project engineer from '88 to '91 for Black &  
22 Veatch. From '78 to '88 Mr. Caston worked as a  
23 design engineer and contract construction manager  
24 for Enwright Associates. Mr. Caston also worked  
25 as an engineer for James T. Triplet and L.R. Ryan

1 bridge contractors. Over the course of his career  
2 Mr. Caston has also served in the following  
3 capacities: A board member of the Pickens County  
4 Water and Sewer Authority, several American Water  
5 Works Association committees, the Governor's  
6 Drought Response Committee, Task Force Leader for  
7 the Governor's Management Accountability and  
8 Performance Committee, Peer Review Team Leader for  
9 AWWA'S QualServe program, a board member of the  
10 Foothills Resource Conservation & Development  
11 Council, the Appalachian Council of Governments  
12 Regional Water Quality Advisory Committee, the  
13 ACOG's Basin Planning Authority, the DHEC  
14 Regulation Revision Committee, a board member of  
15 the Voluntary Certification utility distribution  
16 distribution and collection personnel, Former  
17 President of Spartanburg County Water Manager's  
18 Association, Former Vice Chair of Board of  
19 Directors for South Carolina Special Purpose  
20 Districts, and lastly a former board member of the  
21 South Carolina Rural Water Association.

22 Mr. Caston, do you have any changes  
23 that you would like to make to the personal data  
24 questionnaire you submitted with your application?

25 AUDIENCE MEMBER: No, sir.

1 MR. DAVIDSON: Mr. Chairman, I  
2 would request that Mr. Caston's personal data  
3 questionnaire be entered into the record with any  
4 confidential information being redacted.

5 SENATOR ALEXANDER: So ordered.

6 (EXHIBIT 1, Personal Data Questionnaire  
7 Stephen Michael Caston, was marked for  
8 identification.)

9 MR. DAVIDSON: As part of our  
10 background investigation of the candidate we  
11 obtained a credit check, driver's license, and  
12 SLED check. Any questions of a confidential or  
13 personal nature will be taken up in executive  
14 session.

15 Before we begin the questioning, Mr.  
16 Caston, do you have a brief statement you would  
17 like to make?

18 MR. CASTON: Well, I jotted down some  
19 points, but I don't need to. If you read all of  
20 that I don't know what more I could really add.

21 MR. DAVIDSON: I imagine you'll get the  
22 opportunity through the remaining questions.

23 MR. CASTON: Thank you.

24 EXAMINATION

25 BY MR. DAVIDSON:



1 Q. Before we begin, could you please state  
2 for the record your name and home address.

3 A. Stephen Michael Caston, 128 Riverpoint  
4 Drive, Clemson.

5 Q. Are you a registered voter?

6 A. Yes, sir.

7 Q. In which congressional district?

8 A. Three.

9 Q. Why are you interested in serving on  
10 the Public Service Commission?

11 A. Well, I believe I bring a -- I  
12 wouldn't say a unique perspective and that there's  
13 something special about me because there isn't,  
14 but I do believe with my background not only as a  
15 consulting engineer -- because I had to write many  
16 reports.

17 I actually had to read them and as an  
18 executive director with SJWD we commissioned a good  
19 many reports. I also had to read those and I had  
20 to understand them. Not only as a citizen do I  
21 have to pay utility bills, but I have a long time.

22 I wish there was some age limit  
23 you got that you didn't have to pay them after a  
24 certain age. As Director of SJWD we also had to  
25 pay utility bills. Generally electricity was one

1 of our three big ones. In our industry typically  
2 it's people, water -- I mean people, power, and  
3 chemicals. Those three.

4 If you can't affect those three you  
5 can't do anything. So I've pretty much seen it  
6 from different perspectives. We also as a utility  
7 commissioned rate studies and we charge rates to  
8 customers. We took that very seriously. So I  
9 believe that I can help.

10 Q. Have you attended any hearings at the  
11 Commission?

12 A. Yes.

13 Q. Have you read any of their decisions?

14 A. Yes.

15 Q. How would you expect to get up to speed  
16 on the issues confronting the Commission?

17 A. I've thought a lot about that. There's  
18 no one right way or one perfect way, but typically  
19 what I do -- when I became the manager at SJWD I  
20 didn't have a clue. I mean, I'd never been a  
21 manager, an executive director. What does that  
22 mean? But I did what I always do. I studied.

23 What do we have? What could I look at?  
24 What are our budgets? I asked a ton of questions  
25 to the point of being annoying at times probably

1 and I got many answers. But just because I got  
2 answers didn't mean that was good enough because I  
3 wanted to know where the answers came from because  
4 if I just got someone's opinion that's just an  
5 opinion.

6 Can you show me why you think that?  
7 Where does it say that? Where does it say that? I  
8 used to do that all the time with DHEC. Where does  
9 it say that in the regulation? I read the  
10 regulation. I don't see that.

11 So I can't say there's one right way  
12 again to do it, but the way I approach things is  
13 you observe. You dig deep, ask questions, and just  
14 don't accept any answer.

15 Q. Thank you. What role does the Public  
16 Service Commission serve in regards to the  
17 regulation of utilities?

18 A. I'm sorry?

19 Q. What role does the Public Service  
20 Commission serve in regards to the regulation of  
21 utilities?

22 A. Well, by statute, you know, services  
23 and rates they're responsible for with electrical  
24 utilities and in particular water utilities. They  
25 use terms like just, reasonable, and equitable,

1 such as that.

2 Q. For Commissioners is there a role for  
3 activism versus impartial application of the law?

4 A. I wouldn't recommend that. What do you  
5 mean by activism?

6 Q. Well, I mean in the context of serving  
7 as an advocate for a particular interest or party  
8 as opposed to hearing the facts and applying the  
9 law.

10 A. No. I think the prudent thing is to  
11 always -- as a matter of fact, it's scriptural.  
12 You listen a lot and speak very little but don't  
13 speak until you need to. I think the prudent thing  
14 to do is just listen. We don't need to share  
15 things we don't need to share and by statute we're  
16 not supposed to share.

17 Q. I understand. Thank you. What are the  
18 key factors that a commissioner should consider in  
19 a rate case?

20 A. Well, when I reviewed all of the  
21 information that Ms. Anderson sent -- which by the  
22 way it's about that thick (motioning) and I don't  
23 remember much of it because that was a lot to read.  
24 But when I did look at the -- I guess the general  
25 methods that they use for determining rate

1 structures -- and there's no right one way for that  
2 either, but this is the traditional way.

3 You look at operating costs and revenue  
4 requirements. But operating costs and then, you  
5 know, what are your capital plans times some rate  
6 of return. That is a way or a method, but that's  
7 pretty much what I remember from the information  
8 that I looked at that was provided. But I think  
9 there's much more to it than that.

10 Q. Are you familiar with the three  
11 advisory opinions issued by this Review Committee  
12 dealing with attendance at legislative receptions?

13 A. Could you repeat that. I --

14 Q. Are you familiar --

15 A. Yes, sir.

16 Q. And forgive me. I have trouble with  
17 that word -- with the advisory opinion issued by  
18 the Review Committee dealing with three things:  
19 Legislative receptions, legislative caucus  
20 meetings, and political gatherings.

21 A. Yes.

22 Q. Have you attended any legislative  
23 receptions or any legislative caucus meetings  
24 since submitting your application?

25 A. No.

1           Q.    Have you attended any political  
2 gatherings since submitting your application?

3           A.    No.

4           Q.    Could you please explain the general  
5 rule regarding ex parte communications as it  
6 relates to the Public Service Commission.

7           A.    In layman's terms?

8           Q.    Yes, sir.

9           A.    You keep your mouth shut. You know --  
10 and I get it. I understand it. If you're going  
11 to have conversations everybody needs to be a part  
12 of that conversation and discussion. That is the  
13 only fair thing to do. So while Latin wasn't my  
14 expertise and I'm no attorney I understand what it  
15 means.

16          Q.    Okay. Assume you're serving on the  
17 Commission and you are approached by someone  
18 wanting to discuss a matter that is or may become  
19 an issue in a proceeding. How would you handle  
20 that situation?

21          A.    You don't discuss it. I wouldn't be  
22 rude, but it's something I can't do.

23          Q.    Are you aware that commissioners are  
24 subject to the judicial code of conduct as well as  
25 state ethics laws?

1           A.    Yes, sir.

2           Q.    Could you briefly describe the five  
3           canons in the Code of Judicial Conduct.

4           A.    In a nutshell, public integrity.  
5           You avoid evil or the presence of in your  
6           professional dealings. You deal wisely and with  
7           integrity. In my personal life it's the same way,  
8           with integrity.

9                     It's not perfection but with integrity.  
10          Also, it's best to avoid being involved in the  
11          politics side of things.

12          Q.    What do you consider to be an  
13          appropriate use of social media pursuant to the  
14          judicial canons?

15          A.    Personally I think -- I have -- I don't  
16          want to use it. I have no use for it. I've tried  
17          to share that with my children, but they don't  
18          quite see the wisdom yet. They will in time I'm  
19          pretty sure.

20                 Look. I'm not opposed to it, but I  
21          don't care to do that personally. If y'all require  
22          that someone else will have to do it I'm afraid.

23          Q.    Are you or a member of your immediate  
24          family employed by a utility regulated by the  
25          Public Service Commission either now or in the

1 past two years?

2 A. No, not that I'm aware of.

3 Q. Do you or a member of your immediate  
4 family have stock or other financial interest that  
5 is directly controlled by you or your family member  
6 of a utility regulated by the Commission?

7 A. Not that I'm aware of.

8 Q. Do you or a member family of your  
9 immediate family have stock or other financial  
10 interest that is directly controlled by you or  
11 your family member of a renewable energy company  
12 that appears before that Public Service Commission?

13 A. Not that I'm aware of, no.

14 Q. Are you or a member of your immediate  
15 family member an officer or director involved in  
16 the management of any business enterprise?

17 A. Any business enterprise?

18 Q. I believe you're a consulting firm?

19 A. You mean like Mike Caston Consulting?

20 Q. Yes, any business enterprise.

21 A. By virtue of the name it lets you know  
22 really how deeply I thought about that. Other  
23 that, no.

24 Q. Other than that, no. Thank you. What  
25 is the role of -- what type of consulting does the



1 firm do?

2 A. When I retired from SWJD in March, you  
3 know, I told people a gazillion times actually I'm  
4 just stepping out of the way because the guy that I  
5 wanted to run it -- and they wisely selected him as  
6 ten times better than I ever hoped to be. So they  
7 will be better off anyway. But there's nowhere in  
8 scripture where it talks about retirement.  
9 Nowhere.

10 You know, I wanted to do something  
11 useful. I can't say Mike Caston Consulting was an  
12 avenue for that, but it did allow me to work with  
13 some folks I've known for a while at Clearwater on  
14 a contract basis. They asked me about business  
15 development which I was very honest with them and  
16 told them -- I said, now, be honest.

17 I said, listen, most of the folks I  
18 knew or grew up with in this business are either  
19 dead or retired. I don't know near as much as you  
20 think I do and I'm not as good as you think I am.  
21 But knowing those three things, if you're still  
22 willing to do pay me to do that I will gladly do  
23 that.

24 I have and I appreciate it. That's  
25 pretty much the extent of it, just business

1 development and calling on the municipalities  
2 and folks that I kind of know in the business.

3 Q. Thank you. The next question is a  
4 little long. So if you need me to repeat it let me  
5 know. What entities did you or a member of your  
6 immediate family receive income from within the  
7 past year?

8 Now, this does not include IRA,  
9 deferred compensation funds, disability, mutual  
10 funds, pensions, retirement, or funds received from  
11 your financial institution in the ordinary course  
12 of business. So other than those items what  
13 entities did you or a member of your immediate  
14 family receive income from in the previous year?

15 A. In 2019?

16 Q. Yes, sir.

17 A. Well, SJWD, the lawyer you told me I  
18 work for, Goodwyn Mills and Cawood. Pretty sure  
19 that's it.

20 Q. Thank you. If elected would there be  
21 any potential conflicts of interests, financial or  
22 otherwise?

23 A. Financially or -- there could be --  
24 well, as part of my business development one of  
25 the clients that Goodwyn Mills and Cawood has and

1 Clearwater which is a subsidiary -- that's their  
2 contract operations group -- is Blue Granite which  
3 is an investor-owned water utility. You know, I do  
4 work for Goodwyn Mills & Caywood and Clearwater. I  
5 know Blue Granite.

6 I know what they do. I know some of  
7 the people. So anything related to that I would,  
8 you know, recuse myself from anything related to  
9 Blue Granite.

10 Q. Thank you. That leads me to the next  
11 question which isn't only including that case. But  
12 in general what would you do if a conflict of  
13 interest arose?

14 A. Acknowledge it. Like, hey, is this an  
15 issue? Is this -- can this be a problem? Because,  
16 listen, I understand it.

17 I mean, I don't even want the  
18 appearance of something, you know, that's not  
19 right. I'm assuming there would be enough folks to  
20 ask to help clarify that. Generally speaking I get  
21 it.

22 Q. Are you affiliated with any political  
23 parties, boards, or commissions that would need to  
24 be reevaluated if you were nominated and elected?

25 A. No, sir.

1 Q. Do you belong to any organization that  
2 discriminates based on race, religion, or gender?

3 A. No, sir.

4 Q. What is the appropriate demeanor for a  
5 commissioner?

6 A. My opinion is that level heads tend to  
7 prevail. Calmness. Now, it's easy for me to say  
8 this when with my children I did it just awful. I  
9 also found that girls tend not to respond quite as  
10 well to loud talking as boys do. But that said, I  
11 think just even keel. Listen. Stay calm. Be  
12 truthful. It's not magic.

13 Q. Does this demeanor apply only while  
14 serving on the bench or does it apply 24 hours a  
15 day, 7 days a week?

16 A. If you're wise it will.

17 Q. If elected to serve as a commissioner  
18 how do you envision your work schedule?

19 A. Full-time job. You do what you need to  
20 do.

21 Q. Could you briefly describe the term  
22 integrative resource plan.

23 A. I'm sorry.

24 Q. Could you briefly describe the term  
25 integrative resource plan.

1           A.    The way the regulation or the  
2    legislation defines it -- and that's in essence  
3    what was requested or required especially in Act 62  
4    was that all utilities and not just the investor  
5    owned -- I believe I'm right in saying this. I'm  
6    not I'm sure somebody will point that out -- should  
7    develop a future plan that looks at all renewables  
8    but not just what's there.

9           You know, what emerging technologies  
10   are there, what could occur including energy  
11   storage and everything else. So look at putting  
12   that as part of their capital plans and future,  
13   their distributing energy resource planning.

14           I think that has to be revised every  
15   three years and then updated annually. I'm pretty  
16   sure that's in essence what it is.

17           Q.    Could you briefly describe the term  
18   cross-subsidization.

19           A.    I think -- because that was the term I  
20   wasn't familiar with, but the other name they  
21   called it I was. It's the same thing. I think in  
22   essence what it is is all these maybe wonderful  
23   ideas, you know, doing this renewable project or  
24   this renewable project. I believe the intent is  
25   for it not to cost nonparticipating customers more

1 because of it. I think that's what that was, but  
2 if it's not I'll let you clear that up for me.

3 MR. DAVIDSON: Thank you, Mr. Caston.  
4 At this time, Mr. Chairman, I'd ask that we go into  
5 executive session.

6 SENATOR ALEXANDER: Okay. By previous  
7 order of the motion that was adopted yesterday as  
8 I mentioned earlier we'll go into executive  
9 session.

10 Also, I would point out as I meant to  
11 at the beginning of the meeting as I obviously call  
12 the meeting to order more than a quorum is present  
13 and proxies in hand. So that at this time we'll go  
14 into executive session.

15 (Off-the-record conference.)

16 SENATOR ALEXANDER: We're back in  
17 session. The veil has been lifted and no action  
18 was taken as a result of executive session. I'll  
19 ask Mr. Davidson to continue his questions.

20 BY MR. DAVIDSON:

21 Q. Mr. Caston, as you know, we do a review  
22 of the Public Index and search for any lawsuits  
23 with individuals that have the same or a similar  
24 name to yours. Three came up.

25 If you would, please briefly describe

1 what those cases were about. The first one was a  
2 2001 case, Stephen M. Caston versus Unknown  
3 Defendants. Do you recall that?

4 A. Is that the one from Easley?

5 Q. One second, please. Yes, sir. City of  
6 Easley is a named Plaintiff in the lawsuit.

7 A. Yes, sir. Actually -- I had actually  
8 kind of forgotten about that, but that's where we  
9 tried to recover -- my wife and I -- costs from  
10 City of Easley. Were quasi-successful. Of the  
11 \$5,000 I think recovered 3,000. That related to  
12 when we were in the process of sending our son to a  
13 private boarding school which is a nice away of  
14 saying probably reform school.

15 Some students showed up at our house  
16 about seven that morning as we were packing up,  
17 trying to get him ready to go. We thought nothing  
18 of it. We went around our business trying to pack  
19 up our son's stuff getting ready to ship him off.

20 About four or five days later we got a  
21 call from the school resource officer wanting to  
22 arrest my wife and me for -- I think they said  
23 enabling enrolled children or something to miss  
24 public school. I was a little bit upset when I  
25 heard that. Anyway, it was thrown out, but to

1 throw it out it cost me a good deal of money. It  
2 didn't cost him anything.

3 So I guess, like I said, it was a  
4 judgment I think in our favor or at least my  
5 wife's. I learned a valuable lesson that day.  
6 Some things you just let go.

7 Q. Thank you. The next one is a 2004  
8 case, Riverpoint Property Owners versus --

9 A. Yeah. We rented to students at our  
10 unit that were Riverpoint as did others. We got a  
11 contract for them, I think, through August and the  
12 homeowners' association didn't want to do that  
13 anymore, which I get it.

14 I get it, but we wanted to honor that  
15 contract. I think the long and the short of it  
16 is that -- that went away. They agreed. Hey, we  
17 need to let these folks finish all the rental  
18 agreements. I live in that place now by the way.

19 Q. Thank you. The last one was a 2006  
20 case in federal court, Laffitte versus SJWD Water  
21 District. I believe you were named simply because  
22 of your official capacity working in --

23 A. In fact, I was surprised that was the  
24 only one. I was like, that's not bad. Yeah, that  
25 was resolved and we had to do nothing.



1           Q.    Excellent.  Have you made any  
2           contributions to members of the General Assembly  
3           since filing your application?

4           A.    No.

5           Q.    Have you sought or received the pledge  
6           of any legislator prior to this date?

7           A.    No.

8           Q.    You sought or been suffered a  
9           conditional pledge of support by any legislator  
10          pending the outcome of your screening?

11          A.    No, sir.

12          Q.    Have you asked any third parties to  
13          contact members of the General Assembly on your  
14          behalf before the final and full screening report  
15          has been released?

16          A.    No.

17          Q.    Are you aware of any friend or  
18          colleagues contacting members of the General  
19          Assembly on your behalf?

20          A.    I have a friend in Anderson County that  
21          did say that he's told some of them that, hey, this  
22          guy's running and he's great.  I did not tell him  
23          to do that at all.  As a matter of fact, when he  
24          told me that I was like, you need to make sure they  
25          understand that I didn't have a doggone thing to do

1 with that.

2 Q. They --

3 A. Now, he did said he didn't ask for --  
4 didn't ask for anything. He said he just let them  
5 know, hey, I know this guy, good friend of mine,  
6 which I wish he hadn't done anything.

7 Q. So --

8 A. I did not ask him to do anything.

9 He --

10 Q. He informed them you were running?

11 A. I informed him.

12 Q. No. Sorry. Your friend that  
13 contacted --

14 A. Yes.

15 Q. He informed them, the members, that you  
16 were running for the seat more or less.

17 A. I think that's what he said he did.

18 Q. Thank you.

19 A. He said he was sick after I told him  
20 what I told him.

21 Q. Are you familiar with the 48-hour rule  
22 which prohibits a candidate seeking 48 hours after  
23 the General Assembly?

24 A. Yes, sir.

25 Q. Okay. Do you plan to serve a full time

1 if elected?

2 A. If God allows me, yes, sir.

3 MR. DAVIDSON: Mr. Chairman, I note for  
4 the record Mr. Caston scored a 67 on the test and I  
5 have no further questions at this time. Thank you,  
6 Mr. Caston.

7 MR. CASTON: I'm not very stellar.

8 EXAMINATION

9 BY SENATOR ALEXANDER:

10 Q. Just for the record, I know we've  
11 referred to numerous times today SJ --

12 A. WD.

13 Q. -- WD. Please for the record spell  
14 that out as to who that is. The commissioners  
15 couldn't get it straight.

16 A. It's Startex-Jackson-Wellford-Duncan  
17 Water District. Okay. I understand using just the  
18 initials are --

19 Q. I understand from that standpoint.

20 A. It is a Special Purpose District set up  
21 by special active legislation.

22 SENATOR ALEXANDER: Okay. I'll come  
23 back to other questions, but I want to get that for  
24 the record. Chairman Sandifer.

25 REPRESENTATIVE SANDIFER: Thank you,

1 Mr. Chairman.

2 EXAMINATION

3 BY SENATOR ALEXANDER:

4 Q. I want to follow up for just a moment  
5 on the question that Mr. Davidson asked regarding  
6 people contacting legislators. One of the people  
7 who supports your candidacy according to what you  
8 provided to us is a good friend of mine.

9 Bob Faires is the Director of Utilities  
10 in Seneca and he is one of the people offered to  
11 support you as -- with a letter of recommendation.  
12 He had not mentioned your name to me and I see him  
13 every Sunday. So just for the record I want to  
14 make sure that everybody understands that his --

15 A. I --

16 Q. -- friend --

17 A. I tried to make that clear.

18 Q. I think Bob understands that. When you  
19 were asked the role of the PSC what did -- I guess  
20 I'm trying to dig a little deeper into what you  
21 really see the Commission doing. What is their  
22 function?

23 A. Well, you have this statutory function  
24 as --

25 Q. Yeah, and I guess --

1 A. -- we discussed but --

2 Q. What I'm saying is, what is that?

3 A. Well, as I understand it -- and from --  
4 from Act 175 and having read it -- as a matter of  
5 fact, I had it written out so I could read it to  
6 you, but I knew that you already know this. So I'd  
7 be reading what you already know. It's -- in  
8 essence you have investor-owned entities whether  
9 it's telecommunications, gas, electric, water,  
10 wastewater.

11 They are investor owned. They're  
12 privately owned. Then you have the public like me  
13 and you guys that -- we want to a reliable service,  
14 but we don't want to pay any more than we have to.

15 As a matter of fact, we want it to  
16 be as cheap as it can be. So you have a private  
17 company. It's privately owned but publicly  
18 controlled via the Public Service Commission.  
19 So there's an inherent conflict right off the bat.

20 It's understandable. But the intent  
21 is -- wisely so I think -- to have a body, the  
22 Public Service Commission, to be as prudent, fair,  
23 equitable as possible and to weigh all those things  
24 and make determinations relative to service and  
25 rates of that private entity that doesn't

1 negatively affect them hopefully. It doesn't  
2 negatively affect the customer.

3 Now, that's a fine line. It's tough.  
4 If I could -- and these are just my opinions. As I  
5 looked at Act 236, to me that got the ball rolling  
6 on renewables. Prior to that electric utilities  
7 pretty much were mandated just to make sure their  
8 facilities and rates were as economic as possible  
9 and no requirement beyond that very much.

10 Act 62 to me -- and I read it somewhere  
11 I think in one of the ORS reports they had done --  
12 it was like version 2.0 of 236. It's like, okay,  
13 here's what we learned. Here's what we found.

14 Now, we need to e-mail your rate or  
15 some of that. In my view -- and I could be wrong.  
16 I don't think I am. It could be Act 62 actually  
17 which gave the Public Service Commission really  
18 greater flexibility, you know, to kind of do this  
19 stuff and dig deeper.

20 You know, one using the third-party  
21 expert in consulting I think is pretty wise because  
22 when I listened to some of those and I went to some  
23 of these and I read some of these things -- I'm  
24 going to tell you what -- if I had to sit up there  
25 listening to just what I listened to and knowing no

1 more than I know I wouldn't have a clue what to do.  
2 I wouldn't know what's right.

3 I wouldn't know what answer is the  
4 right answer. I wouldn't, but I think the  
5 flexibility -- it allows -- I think it gives great  
6 opportunity to really dig down and understand what  
7 the -- I believe what the intent of Act 62 was is  
8 to allow that flexibility to get the answers.

9 Don't just accept what you hear. Now,  
10 I'm probably a rambling answer. I hope that's the  
11 answer.

12 Q. I appreciate it very much. I will make  
13 one comment and then I'm going to deal. I think  
14 you may be the most humble candidate I've ever  
15 seen come before this body truly. You have the  
16 expertise and yet you have a humility that's  
17 refreshing.

18 A. When you've screwed up as much as I  
19 have, sir, that's not hard to find.

20 SENATOR ALEXANDER: Any other  
21 questions? Representative Forrester.

22 REPRESENTATIVE FORRESTER: Thank you,  
23 Mr. Chairman.

24 EXAMINATION

25 BY REPRESENTATIVE FORRESTER:

1           Q.    Mr. Caston, you were asked earlier had  
2           you attended any political events. Do you recall  
3           back in November attending a Spartanburg County  
4           delegation meeting?

5           A.    Yes.

6           Q.    Okay. What was the purpose there?

7           A.    To attend the delegation meeting. I  
8           wanted to introduce myself as a candidate for  
9           District 3.

10          Q.    And that's all you did?

11          A.    That's all I did.

12          Q.    Okay.

13          A.    As a matter of fact, I kind of left  
14          early and I hope that didn't hurt anybody's  
15          feelings.

16          Q.    I just wanted to clear that up. The  
17          only other question I've got for you is, what makes  
18          you the best candidate for the position?

19          A.    Oh, I didn't say I was the best  
20          candidate for this position. But what makes me  
21          think I can do it is I'm not afraid to fail. I  
22          don't mean that in a negative way. I'm just not.

23                I mean this honestly. When I say I've  
24          screwed up a lot, man, I have. But I actually  
25          learn from it. I'm a slow learner sometimes. God.



1 But I know it's okay not to have all the answers  
2 because the tendency is -- and I'll be honest -- is  
3 to come and give y'all the answers you think you  
4 want to hear. That's not what I am because I don't  
5 have all the answers. But I'm not afraid to dig  
6 down and ask the questions.

7 Just because you tell me that's the  
8 answer that -- you might have to show me where  
9 that's the answer. Like show me in the regulation  
10 where it says that. Show me in the law where it  
11 says that.

12 I observed one final thing is -- and in  
13 this particular study here I read every word of  
14 that. As a matter of fact, I read every word of  
15 these studies. It's a painful read to if you want  
16 to know the truth. Painful read.

17 It clearly points out to make the  
18 recommendations or to make the right answer because  
19 things weren't as transparent as they should be. I  
20 find that troubling. I would not want to make  
21 decisions based on that. So, again, I've rambled  
22 on too long. I apologize.

23 Q. One last question.

24 A. Yes.

25 Q. All right. Did you attend any other

1 delegation meetings?

2 A. Yes, sir.

3 Q. Which other ones?

4 A. Dang. I knew you was going to the ask  
5 me that. I should have wrote them down. Horry  
6 County. I just happened to be at the beach at the  
7 time. That was pretty convenient.

8 Abbeville, Lexington County, Richland  
9 County, Pickens County. Spartanburg County. I  
10 primarily wanted to attend the ones or try to at  
11 least in District 3 if I could.

12 I missed Edgefield. I wanted to make  
13 Edgefield. My granddaughter had some function or  
14 ball game or something. Edgefield I lost.

15 Q. At those you just merely introduced  
16 yourself and that you were running?

17 A. That's all.

18 REPRESENTATIVE FORRESTER: Thanks.  
19 Representative Mack.

20 REPRESENTATIVE MACK: Mr. Chairman,  
21 thank you.

22 EXAMINATION

23 BY REPRESENTATIVE MACK:

24 Q. Mr. Caston, thank you for offering to  
25 serve. My question -- you have a very extensive

1 and good background and I was looking at this  
2 especially as it relates to water. I wanted to get  
3 your thoughts on our future. The one constant we  
4 have is change, our constant growing population,  
5 the challenge of resources, et cetera.

6 What are your thoughts over the  
7 next five years based upon your experience or  
8 probably going into the Commission as relates to  
9 specifically water as a resource clean water will  
10 have -- when we'll have it in all parts of the  
11 state. Just your general thoughts.

12 A. Funny you should ask that. Probably  
13 for -- since I'd say '90/'91 -- 1991/1992 I've had  
14 a passion for statewide water resource management.  
15 You can call -- you know, you've heard the state  
16 water plan. DNR is a state water plan.

17 As a matter of fact, I worked with  
18 Dr. Bader in the early days in first gyration of  
19 that intensely. The state water plan's fine, but  
20 it's just a compilation of stuff. Good stuff.

21 For I guess the past 20 years in  
22 particular talking to anybody that would listen --  
23 and I'm thinking maybe some of you in this room.  
24 I don't think so. I know that a Senator probably  
25 heard more from me than he wanted to -- I have been

1 very passionate about the State of South Carolina,  
2 the legislative effort to develop a legitimate  
3 statewide water resource management plan because,  
4 you know, economic development -- nothing occurs  
5 unless you have adequate clean supplies of water.

6 Now, we talk about droughts of record  
7 because I'm on -- I'm still on the Governor's  
8 Drought Response Committee by the way. I can't be  
9 removed by statute, but that will occur, I think.

10 But what should occur or needs to occur  
11 in my opinion is we look at -- and DNR has used  
12 these flow records from, say, Savannah and other  
13 rivers for the last 86 years of data because that's  
14 when they were put in.

15 In my research through the course  
16 of time looking at something called, you know,  
17 paleoclimatology -- looking way back -- and  
18 dendroclimatology which is looking at ancient trees  
19 in South Carolina -- as a matter of fact, some in  
20 the Clemson area -- the Clemson Experimental Forest  
21 are over 600 years old.

22 You go to cores and you look at extra  
23 growth rings. What I'm concerned about and really  
24 will share is that, yeah, we've had droughts.  
25 But there have been droughts in North America

1 of biblical proportion, unbelievable droughts  
2 that have caused colonies to disappear.

3 So to answer your question, I  
4 believe it's very important. DNR is -- I have put  
5 together a committee. They're looking at the basin  
6 assessments and the individual basins.

7 I believe that's a good step. I hope  
8 they continue to do it, but I am a strong, strong  
9 advocate of a stakeholder-driven process and not a  
10 regulatory process. It's not a DNR process because  
11 they're wonderful people with the best intentions  
12 but the folks that have to live with it need to be  
13 involved to help drive that.

14 I hope that kind of answers the  
15 question. I probably went off the deep end on  
16 that. I'm sorry.

17 SENATOR ALEXANDER: Okay. Briefly,  
18 if you could I understand that you started your  
19 consulting back in March of 2019. If you become a  
20 Commissioner what would happen to those -- that  
21 business interest?

22 A. I expect it's going to screw that up,  
23 but I would have to really not do anything. Now,  
24 on occasion I was asked -- because I was asked by  
25 my boss. He said, hey, could you play golf on

1 Saturdays maybe? I said, well, if I don't have  
2 anything else to do.

3 I like to I play golf. So I might  
4 could do that, but they understand and I understand  
5 that that would -- I would probably not -- I would  
6 not be able to do what I'm doing now.

7 Q. Okay. So, I mean, do you consider --  
8 would you consider it to be a full-time job?

9 A. The Public Service Commission?

10 Q. Yes, sir.

11 A. Oh, yes.

12 Q. Yes, sir. So that would -- okay. So  
13 how -- just briefly the interest in -- did the  
14 SJWD were you involved in setting rates with that  
15 entity?

16 A. Yes, sir.

17 Q. So how did you or how would you manage  
18 interests in a rate case briefly? Different  
19 interests. Competing interests. How do you  
20 balance that?

21 A. Well, again, the words that we use  
22 throughout are fair, reasonable, just and all this  
23 good stuff. I agree. One thing -- one thing I  
24 observed through the last 30 years looking at  
25 different rates -- rate studies -- because at one

1 time SJWD was a consecutive system. We purchased  
2 water from Spartanburg Water System.

3 At that time that was about 50 percent  
4 of our total budget. So, you know, we had very  
5 little control. If they weren't particularly  
6 efficient that didn't help us either because, you  
7 know, that meant that our rate was going to go up.

8 So when we -- with SJWD we got our own  
9 water source, own plant, separated ourself from  
10 that. I observed that when it came to rate studies  
11 because we had all kind of folks coming in and  
12 wanting to do rate studies, some of the big firms.

13 There are standard methodologies in  
14 our industry, American Water Works and all that  
15 suggest -- allows, you know, looking at the  
16 different classes and how to break them up into  
17 classes, what to consider in those costs. The  
18 truth of the matter is you can make a rate study  
19 say anything you wanted to and justify generally  
20 speaking.

21 Some may argue with that, but that's  
22 the truth. Our goal was to treat it like we  
23 owned it and really like The Golden Rule. Treat  
24 people the way you want to be treated. So if you  
25 noticed -- I don't know if you noticed. It's

1       rather unprecedented. When I said we have not gone  
2       up on rates at SJWD since 1996, that wasn't funny.  
3       Now, I used to get a lot of crap about that if you  
4       want to know that. I apologize.

5               I didn't mean to say that. Don't type  
6       that because -- you know, I was sometimes I guess  
7       scolded or criticized by other utilities, that I'm  
8       just delaying the inevitable.

9               It's just going to hurt you. You need  
10      to go up with inflation every year. You need to go  
11      up. You need to go up.

12              We didn't need to because we really did  
13      try to operate it the way we thought we should, to  
14      based on the truth. Now, sometimes we mess that up  
15      using technology as a strategy. It turned out, oh,  
16      that's not really helpful a lot but generally  
17      speaking we tried to do --

18              Q.     One final question for you from my  
19      standpoint. If you could briefly just say being  
20      impartial versus being an advocate, how do you  
21      distinguish between those two?

22              A.     You know, everyone in this room has  
23      their own biases, their own partiality. I have the  
24      good fortune of going to the Clemson game Monday.  
25      I'm biased as the dickens. I want the Tigers to



1 win. I'm honest enough to tell you that, listen,  
2 there were times when I had folks come to my office  
3 that -- they weren't right about a lot of things,  
4 but they were mad. They were mad. It's as simple  
5 as that.

6 I found it best to let them vent that  
7 mad, get it over with, and then we could discuss  
8 the truth, the facts impartially. Like this is  
9 what I see. This is my understanding.

10 Do I have it correct? What do you  
11 think? Is this your understanding. Then you try  
12 to determine the difference in the understanding.

13 We can be impartial by simply treating  
14 people the way you want to be treated and judging  
15 not just based on facts. Facts are absolutely  
16 important, but intent is -- am I understanding what  
17 you're doing while you're doing it? Does that kind  
18 of answer your question?

19 SENATOR ALEXANDER: Yes, sir. It does.  
20 Senator from Horry.

21 EXAMINATION

22 BY SENATOR RANKIN:

23 Q. It's Caston, correct?

24 A. Caston.

25 Q. Are you sure it's not Swinney? You

1 don't have to understand answer that.

2 A. While I'm on that, Dabo's World -- are  
3 you familiar with the Clemson football facility?  
4 Anyway, we call it Dabo's World. The firm I work  
5 for with GMC, they asked to design that. So I get  
6 to visit that on occasion. I'm going to miss the  
7 dickens out of that because that is fun.

8 Q. Dabo Swirl, is that a drink? GNC?  
9 Anyway --

10 REPRESENTATIVE FORRESTER: Too late.

11 THE WITNESS: I should not have  
12 broached that subject. I apologize.

13 BY SENATOR RANKIN:

14 Q. You may have noticed a certain Upstate  
15 orange-ring-wearing fellow come up and whisper to  
16 me. I think he's drinking that same swirl. Good  
17 luck Monday night, truly.

18 A. Thank you, sir.

19 Q. In the realm of impartiality it will  
20 never come to this again if all goes well and you  
21 were to be successful. But say that you had before  
22 you at the PSC a rate case that was purely divided  
23 between Clemson and Carolina.

24 What would you do? You have admitted  
25 you are biased. Would you recuse yourself, sir,

1 from that?

2 A. I'm pretty sure I would on that one.

3 Q. All right. And that's in jest. I'm  
4 curious on a -- a serious note your work as I  
5 heard -- I think correctly you have done consulting  
6 work for Blue Granite?

7 A. Well, actually for Goodwyn Mills and  
8 Cawood in Clearwater. There are -- Blue Granite  
9 in the last two years has -- is a client of theirs  
10 from an engineering point of view.

11 They do some engineering design for  
12 them trying to upgrade their systems and Clearwater  
13 Services which is the contractor operations that  
14 actually just -- in the last few months actually  
15 became contract operator for their Midlands systems  
16 which are mostly, you know, residential systems.

17 So it's by virtue of me contracting  
18 with Goodwyn Mills and Cawood and Clearwater. I  
19 have met the folks as Blue Granite.

20 So I know them. I'm not intimately  
21 familiar with it all. I don't do any of the  
22 engineering or any of that related to it because  
23 I'm pretty much in just business development. But  
24 that's said there's enough connection there to  
25 where I think the prudent thing to do is just

1 separate yourself from that and any -- anything  
2 relative to Blue Granite.

3 Q. They are the former -- the  
4 company --

5 A. Carolina Water.

6 Q. Carolina Water. There is some  
7 history -- perhaps a maligned history -- that  
8 they have in the Midlands. I don't live in the  
9 Midlands, but some issues that have occurred with  
10 them. Again --

11 A. Correct.

12 Q. -- you recognize that as a connection  
13 you recuse yourself from any decisions that would  
14 involve Blue Granite or any of its --

15 A. Yes.

16 Q. -- partners or subsidiaries. Is that  
17 correct?

18 A. Yes, sir.

19 Q. Okay. And as Representative Hines said  
20 you are steeped in water. There are a lot of  
21 apologies to utilities power generation, rates and  
22 various power sources and -- and that are pending  
23 or that will come or have come before PSC.

24 Just straight out, do you think that  
25 your experience in the water world equips you to be

1 steeped in all things power, electric, solar, or  
2 whatever the -- the form or source of the energy  
3 and issues related to those rates?

4 A. I would never go as far as to say that  
5 I would be an expert in any of those things. I  
6 don't even think I'm an expert in water. I'm  
7 pretty good at it.

8 I'm pretty good at wastewater. But  
9 the same methodology that -- when I say that --  
10 electricity was part of our big three. When it  
11 came to trying to continue to be a best in class  
12 utility or --

13 Q. You're referring to SJ --

14 A. SJWD.

15 Q. Okay.

16 A. That -- a big part of that was power,  
17 a huge part. You know, you can -- you can mess  
18 around with the edges of any budget but from a  
19 utility perspective until you can affect people,  
20 power, or chemicals it's going to have minimal  
21 effect on any budget period.

22 It may look good and it may read good  
23 but it doesn't matter. So we were very particular  
24 about looking at hydro with low head generation.  
25 You know, we were familiar with some of the

1 regulations, which we wanted to do everything we  
2 could do avert that or avoid that. But we actually  
3 own -- we owned -- I'm sorry. We no longer have  
4 anything to do with that -- a -- actually two  
5 systems that once had or have generators now.

6 So I can tell you now that do I feel  
7 like I have a great grasp of it. I could make  
8 brilliant decisions right now on all the things  
9 that are being the discussed now. No, but I will,  
10 because all of these things that I brought are  
11 studies that I read every single word of.

12 Some of it I don't understand. A lot  
13 of it I don't. Some of it I don't. I put notes in  
14 the margin like I need to find out about this.

15 I need to see what this means. Senator  
16 Rankin, to answer your question, I believe I can  
17 get there and will get there. I'm not going to act  
18 like I'm there now.

19 Q. The test itself, talk about that and  
20 your performance on that test.

21 A. That was a tad more challenging than  
22 I thought it was going to be.

23 Q. Do you believe that that test --  
24 and this is a question to all candidates -- is a  
25 fair assessment by this Committee, the General

1 Assembly, of you and the other candidate's  
2 qualifications to serve?

3 A. I think it is a piece, a tool.  
4 I personally don't think I would use just that to  
5 make my decision. I think it's a piece of the  
6 puzzle.

7 Looking back -- of course, looking  
8 back -- in retrospect there's a lot of things I  
9 wouldn't do differently. I probably wouldn't be  
10 sitting here because I'd be filthy rotten rich and  
11 my family would be in wonderful shape.

12 Having said that, the test -- I would  
13 have studied totally different because as I've gone  
14 through this stuff after the test -- I thought  
15 before the test.

16 Actually, after I tried to piece how  
17 it all ties together because when I was -- what --  
18 partially what I was doing is just reading stuff.  
19 Heather sent us a lot of stuff. I mean a boatload  
20 of stuff.

21 Q. For the record, when you first  
22 mentioned that you were about 18 feet high, how  
23 high your hand reached is the stack of stuff she  
24 sent you? Is that a slight exaggeration?

25 A. If you printed it all out it's

1 pretty thick. I mean, it's thick. It required a  
2 Philadelphia lawyer for some of it, too, because  
3 it's a lot of legislation. So what I personally  
4 originally did was just spent a lot of time reading  
5 that stuff, but it was stuff I was reading just a  
6 snippet. This law, this law.

7 What I would do now -- and I've  
8 actually done this -- is how does all this stuff  
9 tie together? I've just been reading stuff. What  
10 does it all mean?

11 As I put this stuff together, looking  
12 at the study that you guys had commissioned, I  
13 think, through ORS that kind of gave you kind of  
14 like a prelude to Act 62 which I thought was --  
15 now, that's pretty clever. I didn't know y'all did  
16 that.

17 That was wisely done because as you  
18 developed Act 62 realizing Act 236 -- great start,  
19 but we're not there. But this study allowed those  
20 pieces, those questions, those ideas -- ORS or the  
21 energy department didn't tell y'all do this, this,  
22 and this.

23 It gave you some ideas or directions to  
24 go. So, hey, I don't know what the average was. I  
25 knew when I walked out of there that whatever me



1 sore was it wasn't as good as I wanted it because I  
2 tend to be -- I wouldn't say a perfectionist. I'm  
3 not even close to that, but I like to do the best I  
4 could do. That day, that was the best I could do.

5 Q. As some of the other Clemson -- as  
6 some of the other PURC members have asked the other  
7 candidates or interestingly not asked of you, what  
8 did you do after the test? Not where did you go to  
9 have your first beer or iced tea.

10 But what did you do when you found out  
11 the results and kind of -- you've touched on this,  
12 but how did you kind of reassess and debrief  
13 yourself on -- what did you do differently?

14 All of that leading up to today, what  
15 have you done in preparation for your appearance  
16 today?

17 A. Well, I didn't go back and try to redo  
18 the test in my mind. I didn't because it's done.  
19 I can't change it. It is what it is. But I  
20 remember the way some of the questions were asked.

21 They were pretty much exactly what you  
22 said it would be. You know, they would be some, I  
23 guess, essays. I thought you were kidding. You  
24 were not kidding.

25 Q. For the record, you're not looking at

1 me. You're looking at Heather.

2 A. Yes, I am. I don't know who did it.

3 Q. That finger has been pointed. That  
4 hand has been extended. Those eyes are glaring,  
5 but not at me.

6 A. I'm looking at Heather, but that said  
7 it was like I get it. It does allow you -- to me  
8 it allowed the opportunity for me to do what I just  
9 discussed with you much more. Much better.

10 But at that point in time I didn't do  
11 that after -- but after that test I don't mind this  
12 in a flippant way. Hey, I knew I didn't do as well  
13 as I'd like to have done, but it's not going to  
14 define me. It doesn't define who I am.

15 I didn't think it about a whole lot  
16 more after that because it's done. It did cause me  
17 to say, I need to go back and reread some of that  
18 and tie it all together. That's helped me more  
19 than anything instead of reading stuff and getting  
20 into the minutia.

21 Like what does all this mean? Why  
22 did y'all do these things? That's helped  
23 significantly. That makes sense.

24 Q. Finally, you could be playing golf.  
25 You could be now on -- what do they call it? What

1 is it in New Orleans? The French Quarter?

2 A. French Quarter.

3 Q. Bourbon Street. You could be on  
4 Bourbon Street right now doing the Dabo Swirl. Why  
5 in the world do you want to be here? Why in the  
6 world do you want to serve on this PSC Commission?

7 A. I've asked that a lot and I've been  
8 asked that a lot. I'll be very candid with you. I  
9 was probably asked a year or so ago by different  
10 people, folks that I knew, just citizens.

11 I told them they were crazy. I said,  
12 no, I don't need to. To be honest, just 100  
13 percent total transparency.

14 My wife asked me that same question.  
15 She said, sure you want to do that? You love what  
16 you're doing. You're good at it. You've got to do  
17 what you want to do.

18 One morning she came to me. She said,  
19 you know, Michael -- she said, I've thought about  
20 this and prayed about it. My scripture today  
21 was -- and she was telling me, I don't even  
22 remember what it was -- Isaiah something -- that  
23 God said, I have a new thing for you.

24 She went on to read it, which I've  
25 already forgotten it. That part I'll remember.

1 She told me -- she looked me right in the eye. She  
2 said, you need to do this. She said, who knows?  
3 This may be your Esther moment, for such a time as  
4 this. Now, I don't know. I don't really know.

5 Once I turned in the paperwork I was  
6 all in. I debated whether I wanted to turn in that  
7 paperwork. Looking back it's kind of like when I  
8 ran track at Clemson when everybody was slow.  
9 Knowing what I'd have known now I would have never  
10 ran track at Clemson.

11 It was too hard. Knowing what I know  
12 now, would I do it? Probably not because that's  
13 too hard. That took a lot of time.

14 I didn't get to play it as much as I  
15 wanted to. I am convinced that I've done the right  
16 thing. Now, what you gentlemen choose -- ladies  
17 and gentlemen -- I'm okay either way. I mean that.

18 I don't mean it in a flippant way. I'm  
19 okay either way. But, yeah, I think I can do this.

20 Q. You're sure your wife is not asking you  
21 this new thing would be to pull for South Carolina?  
22 We need an Esther right now.

23 A. Well, if you want to observe on my  
24 Masters, it actually is a joint program with South  
25 Carolina. I still get stuff from the Gamecock

1 Club and the Alumni Association trying to get  
2 me to contribute money.

3 SENATOR RANKIN: Answer it favorably  
4 once. Thank you for your willingness to do this.  
5 That's all.

6 SENATOR ALEXANDER: On that point, any  
7 other questions?

8 (No response.)

9 SENATOR ALEXANDER: If not we sincerely  
10 appreciate your time and being with us to this  
11 morning. That concludes your screening today.

12 MR. CASTON: Thank you, sir.  
13 Am I dismissed?

14 SENATOR ALEXANDER: Yes, sir.

15 SENATOR RANKIN: Have a great time and  
16 good luck.

17 SENATOR ALEXANDER: Good morning, sir.

18 MR. FREEMAN: Good morning, sir.

19 SENATOR ALEXANDER: Good to see you.  
20 We have before us now our next candidate for  
21 Seat 3, Mr. Santana D. Freeman.

22 I will ask that the court reporter be  
23 recognized to swear you in for your testimony. We  
24 appreciate your attendance here this morning.

25 MR. FREEMAN: Yes, sir.

1 SANTANA DELANO FREEMAN

2 being first duly sworn, testified as follows:

3 SENATOR ALEXANDER: Thank you very  
4 much, sir. I'll recognize Mr. Davidson for some  
5 questions if you'll respond to them.

6 MR. DAVIDSON: Good morning, Mr.  
7 Freeman.

8 MR. FREEMAN: Good morning, sir.

9 MR. DAVIDSON: Mr. Freeman earned  
10 a Bachelor of Arts in Psychology from Clemson  
11 University in 1996. Mr. Freeman has worked for  
12 the GLEAMNS Human Resources Commission at Head  
13 Start since 1997 and is currently serving as an  
14 area manager which includes compliance supervision  
15 for eight Head Start centers.

16 Mr. Freeman served on the Abbeville  
17 City Council November 2000 to November 2016.  
18 Mr. Freeman is currently the Mayor of Abbeville,  
19 having served in that capacity since December of  
20 2016. Mr. Freeman also owns and operates the  
21 Freeman Group, LLC a training company providing  
22 driver's ed, concealed weapons, and CPR and  
23 First Aid training.

24 Mr. Freeman also serves in the Army  
25 National Guard as a communications soldier and

1 officer. Mr. Freeman has served in the Guard since  
2 1993 and completed the US Army Command and General  
3 Staff Officer's course. Mr. Freeman, do you have  
4 any changes you would like to make to the personal  
5 data questionnaire you submitted with your  
6 application?

7 MR. FREEMAN: No, sir.

8 MR. DAVIDSON: Mr. Chairman, I would  
9 request that Mr. Freeman's personal data  
10 questionnaire be entered into the record with  
11 any confidential information being redacted.

12 SENATOR ALEXANDER: So ordered.

13 (EXHIBIT 2, Personal Data Questionnaire  
14 of Santana Delano Freeman, was marked for  
15 identification.)

16 MR. DAVIDSON: As part of our  
17 background investigation of the candidate we have  
18 obtained a credit check, driver's license, and SLED  
19 check. Any questions of a confidential or personal  
20 nature will be taken up in executive session.

21 Before we begin the questioning,  
22 Mr. Freeman, do you have a brief statement that you  
23 would like to make?

24 MR. FREEMAN: Just, you know, it's  
25 a pleasure to be here. The entire process is

1 a definite learning curve for me. But it's a  
2 situation as to where people in Abbeville know who  
3 I am and know my capabilities. I've often been  
4 challenged especially by some of my Guard members  
5 that said that, you know, other people in the state  
6 need to know who you are.

7 So I saw this is as an opportunity to,  
8 you know, just show people who I am. You know,  
9 even if I'm not selected, you know, maybe the name  
10 will resonate somewhere in the future.

11 EXAMINATION

12 BY MR. DAVIDSON:

13 Q. Thank you. Before starting the  
14 questioning could you please state your name  
15 and home address for the record.

16 A. Santana Delano Freeman. My address is  
17 102 Abbeville Avenue, Abbeville, South Carolina  
18 29620.

19 Q. Are you a registered voter?

20 A. Yes, I am.

21 Q. In which congressional district?

22 A. Third Congressional District.

23 Q. Why are you interested in serving on  
24 the Public Service Commission?

25 A. In my role as a City Council member



1 and also as Mayor we've had to -- we have a --  
2 you know, we provide power, water, and sewer to the  
3 citizens of Abbeville. So I have actually, you  
4 know, had to deal with some of the -- I guess on  
5 the operations side as far as dealing with rate  
6 increases and things of that nature.

7 So I understand both sides of it  
8 because I'm also -- you know, I'm actually raising  
9 my own rates when we have to raise them in the  
10 city. But I also understand the operational costs  
11 as well as the effects on the community.

12 Q. Have you attended any hearings at the  
13 Commission?

14 A. No, I haven't.

15 Q. Have you read any of their decisions?

16 A. No. I haven't read any.

17 Q. How would you expect to get up to speed  
18 on the issues in front of the Commission?

19 A. Well, I'm a deep self-study. What  
20 would happen if I am, you know, selected or it  
21 looks like I may be, I would definitely immerse  
22 myself into the role and try to learn it from A  
23 to Z so I can function and be a good team member.

24 Q. What role does the Public Service  
25 Commission serve in regards to the regulation

1 of utilities?

2 A. It has to -- the role that it -- it has  
3 to hear cases with rate increases. Also it looks  
4 at future projects as well and decides whether or  
5 not those rate increases are just justifiable.

6 Q. Is there a role for commissioners to  
7 serve as an advocate versus impartial application  
8 of the law?

9 A. I would rather say you're impartial,  
10 being impartial.

11 Q. What are the key factors that a  
12 commissioner should consider in a rate case?

13 A. I think you have to consider both  
14 sides. You have to consider, you know, you do have  
15 a company that's trying to keep the doors open and  
16 being able to provide quality services to its  
17 customers. But also you have to look at is it just  
18 to the customers and will it cause undue hardships  
19 on the majority of the customers on the system.

20 Q. Are you familiar with the three  
21 advisory opinions issued by the Review Committee  
22 dealing with attendance at legislative receptions,  
23 legislative caucus meetings, and political  
24 gatherings?

25 A. I did read them.

1 Q. Have you attended any legislative  
2 receptions or any legislative caucus meetings  
3 since submitting your application?

4 A. No, I have not.

5 Q. Have you attended any political  
6 gatherings since submitting your application?

7 A. No, I have not.

8 Q. Could you please explain the general  
9 rule regarding ex parte communications as it  
10 relates to the Public Service Commission.

11 A. In my own words basically, you know,  
12 you don't want to put yourself in a situation where  
13 you are communicating outside of the role of the  
14 job.

15 You want to make sure that if it's  
16 something dealing with something that you're going  
17 to have to see as a committee member that it needs  
18 to stay within the -- in the chambers. I wouldn't  
19 want to give an opinion and then that could be --  
20 that could skew a decision moving forward.

21 Q. Assume you would were serving on the  
22 Commission and you were approached by someone  
23 wanting to discuss a matter that is or may become  
24 an issue in a proceeding. How would you handle  
25 that situation?

1           A.     Once I determine that it could possibly  
2     be something or it is something that we're going to  
3     see I would, you know, let that person know that I  
4     can't discuss that at this time and that it will be  
5     coming before the Committee. So, you know, I would  
6     at that time, you know, make my decision.

7           Q.     Are you aware that commissioners are  
8     subject to the judicial code of conduct as well as  
9     state ethics laws?

10          A.     Yes, sir.

11          Q.     Could you briefly describe the five  
12     canons in the Code of Judicial Conduct.

13          A.     Not off the top of my head. You know,  
14     that one was -- you know, I can't list them.

15          Q.     Thank you. What do you consider to be  
16     appropriate use of social media pursuant to the  
17     judicial canons?

18          A.     To be honest with you, I don't use  
19     social media at all.

20          Q.     That would continue if you were to  
21     serve on the Public Service Commission?

22          A.     Yes, sir. I guess I'm a little old  
23     school and kind of a private person. Also, you  
24     know, being an Army officer, you know, it's kind of  
25     ingrained in us you can't give up too much

1 information as far as -- you know, some people --  
2 some people give it all on social media.

3 Q. Thank you. Are you or a member of your  
4 immediate family employed by a utility regulated by  
5 the Public Service Commission either now or within  
6 the past two years?

7 A. Yes. My wife is employed with Dominion  
8 Energy.

9 Q. Do you or your immediate family  
10 have a stock or other financial interest that is  
11 directly controlled by you or your family member of  
12 a utility regulated by the Public Service  
13 Commission?

14 A. No, not that I'm aware of.

15 Q. Do you or a member of your immediate  
16 family have stock or other financial interest that  
17 is directly controlled by you or your family member  
18 of a renewable energy company that appears before  
19 the Public Service Commission?

20 A. No, sir.

21 Q. Are you or a member of your immediate  
22 family an officer or director involved in the  
23 management of any business enterprise?

24 A. Yes. Well, my own training company.  
25 Yes, sir.

1 Q. The name of that one again is...

2 A. Freeman Group, LLC.

3 Q. Freeman Group?

4 A. Right.

5 Q. For the record, is it -- does the group  
6 do anything different than what I said in the  
7 beginning?

8 A. No.

9 Q. This next question is a little long; so  
10 if I need to repeat it please don't hesitate to  
11 ask. What entities did you or a member of your  
12 immediate family member receive income from within  
13 the previous year?

14 Now, this does not include IRA or  
15 deferred compensation funds. It does not include  
16 disability or mutual funds. It does not include  
17 pension or retirement. It does not include funds  
18 received from your financial institution received  
19 in the ordinary course of business.

20 So outside of those what entities did  
21 you or your immediate family member receive income  
22 from in the past year?

23 A. Well, I'll start with my wife because  
24 it's easier. She receives her income from through  
25 Dominion Energy. As far as myself, my income, my

1 main income is from GLEAMNS Human Resources  
2 Commission. Also I'm a member of the South  
3 Carolina Army National Guard and I also serve as  
4 Mayor of Abbeville. So I receive income from those  
5 entities.

6 Q. Okay. Did you receive any income from  
7 your business also?

8 A. Well, I did. But, you know, I'm just  
9 trying to keep it afloat.

10 Q. I understand. And there's no other  
11 entities out there, right?

12 A. No, sir.

13 Q. Thank you. If elected would there be  
14 any potential conflicts of interest, financial or  
15 otherwise?

16 A. None that I'm aware of. I guess I  
17 would have to ask a question, you know, if anything  
18 with Dominion come up, you know, would be my  
19 responsibilities as far as, you know, not  
20 abstaining on those type votes.

21 Q. Following up on that -- and you can  
22 repeat that if you would like. But if a conflict  
23 of interest did arise -- that or another one -- how  
24 would you handle that situation?

25 A. I would abstain from voting, but I

1 would also research it before the vote to make sure  
2 that, you know, I stay within the parameters.

3 Q. Are you affiliated with any political  
4 parties, boards, or commissions that would need to  
5 be reevaluated if you were nominated and elected?

6 A. No.

7 Q. Do you belong to any organization that  
8 discriminates based on race, religion, or gender?

9 A. No, sir.

10 Q. What is the appropriate demeanor for a  
11 commissioner?

12 A. You need to be -- talk less, listen  
13 more. You need to be able to hear both sides and  
14 be fair and impartial. That way you can have a  
15 clear understanding of the information from both  
16 sides and make good decisions within the letter of  
17 the law.

18 Q. Does that apply while you're serving on  
19 the bench or 24 hours a day, 7 days a week?

20 A. In these types of roles it's 24/7.

21 Q. If elected to serve as a commissioner  
22 how do you envision your work schedule?

23 A. I would have to, you know, visit and  
24 see how the system works. But one of the main  
25 things, I would want to make sure that I'm fully



1 prepared for what's coming up. If we're hearing a  
2 case I want to make sure that I know the background  
3 information on it and have myself set up to where I  
4 can be a functional member of the board.

5 So just whatever -- you know, getting  
6 the information and understanding what's before me  
7 that, would set how, you know, how I work towards  
8 it.

9 Q. Could you briefly describe the term  
10 integrative resource plan.

11 A. Integrated resource plan, basically  
12 that's a plan the to where -- you know, I know that  
13 we're looking for different means of electricity,  
14 so on and so forth. So you have to look at whether  
15 or not it's going to come from a mix of nuclear,  
16 solar, hydro.

17 So you're going to look at how --  
18 you know, you break it down and decide which --  
19 which -- you know, which sources are going to be  
20 most viable.

21 Q. Also could you please describe the term  
22 distributed energy resources.

23 A. I can't do it.

24 Q. Okay. Thank you. Moving on to the  
25 next line of questioning, Mr. Chairman, at this

1 time I ask that we go into executive session as we  
2 do with all candidates.

3 SENATOR ALEXANDER: Okay. By previous  
4 order, we will go into executive session at this  
5 time.

6 (Off-the-record conference.)

7 SENATOR ALEXANDER: We're back in  
8 regular screening, regular session. No action  
9 was taken in the executive session. I'll further  
10 recognize Mr. Davidson to continue the process.

11 (Off-the-record conference.)

12 MR. DAVIDSON:

13 Q. Mr. Freeman, as you know we do a SLED  
14 report check and a public index search. All those  
15 reports came back negative. So there's nothing to  
16 discuss there. Have you made any contributions to  
17 members of the General Assembly since filing your  
18 application?

19 A. No, sir.

20 Q. Have you sought or received the pledge  
21 of any legislator prior to this date?

22 A. No, sir.

23 Q. Have you sought or been offered a  
24 conditional pledge of support by any legislator  
25 pending the outcome of your screening?

1 A. No, sir.

2 Q. Have you asked any third parties to  
3 contact members of the General Assembly on your  
4 behalf before the final and formal screening report  
5 has been released?

6 A. No, sir.

7 Q. Are you aware of any friends or  
8 colleagues contacting members of the General  
9 Assembly on your behalf?

10 A. No, sir.

11 Q. Are you familiar with the 48-hour  
12 recall which prohibits a candidate from seeking  
13 pledges for 48 hours after the report has been  
14 submitted to the General Assembly?

15 A. I think I did read that.

16 Q. And do you plan to serve a full term if  
17 elected?

18 A. Yes, sir.

19 MR. DAVIDSON: Mr. Chairman, I note for  
20 the record that Mr. Freeman scored a 41 on the test  
21 and I have no further questions. Thank you. Thank  
22 you, Mr. Freeman.

23 MR. FREEMAN: That's it?

24 SENATOR ALEXANDER: No.

25 MR. DAVIDSON: No.

1                   SENATOR ALEXANDER: We have some  
2                   questions and other members do. We appreciate  
3                   your indulgence there. Members of the Committee.  
4                   Yes, sir. Representative Forrester.

5                   REPRESENTATIVE FORRESTER: Thank you,  
6                   Mr. Chairman.

7                   EXAMINATION

8                   BY REPRESENTATIVE FORRESTER:

9                   Q. Mr. Freeman, I want to thank you first  
10                  for your service to our country.

11                  A. Yes, sir.

12                  Q. I appreciate that very much. When you  
13                  received your test results what action did you  
14                  take?

15                  A. When I received the test results I  
16                  said, okay. You know, I took it as a baseline and  
17                  that, you know, as I moved forward I would really  
18                  have to indulge myself into the role and really  
19                  learn, you know, more about how it works. A lot of  
20                  times -- and from what I've learned especially  
21                  doing the different things that I do most -- most  
22                  positions have a different lingo.

23                  For example, if I started using --  
24                  you know, if I start talking about SINCGARS and  
25                  ASIP radios and HCLOS, you know, that would totally

1 be foreign to you. But for me as an Army officer I  
2 would know it.

3 Q. Actually, it wouldn't be foreign to me.

4 A. Oh, all right. Then we'll have to talk  
5 one day. But anyway, it let me know that hey,  
6 look, it's a huge learning curve and that  
7 definitely I have to put the work in. But also I'm  
8 going to have to ask more questions about training  
9 and for those opportunities to be up to speed and  
10 be ready for them.

11 Q. In your role as the mayor you indicated  
12 y'all provide utilities. What all utilities do you  
13 provide?

14 A. Water, sewer, electric.

15 Q. And then what is your role in the  
16 management of that?

17 A. Well, basically we are under the mayor  
18 council. No. We are under the mayor/city manager  
19 form of government. So, you know, when -- you  
20 know issues like that come up we do it as a group.  
21 We make those decisions as a group.

22 Q. Do you have like an executive director  
23 or a manager over the electric utility?

24 A. We do.

25 REPRESENTATIVE FORRESTER: Okay. I

1 think that's all I have. Thank you.

2 MR. FREEMAN: Thank you, sir.

3 SENATOR ALEXANDER: Chairman.

4 REPRESENTATIVE SANDIFER: Thank you,  
5 Mr. Chairman.

6 EXAMINATION

7 BY REPRESENTATIVE SANDIFER:

8 Q. Mr. Freeman, thank you for being here.  
9 Again, thank you for your service. I, too, have  
10 served and am very pleased that we -- you went a  
11 little further than I did. You went to C&GS. I  
12 didn't get that far.

13 Nevertheless, in your capacity in the  
14 City of Abbeville -- well, first of all, what is  
15 the population?

16 A. We're about 5,200 or 5,300.

17 Q. Okay. All right. I thought that, but  
18 I wasn't sure. On the electric side do you have  
19 your own generation or do you buy power from a  
20 utility and resell?

21 A. We have a mix. We have -- we have a  
22 hydroplant at Lake Secession but we also -- we're a  
23 member of PMPA.

24 Q. Okay.

25 A. So the majority of our power comes from

1       them but we also purchase supplemental power, have  
2       a supplemental power agreement with --

3               Q.     Okay. And how has the situation with  
4       PMPA worked out with the City of Abbeville?

5               A.     Well, long term it has been a good  
6       situation for us. I think one of the -- one of the  
7       differences is that we have our own hydroplant.

8               Q.     Right.

9               A.     So, you know, there are times we're  
10      able to peak shave and generate some of our own  
11      power instead of having to totally purchase  
12      everything. So, you know, our situation is a  
13      little bit more unique than others.

14               One of the things that -- especially  
15      since I've been on council is pretty much, you  
16      know, we've found that it's a situation that you've  
17      got to be in it for the long haul because even if  
18      you get out you've still got to pay for  
19      decommissioning. So...

20               Q.     You really do. On the issues there  
21      were issues listed -- I don't know. There's three,  
22      four, or probably six, eight different issues that  
23      you answered that you had some experience in. The  
24      only one that you had no experience in and I found  
25      this a little bit unusual -- the only one that you

1 said no to was engineering but you added in law,  
2 water, finance, economics, energy, telecom,  
3 consumer protection. Tell me a little bit about  
4 your -- your ability to have experience in that  
5 broad mix of things.

6 A. Well, it goes back to the roles that I  
7 served. A lot of it comes from being on City  
8 Council and being Mayor that we've experienced a  
9 lot of those, you know, things dealing with it.  
10 You know, power distribution and all of that. But  
11 also like with telecom I'm a communications  
12 officer.

13 So, you know, a lot of things over the  
14 years have gone basically commercial. So we have  
15 to understand what's going on on a commercial side  
16 as well as the military side as well. So that gets  
17 into telecom. So, I mean, a lot of the schools now  
18 are even regular schools that anybody can go to.

19 Q. And -- and then your employment --  
20 your full-time employment as I understand from what  
21 I've read is you're the area manager from GLEAMNS  
22 Head Start?

23 A. Yes, sir.

24 Q. Okay. And so that's the primary  
25 and then your own firm Freeman Group, LLC is



1 really secondary?

2 A. It is. It's something that I'm trying  
3 to grow. One thing that I always wanted to do was  
4 started my own firm and I enjoy training. So, you  
5 know, I ended up -- driver's ed was one of those  
6 things that I decided to pursue as well as the  
7 concealed weapons program.

8 So I have no trouble standing up in  
9 front of people and trying to get them to where  
10 they need to do in those type -- in their pursuit  
11 to be able to protect themselves or drive a  
12 vehicle. So that's pretty much how that has  
13 evolved.

14 Will it keep the lights on at night for  
15 me yet? No. But, you know, I'm one of those type  
16 of people that, you know, I want to, you know, as  
17 time go on be able to grow it and pursue it.

18 Q. Okay. One final question, if you will.  
19 It says: List all professional organizations of  
20 which you're a member. Are you a member of the  
21 Municipal Association of South Carolina?

22 A. Yes. I guess by default, yes.

23 Q. Okay. Is it individually or is it just  
24 because you're part of the city?

25 A. As far as I understand it's --

1           Q.    Does it list you as a member?  I think  
2   that's the question.

3           A.    I don't think it does.  I haven't  
4   looked that one up, but I don't think that --

5           Q.    Okay.

6           A.    I don't recall paying a membership or  
7   anything.

8           Q.    No.  You probably wouldn't pay a  
9   membership, but I think that by virtue of your  
10  office you are a personal member.  I believe that.  
11  You might want to check on it.  That's all.

12          A.    Okay.

13                REPRESENTATIVE SANDIFER:  Thank you,  
14  Mr. Chairman.  That's all I've got.

15                SENATOR ALEXANDER:  Thank you, Chairman  
16  Sandifer.

17                       EXAMINATION

18  BY SENATOR ALEXANDER:

19           Q.    I've got two or three questions for  
20  you.  Again, thank you for your service and also  
21  your service on Abbeville City Council there.  The  
22  business interest that you have that if you became  
23  a member of the Commission what -- how would you --  
24  what would happen to those interests?

25          A.    As far as my training program?

1 Q. Yes, sir.

2 A. Right now it's part time anyway.

3 Q. Okay.

4 A. You know, I do it in the evenings and  
5 some weekends. So...

6 Q. You acknowledge that being with the  
7 Public Service Commission would be a full-time job?

8 A. Correct.

9 Q. Okay. And there with the -- the City  
10 of Abbeville and actually I was just thinking,  
11 too, that I think that our city administrator  
12 from Seneca who used to be our county  
13 administrator, Mr. Moulder, happened to be -- Scott  
14 Moulder used to be in Abbeville, I think, with the  
15 county there --

16 A. Correct.

17 Q. -- if my memory serves me correctly.  
18 But in dealing with water, y'all set the rates of  
19 the water?

20 A. Yes, sir.

21 Q. The rates. Okay. So in doing  
22 so how do you balance those water rates under  
23 consideration as if it -- in making a decision of  
24 whether to go up or not? How do you -- how do you  
25 come about -- were you provided information to make

1       those determinations or, you know, how do you  
2       handle a rate thought process as you have to  
3       determine your -- your water rates there in  
4       Abbeville?

5               A.     Well, you handle them very carefully  
6       because at that level you're right there with the  
7       customer. You're right there with the constituent.  
8       So, yeah, whether you go to the grocery store or  
9       picking up your kids or whatever, you know, hey,  
10      Freeman, I need to talk to you about the water  
11      rates or whatever. So you can't escape it.

12               What we usually do is we look at --  
13      Number 1, we look at the needs of the system. Is  
14      it operating at -- you know, state law says you  
15      can't operate it in the red. So we look at where  
16      our system is each year.

17               Is it -- is it taking care of itself?  
18      Then we look at what adjustments need to be made in  
19      order to keep the system feasible. You know, one  
20      of the other parts about it is I know people  
21      complain about rate increases. But I also know  
22      they complain when the system doesn't work. So,  
23      you know, it's --

24               Q.     That's kind of the balance -- that's  
25      the balance in the competing interests, isn't it,

1 from that standpoint?

2 A. Right.

3 Q. Yes.

4 A. So, you know, like I say a lot of times  
5 people may or may not agree with raising rates or  
6 understand that particular balance. But you have  
7 to -- as a leader you have to have that and make  
8 sure that you can keep it functioning in the way  
9 that it needs to be.

10 SENATOR ALEXANDER: Thank you,  
11 sir. Any questions? Okay. We appreciate your  
12 attendance here this morning and being responsive  
13 to our questions and for your willingness to serve  
14 in this capacity.

15 MR. FREEMAN: Thank you, sir.

16 SENATOR ALEXANDER: Thank you. Good  
17 morning.

18 MR. RANDALL: Good morning.

19 SENATOR ALEXANDER: We have before us  
20 now Mr. Comer H. 'Randy' Randall. I appreciate  
21 your being here with us this morning. I'm going  
22 to first acknowledge the court reporter to swear  
23 you in for the screening.

24 COMER 'RANDY' HENRY RANDALL, III  
25 being first duly sworn, testified as follows:

1                   SENATOR ALEXANDER: Thank you. I'll  
2 recognize Ms. Anderson to begin the screening  
3 process for you.

4                   MS. ANDERSON: Good morning, Mr.  
5 Randall.

6                   MR. RANDALL: Good morning. How are  
7 you, Ms. Anderson?

8                   MS. ANDERSON: I'm good. Thank you. I  
9 hope you are.

10                  MR. RANDALL: For my age and habits I'm  
11 doing very well.

12                  MS. ANDERSON: I'm going to give a  
13 very brief summary of Mr. Randall's educational  
14 background and his work experience. Mr. Randall  
15 received a Bachelor of Science degree from  
16 Presbyterian College and a Master of Education  
17 degree from the University of Georgia. He has  
18 served on the Public Service Commission since 2013  
19 and is currently the Commission's Chairman.

20                  Prior to serving on the Commission  
21 Mr. Randall had been employed by Presbyterian  
22 College in which he served in variety of positions.  
23 He's also served as the Mayor of Clinton, the  
24 Chair of the Clinton Newberry Natural Gas  
25 Authority, Clinton City Council, and he was

1       formerly a member of the Piedmont Municipal Power  
2       Agency Board and the American Public Power  
3       Association Policymaker's Council.

4               Do you have any changes that you would  
5       like to make to the personal data questionnaire  
6       that you submitted with your application?

7               MR. RANDALL:   No, ma'am.

8               MS. ANDERSON:   Okay.   And I would  
9       like to note for the record, too, that additional  
10      details regarding Mr. Randall's background are  
11      in his PDQ.   Mr. Chair, I would request that  
12      Mr. Randall's personal data questionnaire be  
13      entered into the record with any confidential  
14      information being redacted.

15              SENATOR ALEXANDER:   So ordered.

16              (EXHIBIT 3, Personal Data Questionnaire  
17      of Comer H. 'Randy' Randall, III, was marked for  
18      identification.)

19              (EXHIBIT 4, Performance Evaluation of  
20      Comer 'Randy' Randal, III, was marked for  
21      identification.)

22              MS. ANDERSON:   As part of our  
23      background investigation of Mr. Randall we obtained  
24      a credit check, driver's license, and SLED check.  
25      Questions of a confidential or personal nature will

1 be taken up in executive session. Before we begin,  
2 do you have a brief statement that you would like  
3 to make?

4 MR. RANDALL: Well, I would just say  
5 thank you for allowing me to be here today. I have  
6 had an interesting career for seven years on the  
7 Public Service Commission and especially the last  
8 two years or year and a half as Chairman.

9 So I think -- I know think it's a very  
10 worthy position that we hold of trust for the  
11 citizens of the State of South Carolina, one that  
12 I take very seriously. I appreciate the Public  
13 Utility Review Committee, your oversight, and I  
14 appreciate the opportunity to run for another term.

15 EXAMINATION

16 BY MS. ANDERSON:

17 Q. Please state your name and home address  
18 for the record.

19 A. Comer Henry Randall -- and I go by  
20 Randy -- III, 306 West Maple Street, Clinton,  
21 South Carolina 29325.

22 Q. Are you a registered voter?

23 A. I am.

24 Q. In which congressional district are you  
25 registered to vote?



1           A.     District 3.

2           Q.     Why are you interested in continuing to  
3     serve on the Public Service Commission?

4           A.     Well, for a variety of reasons.  
5     Number 1, as I said a few minutes ago it is a very  
6     worthy position. It is an important position for  
7     the State of South Carolina. I am interested in it  
8     because I think I'm good at it.

9                     I think I have shown some leadership in  
10    this case. I have got time and ideas invested in  
11    the Public Service Commission that I want to see  
12    continued. You know, as Chairman -- and we talked  
13    about this in my yearly evaluation -- we have begun  
14    some measures to increase transparency and we're  
15    trying to reorganize to make the Commission more  
16    commissioner-centric.

17                    So I think the reason that I want to  
18    stay with it is I want to see some of these things  
19    flesh out and continue to make this Commission a  
20    better agency for the State of South Carolina and  
21    for the ratepayers of South Carolina.

22           Q.     In addition to transparency are there  
23    any other items that you'd like to see fleshed out  
24    and implemented at the PSC?

25           A.     Well, I mean we -- in working with

1 Ms. Jocelyn Boyd -- and you folks all know Ms. Boyd  
2 who I think is one of the most talented and  
3 forward-thinking people I've ever worked with --  
4 we're trying to reorganize the Commission so that  
5 we are looking forward instead of always just  
6 reacting to what's happening before us.

7 We've done some workshops this year  
8 on the future of the utility business. We have  
9 targeted, I think, staff positions and, of course,  
10 with Act 62 we're able to hire experts in different  
11 areas.

12 So I think we're trying to pull all  
13 that together to make us have -- have more tools  
14 for the commissioners to be able to decide and  
15 to -- to make good choices for the ratepayers and  
16 for the utilities.

17 Q. And you referenced the Commission  
18 looking forward. Would there be a difference  
19 in the role that the PSC would play, particularly  
20 the commissioners, in having maybe  
21 more of an activist role versus impartial?

22 A. No. No. No. No. I think just --  
23 when I talk about looking forward I think, you  
24 know, it's important that we are always in a  
25 judicial nature. We are always very impartial.

1 Q. Okay.

2 A. I mean, that's -- I have stressed that  
3 over and over again with everyone. I think looking  
4 forward what I'm thinking about, though, is you  
5 know what's happening around the country and around  
6 the world frankly so that we can apply that to the  
7 situations that come before us.

8 We're going to take facts and we're  
9 going to hear all sides of every case and then make  
10 a good decision -- hopefully a great decision --  
11 based on the facts that have come before us.

12 Q. Speaking of the judicial role, can you  
13 describe the five canons in the Code of Judicial  
14 Conduct.

15 A. I knew you were going to ask me that  
16 and I just restudied those last night. So I  
17 probably can't remember any of them right now, but  
18 I know that Canon 1 is uphold the integrity and  
19 independence of the court.

20 Number 2 is to avoid impropriety or  
21 the appearance of impropriety. Number 3 is to  
22 approach the duties with diligence and -- well,  
23 with diligence and something else I know. Number 4  
24 is to avoid conflicts, any sort of conflicts or  
25 the appearance of any sort of conflicts. Number 5

1 is not to take part of any improper political  
2 activity.

3 Q. Are you aware that commissioners as  
4 well as Commission staff are subject to the  
5 judicial code of conduct as well as state  
6 ethics laws?

7 A. I am very well aware of that. Yes,  
8 ma'am.

9 Q. And how do you handle a situation in  
10 which someone approaches you and wants to talk  
11 about a matter that either is or could be before  
12 the PSC?

13 A. I don't talk with them at all. You  
14 know, when you're talking about an inadvertent  
15 ex parte, you know, you have to report it. You  
16 have to make sure that it is all put on the record.

17 You have to make sure that all the  
18 individuals are noted. Then you have to notice all  
19 the parties so the parties can give comment and  
20 weigh in on it. If anybody asks me or, you know,  
21 wants to talk to me about something I immediately  
22 shut it down.

23 I'll immediately talk with Jocelyn Boyd  
24 and Joseph Melchers and say this has happened. You  
25 know, I don't want to -- I have not talked to

1 anyone about anything. I certainly have never  
2 done that.

3 Q. Okay. And you did already talk about  
4 ex parte communications. In layman's terms what  
5 does that mean?

6 A. Well, that means -- an ex parte  
7 communication is where you're just talking with one  
8 party. When you -- an allowable ex parte which we  
9 have on occasion where we have a presentation we  
10 have -- it has to be done with notice.

11 It has to be given, I think, five  
12 days' notice and be at least 20 days before the  
13 matter that's coming before us. All parties have  
14 to be able to participate and be there to hear  
15 everything. It has all the -- there's a report and  
16 a summary given.

17 Then all the documents and anything  
18 like that is attached to it. So it's -- we want to  
19 make sure there is no -- an improper ex parte is  
20 when you're just talking with one side of the --  
21 the argument and nobody else -- none of the other  
22 parties know about it.

23 Q. What do the --

24 A. I hope that answered your question.

25 Q. Yes, sir. It did. What do you

1 consider to be the appropriate use of social media  
2 pursuant to the judicial canons for a commissioner?

3 A. Well, for me, you know, social media --  
4 and I am on Facebook. I use that so that my  
5 children can make sure I get my grandchildren's  
6 pictures and so that my parents or my mother now  
7 since my dad passed away are able to get all those  
8 pictures.

9 I don't think any political -- I  
10 mean, we are not political and we don't make any  
11 political comments or any political statements.  
12 So, of course, we do use -- through the Commission  
13 we do use social media as a Commission to make sure  
14 that people know, the consumers know, and the  
15 General Assembly knows what's going on at the  
16 Commission.

17 You know, we have a Twitter feed and a  
18 Facebook. We have two different ones that are --  
19 one is sort of more focused toward the consumer and  
20 one is more focused in a general way.

21 Q. Are you familiar with the three  
22 advisory opinions issued by the Review Committee  
23 dealing with attendance at legislative receptions,  
24 legislative caucus meetings and political  
25 gatherings?

1           A.    Yes, ma'am.

2           Q.    Have you attend any legislative  
3           receptions or legislative caucus meetings since  
4           submitting your application?

5           A.    No, ma'am.

6           Q.    And have you attended any political  
7           gatherings since submitting your application?

8           A.    No, ma'am.

9           Q.    What are some of the key factors that  
10          you consider in a rate case?

11          A.    Well, the key factors are the actual  
12          facts.  You know, we get prefiled testimony from  
13          all parties, from the party that's -- utility  
14          that's requesting a rate adjustment and we get  
15          prefiled testimony from all parties that are  
16          intervenors that don't always agree including  
17          the Office of Regulatory Staff.

18                So we hear -- and then when you add  
19          prefiled testimony then we go to rebuttal testimony  
20          and surrebuttal testimony.  We have to sort all  
21          that out.  It is -- I know if you came to my office  
22          you see very -- very -- they may look unorganized  
23          but they're very organized piles of testimony of  
24          all sorts.

25                So we take all of that testimony.  We

1 listen to examination, to cross-examination from  
2 all the parties. Then commissioners ask a lot of  
3 detailed questions. Then when we have all of --  
4 all of the evidence that's presented on the issue  
5 that we're talking about at that point in time  
6 then we make -- you know, we have time to read  
7 through it all again. In some cases it's hundreds  
8 and in some cases it's thousands of pages. Then  
9 we -- then we make a decision on what's been  
10 presented for us.

11 Q. And how do you balance competing  
12 interests in a case?

13 A. Well, you're talking about ratepayers  
14 and utilities. Well, you know, what we have to do  
15 is we're supposed to be an establishing rates that  
16 are fair, just, and reasonable but you also -- we  
17 also have the financial viability of the utility  
18 that's -- that's important as well.

19 You know, if you -- we get schooled in  
20 Hope and Bluefield a lot. You know, utilities are  
21 allowed a return on what they've invested, the  
22 capital they've invested. So nothing's -- nothing  
23 is done flippantly and nothing is done without a  
24 lot of thought on how it's going to affect the  
25 ratepayer and how -- how it manages -- you know,



1 affects the utility as far as being able to gather  
2 capital and being able to -- to operate in a -- in  
3 a good manner.

4 Q. Do you or a member of your immediate  
5 family have stock or other financial interest that  
6 is directly controlled by you or your family member  
7 of a utility regulated by the PSC?

8 A. No, ma'am.

9 Q. Do you or a member of your immediate  
10 family have stock or other financial interest that  
11 is directly controlled by you or your family member  
12 of a renewable energy company that appears before  
13 the PSC?

14 A. No, ma'am.

15 Q. Are you or a member of your immediate  
16 family an officer, director, or otherwise involved  
17 in the management of any business?

18 A. No, ma'am.

19 Q. And from which entities --

20 A. Well, my wife is a -- does fraud cases  
21 at the bank with debit cards. I don't know if  
22 that's what you were asking, if you want to cover  
23 them all.

24 Q. No, sir --

25 A. Okay.

1 Q. -- but thank you for the clarification.

2 A. I just wanted to make sure I wasn't  
3 leaving anything out.

4 Q. Which entities did you or a member of  
5 your immediate family receive income from within  
6 the previous year? And this does not include  
7 the following: IRAs, deferred compensation,  
8 disability, mutual funds, funds received from your  
9 financial institution in the ordinary course of  
10 business, retirement pension.

11 A. I received income from the State  
12 of South Carolina through the Public Service  
13 Commission. My wife receives income from Arthur  
14 State Bank.

15 Q. If you were re-elected would there be  
16 any potential conflicts of interest, financial or  
17 otherwise?

18 A. No, ma'am.

19 Q. What would you do if a conflict were to  
20 arise?

21 A. I'm not sure.

22 Q. Hypothetical. If something pops up  
23 later on in the future what would you do if there  
24 was a conflict?

25 A. Well, you get out of it. I mean,

1 it's -- I'm not sure what kind of conflict we're  
2 talking about.

3 Q. It could be financial. It could be --

4 A. Well, I mean, if --

5 Q. Okay. I'll use an example. A family  
6 member has changed jobs and now you have a family  
7 member who is employed by a regulated entity.

8 A. Well, Number 1, that would never happen  
9 because we're -- we know the rules or I know the  
10 rules and so does my wife. So I think we would  
11 make sure that if any kind of conflict came up or  
12 even was a potential that, Number 1, we would  
13 report it.

14 You know, we would report it to the  
15 Public Utilities Review Committee or report it to  
16 Ms. Boyd at -- at the Public Service Commission  
17 to make sure that we got it resolved or -- or  
18 either -- you know, if -- if there was no way to  
19 resolve it you'd have to give up -- have to give  
20 up the position.

21 Q. Do you belong to any organization that  
22 discriminates based on race, religion, or gender?

23 A. No, ma'am.

24 Q. What is the appropriate demeanor for a  
25 commissioner?

1           A.    I think a commissioner -- we have to  
2   treat everybody the way we want to be treated.  
3   Now, we have hearings. We have public night  
4   hearings. We're getting ready to have about six  
5   or seven.

6                   Those sometimes get testy and get  
7   very interesting, but we -- I think -- I think  
8   anybody that has come to one of those would tell  
9   you that -- that in my position as Chairman that  
10  we've treated everyone fairly, that we've heard  
11  everyone.

12                   We give them a short of amount of time  
13  to speak because we usually have a lot of people  
14  talking, but we -- we do make sure that everybody  
15  is heard in an orderly and -- you know, sometimes  
16  we have to calm the room down, but that's always --  
17  I -- you know, the way I do it, I often do it  
18  with some form of humor or try to -- try to lighten  
19  the mood in the room.

20                   So I think -- I think we have to be  
21  cognizant of the fact that everybody that comes to  
22  a night hearing -- everybody that speaks before us  
23  has an issue. A lot of people are upset about  
24  things. A lot of times when the facts come out  
25  people understand a little bit better and people

1 get heard and things get easier.

2 Q. Is that -- your description of  
3 demeanor, would that only apply while you're on  
4 the bench?

5 A. It applies in my whole life, I think,  
6 and that's the way we've got to be all the time.

7 I don't think there's -- you know, to  
8 me there's not a difference in what we're doing  
9 as a commissioner whether we're on the bench or  
10 whether we're -- of course, in our position we  
11 very rarely see anybody else any other times than  
12 dealing with anything that we do on the Commission.

13 MS. ANDERSON: Mr. Chair, pursuant to  
14 the previous motion can we go into executive  
15 session with the candidate?

16 SENATOR ALEXANDER: Okay. We will go  
17 into executive session at this time.

18 (Off-the-record conference.)

19 SENATOR ALEXANDER: We're back in  
20 open session and no action was taken in executive  
21 session. I'll recognize Ms. Anderson to continue  
22 with the questioning and the screening process.

23 BY MS. ANDERSON:

24 Q. Mr. Randall, as part of the SLED report  
25 we received notice of three lawsuits. Now, each of

1 these were -- you were named as a Defendant in your  
2 official capacity.

3 A. Right.

4 Q. One was with the City of Clinton, one  
5 you're on city council. One was with the city  
6 while you were the mayor. The third was the third  
7 lawsuit regarding SCE&G in federal court with you  
8 as a member, as a commissioner. But nothing else  
9 is in this report or in an individual capacity.

10 A. Yes, ma'am.

11 Q. Mr. Randall, have you made any  
12 contributions to members of the General Assembly  
13 since filing your application?

14 A. No, ma'am.

15 Q. Have you sought or received a pledge of  
16 any legislator prior to this date?

17 A. No, ma'am.

18 Q. Have you sought or been offered a  
19 conditional pledge of support by any legislator  
20 pending the outcome of your screening?

21 A. No, ma'am.

22 Q. Have you asked any third parties to  
23 contact members of the General Assembly on your  
24 behalf before the final and formal screening report  
25 is released?

1 A. No, ma'am.

2 Q. Are you aware of any friends or  
3 colleagues contacting members of the General  
4 Assembly on your behalf?

5 A. I am not.

6 Q. And are you familiar with the 48-hour  
7 rule which prohibits a candidate from seeking  
8 pledges for 48 hours after the report has been  
9 submitted to the General Assembly?

10 A. Yes, ma'am.

11 Q. And if reelected would you plan to  
12 serve a full term?

13 A. Absolutely.

14 MS. ANDERSON: Thank you, Mr. Randall.  
15 Mr. Chairman, that's all the questions I have. For  
16 the record, Mr. Randall's test score is a 79.

17 SENATOR ALEXANDER: Questions by --

18 MR. RANDALL: I told Ms. Anderson if  
19 I'd have graded it I'd have made a hundred.

20 SENATOR ALEXANDER: I understand.  
21 Questions by members of the Committee? I'll  
22 recognize Representative Forrester first.

23 REPRESENTATIVE FORRESTER: Thank you,  
24 Mr. Chair.

25 EXAMINATION

1 BY REPRESENTATIVE FORRESTER:

2 Q. Commissioner Randall.

3 A. Yes, sir.

4 Q. I was looking over chairmanships or  
5 committees you served on by neighborhood. So  
6 you're co-vice chair of a water committee?

7 A. Yes, sir.

8 Q. You're a member of the subcommittee on  
9 nuclear waste disposal?

10 A. Yes, sir.

11 Q. There's one task force on military  
12 workforce.

13 A. Right.

14 Q. How does that relate to the public  
15 utilities?

16 A. Well, with NARUC -- and they asked me  
17 to be -- to serve on that and it lasted a year.  
18 They were -- as you know, utilities are in a  
19 position right now where they're facing massive  
20 retirements. A lot of people are getting to be  
21 seasoned and getting ready to retire to -- to leave  
22 those.

23 So they looked to maybe figure out a  
24 way to promote working in utility -- in the utility  
25 field through the armed services, through retired



1 armed services folks. So when that subcommittee --  
2 it was chaired by Commissioner Chairman Judith  
3 Jagdmann from Virginia.

4 We heard from a lot of different people  
5 who were working with veterans groups and then from  
6 utilities who were looking to get together with  
7 them to help bolster the workforce, especially in  
8 the trades.

9 Q. Okay.

10 A. So that's where that comes from.

11 REPRESENTATIVE FORRESTER: Thank you.

12 MR. RANDALL: Yes, sir.

13 SENATOR ALEXANDER: Chairman Sandifer.

14 REPRESENTATIVE SANDIFER: Thank you,  
15 Mr. Chairman.

16 EXAMINATION

17 BY REPRESENTATIVE SANDIFER:

18 Q. Commissioner, good to see you again.

19 A. Good to see you, sir.

20 Q. Several questions. As Chairman what do  
21 you do to ensure that not only the members but the  
22 staff obey the ex parte rules?

23 A. Well, Mr. Sandifer, we -- we talk  
24 about that a lot with the staff and with other  
25 commissioners. So as chair, you know, my job

1 every -- every -- of course, by statute I'm the  
2 CEO. So everything that happens comes through me  
3 or ends up with me. That's mostly the case.

4 It ends up with me. But we just  
5 encourage and keep telling everybody all the time,  
6 look, we're -- and this is -- and everybody --  
7 I have never heard anybody even remotely talk  
8 about -- except for one case recently about any  
9 type of ex parte communications because everybody  
10 is always -- you know, when we're doing cases we --  
11 you know, staff is -- when there are procedural  
12 things that need to get done there's some gray area  
13 there it seems.

14 Nothing -- I can never remember anybody  
15 talking about anything that has to do with  
16 substantive issues that come before us because  
17 everybody -- I mean, we get schooled on that when  
18 we first get on the Commission. Of course, every  
19 year when we go through ethics training we have it  
20 talked about again.

21 That's not just the commissioners.  
22 That's all the staff is in -- in ethics training.  
23 So we just -- we try to make sure that that's a  
24 focus and we -- that it doesn't happen.

25 Q. Okay. And I understand the position

1       that you're in as Chairman. I was trained in the  
2       military and I learned early on that I was  
3       responsible for everything my member did or did not  
4       do. That's a real burden. I'm curious about  
5       staff. If you were to -- and this is a  
6       hypothetical.

7               A.     Sure.

8               Q.     But if you were to perceive, or hear,  
9       or understand that there may be a breach of  
10      ex parte by a staff member what would your action  
11      be --

12              A.     Well, my action --

13              Q.     -- as the CEO?

14              A.     -- would be to report it. I mean, if  
15      we -- we know -- if I know exactly what's going on  
16      then it's -- I mean, you don't have any option but  
17      to report. So -- and I have not been -- been  
18      confronted with that as far as with a staff member.

19              Q.     Okay. All right. And then this is one  
20      that I think strikes all of us in a sense.

21              A.     Certainly.

22              Q.     If you go home and chat with your wife  
23      about what's going on at the Commission is that  
24      ex parte?

25              A.     I don't know. I don't -- it probably

1 is, but I've never -- my wife has no clue what I do  
2 and she'll tell you that she doesn't know and  
3 doesn't care.

4 Q. Okay.

5 A. When I start talking about utilities  
6 just in general she looks at me in general with a  
7 blank stare and says, I don't know what you're  
8 talking about. So that pretty much ends any  
9 conversation I have at home.

10 Q. All right. And now -- and we all know  
11 that this is a full-time job.

12 A. Yes, sir.

13 Q. If you are working from home and that  
14 work -- you finish at noon do you take a half a day  
15 of leave for the rest of that day?

16 A. I very rarely -- if I'm at home -- now,  
17 if you ask my wife she doesn't think I'm working  
18 and she tries to give me things to do. But I  
19 basically do the same thing -- if I'm at home I do  
20 the same thing I do when I'm in the office. I'm  
21 reading or talking.

22 I mean, I start -- I start with a phone  
23 call with Ms. Boyd probably almost every day at  
24 probably somewhere between 7:30 and 8:15. When my  
25 phone rings my wife said, well, tell Jocelyn I said

1 hello. But then it's -- I have -- you know, I have  
2 an office set up at home and I get -- I have my  
3 Commission iPad.

4 So I've got every bit of reading  
5 material that -- of course, I take a load home  
6 every day, too, especially if I know I'm not going  
7 to spend the two hours driving, you know, every  
8 day. So basically I work a full day every day and  
9 sometimes more.

10 Q. Okay. And --

11 A. When I'm off, Mr. Sandifer, I do -- if  
12 I'm not doing something I take annual leave.

13 Q. Okay.

14 A. I'll take annual leave.

15 Q. Okay. And one answer that you had in  
16 here -- and I was particularly interested in it --  
17 was that we've reassigned members of staff to put  
18 them in positions to better suit their abilities.

19 A. Uh-huh.

20 Q. Can you describe what that may have  
21 been like.

22 A. Well, just -- we had -- we've had some  
23 staff turnover. We had people that were doing  
24 finance work that really didn't have a finance  
25 background but were better at -- in the PR part of

1       it or we tried to make -- over the years, you know,  
2       they've shifted folks around to -- to fill gaps.

3               In working with Jocelyn we just felt  
4       like we've had some folks that -- that were not in  
5       a place that suited their strengths and we put them  
6       in a place that did suit their strength.

7               Q.     In that process as you hire people are  
8       you being more careful or is Jocelyn being more  
9       careful to get people with the appropriate  
10      expertise?

11              A.     Absolutely.  What we have done is we've  
12      tried to be very particular about how we advertise  
13      when we add staff.  We also know that with Act 62  
14      we are able to hire experts part time.

15              We are looking right now as we speak  
16      about the potential in some -- you know, everything  
17      we do especially with -- when you're talking --  
18      when you're looking at avoiding costs, variable  
19      integration process, and the IRP process, and all  
20      the other different things that we've got going on,  
21      especially in Act 62, there are things that take a  
22      particular expertise.

23              We're thinking that it might be that  
24      in some cases instead of hiring a full-time staff  
25      member we hire case by case an expert if we can do

1       it financially, if it's financially feasible to  
2       make sure that we get -- what we need is to make  
3       sure we have the best information possible for a  
4       commissioner to make a good decision. So that's  
5       how we're approaching that.

6               REPRESENTATIVE SANDIFER: Thank you  
7       very much. That's all I have.

8               EXAMINATION

9       BY SENATOR ALEXANDER:

10              Q. I want to just follow up briefly on  
11       what Mr. Chairman Sandifer was talking about right  
12       before that as far as the ex parte and the --  
13       impacting staff as well as the commissioners and  
14       things.

15              A. Yes, sir.

16              Q. Do you have a -- are you aware of any  
17       policy that y'all have in place that if -- if a  
18       matter was brought to your attention what was  
19       responsibilities would there be?

20              I understand reporting, but is there  
21       any -- any policy or any impact on the person  
22       that -- if it's a staff member that has engaged in  
23       that?

24              A. Ms. Boyd and I talked about that  
25       after the last time we were here. I think that

1 is something that she's been working on as far  
2 as -- as a way to make sure that we - everybody  
3 knows the -- the procedural, I guess, bullet points  
4 that we need to follow.

5 Senator, I'm not sure that we have  
6 it written down yet as far as a procedure. We  
7 probably do. If Jocelyn was talking about it  
8 beforehand and -- and that's one of those things  
9 where I may be failing a little bit as far as not  
10 knowing exactly what we have there.

11 Q. If you do not is that something that  
12 y'all as a Commission and you as Chairman are  
13 envisioning?

14 A. I'm sure we're working on it right now  
15 because we talk about it a lot. That's the first  
16 thing we're going to talk about when I get back in  
17 just a little while.

18 Q. So, too, just attendance at meetings  
19 and hearings I think the date I have before me  
20 is that you're -- how would you describe your  
21 attendance and involvement with commission meetings  
22 and responsibilities?

23 A. I would say, Senator, that I'm there  
24 pretty much all the time. I missed a couple of  
25 meetings. I missed one of our interviewed when my



1 dad was diagnosed with a brain tumor and I missed  
2 for his funeral but I even -- I know once this  
3 summer I was -- my family was at the beach and we  
4 had a hearing that I thought that I needed to be  
5 there and be in charge of.

6 Sp I even picked up Commissioner  
7 Whitfield who was on vacation five miles down the  
8 road. It just happened that way. We didn't plan  
9 it because we don't plan anything together. But we  
10 came back and I was prepared to do that and stay  
11 for another day if there was a holdover.

12 So I'm there -- I'm there for  
13 everything. I'm pretty much there every day.  
14 Nothing happens very often where I'm not in the  
15 middle seat as the Chair.

16 Q. So could you briefly -- you know,  
17 before going on the commission and from your  
18 information here obviously you I guess back in --  
19 looking at City Council back in 1993, Mayor 2003 to  
20 '13, Piedmont Municipal Power Agency Board, 2004 to  
21 2013, Chairman of Clinton Newberry Natural Gas  
22 Authority from 2003 to '13.

23 Those experiences, how have they helped  
24 shape your work as a member of the Public Service  
25 Commission in your tenure there?

1           A.     Sure.   Sure.   Well, you know, as well  
2     as being Mayor on the Piedmont Municipal Power  
3     Agency I was also Chairman of the Board there.  
4     Through that one -- you know, we ran our own  
5     electrical system and so everything we -- we had  
6     to deal with rates just about every year in some  
7     form or fashion.

8                 We ran our electric system.   We ran our  
9     water system.   Then Clinton Newberry Natural Gas  
10    was a Special Purpose District between -- that was  
11    in cooperation with the City of Clinton and the  
12    City of Newberry.

13                Through Piedmont Municipal Power Agency  
14    I became involved with the American Public Policy  
15    Association's Policy Makers Council which was  
16    elected officials from all over the country that  
17    went to Washington a couple of times a year,  
18    lobbied on behalf of public power and -- and tried  
19    to bring issues forward to members of the -- the  
20    Senate and the House in Washington, DC.

21                So I became Chairman of that, National  
22    Chairman of that, in the third or fourth year that  
23    I was in that.   I don't know exactly how that  
24    happened, but I ended up in that -- that position.  
25    So I think all of those -- in every one of these

1 situations I've been in I've had to deal with the  
2 public. I've had to deal with rates.

3 I've had to deal with the issues that  
4 go -- you know, I testified at EPA when the Clean  
5 Power Plan was first sort of getting off the  
6 ground. We were talking about the MAP rules and  
7 the coal plants.

8 So it's -- all of that -- and then, you  
9 know, I've been on the side of actually providing  
10 the service, providing the utility, providing  
11 electricity, water, wastewater collection, and  
12 natural gas. So I think that gives me a little bit  
13 different perspective than commissioners who  
14 haven't been able to -- who haven't been on that  
15 side of the issue before.

16 So -- but, you know, as a mayor and as  
17 a chairman of those boards, you know, that's a  
18 little different than being a commissioner on the  
19 Public Service Commission because we are -- we  
20 are -- you know, as a mayor on those boards if  
21 you've got a problem you get everybody in the room  
22 and solve it similar to what you guys can do.

23 As a commissioner under judicial canons  
24 we don't get to do that. So it's really different  
25 for me to not always have the give-and-take of that

1       that you would have in the -- in the local  
2       government that we -- that I did before in having  
3       to make a decision. I hope that answers your  
4       questions.

5                SENATOR ALEXANDER: Yes, sir. It does.  
6       Any other questions.

7                (No response.)

8                SENATOR ALEXANDER: Okay. That  
9       concludes our -- I will mention that your annual  
10      evaluations were submitted with the edited PDQs to  
11      become a part of the official record. So I wanted  
12      to make sure that clarification was in the record  
13      as well. Thank you, sir. I appreciate you being  
14      here with us.

15              MR. RANDALL: Thank you. I appreciate  
16      it.

17              SENATOR ALEXANDER: Good morning, sir.

18              MR. HENDRIX: Good morning.

19              SENATOR ALEXANDER: I'm sorry. We're  
20      running a little bit behind. I appreciate your  
21      patience with us. Members of the Committee and  
22      for the record, we have gone from -- we concluded  
23      Seat 3 and are now beginning screening for Seat  
24      Number 5. We have, of course, this morning Mr.  
25      Luther P. Hendrix. I'm going to ask the court

1 reporter be recognized to swear you in for the  
2 screening this morning.

3 LUTHER PRESTON HENDRIX

4 being first duly sworn, testified as follows:

5 SENATOR ALEXANDER: I'll recognize  
6 Ms. Anderson.

7 MS. ANDERSON: Good morning, Mr.  
8 Hendrix.

9 MR. HENDRIX: Good morning.

10 MS. ANDERSON: I want to give a  
11 very brief summary of Mr. Hendrix' background.

12 He earned a Bachelor of Science degree  
13 in Engineering from the University of South  
14 Carolina and a Master of Science in Electrical  
15 Engineering from the Georgia Institute of  
16 Technology.

17 He is the founder and currently a  
18 consultant at Sabal Technology, a management  
19 consulting; the managing director of StarBright  
20 Solar; the founder of 10,000 (sic) Suns Energy; and  
21 the director of MV Lock where he provides  
22 consulting services in electrical engineering, the  
23 management of those businesses, and also acts as an  
24 expert witness when called upon by associated law  
25 firms. He has worked in a variety of positions

1 concerning consulting and technical engineering  
2 design since the late 1970s. More details are  
3 contained in Mr. Hendrix' personal data  
4 questionnaire.

5 Mr. Hendrix, do you have any changes  
6 you would like to make to the personal data  
7 questionnaire you submitted with your application?

8 MR. HENDRIX: No, ma'am.

9 MS. ANDERSON: I would request that  
10 Mr. Hendrix personal a data questionnaire be  
11 entered into the record with any confidential  
12 information being redacted.

13 SENATOR ALEXANDER: So ordered.

14 (EXHIBIT 5, Personal Data Questionnaire  
15 Luther Preston Hendrix, was marked for  
16 identification.)

17 MS. ANDERSON: As part of our  
18 background investigation of Mr. Hendrix we obtained  
19 a credit check, driver's license, and SLED check.  
20 Any questions of a confidential or personal nature  
21 will be taken up in executive session.

22 Before we begin, do you have a brief  
23 statement that you would like to make.

24 MR. HENDRIX: Yes, ma'am. As an  
25 introduction I would just like to say I'm an

1 engineer. Fundamentally I'm an engineer. I spent  
2 most of my life engaged in the practice of data  
3 analysis and making decisions in structured,  
4 fact-based processes.

5 I've worked in the world's most  
6 technologically advanced and most expensive  
7 factories, running large engineering teams and  
8 mass production facilities and operations. Since  
9 leaving that industry I've been working as a  
10 consultant as you mentioned to businesses, legal  
11 teams, and investor groups.

12 I've spent my -- almost my entire  
13 career making money for large corporations and  
14 their shareholders. I am now seeking this position  
15 as a means of doing some good for our state and our  
16 society.

17 Effective, efficient regulation of our  
18 public utilities is a very important function and  
19 is becoming even more critical as our technology  
20 advances and our economy becomes more advanced. I  
21 think I would bring a strong set of skills and a  
22 valuable perspective to the Commission.

23 SENATOR ALEXANDER: Can you pull that  
24 microphone a little bit closer to you there. Thank  
25 you, sir.

1 MR. HENDRIX: People can usually hear  
2 me pretty well without a microphone.

3 EXAMINATION

4 BY MS. ANDERSON:

5 Q. Mr. Hendrix, please state your full  
6 name and home address for the record.

7 A. Luther Preston Hendrix, 1877 Hasty Road  
8 in Camden, South Carolina.

9 Q. Is the green light on?

10 A. Is that better?

11 Q. Probably better than using the mic.

12 A. There you go.

13 Q. Are you a registered voter?

14 A. I am.

15 Q. In which congressional district are you  
16 registered to vote?

17 A. US House District 5.

18 Q. You touched on this a little bit  
19 already in your opening statement, but are there  
20 any comments that you would like to make in  
21 addition to that as to why you're interested in  
22 serving on the Public Service Commission?

23 A. No. I think my opening statements  
24 covered it.

25 Q. All right. Have you attended any



1       hearings at the Commission?

2               A.     No.

3               Q.     Have you read any Commission decisions?

4               A.     Yes.

5               Q.     How would you expect to get up to speed  
6       on the issues confronting the Commission?

7               A.     I would have to do a lot of research,  
8       go back and -- the hearings that I had -- I have  
9       streamed some of them. I haven't attended any.

10              Q.     So you have -- to clarify, you have  
11      observed?

12              A.     I have observed.

13              Q.     You may not physically been present --

14              A.     Right. Observed.

15              Q.     -- but you have observed?

16              A.     Yes. I would have to go back and  
17      restream those, look at those in more detail. I  
18      would definitely have to research a lot of the  
19      testimony and -- and the analysis that's done to  
20      make those decisions.

21                      So, you know, I would look at --  
22      especially in the beginning of this as being a  
23      very difficult job. You know, I'd have a lot of  
24      catching up to do. I would have to lean heavily  
25      on the existing staff and the existing experts.

1           Q.    What role does the Public Service  
2 Commission serve in regards to the regulation of  
3 utilities?

4           A.    First of all, it's to implement and  
5 put into effect the laws, the intent of the  
6 legislature. The PSC regulates the rates,  
7 processes, and the structures of the utilities  
8 that we are meant to regulate.

9           Q.    What are some of the key factors that a  
10 commissioner should consider in a rate case?

11          A.    Well, Number 1 is the laws. Beyond  
12 that the laws and the intent of the legislature.  
13 So the -- you know, complete impartiality as I said  
14 in my opening statement.

15                You know, you stick to a fact-based,  
16 data-based decision-making process. You know, you  
17 drive simple logic and make decisions that are good  
18 for the public interests, the ratepayers and the  
19 companies and our -- our economy as a state.

20          Q.    Are you familiar with the three  
21 advisory opinions issued by the Review Committee  
22 dealing with attendance at legislative receptions,  
23 legislative caucus meetings, and political  
24 gatherings?

25          A.    Yes, ma'am.

1           Q.    Have you attended any legislative  
2           receptions or any legislative caucus meetings  
3           since submitting your application?

4           A.    I have not.

5           Q.    Have you attended any political  
6           gatherings since submitting your application?

7           A.    I have not.

8           Q.    What is the general rule regarding  
9           ex parte communication as it relates to the Public  
10          Service Commission?

11          A.    Ex parte communications are not  
12          allowed. There is a process by which someone who  
13          needs to that type of communication can come before  
14          the entire commission and present whatever evidence  
15          and discussions that they want to have within that  
16          structured process. Outside of that structured  
17          process it's simply not allowed.

18          Q.    What does ex parte communication mean?

19          A.    It means one-on-one communication  
20          basically. It's -- without all the parties  
21          involved you just get one side of the issue  
22          basically.

23          Q.    Okay.

24          A.    It's a one-sided affair.

25          Q.    Assume that you're serving on the

1 Commission and someone approaches you wanting to  
2 discuss a matter that's either currently before the  
3 PSC or could come before the PSC. How would you  
4 handle that situation?

5 A. I would simply tell them I can't  
6 discuss it, that if there's something they really  
7 need to present to the Committee then they need to  
8 use those processes and present that information  
9 before the whole Committee in a structured process.

10 Q. Are you aware that commissioners are  
11 subject to the judicial code of conduct as well as  
12 state ethics laws?

13 A. Yes, ma'am.

14 Q. Can you describe the five canons and  
15 the Code of Judicial Conduct.

16 A. Really, no. I studied Canon 5 because  
17 that's the most applicable. I could summarize them  
18 in a sense of maintaining integrity, Number 1,  
19 impartiality, a complete lack of any political  
20 commentary or participation.

21 Q. Okay. And what would you consider to  
22 be appropriate use of social media pursuant to the  
23 judicial canons for a commissioner?

24 A. Not much.

25 Q. And would there be a difference between

1 private social media versus public if you were a  
2 commissioner?

3 A. Yes. I mean, it can be used. It  
4 has to be private. You should not do anything  
5 to jeopardize the impartiality or initiate or  
6 encourage any kind of political commentary and  
7 especially a discussion -- any kind of discussion  
8 of the policies, practices, or the issues before  
9 the Commission.

10 Q. Are you or a member of your immediate  
11 family employed by a utility regulated by the  
12 Public Service Commission either currently or  
13 within the past two years?

14 A. I am not and I have not been.

15 Q. Do you or a member of your immediate  
16 family have stock or other financial interest that  
17 is directly controlled by you or your family member  
18 of a utility regulated by the PSC?

19 A. No.

20 Q. Are you or a member of your immediate  
21 family an officer or director or otherwise involved  
22 in the management of any business?

23 A. I am a director of the business that  
24 you mentioned at the beginning. I am a director of  
25 MV Lock.

1           Q.    What is your role and what does the  
2 company do?

3           A.    MV Lock is a company that was  
4 established for the development of nonbinary  
5 electronic systems. In other words, Base 3/Base 4  
6 kind of logic, multiple valued logic, which is MV  
7 Lock.

8                   MV is multiple value and lock is a  
9 reference to security issues. So to go to binary  
10 or to go above binary to ternary, quaternary  
11 becomes very advantageous for security issues and  
12 locking down databases and such.

13           Q.    And what about 10,000 (sic) Suns  
14 Energy?

15           A.    It's 1,000 Suns.

16           Q.    I'm sorry. 1,000.

17           A.    Yes. That's because it's a system  
18 being designed, which I can't say a whole lot  
19 about. But it focuses the energy of the sun down  
20 to 1,000 times its initial radiance or the 1,000  
21 suns.

22           Q.    What is your role with the company?

23           A.    I'm the president of the company. I'm  
24 the chief technical officer and the chief financial  
25 officer.

1 Q. And Sabal Technology and Management?

2 A. That's a consulting business.

3 Q. And you're still involved in that?

4 A. I'm still involved in that.

5 Q. StarBright Solar, that was listed on  
6 the Secretary of State's website.

7 A. Yes. StarBright Solar I created some  
8 years ago in order to install solar systems,  
9 residential and commercial. I have not done much  
10 with that.

11 Q. Would your involvement with any of  
12 these businesses need to be reevaluated if elected  
13 to the PSC?

14 A. Yes. I would have to kill off  
15 StarBright. I can't do this and be building  
16 solar systems.

17 Q. But only StarBright?

18 A. I think only StarBright.

19 Q. Do you or a member of your immediate  
20 family have stock or other financial interests that  
21 is directly controlled by you or your family member  
22 of a renewable energy company that appears before  
23 the PSC?

24 A. No.

25 Q. Okay. From which entities did you or a

1 member of your immediate family receive income from  
2 within the previous year?

3 I'm going to add a list of exclusions  
4 for this. Okay. This would not include IRA,  
5 deferred compensation funds, disability, mutual  
6 funds, retirement, pension, or funds received from  
7 a financial institution in the ordinary course of  
8 business.

9 A. 1,000 -- not a 1,000 Suns. I'm sorry.  
10 1,000 Suns has not made me a dime. MV Lock would  
11 not show up in the records as coming from MV Lock.  
12 It would show up as Technical Investments  
13 Incorporated that has paid me consulting fees  
14 through Sabal Technology over the past several  
15 years actually.

16 Q. And nothing from StarBright, correct?

17 A. Nothing from StarBright.

18 Q. And if elected would there be any  
19 potential conflicts of --

20 A. I do have a current business with  
21 StarBright which will pay me money this year.

22 Q. Okay.

23 A. As I say, I'll have to divest that.

24 Q. Okay. And if elected would there  
25 be any potential conflicts of interests, financial



1 or otherwise?

2 A. No.

3 Q. If there were to be a conflict for  
4 whatever reason in the future how would you handle  
5 that?

6 A. I'd have to recuse myself from any  
7 issues involving that conflict primarily, you know,  
8 to get out of that conflict as soon as possible.

9 Q. And are you affiliated with any  
10 political parties, boards, or commissions that  
11 would need to be reevaluated if nominated and  
12 elected?

13 A. No.

14 Q. Do you belong to any organization that  
15 discriminates based on race, religion or gender?

16 A. No.

17 Q. What is the appropriate demeanor for a  
18 commissioner?

19 A. Integrity, impartiality, rational  
20 fact-based decision making.

21 Q. How would you treat people?

22 A. I treat people as I've always treated  
23 people with kindness and respect.

24 Q. Would that apply only while on the  
25 bench or would that apply at all times?

1           A.     That implies all through my life.

2           Q.     If elected to serve as commissioner how  
3 would you envision your workweek?

4           A.     In the beginning very difficult.  
5 That's -- as I say, the catch-up phase would be  
6 much more than a full-time job. I would think that  
7 that would kind of evolve into a standard full-time  
8 job, kind of nine to five plus a lot of evenings  
9 and some research on the side.

10                  I've never had a nine-to-five job.  
11 I've always had the seven-to- nine jobs. So I'm  
12 very accustomed to working hard.

13           Q.     Can you briefly describe the provisions  
14 of Act 62 also referred to as the South Carolina  
15 Energy Freedom Act.

16           A.     Yes. It addresses some of the  
17 shortfallings of Act 165 in removing some of the  
18 limitations on how much solar can be installed in  
19 the state. It's is intended to encourage the  
20 development of the solar energy in the state.

21           Q.     Did it add any additional roles or  
22 functions to the Public Service Commission?

23           A.     It specifically addresses the Public  
24 Service Commission with the task of encouraging the  
25 use of solar power. It also specified that the --

1       you know, that the -- the true costs of the -- the  
2       cost for replacement service basically is to be  
3       used as the standard for rates for solar power,  
4       solar energy.

5                You know, so it -- on one hand it  
6       encourages it and on the other hand it specifies,  
7       you know, specifically how the rates are to be  
8       established.

9                Q.     Do --

10              A.     -- which may or may not really  
11       encourage (inaudible) --

12                   THE COURT REPORTER:   I'm sorry.   I'm  
13       having a little trouble hearing you.   I apologize.  
14       BY MS. ANDERSON:

15              Q.     Do you think that Act 62 creates an  
16       advocacy role for the Public Service Commission for  
17       encouragement of solar?

18              A.     It really does not.   No.

19                   MS. ANDERSON:   Mr. Chairman, pursuant  
20       to the previous motion, if we could go into  
21       executive session.

22                   SENATOR ALEXANDER:   Okay.   At this time  
23       we'll go into executive session as we have done  
24       with each candidate.

25                   (Off-the-record conference.)

1                   SENATOR ALEXANDER: We're back in  
2 regular session. We took no action in executive  
3 session and I'll recognize Ms. Anderson to  
4 continue.

5                   MS. ANDERSON: As part of the  
6 background check we did get SLED DMV records. For  
7 the record, I just wanted to state Mr. Hendrix has  
8 three speeding tickets in the past five years.

9                   There was a ticket in 2018, one in  
10 2015, speeding of ten miles an hour or less. There  
11 was one in 2017, speeding more than ten miles an  
12 hour but less than 25.

13 BY MS. ANDERSON:

14                  Q. Mr. Hendrix, you were also named as a  
15 party in a lawsuit in Texas?

16                  A. Yes.

17                  Q. Can you please explain the  
18 circumstances regarding that lawsuit.

19                  A. Yes. That was -- I was sued under  
20 the --

21                  SENATOR ALEXANDER: Is that green light  
22 back on now?

23                  MR. HENDRIX: Yes. I was sued under  
24 the Deceptive Trade Practices Act for a fraudulent  
25 statement on a real estate disclosure form. The

1 statement was that the house had never flooded. As  
2 I noted, the house sat on a hill above a creek. It  
3 had never flooded.

4 It would never flood. But what had  
5 happened was that I had built a -- or had built a  
6 pool in the back yard. The contractor when they  
7 did the electrical and landscaping around the pool  
8 had put all of the dirt from the ditches and such  
9 over to the side of the house. We had four inches  
10 of rain that night.

11 Because that dirt was all there it  
12 dammed up the effluent pads from the back of the  
13 house to the street and to the creek across the  
14 street and washed back up into the pool. So I had  
15 to sue the pool dealer to -- it was brand new  
16 plaster with now red Texas clay filling the pool.

17 I had to sue the dealer. I had to go  
18 back and basically resurface the pool and fix the  
19 drainage issue in the back yard and remove all the  
20 dirt. When I sold the house the real estate agent  
21 asked me and I told him all that.

22 He said, well, that doesn't mean that  
23 the property flooded. That's just an artifact of  
24 the pool construction, which it was. So everything  
25 was fine for a couple of years and then behind my

1 house was a wooded area that Beazer Homes decided  
2 to buy and do a development back there.

3 They basically said -- as I referenced,  
4 there was a creek across the street. It ran down  
5 near the property from the woods up above the  
6 property and they -- in their construction they  
7 dammed that up. Another big Texas rainfall came  
8 and flooded the pool again.

9 So the people that had bought the  
10 house had the choice of suing me for -- the Texas  
11 Deceptive Trade Practices Act allows a 3X  
12 multiplier on where the actual damages were or they  
13 could sue Beazer Homes which was a big company and  
14 hard to sue. So they chose to sue me. So we  
15 settled out of court. I paid them a big check to  
16 redo the pool yet again.

17 Q. Mr. --

18 A. I should not have settled out of court  
19 by the way.

20 Q. Mr. Hendrix, you've written a few op-ed  
21 pieces.

22 A. Yes.

23 Q. One of those articles was written in  
24 April of 2018 regarding SCANA and South Carolina's  
25 energy market. Have you reviewed this recently?

1 A. No.

2 Q. I know that we talked about it.

3 A. No. I have not.

4 Q. Okay. I'm going to give you a copy.

5 A. Okay.

6 Q. Are you ready?

7 A. Uh-huh.

8 Q. Okay. Would this article reflect your  
9 current position on the status of things?

10 A. Yes. I would still agree with what it  
11 says. Yes.

12 Q. Okay. In the next to the last sentence  
13 you state: We should take over the SCE&G grid  
14 system and turn it over to a quasi-governmental  
15 entity.

16 A. Yes.

17 Q. Who constitutes we?

18 A. We would mean State of South Carolina.

19 Q. State of South Carolina?

20 A. Yeah. For anyone not familiar with  
21 that idea, most of the country's electric grids run  
22 as independent service operators. The one that I  
23 was used to dealing with is ERCOT in Texas which is  
24 just the State of Texas which is, you know, a big  
25 area.

1           There's a number of system operators  
2 throughout the country. They maintain the grid and  
3 allow a free market where the individual consumers  
4 can choose where to purchase their power to get on  
5 the grid.

6           They pay a price to be on the grid and  
7 then they actually purchase power from, you know,  
8 free market providers. That's almost everywhere in  
9 the country except like Montana, Wyoming, the far  
10 west areas, and the southeast.

11           Q. If you were elected commissioner would  
12 you follow and apply the laws impartially?

13           A. Yes.

14           Q. Would this type of commentary be  
15 permissible if you were elected as commissioner?

16           A. No.

17           Q. Okay. Would any type of op-ed be  
18 appropriate for a commissioner?

19           A. That's a strong statement. I think  
20 that some would, although I have a hard time right  
21 now envisioning what would be acceptable. I think  
22 generally you'd probably need to stay away from  
23 op-eds.

24           Q. Okay. Have you made any contributions  
25 to any members of the General Assembly since filing



1 your application?

2 A. No.

3 Q. Have you sought or received the pledge  
4 of any legislator prior to today?

5 A. No.

6 Q. Have you sought or been offered a  
7 conditional pledge of support by any legislator  
8 pending the outcome of your screening?

9 A. No.

10 Q. Have you asked any third parties to  
11 contact members of the General Assembly on your  
12 behalf before the screening report has been  
13 released?

14 A. No.

15 Q. Are you aware of any friends or  
16 colleagues contacting members of the General  
17 Assembly on your behalf?

18 A. No.

19 Q. Are you familiar with the 48-hour rule  
20 which prohibits a candidate from seeking pledges  
21 for 48 hours after the report has been submitted to  
22 the General Assembly?

23 A. Yes.

24 Q. If elected would you plan to serve a  
25 full term?

1           A.    Yes.  I would like to add to that I did  
2   send introductory mailings to all members of the  
3   legislature, the House and Senate.

4           Q.    Do in those introductory letters did  
5   you ask for their support?

6           A.    No, and I expressly stated that this is  
7   not a request for support.

8           MS. ANDERSON:  Okay.  Thank you,  
9   Mr. Hendrix.  Mr. Chairman, I have no further  
10   questions.  For the record, Mr. Hendrix scored a  
11   70 on the test.

12           SENATOR ALEXANDER:  All right.  Thank  
13   you, Ms. Anderson.  Mr. Forrester, we'll start with  
14   you.

15           REPRESENTATIVE FORRESTER:  Thank you,  
16   Mr. Chairman.

17                               EXAMINATION

18   BY REPRESENTATIVE FORRESTER:

19           Q.    Mr. Hendrix, you have indicated that  
20   you've been employed or held positions in the  
21   following areas:  You checked off  
22   telecommunications.  Can you explain your  
23   experience in telecommunications for me.

24           A.    Well, to begin with I worked for  
25   Southern Bell.  I was actually the first installer

1 ever hired by AT&T system straight from the street.  
2 Prior to that installers -- you were hired as a  
3 lineman, a couple or three years as a lineman.  
4 Then they would make you an installer. At that  
5 time that didn't provide enough installers.

6 As more apartments were built and more  
7 small services were put in they had to start hiring  
8 straight from, you know, people coming straight as  
9 an installer. They'd train them and put them out  
10 in the field. So I was the first one that they did  
11 that to. I say did that to. I meant did that for.  
12 Yeah. It's difficult.

13 Q. Okay. And do you see this position as  
14 being a local position?

15 A. No. It's a judicial position. It's --  
16 the job here is to take the laws and apply the laws  
17 to the cases at hand, not to be --

18 Q. I was just looking through some of the  
19 op-eds you've written. They seem to be very  
20 politically involved.

21 A. Uh-huh.

22 Q. How would you handle that if you  
23 were to become commissioner?

24 A. I'd have to stay out of politics  
25 basically. I've never been a member of a political

1 party. I was a member of the Libertarian Party in  
2 California for a while. I dropped that when I  
3 moved to Texas. Other than that I've never been a  
4 member of a political party. My op-eds are  
5 political, but they're not one party or the other.

6 Q. I believe you said you would have to  
7 divest yourself of the solar company interest?

8 A. Yeah. Let me clarify, too. I've done  
9 a number of consulting jobs for telecom companies.  
10 So...

11 REPRESENTATIVE FORRESTER: Thank you.

12 SENATOR ALEXANDER: Yes, sir. Chairman  
13 Sandifer.

14 REPRESENTATIVE SANDIFER: Thank you,  
15 Mr. Chairman.

16 EXAMINATION

17 BY REPRESENTATIVE SANDIFER:

18 Q. Mr. Hendrix, thank you for being here  
19 today and answering our questions. First of all,  
20 you talked a moment ago about the op-eds and  
21 indicated that you would probably stop writing  
22 op-eds.

23 A. I would stop any political op-eds,  
24 yeah.

25 Q. What about your letters to the editor?

1       There are several of those in the file as well.

2               A.     Well, I would lump those in the op-eds.  
3       So I'm guilty by association there.

4               Q.     So nothing that would be published?

5               A.     Yeah.   That's a matter of word count  
6       frankly.

7               Q.     All right.   And then I know that you  
8       have a number of businesses that are operational.  
9       Do you recognize that this is a full-time job?

10              A.     Oh, absolutely.   Yes.

11              Q.     Okay.   So would you continue your  
12       involvement in multiple industries with the  
13       exception of the one?

14              A.     No.   As I mentioned specifically with  
15       StarBright but also in Sabal, the consulting gigs  
16       that I get with Sabal are very time-consuming.   You  
17       know, it's hundreds of hours of going through  
18       patents doing due diligence research and such.

19                     I couldn't do that.   I couldn't take on  
20       a job to that requires 200 hours of research work.  
21       So no.

22              Q.     Okay.   And following up on something  
23       that my colleague referenced a moment ago, I  
24       noticed there are eight different things that are  
25       asked if you have experience or expertise in.

1 There's only one that you did not have, consumer  
2 protection and advocacy issues.

3 A. I have never worked with consumer  
4 protection. Well, okay. I got hired one time  
5 to write up a safety manual for a tractor. So  
6 that's -- I guess that is consumer safety.

7 Q. I guess the point I'm making is are  
8 you -- are you aware that consumer protection is  
9 part of the office of a commissioner?

10 A. Oh, absolutely. Yes.

11 Q. Okay.

12 A. Yes.

13 Q. I'm just trying to follow up --

14 A. Yes.

15 Q. -- on what you've given us.

16 A. Yes. I've just never worked  
17 specifically in consumer protection.

18 Q. Okay.

19 A. My job has always been to make money  
20 for big companies.

21 REPRESENTATIVE SANDIFER: That's all I  
22 have, Mr. Chairman. Thank you.

23 SENATOR ALEXANDER: Any other  
24 questions?

25 (No response.)

1 EXAMINATION

2 BY SENATOR ALEXANDER:

3 Q. Chairman Sandifer mentioned that -- I  
4 just wanted to circle back around on this full-time  
5 job. You mentioned one and you clarified the other  
6 one, that you could not do it.

7 Would it be your intent -- let me just  
8 ask. Would it would be your intent if you were on  
9 the Commission to have any other involvement in any  
10 other paying position outside of that?

11 A. No, sir.

12 Q. Okay. I think that -- I think  
13 there's another entity that maybe we've not -- I  
14 just wanted for the record to know kind of what  
15 your vision would be.

16 A. Yeah. I think the only one I would  
17 continue at all would be 1,000 Suns which is -- I  
18 would hate to call it a plaything, but it does --  
19 it's kind of fundamental research in electrical  
20 devices. So I might still play with that on the  
21 weekends-kind-of-a thing. I'll do that and I fix  
22 cars. I do lots of other things.

23 Q. In light of things how -- if you were  
24 on the Commission how do you distinguish advocacy  
25 versus being impartial?

1           A.    Advocacy is when it's clear that you're  
2   advocating for one party over another.  It's kind  
3   of contrary to being impartial.

4           Q.    Okay.  Does the Public Service  
5   Commission play a role in policy for the state --

6           A.    No.

7           Q.    -- for energy?

8           A.    No.  It simply implements policy.  It  
9   does not write policy, direct policy, or influence  
10  policy.

11          Q.    How would you balance competing  
12  interests?

13          A.    Again, I'm an engineer.  I go where  
14  the data says, where the data leads.  You know,  
15  it's just purely to follow the facts and the  
16  competing interests have to deal with where the  
17  facts go.  As an example, I did a number of  
18  different jobs for the Texas Public Utility  
19  Commission on routing high voltage transmission  
20  lines.

21                There's a lot of wind farms out in West  
22  Texas that generate a lot of electricity that West  
23  Texas doesn't need.  That electricity has to get to  
24  San Antonio.  It has to get to Houston.  It has to  
25  get to Dallas.  So I worked on a number of cases



1 where there where the different routes were voted  
2 on by the public utilities commissioner and decided  
3 on by the public utilities commissioner. What they  
4 would do, they would go gather all the data on  
5 these different routes.

6 The company building the lines would  
7 specify three or four different routes that they  
8 want to take and, of course, several alternatives  
9 to those routes and -- excuse me. They would  
10 gather up all the data, how many people live next  
11 to this route, how many creeks does it have to  
12 cross, and how many other power lines does it have  
13 to cross.

14 All these -- you know, there's about 48  
15 different factors, I think. I created a method of  
16 objectively analyzing all of that data and deciding  
17 what the best route would be. Okay. So their  
18 public utilities commission in every case took my  
19 recommendation and used that as the route for the  
20 lines.

21 Q. You mentioned that was consulting work  
22 that you did for the Texas commission?

23 A. Yes.

24 Q. So I guess my thought -- question  
25 would be: Have you done any consulting work for

1 any entity that is regulated by the South Carolina  
2 Public Service Commission?

3 A. No.

4 SENATOR ALEXANDER: Any other  
5 questions? All right.

6 MR. HENDRIX: Just to clarify that,  
7 I was always hired by attorneys representing  
8 landowners who didn't want to -- you know, didn't  
9 want a high voltage power line running through  
10 their property.

11 SENATOR ALEXANDER: I appreciate that  
12 clarification.

13 MR. HENDRIX: Sometimes my analysis  
14 didn't exactly do what they wanted. The analysis  
15 does what the analysis does.

16 SENATOR ALEXANDER: Thank you. I  
17 appreciate those comments. I appreciate you being  
18 with us. I don't see any other questions. So that  
19 will conclude the screening this afternoon.

20 MR. HENDRIX: Yes.

21 SENATOR ALEXANDER: So thank you for  
22 your time being with us.

23 MR. HENDRIX: Just in time to figure  
24 out the microphone. Thank you.

25 SENATOR ALEXANDER: We have before us

1 Mr. Headen B. Thomas. We'll first recognize the  
2 court reporter to swear you in for your screening  
3 at this time.

4 HEADEN BYNUM THOMAS  
5 being first duly sworn, testified as follows:

6 SENATOR ALEXANDER: Thank you. And at  
7 this time I'll recognize Mr. Davidson to begin  
8 the screening process.

9 MR. DAVIDSON: Good -- excuse me. Good  
10 afternoon, Mr. Thomas.

11 MR. THOMAS: Good afternoon.

12 MR. DAVIDSON: Mr. Thomas earned a  
13 Bachelor of Arts degree in Economics from Wofford  
14 College in 1973 and a MBA from Winthrop College  
15 in 1979. Mr. Thomas is currently employed on a  
16 part-time basis with Moore & Moore CPAs. He is  
17 primarily involved in tax compliance and planning  
18 for a wide range of compliances.

19 Mr. Thomas has been employed with Moore  
20 & Moore since 2009. In 1983 to 2006 Mr. Thomas  
21 worked for Piedmont Natural Gas. He started as a  
22 tax staff accountant and progressed to a corporate  
23 tax manager, the director of investor relations,  
24 and then to director of investor relations and  
25 corporate communications.

1                   Mr. Thomas managed all aspects of the  
2 tax department including planning, compliance,  
3 accounting and preparation of tax related aspects  
4 of rate case filings. With regard to investor  
5 relations Mr. Thomas managed equity financing,  
6 developed rating agency packages, scripted  
7 earnings, conference calls, prepared -- and  
8 prepared and delivered analyst presentations.

9                   From 1979 to 1982 Mr. Thomas worked for  
10 Deloitte Haskins and Sells providing tax planning,  
11 tax compliance, and tax audit resolution services.  
12 From '78 to '79 Mr. Thomas worked for Moore,  
13 Glover, Pierce and Harrell, CPAs part-time while  
14 working on his MBA. From '73 to '77 Mr. Thomas  
15 worked for Manufacturer Supply Company.

16                  Mr. Thomas is also involved with two  
17 other businesses. He's the Manager for Heritage  
18 Bluff Preserve and President for Edisto Heritage  
19 Development.

20                  Mr. Thomas, do you have any changes  
21 that you would like to make to the personal data  
22 questionnaire you submitted with your application?

23                  MR. THOMAS: No, I do not.

24                  MR. DAVIDSON: Mr. Chairman, I  
25 would request that Mr. Thomas' personal data

1 questionnaire be entered into the record along  
2 with any confidential information being reacted.

3 SENATOR ALEXANDER: So ordered.

4 (EXHIBIT 6, Personal Data Questionnaire  
5 of Headen Bynum Thomas, was marked for  
6 identification.)

7 MR. DAVIDSON: As part of our  
8 background investigation of the candidate we  
9 obtained a credit check, driver's licence, and SLED  
10 check. Any questions of a confidential or personal  
11 nature will be taken up in executive accession.

12 Before we begin the questioning,  
13 Mr. Thomas, do you have any -- or do you have a  
14 brief statement that you would like to make?

15 MR. THOMAS: I'd just like to say  
16 thank you for your time here today. I think that  
17 as we go through this process we can get a better  
18 understanding of my background and experience. At  
19 this time I'll just not make an opening statement.  
20 Thank you.

21 EXAMINATION

22 BY MR. DAVIDSON:

23 Q. Could you please state your name and  
24 home address for the record.

25 A. Headen Thomas and the home address is

1 546 Willowblue Run, Rock Hill, South Carolina.

2 THE COURT REPORTER: I'm sorry to  
3 interrupt. I don't know if the microphone's not  
4 working. I'm really struggling to hear the  
5 witness. I apologize.

6 SENATOR ALEXANDER: Will you please  
7 test that.

8 THE WITNESS: Testing. Testing. Maybe  
9 I'm too far away.

10 BY MR. DAVIDSON:

11 Q. Will you please repeat your name and  
12 home address.

13 A. Okay. Is that working better? Headen  
14 Thomas and it is 546 Willowblue Run in Rock Hill,  
15 South Carolina 29732.

16 Q. And are you a registered voter?

17 A. Yes.

18 Q. In which congressional district are you  
19 registered to vote?

20 A. The Fifth District.

21 Q. Why are you interested in serving on  
22 the Public Service Commission?

23 A. I think that my background, training,  
24 and experience is very well suited to serve on  
25 the Commission and I think that I could make an

1 immediate contribution to the proceedings and the  
2 operations of the Commission. That's what I'd like  
3 to do.

4 Q. Have you attended any hearings at the  
5 Commission?

6 A. Yes, sir.

7 Q. Have you read any of their decisions?

8 A. Yes.

9 Q. How would you expect to get up to speed  
10 on the issues confronting the Commission?

11 A. It would be a lot of studying and  
12 reading. The study materials that were suggested  
13 for the test is a good starting point and also the  
14 information at the ORS website, at the Public  
15 Service Commission website, the pre-filed  
16 testimony, reading some of the orders, and probably  
17 talking with the some of the sitting commissioners.

18 Q. What role does the Public Service  
19 Commission serve in regards to the regulation of  
20 utilities?

21 A. Basically it's primarily involved with  
22 the setting of the rates and the quality of  
23 service.

24 Q. Do commissioners have an activism role  
25 or a role of an advocate in any circumstance?

1 A. No, not really.

2 Q. What are the key factors that a  
3 commissioner should consider in a rate case?

4 A. Well, the cost of service is a good  
5 starting point and whether or not the expenditures  
6 were prudent, the plant basis for the rate filing  
7 and additions to plant, whether those were prudent,  
8 what is the appropriate and allowed rate of return,  
9 the rate design, to make sure that various customer  
10 classes are paying their fair share. Those would  
11 be the primary factors.

12 Q. Are you familiar with the three  
13 advisory opinions issued by the Review Committee  
14 dealing with attendance at, 1, legislative  
15 receptions, two, legislative caucus meetings, and  
16 three, political gatherings?

17 A. Yes.

18 Q. Have you attended any legislative  
19 receptions or any legislative caucus meetings since  
20 submitting your application?

21 A. No, I have not.

22 Q. Have you attended any political  
23 gatherings since submitting your applications?

24 A. No, I have not.

25 Q. Could you explain the general rule



1 regarding ex parte communications as it relates to  
2 the Public Service Commission please.

3 A. Well, ex parte communications are not  
4 allowed. Basically the communications have to  
5 happen in the appropriate environment which is at  
6 the hearing. So I couldn't have a conversation  
7 with someone outside that environment.

8 Q. Assume you were serving on the  
9 Commission and you are approached by someone  
10 wanting to discuss a matter that is or may become  
11 an issue in a proceeding. How would you handle  
12 that situation?

13 A. Well, I would basically say that I  
14 cannot do that and would politely remove myself  
15 from that situation.

16 Q. Are you aware that commissioners are  
17 subject to the judicial code of conduct as well as  
18 state ethics laws?

19 A. Yes.

20 Q. Are you able to briefly describe the  
21 five canons in the Code of Judicial Conduct?

22 A. Let's see. One of them is independence  
23 and integrity. You try to maintain the  
24 independence and integrity of the judicial process.  
25 Another one would be to avoid improprieties in all

1 activities. Another one would be to practice  
2 diligence in the judicial process. It is important  
3 to avoid conflicts with the judicial duties at all  
4 times and avoid inappropriate political activities.

5 Q. What do you consider to be appropriate  
6 use of social media pursuant to the judicial  
7 canons?

8 A. Very limited. You should not be  
9 posting anything that is certainly expressing a  
10 political and/or in connection with activities of  
11 the Commission. You should not be looking at or  
12 reviewing or seeing that sort of stuff on social  
13 media either.

14 Q. Are you or a member of your immediate  
15 family employed by a utility regulated by the PSC  
16 either currently or within the past two years?

17 A. No.

18 Q. Do you or a member of your immediate  
19 family have stock or other financial interest that  
20 is directly controlled by you or your family member  
21 of a utility regulated by the PSC?

22 A. No.

23 Q. Do you or a member of your immediate  
24 family have stock or other financial interest that  
25 is directly controlled by you or your family member

1 for a renewable energy company that appears before  
2 the PSC?

3 A. No.

4 Q. Are you or a member of your immediate  
5 family an officer, director, or involved in the  
6 management of any business enterprise?

7 A. Yes.

8 Q. Could you please identify it. It's  
9 more than one, correct?

10 A. Yes.

11 Q. Would you identify the first one,  
12 please.

13 A. Well, one of them is Heritage Bluff  
14 Preserve, LLC. The other one is Edisto Heritage  
15 Development. They are both involved in real  
16 estate activities and I am involved in those at  
17 this particular point in time. Those activities  
18 are very much winding down. One small project is  
19 still active, but it should be wrapped up probably  
20 within this month.

21 Q. Could you expand upon your role with  
22 each of those enterprises.

23 A. Well, basically managing all aspects.  
24 I'm pretty much the only employee. So it's  
25 a matter of anything from very, very hands-on

1 activities to rehabilitating a property to, you  
2 know, doing stuff such as ripping out cabinets and  
3 replacing cabinets and painting or the process of  
4 going through zoning changes and permitting. It's  
5 a pretty wide range of activities.

6 Q. If elected to serve would you continue  
7 to serve in those capacities with those two  
8 activities --

9 A. No. They would be inactive.

10 Q. -- as you mentioned?

11 A. Right.

12 Q. Thank you. I just wanted to clarify  
13 that point.

14 A. Sure.

15 Q. The next question is a bit long. So if  
16 I need to repeat it please don't hesitate to ask.

17 A. Okay.

18 Q. What did you or a member of your  
19 immediate family -- what entities did you or a  
20 member of your immediate family receive income from  
21 within the previous year?

22 Now, this does not include IRA,  
23 deferred compensation funds, disability, mutual  
24 funds, pensions, retirement, or funds received from  
25 your financial institution in the ordinary course

1 of business.

2 A. Okay. Well, W-2, salary from Moore &  
3 Moore CPA firm for me. My wife did some work for  
4 her son. He's an orthodontist. He was  
5 short-handed on his staff and he needed help. So  
6 she got a W-2 from him. Then the income from the  
7 two entities that we have previously mentioned.

8 Q. Thank you. If I elected would there be  
9 any potential conflicts of interest, financial or  
10 otherwise?

11 A. No.

12 Q. What would you do if a conflict of  
13 interest arose?

14 A. Well, I would recuse myself.

15 Q. Are you affiliated with any political  
16 parties, boards, or commissions that would need to  
17 be reevaluated if you were nominated and elected?

18 A. No.

19 Q. Do you belong to any organization that  
20 discriminates based on race, religion, or gender?

21 A. No.

22 Q. What is the appropriate demeanor for a  
23 commissioner?

24 A. A commissioner should be cool, calm,  
25 and collected and should allow all parties an

1 opportunity to present their views, present their  
2 case. Pretty much you just have to keep everything  
3 cool and calm.

4 Q. Does that apply while on the bench or  
5 24 hours a day, 7 days a week?

6 A. That is always.

7 Q. If elected to serve as a commissioner  
8 how do you envision your work schedule?

9 A. I would envision it to be much like the  
10 upcoming tax season, full time or more than full  
11 time.

12 Q. Is it -- excuse me. Is it ever  
13 appropriate for a commissioner to express a  
14 personal opinion on an issue within the utility  
15 industry?

16 A. I don't think so.

17 Q. Could you please describe the term  
18 cross-subsidization.

19 A. Cross-subsidization would relate to  
20 probably rate design where you would have one  
21 customer class that is paying part of the cost to  
22 serve another customer class. I guess at present  
23 the distributed energy programs are kind of the  
24 focus that is -- needs to be paid attention to so  
25 that if somebody has a solar -- say has a solar

1 panel on their house and that they are selling  
2 energy to the utility then that takes away from the  
3 revenues that are generated from that customer and  
4 other customers should not have to subsidize the  
5 lost revenue from the distributed energy producer.

6 MR. DAVIDSON: Thank you. At this  
7 time, Mr. Chairman, I'd ask that we go into  
8 executive session and we do with all candidates.

9 SENATOR ALEXANDER: As we've been  
10 doing, we'll go into executive session at this  
11 time.

12 (Off-the-record conference.)

13 SENATOR ALEXANDER: We're back in  
14 open session and no action was taken in executive  
15 session. I'll recognize Mr. Davidson to continue  
16 our screening of Mr. Thomas.

17 BY MR. DAVIDSON:

18 Q. Mr. Thomas, you reported that you were  
19 involved in one lawsuit. That was a 2010  
20 captioned: Batson Hewitt and Bailey Island Club  
21 Association versus SC DHEC and Headen B. Thomas.  
22 Could you briefly describe or explain the  
23 background of that case.

24 A. Well, that was in connection with a  
25 dock permit that I was trying to obtain for the

1 property that I have there that was at the time  
2 being developed and needed to put in a dock. The  
3 next door neighbor and the across-the-creek  
4 neighbor didn't want the dock.

5 Q. Thank you. Have you made any  
6 contributions to members of the General Assembly  
7 since filing your application?

8 A. I have not.

9 Q. Have you sought or received the pledge  
10 of any legislator prior to this date?

11 A. I have not.

12 Q. Have you sought or been offered a  
13 conditional pledge of support by any legislator  
14 pending the outcome of your screening?

15 A. I have not.

16 Q. Have you asked any third parties to  
17 contact members of the General Assembly on your  
18 behalf before the final and formal screening report  
19 has been released?

20 A. No, I have not.

21 Q. Are you aware of any friends or  
22 colleagues contacting members of the General  
23 Assembly on your behalf?

24 A. I am aware of one thing that happened.  
25 So basically what happened is we, you know, asked



1 people to write the recommendation letters for us.  
2 Unbeknownst to me one of the people that wrote a  
3 recommendation letter e-mailed a copy of that  
4 letter to his Senator. I didn't know about that  
5 until about a day later. I didn't ask him to do  
6 that and was surprised.

7 Q. There's no indication that he asked  
8 the Senator to support you or any language to that  
9 effect in that e-mail?

10 A. No. I didn't see the e-mail that he  
11 sent. So all I know he sent was the recommendation  
12 letter that you all have.

13 SENATOR ALEXANDER: Mr. Davidson, if I  
14 could, I'd like to ask Ms. Anderson for some  
15 clarification.

16 MS. ANDERSON: Since this was dealing  
17 with the Senator I did speak with Mr. Thomas about  
18 this. He said he knew nothing about this. I also  
19 had a conversation with Mr. Jenkinson who wrote the  
20 letter. He said that Mr. Thomas not asked him to  
21 send it to Senator Sabb.

22 He had done this on his own and he  
23 had done it without thinking. I also had a  
24 conversation with Senator Sabb. Senator Sabb said,  
25 yes, I received an e-mail but when I realized what

1 it was I stopped reading and there have been no  
2 further conversations. So everybody has clarified  
3 that Mr. Thomas has not asked for any support nor  
4 did he ask for the letter to be sent.

5 MR. THOMAS: Thank you.

6 SENATOR ALEXANDER: I think that was  
7 appropriate to have that interjected.

8 BY MR. DAVIDSON:

9 Q. Thank you. Two more final questions,  
10 Mr. Thomas. Are you familiar with the 48-hour rule  
11 which prohibits the candidate from seeking pledges  
12 for 48 hours after the report has been submitted to  
13 the General Assembly?

14 A. Yes.

15 Q. And do you plan to serve a full term if  
16 elected?

17 A. Yes, I do.

18 MR. DAVIDSON: I note for the  
19 record that Mr. Thomas scored a 68 on the test.  
20 Mr. Chairman, I have no further questions. Thank  
21 you, Mr. Thomas.

22 MR. THOMAS: Thank you.

23 SENATOR ALEXANDER: Thank you,  
24 Mr. Davidson. I recognize Representative  
25 Forrester.

1 REPRESENTATIVE FORRESTER: Mr.  
2 Chairman, I would like to recuse myself from  
3 this candidate since we are former colleagues at  
4 Piedmont Natural Gas.

5 SENATOR ALEXANDER: So noted for the  
6 record.

7 REPRESENTATIVE FORRESTER: Thank you.

8 SENATOR ALEXANDER: Chairman Sandifer.

9 REPRESENTATIVE SANDIFER: Thank you,  
10 Mr. Chairman.

11 EXAMINATION

12 BY REPRESENTATIVE SANDIFER:

13 Q. Mr. Thomas, thank you for being here  
14 today and --

15 A. Thank you.

16 Q. -- thank you for your willingness to  
17 serve in this capacity. Just a very few questions.  
18 One that just caught my attention is that I know  
19 you're a licensed CPA, but you're licensed in North  
20 Carolina?

21 A. Yes, sir.

22 Q. Are you not licensed in South Carolina?

23 A. That's correct.

24 Q. Your practice is in South Carolina?

25 A. Yes and no. Let me explain that.

1 Q. Okay.

2 A. So basically a long time ago I started  
3 out as a CPA and as a resident of South Carolina.  
4 That's where I took the exam and passed the exam  
5 and was originally licensed in South Carolina. I  
6 was living in South Carolina, working in North  
7 Carolina.

8 I was working in North Carolina for a  
9 CPA firm. So I got the reciprocal license in  
10 North Carolina. As the years moved on I really  
11 didn't need to have a CPA license anymore with what  
12 I was doing. So I went through the procedure of  
13 relinquishing my license I guess you'd say.

14 Then years later I started working with  
15 more and more CPAs in Rock Hill. At that point in  
16 time the IRS was requiring a PTIN, practitioner  
17 taxpayer identification number. In order to get  
18 that number you either needed to been an enrolled  
19 agent, CPA, or a couple of other qualifiers.

20 So I started looking in to getting my  
21 CPA license back. South Carolina was expensive and  
22 time-consuming. It was a \$1,000 fee and six weeks  
23 of continuing education which I'd have to pay for  
24 and take the time to do. North Carolina was quite  
25 simply to pay a fee. I don't remember the amount,

1 maybe \$100. You take 40 hours of CPE which is  
2 normal, year end and year out. The IRS doesn't  
3 care whether I'm licensed in North Carolina or  
4 South Carolina.

5 The State of South Carolina Board of  
6 Accountancy is prohibitive from regulating people  
7 that are simply involved in tax practice. So I  
8 don't have to have it for South Carolina and I  
9 didn't want to spend the money or waste the time.

10 Q. Thank you for that explanation.

11 A. Sorry it's so long.

12 Q. That's another simple thing to  
13 figure out. In some of the information you  
14 provided to us you were in charge of corporate  
15 communications for Piedmont Natural Gas and it  
16 describes: Spokesman for radio, TV interviews,  
17 annual reports, shareholders press releases,  
18 strategic communications.

19 Were any of these communications to or  
20 with members of the General Assembly?

21 A. No, not really. I was also on the PAC  
22 committee, the Political Action Committee. I  
23 believe I was an Officer of the Political Action  
24 Committee. I did make a few trips down here to  
25 meet with people and in the General Assembly. It

1 would have been probably in the early 2000s.

2 REPRESENTATIVE SANDIFER: Okay. Thank  
3 you, sir. Mr. Chairman, I that's all I have.

4 EXAMINATION

5 BY SENATOR ALEXANDER:

6 Q. Okay. Certainly with any of the  
7 other -- I think you responded to understanding  
8 that the job with the Public Service Commission is  
9 a full-time job?

10 A. Yes, sir.

11 Q. If you were on the Commission, any  
12 other interest you have, how would that be handled  
13 or resolved?

14 A. Well, the job with the CPA firm is like  
15 I said full time and more than full time through  
16 April 15th. Then at that point forward it's just a  
17 -- they called me back as needed which typically  
18 happens around September 15th and October 15th due  
19 date.

20 I've already told them that after April  
21 15th if this comes to pass then I will not be able  
22 to do that anymore. As I mentioned earlier with  
23 regards to my real estate activities, I have one  
24 project that is finalizing as we speak. So the  
25 timing actually couldn't be any better.

1           Q.     Okay. So with your experience and  
2 background in finance and as an accountant how  
3 would you envision that assisting you with doing  
4 the job on the Commission and what else would be  
5 involved in other areas that the Commission  
6 regulates?

7           A.     Well, I just think that that's a  
8 good background to have to fit in with the other  
9 commissioners. I think that we need a variety of  
10 backgrounds and training on any team or committee.  
11 This Committee is a good example of a diverse  
12 background and group.

13                     I think that the three commissioners  
14 that were elected last time have, you know, a  
15 pretty good, diverse background. One of them was  
16 with ORS for a number of years and another one was  
17 a judge.

18                     Another one is an attorney who scored  
19 very well on his exam. I think those are all, you  
20 know, very qualified people. But I think my  
21 perspective is different from theirs and I think  
22 that's of value to the Commission.

23                     SENATOR ALEXANDER: Okay. Senator from  
24 Horry.

25                     SENATOR RANKIN: Thank you.

1 EXAMINATION

2 BY MR. RANKIN:

3 Q. Mr. Hendrix, I appreciate your being  
4 here. Excuse me. Headen Thomas. Pronounce your  
5 first name.

6 A. Headen.

7 Q. Headen, your desire to do this --  
8 I didn't hear the initial questions with  
9 Mr. Davidson. Why in the world would you want to  
10 do this?

11 A. Well, I just think that, you know,  
12 there's been a lot going on and I think we need  
13 some change there. I ran as some of you know back  
14 in the '13/'14 time frame. So this is not my first  
15 time in stepping forward to do this.

16 I just think that we do need some  
17 different perspectives there. I think that I'm  
18 very qualified to do that.

19 Q. The test itself you mentioned just a  
20 moment ago, how you did versus others, I think  
21 I've heard you mention that test as compared to  
22 your prior run. Are we asking the right questions  
23 of you, the candidate?

24 A. Well, to be honest with you I was  
25 surprised at my score and was wondering -- you



1 know, we have -- we were assigned a number. So I  
2 was Number 18. I'm thinking, did they get those  
3 numbers mixed up? Is that really my score?

4 That's the first thought I had. But, I  
5 mean, I guess basically the questions that were  
6 asked were ones that I apparently didn't know  
7 answers to. Sometimes you take a test and they ask  
8 questions and you know the answers. Other times  
9 not as much. Not as much.

10 So I thought the questions were good.  
11 You know, obviously a test has to change every  
12 time. I don't have any problems with the test  
13 questions. I think the information we were told to  
14 be looking at to study was good. I did study and  
15 that was the outcome.

16 Q. Edisto Heritage Development  
17 Incorporated, is that you singularly or are  
18 you involved with others?

19 A. That's me.

20 Q. I'm curious about the name. How did  
21 you get that name?

22 A. Well, it started out being a project  
23 on Edisto Island. So that was just the name I  
24 came up with. It's touched on a couple of other  
25 little things since then, but it's primarily been

1       that project.

2               Q.     Do you have other interests or is that  
3       development still going down there?

4               A.     It's completed. I have a few lots left  
5       for sale.

6               Q.     Oristo, does that name ring a bell to  
7       you?

8               A.     Yes.

9                       SENATOR RANKIN: O-R-I-S-T-O for the  
10      Court Reporter.

11      BY MR. RANKIN:

12               Q.     Did you vacation or did you grow up  
13      going to Edisto?

14               A.     I've been going to Edisto for a good  
15      while, yes.

16               Q.     That was started, I think, by the  
17      Ficks -- F-I-C-K -- family from Walterboro. They  
18      had some interest in it. I grew up with those  
19      folks and I don't think it matured the way they  
20      wanted it to 50 years ago or maybe 45 years ago.

21               A.     There's been a lot of changes there and  
22      it's now called Wyndham. The golf course has been  
23      sold. So it's been through some changes.

24               Q.     Did John Jenrette have some interest in  
25      it? Successor interest?

1           A.     His name is in some way associated  
2     with Edisto, I believe. I don't know how, but I  
3     wasn't really very active back in -- that far back  
4     at Edisto in terms of vacations or anything else.  
5     You know, I would go occasionally. I had some  
6     familiarity, but most of it is newer.

7           SENATOR RANKIN: That's all. Thank  
8     you.

9           SENATOR ALEXANDER: Any other questions  
10    for members of the Committee? Hearing none then  
11    that concludes the screening of you, Mr. Thomas.  
12    We appreciate you being here with us today.

13          MR. RANSOM: Mr. Chairman, I do not  
14    want to ask a question but I want to call out of  
15    one of your letters of support, Mr. Jenkinson. You  
16    picked a fine fellow to say nice things about you.

17          AUDIENCE MEMBER: Thank you. I think  
18    an awful lot of him as well.

19          SENATOR ALEXANDER: Thank you very  
20    much. I think at this point we are scheduled for a  
21    15-minute break, a lunch break.

22          (A recess transpired.)

23          SENATOR ALEXANDER: We're back  
24    reconvening the Public Service Commission screening  
25    continuing with Seats 1, 3, 5 and 7. We're

1 currently on Seat Number 5. More than a quorum is  
2 present with proxies in hand. We have before us  
3 now Swain E. Whitfield. Good afternoon.

4 MR. WHITFIELD: Good morning,  
5 Mr. Chairman.

6 SENATOR ALEXANDER: I'm going to ask  
7 and you recognize the court reporter to swear you  
8 in.

9 SWAIN EDGAR WHITFIELD  
10 being first duly sworn, testified as follows:

11 SENATOR ALEXANDER: Thank you very  
12 much. I'll recognize Mr. Davidson to begin the  
13 screening process.

14 MR. DAVIDSON: Good afternoon, Mr.  
15 Whitfield.

16 MR. WHITFIELD: Good afternoon.

17 MR. DAVIDSON: Mr. Whitfield earned a  
18 Bachelor of Arts in Geography from the University  
19 of Georgia in 1986. Mr. Whitfield currently serves  
20 on the Public Service Commission and was elected in  
21 2008.

22 Mr. Whitfield was Chairman of the  
23 Commission from July 1st, 2016 to June 30th, 2018.  
24 Prior to serving on the Commission Mr. Whitfield  
25 owned and operated Whitfield Transportation which

1 he opened in '91. The company was an agency and  
2 brokerage operation before expanding to operate  
3 truckload service throughout the country and  
4 Canada.

5 Mr. Whitfield sold the business in  
6 2008. Prior to starting Whitfield Transportation  
7 Mr. Whitfield worked for Senn Trucking, Youmans  
8 Transportation, Laidlaw Carriers, and the South  
9 Carolina Department of Transportation at various  
10 times. Mr. Whitfield also served on the Winnsboro  
11 City Council for four years beginning in 1995.

12 Mr. Whitfield reported that he was  
13 also a member of the Fairfield County Substance  
14 Commission from '94 to '96 and a member of the  
15 John de la Howe School Board of Trustees from '06  
16 to '08.

17 Mr. Whitfield, do you have any  
18 changes you would like to make to the personal  
19 data questionnaire you submitted with your data  
20 application at this time?

21 MR. WHITFIELD: No, sir, Mr. Davidson.  
22 None at this time.

23 MR. DAVIDSON: Thank you. Mr.  
24 Chairman, I would request that Mr. Whitfield's  
25 personal data be entered into the record with any

1 confidential information being redacted.

2 SENATOR ALEXANDER: So ordered.

3 (EXHIBIT 7, Personal Data Questionnaire  
4 of Swain Edgar Whitfield, was marked for  
5 identification.)

6 (EXHIBIT 8, Performance Evaluation of  
7 Swain E. Whitfield, was marked for identification.)

8 MR. DAVIDSON: As part of our  
9 background investigation of Mr. Whitfield we  
10 obtained a credit check, driver's licence, and SLED  
11 check. Any question of a confidential or personal  
12 nature will be taken up in executive session.

13 Before we begin the questioning,  
14 Mr. Whitfield, do you have a brief statement or  
15 opening statement that you would like to make?

16 MR. WHITFIELD: Yes, sir, Mr. Davidson.  
17 If it's appropriate I would like to make a brief  
18 opening.

19 MR. DAVIDSON: Please.

20 SENATOR ALEXANDER: I want to clarify  
21 for the record when we submitted that that includes  
22 the annual evaluation information. So I just want  
23 to clarify that as being provided into the record.

24 MR. WHITFIELD: Yes, sir. Thank you,  
25 Senator Alexander.

1                   SENATOR ALEXANDER: Yes, sir. You can  
2 proceed.

3                   MR. WHITFIELD: Ready?

4                   SENATOR ALEXANDER: Yes.

5                   MR. WHITFIELD: Yes, sir. I would like  
6 to thank the PURC committee for being before you  
7 once again. I would like to thank you for the  
8 opportunity I've had.

9                   To be quite frank with you, service on  
10 the Public Service Commission the last 11 and a  
11 half years has been a life-changing experience for  
12 me. Many of you may remember I started out as the  
13 at-large commissioner in '08 and that seat no  
14 longer exists.

15                  I moved from there to Blackstock up  
16 beside my in-laws and then moved back to Winnsboro,  
17 my home county, and now, of course, serve as the  
18 Fifth District Commissioner. So there's been a lot  
19 of changes in my life. I sold my business. A lot  
20 has changed and it has been a life-changing  
21 experience for me.

22                  Also, I've learned some hard lessons.  
23 I've learned that sometimes being in leadership you  
24 have to be the face of bad news and you have to  
25 deal with things that are before you. I've learned

1 a lot and grown through some painful experiences.  
2 But also I would like to thank you for the  
3 opportunities I have had the last 11 years and to  
4 thank you for the training that I've had.

5 I've learned more than I ever thought I  
6 would know about this field. I've had extensive  
7 training in traditional generations such as  
8 nuclear, coal, and gas. I've also had extensive  
9 training in renewable energy. Regardless of who's  
10 on this Commission going forward the future of the  
11 utility is going to be very, very different.

12 As battery storage technology is  
13 perfected and distributed, generation plays out,  
14 and electric vehicles and a host of other things  
15 the future of the utility is going to look very  
16 different. I have the unique opportunity of having  
17 seen the traditional forms.

18 we're in the middle of a transition  
19 nationally, not just here in South Carolina. I  
20 would submit to you that I have that experience and  
21 I have the experience in the legal training through  
22 the sessions at the National Judicial College. I  
23 have experience in multiple orders.

24 I've seen orders go up to the Supreme  
25 Court that have been upheld by the court and I've



1       seen orders that have been overturned. Fairly or  
2       unfairly, it's been said sometimes that we might  
3       get elected because we know somebody's Aunt Polly.

4               Maybe a legislator -- well, I submit to  
5       you that we're not here to advocate for anybody.  
6       We have to be an impartial body. ORS represents  
7       the ratepayer. But I submit to you that I do know  
8       Aunt Polly. Aunt Polly is that widow lady who has  
9       to pay her bills on a fixed income.

10              I do know Aunt Polly. Again, I have to  
11       be impartial and unbiased as I approach this, but I  
12       do know that person. Aunt Polly in South Carolina  
13       is that widow lady who's on a fixed income who  
14       struggles to pay all of her bills.

15              Again, it's been an incredible  
16       experience. I thank you for the opportunity. I  
17       offer you my experience and service as we head into  
18       this transition period not only in the utility and  
19       energy world but in the telecom world. With that,  
20       Mr. Chairman, I thank you.

21              SENATOR ALEXANDER: Thank you,  
22       Mr. Davidson.

23                              EXAMINATION

24       BY MR. DAVIDSON:

25              Q. Thank you, Mr. Whitfield. Could you

1 please state your name and home address for the  
2 record.

3 A. It is Swain E. Whitfield, 124 Palmetto  
4 Place Lane, Winnsboro, South Carolina.

5 Q. And are you a registered voter?

6 A. Yes, sir.

7 Q. In which congressional district are you  
8 registered to vote?

9 A. Fifth.

10 Q. You may have touched on this in  
11 your opening statement, but if you'd like to  
12 elaborate at this time that would be appropriate  
13 or you can let the opening statement or comments  
14 stand. But why are you interested in continuing to  
15 serve on the Public Service Commission?

16 A. It's a dynamic time and it's been a  
17 trying time. Things are changing and they're  
18 changing fast. While I think things -- you all,  
19 the legislature, has made some changes that has  
20 enabled this Commission to move forward and given  
21 us tools at our disposal that we've never had  
22 before.

23 I would like to be here to see some of  
24 that new legislation come to fruition. For one  
25 quick example, the IRP process, all states just

1 about in America have had a full-blown IRP process.  
2 We've never had that until Act 62 gives the  
3 Commission teeth if you will in an integrative  
4 resource plan process. That's just one example.  
5 There are a lot of examples like that and those are  
6 reasons that I would like to continue on.

7 Q. Thank you. You touched on some of the  
8 tools that have been provided to the Commission.  
9 Are there any additional changes you think should  
10 be implemented at the Commission?

11 A. Well, I've been told a long time ago  
12 that we don't set policy. So I'm a little  
13 reluctant, Mr. Davidson, to do that. There are  
14 some and if the Committee -- one or two come to  
15 mind right off the bat.

16 If the Committee would like to I'd be  
17 happy to share one or two things that I've seen  
18 that's been a little bit frustrating at times.

19 Q. That's up to you, Mr. Commissioner.

20 A. Well, I would just share that a lot  
21 of changes for the positive, for the better, have  
22 been -- the legislature has recently enacted. We  
23 still -- and for ethics reasons that I understand  
24 are somewhat limited in what we can do. I'm  
25 talking about seeing facilities, visiting

1 facilities of utilities we regulate. One of the  
2 more painful things -- well, we all know what the  
3 most painful thing was.

4 One of the more painful things I  
5 endured as Chairman, the hurricanes hit and other  
6 states would call me and offer National Guard  
7 troops or offer water or offer help. I had to kind  
8 of stand there because the Commission doesn't have  
9 the ESF-12 function as you well know.

10 We are if not in the operations center.  
11 I wanted to help, but I would have to refer those  
12 calls onto the Governor's office or ORS. I had  
13 chairmen of just about every state calling me,  
14 offering anything from National Guard troops to  
15 water, supplies, manpower, you name it.

16 That was kind of a helpless feeling.  
17 But I followed the law and referred them on to the  
18 Governor's office, to the Energy Office, to ORS, or  
19 SLED or whoever.

20 Q. Thank you. Generally speaking what  
21 role does the Public Service Commission serve in  
22 regards to the regulation of utilities?

23 A. Well, we are there to fix and set just  
24 and reasonable rates in fairness to all classes  
25 of customers -- residential, business and

1 industrial -- and to ensure quality of service as  
2 well. We have regulations in place that our  
3 utilities must meet to meet those quality of  
4 service standards and -- well, I'll stop right  
5 there.

6 Q. In that role is activism ever  
7 appropriate or is it ever appropriate for a  
8 commissioner to be an advocate?

9 A. No, sir. That is something I had to  
10 learn very early on because I had been an activist  
11 for different things, be it in the business field  
12 or other areas. I had to learn very quickly that  
13 we are not activists for anybody. We are that  
14 impartial body calling balls and strikes just like  
15 an umpire.

16 Q. What are the key factors that a  
17 commissioner should consider in a rate case?

18 A. Well, we are to take all evidence into  
19 consideration. We have to take in the testimony,  
20 the evidence, how the witnesses perform under  
21 cross-examination by the opposing attorneys,  
22 questions by commissioners.

23 We also have to consider, you know,  
24 balancing the public interests. We have to  
25 consider the rate pier in fairness to all customer

1 classes, which a lot of the time they're  
2 intervenors who are representing other customer  
3 classes.

4 As you all well know, you all have now  
5 passed a new law where we will now have a consumer  
6 advocate who will be involved. I haven't seen in  
7 my time since I've been a commissioner. So that is  
8 another new process I'm looking forward to.

9 Q. Are you familiar with the three  
10 advisory opinions issued by the Review Committee  
11 dealing with attendance at, one, legislative  
12 receptions, two, legislative caucus meetings, and,  
13 three, political gatherings?

14 A. Yes, sir.

15 Q. Have you attended any legislative  
16 receptions or legislative caucus meetings since  
17 submitting your application?

18 A. No legislative caucus meetings and no  
19 legislative. No, sir. I haven't been to those in  
20 11 years.

21 Q. Have you attended any political  
22 gatherings?

23 A. No, sir, not in a 11 and a half years.

24 Q. Could you please explain the general  
25 rule regarding ex parte communications as it

1 results to a public service commissioner.

2 A. Ex parte is a legal communication  
3 between parties involved in a case. There are  
4 remedies for it if it occurs. Of course, if it's  
5 inadvertent you place it on the record for all the  
6 parties to see and give the parties and their  
7 attorneys a chance to object.

8 If it's willful, of course, it has to  
9 be reported to you, to PURC immediately. If  
10 somebody is harmed by an ex parte communication  
11 then the administrative law court can remedy any  
12 damages.

13 Q. If you were to be approached by someone  
14 wanting to discuss a matter that is or may become  
15 an issue in a proceeding how would you handle that  
16 situation?

17 A. I just have to tell them we can't  
18 discuss it.

19 Q. And are you aware the commissioners are  
20 subject to the judicial code of conduct as well as  
21 state ethics laws?

22 A. Yes, sir. The five canons. Yes, sir.

23 Q. Could you briefly describe the five  
24 canons and the judicial code of conduct.

25 A. Yes, sir. It requires that judges and/

1 or commissioners who are quasi-judicial body be  
2 impartial, administer the law diligently,  
3 expeditiously, and fairly. It requires that  
4 commissioners or judges not attend political events  
5 and certain gatherings.

6 It requires that judges should  
7 remove themselves or minimize their extrajudicial  
8 activities so as to not pose conflicts. I think  
9 I've hit them all. It seems like I might be  
10 missing one.

11 Q. What do you consider to be appropriate  
12 use of social media pursuant to those judicial  
13 canons?

14 A. Appropriate use of social media?

15 Q. Yes, sir. What do you consider to be  
16 the appropriate use of social media, if any?

17 A. I don't use social media. So I don't  
18 know. I have avoided that as I think later you  
19 all have come back and said we might could be on  
20 Facebook or something but still recommend that we  
21 not. I'm still not on it. I am on LinkedIn, I  
22 think, but I don't ever post.

23 Q. Are you or a member of your immediate  
24 family employed by a utility regulated by the PSC  
25 either currently or in the past two years?



1           A.    No, sir.  My wife's a teacher.

2           Q.    Thank you.  Do you or a member of your  
3           immediate family have stock or other financial  
4           interests that is directly controlled by you or  
5           a family member of a renewable energy company that  
6           appears before the Commission?

7           A.    No, sir.

8           Q.    And are you or a member of your  
9           immediate family an officer or director or involved  
10          in the management of any business enterprise?

11          A.    I have some -- I'm a partner in a  
12          partnership that has some rental property but not  
13          anything related to utilities.  That's disclosed on  
14          my ethics form and for you all also.

15          Q.    Thank you.  The next question is a bit  
16          long.  What entities did you or a member of your  
17          immediate family receive income from within the  
18          previous year?

19                  Now, this does not include IRA or  
20          deferred compensation funds, disability, mutual  
21          funds, pensions, retirement, or funds received from  
22          your financial institution in the ordinary course  
23          of business.

24          A.    Any funds that any of us received?

25          Q.    Income.

1 A. Income?

2 Q. Yes, sir.

3 A. Well, my wife being a teacher from the  
4 school district. My son doesn't live in the  
5 household.

6 Q. He wouldn't be considered.

7 A. Okay. Her being a teacher, both of us  
8 with retirement, and the rental property income.

9 Q. Then your income as commissioner as  
10 well?

11 A. Yes, sir.

12 Q. Thank you.

13 A. Sure.

14 Q. Are you aware of any potential  
15 conflicts of interest, financial or otherwise?

16 A. No, sir.

17 Q. If a conflict did arise how would you  
18 handle that situation?

19 A. If it did arise I would seek guidance  
20 from the State Ethics Commission or from --  
21 sometimes, you know, we do have attorneys as you  
22 well know on staff. Our director also, Ms. Boyd,  
23 is an attorney.

24 You know, if it's something minor I  
25 maybe go to her. If it's something financial that

1 could pose a serious financial conflict of interest  
2 I think I would have to seek the Ethics Commission  
3 or come to her for the Ethics Commission and seek  
4 an opinion.

5 Q. Would you consider recusal?

6 A. Certainly. I have only had one recusal  
7 in 11 and a half years.

8 Q. But if you did have a conflict of  
9 interest --

10 A. Yeah. Absolutely I would.

11 Q. Thank you.

12 A. That was not for a financial reason  
13 either.

14 Q. No problem. Are you affiliated with  
15 any political parties, boards, or commissions that  
16 would need to be reevaluated if nominated and  
17 elected again?

18 A. No, sir.

19 Q. Do you belong to any organization that  
20 discriminates based on race, religion, or gender?

21 A. No, sir.

22 Q. What is the appropriate demeanor for a  
23 commissioner?

24 A. Well, the commissioner has to exercise  
25 judicial temperament regardless of how the

1 proceeding might be going and to maintain --  
2 of course, as Chairman you're responsible for  
3 maintaining the rest of the commissioners on the --  
4 on the bench with you are in that type temperament  
5 and also that the parties that come before you in  
6 and the attorneys and the witnesses that come  
7 before you, that they maintain a judicial decorum  
8 in the hearing room.

9 Also that temperament carries over into  
10 your life outside of the commission, that you not  
11 do anything. That was the other candidate -- other  
12 canon. Anything inappropriate or anything -- we  
13 should avoid anything inappropriate but also the  
14 appearance of impropriety.

15 Q. As you said, that applies 24/7 and 7  
16 days a week not only --

17 A. Yes, sir.

18 Q. Could you tell us a little bit about  
19 your work schedule.

20 A. Well, I'm going to be candid with you.  
21 My workload -- the pace has been heavy the last  
22 18 months because of our caseload, but my workload  
23 now that I'm not Chairman anymore is a little bit  
24 lighter. That's a heavy gavel. It was certainly  
25 heavy during the time I carried that gavel and it's

1 certainly heavy now. I still come in the office  
2 practically daily. If I'm not always right there I  
3 take testimony home.

4 A lot of times I'm up reading into the  
5 night or into the weekends even. Then sometimes  
6 as you well know we have night hearings. We have  
7 to travel for those, but, I mean, I'm in daily  
8 communication with our staff or either -- I'm not  
9 chained to the chair every minute of every day, no.  
10 But I'm here.

11 I'm close enough. I'm about 45 or 46  
12 miles out. It's almost inside 50 miles out. So  
13 I'm here daily.

14 Q. Could you briefly describe the term  
15 integrated resource plan and its purpose.

16 A. Integrated resource plans are long  
17 range plans for utilities to plan for the future,  
18 to plan for capital investment and large generation  
19 and transmission projects and other intensive  
20 capital investment projects. Some have 15-year  
21 plans. Some have ten.

22 As I stated in the opening in the past,  
23 we've just received those reports as information on  
24 an annual basis. The Commission in the past has  
25 had no power to do anything about it. But the

1 legislature has now given us a very powerful tool  
2 in the IRP process. We will be having formal IRP  
3 proceedings going forward. Also in that  
4 legislation you've given ORS a lot of teeth in that  
5 process as well. So it's going to be very  
6 different, Mr. Davidson, going forward.

7 Q. Is it appropriate for commissioners to  
8 express personal opinions on issues in the utility  
9 industry even if they're currently not in front of  
10 the Commission?

11 A. Generally as a rule, no. We don't  
12 really need to be expressing personal opinions.  
13 You can -- you can scar your impartiality if you  
14 do. However, at times at NARUC we might have a  
15 resolution to come up where a certain matter may be  
16 important to South Carolina and a South Carolina  
17 commissioner might have to speak out at NARUC on a  
18 resolution.

19 Certainly generally it's not a personal  
20 opinion but it's how South Carolina might -- we're  
21 in the context of protecting South Carolina. But  
22 generally, no, we don't speak out about personal  
23 feelings at all.

24 MR. DAVIDSON: Mr. Chairman, at this  
25 time I request that we go into executive session as

1 we do with all candidates.

2 SENATOR ALEXANDER: By previous order  
3 and vote we'll go into executive session at this  
4 time.

5 (Off-the-record conference.)

6 SENATOR ALEXANDER: We're back in open  
7 session. No action was taken in executive session  
8 and I'm going to recognize Mr. Davidson to continue  
9 with the screening.

10 BY MR. DAVIDSON:

11 Q. Mr. Whitfield, as you know we do a  
12 search of the Public Index for any lawsuits with  
13 a named party with your name there. There are  
14 three. There's a 2011 case by Time Warner against  
15 the Public Service Commission, a 2016 case of  
16 Jackson versus the PSC, and a 2018 case involving  
17 SCE&G.

18 For the record, Mr. Whitfield was a  
19 named Plaintiff in his capacity as a public service  
20 commissioner in each of those cases. Have you made  
21 any contributions to members of the General  
22 Assembly since filing your application?

23 A. No, sir.

24 Q. Have you sought or received the pledge  
25 of any legislator prior to this date?

1           A.    No, sir.

2           Q.    Have you sought or been offered a  
3 conditional pledge of support by any legislator or  
4 pending the outcome of your screening?

5           A.    No, sir.

6           Q.    Have you asked any third parties to  
7 contact members of the General Assembly on your  
8 behalf before the final and formal screening report  
9 has been released?

10          A.    No, sir.

11          Q.    Are you aware of any friends or  
12 colleagues contacting members of the General  
13 Assembly on your behalf?

14          A.    No, sir.

15          Q.    Are you familiar with the 48-hour rule  
16 which prohibits a candidate from seeking pledges  
17 for 48 hours after the report has been submitted to  
18 the General Assembly?

19          A.    I am.

20          Q.    Do you plan to serve a full term if  
21 elected?

22          A.    Yes, sir.

23               MR. DAVIDSON: I note for the record  
24 that Mr. Whitfield scored a 76 on the test. Mr.  
25 Chairman, I have no further questions. Thank you.



1                   SENATOR ALEXANDER: Mr. Davidson, I  
2           open it up to questions from members of the  
3           Committee. Senator from Horry.

4                   EXAMINATION

5           BY SENATOR RANKIN:

6                   Q. Swain, welcome back. I'm just trying  
7           to get the date of when we last had a conversation.  
8           That was -- you may remember it -- for your annual  
9           review. Was that October?

10                  A. I believe that was October. Yes, sir.

11                  Q. You are joined today by a couple of  
12           folks behind you.

13                  A. Yes, sir.

14                  Q. I want to introduce these folks.

15                  A. Yes, sir. That's my wife, Amy  
16           Whitfield, and a friend of mine from church, an  
17           elder at my church. This is Mr. Rex Casterline.

18                  SENATOR RANKIN: Welcome, both of you.

19           BY SENATOR RANKIN:

20                  Q. I want to acknowledge the loss of your  
21           father --

22                  A. Yes, sir.

23                  Q. -- in the last 10 days. Is that so?  
24           Is that right?

25                  A. Yes, sir.

1           Q.     Anyway, my condolences to you on that.  
2     I know for the Committee Winnsboro is a small  
3     little town that has great reach. It is the home  
4     of my wife as well or the birthplace of my wife and  
5     her family.

6                 So news travels quickly from Winnsboro.  
7     Again, I'm amazed at the reach of how many people  
8     have some connection to Winnsboro. So I thought  
9     Conway was it but, folks, it ain't. It's  
10    Winnsboro.

11           A.     Senator, Winnsboro's where everybody  
12    is somebody.

13           Q.     That's right. Great line. We're not  
14    going to replot the conversation we had just a few  
15    months ago.

16           A.     Yes, sir.

17           Q.     But the hardest, the most difficult or  
18    the -- you mentioned is the role to serve and the  
19    role to be the bearer of bad news, particularly as  
20    a Chairman.

21                 I'm curious with the impact to the  
22    state and to all of us again by the decisions made  
23    by others -- and perhaps maybe at the feet of the  
24    PSC the blame should be laid as well. But give me  
25    the local feel. Take off your hat as the PSC

1 Commissioner and/or Chairman and give me the feel  
2 of how this has affected Fairfield County if you  
3 will.

4 A. Well, I want to thank you for the  
5 opportunity, but it's a sad thing to describe,  
6 Senator Rankin. I can clearly say without any  
7 doubt that was the most painful day with not  
8 only my entire chairmanship but my entire  
9 commissionership was August 1.

10 We read it in the paper like all of you  
11 all did on July 31, heard about the Santee Cooper  
12 board vote. We were blown away and I had the  
13 unpleasant duty of calling the company in the next  
14 morning. I'll never forget Commissioner Hamilton  
15 looking at me saying, I thought you were going to  
16 cry. I said, I did.

17 It was just a devastating blow to this  
18 state, one that will take us a long time to get  
19 over. To Fairfield County, a county of only 23,000  
20 people, to look up and all of a sudden 6,000 jobs  
21 are gone not only the jobs out there onsite but the  
22 future of -- perhaps as many of you know these  
23 reactors can be relicensed by the US Nuclear  
24 Regulatory Commission. Many of them have gotten  
25 another 30 years and some of them are getting 20

1 years beyond that. So you're looking at a lifespan  
2 of about 80 years. That's what Fairfield thought,  
3 that this would be an economic boon for the rest of  
4 most of our -- certainly my lifetime and into our  
5 children and grandchildren's lifetime.

6 So it was a devastating blow. It's  
7 really painful. You know where the BI-LO is in  
8 Winnsboro. To walk into BI-LO in Winnsboro and  
9 have to look at people I grew up with and face  
10 them, it was painful. The county has gotten some  
11 new economic development successes here recently  
12 and we will survive.

13 Q. Well, to be fair in my comments at  
14 the outset of that particular question we are  
15 all complicit with this decision. We were all  
16 duped and I'm not laying the blame at your feet,  
17 at PSC's, or at this General Assembly's. You were  
18 lied to. ORS was lied to.

19 So there's a lot of finger-pointing  
20 and a lot of blame and perhaps criminality that may  
21 yet be revealed and determined. But forces beyond  
22 the policymakers in this state led to this. So I  
23 don't hold you personally responsible, but I know  
24 personally from your home that you have to feel it  
25 differently than us. That's a negative. Give me

1 the positive. There's got to be hope beyond your  
2 role as a PSC commissioner as to what might yet be  
3 made out of those two unfinished reactors.

4 We hear talk of the Koreans having an  
5 interest, expressing an interest to take over and  
6 great capital tax credits that are on the books  
7 waiting for somebody to pick it up. Is that a pipe  
8 dream? Again, not you as a PSC commissioner but to  
9 call yourself a layman who happens to be from  
10 Fairfield County.

11 A. Well, one more frustrating point before  
12 I get into the positive the frustrating point --  
13 again, I think I've done that -- is to exude a  
14 judicial temperament with something that  
15 catastrophic and that huge. It took a lot of  
16 restraint for me to continue to be judicial.

17 In a positive light you all have made  
18 some good changes here at the General Assembly,  
19 changes that I hope I'm able to stay around and  
20 help administer. That's our role to carry out the  
21 laws that you -- you pass. We are a creature of  
22 the legislature. We work for you. We're here to  
23 unbiasedly, impartially do that. But going forward  
24 with not only the laws you've created but -- and  
25 again, I'm stepping outside of my role. As you

1 well know, Senator Rankin, we don't have any  
2 jurisdiction over Santee Cooper. So if you're  
3 asking for my opinion my opinion is the company can  
4 never do anything with it -- Dominion that is --  
5 because they've absorbed the tax impairment through  
6 the IRS.

7 To do so they had to completely walk  
8 away and to abandon the US Regulatory Commission  
9 license. There was a list of items on there that I  
10 understand they have to demonstrate to the IRS to  
11 get that \$2 billion tax impairment.

12 So, Senator, I don't have the answer.  
13 But I think if anything is ever done -- and again,  
14 we have no jurisdiction or at least not now over  
15 Santee Cooper. But if anything were to ever occur  
16 out there along the lines you were going, in  
17 that realm, it would be in my opinion through who  
18 might -- you know, the future of Santee Cooper  
19 would play a large role in that.

20 Of course, Santee Cooper is government  
21 owned and doesn't pay any taxes. So they don't  
22 have to worry about the tax impairment that an  
23 investor owned-utility like Dominion would. So I  
24 don't know the answer to that. That was another  
25 frustrating thing not to ever -- the entire time of

1 this whole case not to ever hear from a witness of  
2 Santee Cooper, not to know what they were thinking,  
3 not to have any -- you've got a 45 percent owner of  
4 Units 2 and 3 and we did not have one witness up  
5 there from a 45 percent owner.

6 In Georgia you've got multiple must be  
7 public power partners. So if one gets away at  
8 5 percent or 10 percent ownership it's damaging  
9 but maybe not catastrophic.

10 You know, when a 45 percent owner exits  
11 that we've had no witnesses or no testimony from --  
12 you know, again, depending on what happens to  
13 Santee Cooper I think that would play into what  
14 could happen there. Again, that's just me guessing  
15 and speculation, sir.

16 SENATOR RANKIN: Go ahead.

17 SENATOR ALEXANDER: Other questions?  
18 Chairman Sandifer.

19 SENATOR RANKIN: Thank you, Mr.  
20 Chairman.

21 REPRESENTATIVE SANDIFER: Thank you,  
22 Mr. Chairman.

23 EXAMINATION

24 BY REPRESENTATIVE SANDIFER:

25 Q. Mr. Whitfield, let me say first of all

1 I went through that many years ago with my father.  
2 He died as a young man.

3 A. He was 96 and it still hurts. I thank,  
4 you sir.

5 Q. I understand. I do. You can't take  
6 away the hurt.

7 A. Yes, sir.

8 Q. We all understand that. You talked  
9 about relicensing. Senator Alexander and I are in  
10 a community in which we have a nuclear facility  
11 with three -- three nukes --

12 A. Yes, sir.

13 Q. -- and they've been relicensed.

14 A. Yes, sir.

15 Q. Now they're looking at another  
16 relicensing. So the potential is there for these  
17 to go on for maybe 80 years.

18 A. Yes, sir.

19 Q. It's pretty amazing.

20 A. Yes, sir. Yours have been modernized,  
21 too.

22 Q. Yes.

23 A. 1973. Yours were one of the oldest in  
24 America.

25 Q. Exactly. And when they refurbished



1       them and relicensed them they actually spent as  
2       much doing that as they did initially building  
3       them.   So --

4             A.    Yes, sir.

5             Q.    -- a significant amount of investment.

6             A.    Yes, sir.

7             Q.    I want to ask you about a letter that I  
8       received from you --

9             A.    Yes, sir.

10            Q.    -- and other members of this Committee  
11       here.   First of all, it does not ask us to vote for  
12       you or support you in any way.

13            A.    Yes, sir.

14            Q.    I read it very carefully.   I'd like to  
15       know, though, who all you sent it to.

16            A.    To be honest with you, I printed it a  
17       week before Christmas.   I got some of them out  
18       and my father passed.   Then I had to stop.   So I  
19       don't -- I think I've gotten all of them since out,  
20       but I can't swear to you that all of them --

21            Q.    And --

22            A.    -- have gone --

23            Q.    What was the -- how many did you intend  
24       to send?   To all the General Assembly?

25            A.    Yes, sir, to everyone.

1 Q. Okay. So to 170 of us?

2 A. Yes, sir.

3 Q. Would the expense of printing and  
4 mailing those have exceeded \$100?

5 A. Yes, sir. I need to send a message to  
6 Ms. Anderson and to Mr. Davidson and give them  
7 those numbers. Again, I don't think I've gotten  
8 them all out in the mail, but that is something --  
9 yes, sir. It would have exceeded that number and I  
10 need to get that figure to them.

11 Q. Okay. I mean, we got the letter and  
12 then I looked at your information that said no  
13 expenses. Then a red flag went up in my head.  
14 So --

15 A. No --

16 Q. -- no --

17 A. -- expenses --

18 Q. -- at that time?

19 A. Yes, sir.

20 REPRESENTATIVE SANDIFER: No personal  
21 expenses. That's what I was referring to. Okay.  
22 Mr. Chairman, right now I can't think of another  
23 question.

24 SENATOR ALEXANDER: Do you have  
25 something?

1 REPRESENTATIVE FORRESTER: No. Go  
2 ahead.

3 EXAMINATION  
4 BY SENATOR ALEXANDER:

5 Q. Again, I do also extend condolences.  
6 I'm sorry about the death of your father. I've  
7 experienced that myself. As far as -- I've got  
8 your record here -- attending and being a part of  
9 it I wanted to compliment you from that standpoint.

10 Your commission meetings and hearings  
11 are 295 for the record. So obviously this is --  
12 you take your responsibilities seriously as a  
13 full-time member of the Public Service Commission?

14 A. Yes, sir.

15 Q. Here it says that -- at least maybe  
16 this is paraphrased and I'm wanting you to speak  
17 to it. The report does not have any other business  
18 relationships. You mentioned the rental property,  
19 that it could pose a conflict of interest if  
20 reelected for another term.

21 Are there any -- and I think under the  
22 Secretary of State's -- is there any other entity  
23 other than your rental property that you have an  
24 involvement in?

25 A. Just the two I have listed on

1 the ethics form, MSW Group and Whitfield  
2 Transportation. They're both still registered  
3 corporations with rental properties in them.

4 Q. Purely rental properties?

5 A. Yes, sir.

6 Q. No other activity as far as --

7 A. Well, I still had an office building  
8 for years after I --

9 Q. Right.

10 A. -- sold the company and it took me  
11 years to --

12 Q. Congratulations on --

13 A. I sold the company in '08. I didn't  
14 sell the building until about two or three years  
15 ago. I've got another piece of rental property  
16 out-of-state there now.

17 Q. That's purely all rental?

18 A. Rental, yes, sir.

19 Q. There's no other responsibilities or --

20 A. No, sir. I had a few storage trailers  
21 that weren't road-worthy that we rented out, but I  
22 don't even have those anymore. So I have a couple  
23 of those I think at MSW, but we really don't -- no,  
24 sir. I don't have any -- I don't have anything  
25 like that that would require my need to do anything

1 during business hours.

2 Q. As you mentioned earlier -- and there's  
3 the information that you were elected back in 2008.  
4 I was reminded there that -- it says that you had  
5 stated that before the Commission the only  
6 experience in energy and water and wastewater  
7 issues and -- and after 11 years on the Commission  
8 you have experience in the previously mentioned  
9 categories as well as telecommunication, consumer  
10 protection and advocacy.

11 The list goes on pretty well outlining  
12 the different things that's in the form itself and  
13 that's important. I was just curious.

14 How have you -- coming into the  
15 commission at that time with just that background  
16 and now having the additional background that you  
17 have how have you seen that past experience being  
18 of value to you in gaining knowledge in these other  
19 areas that you now have experienced?

20 A. You mean previous?

21 Q. Yes, sir --

22 A. Well --

23 Q. -- and after transition to --

24 A. -- I might have failed to mention  
25 this in my opening. Senator, I was in the

1 transportation sector for 22 years and 16 of those  
2 were self-employed, a company that I started. As  
3 you might well now know or I'm sure you well know  
4 34 percent of our cases at the Commission in 2018  
5 were transportation related.

6 I'm the only commissioner with that  
7 type of background or for that matter maybe even  
8 candidate that I know of that has a lengthy  
9 transportation background of 20 years or longer.  
10 As you well know we still regulate multiple areas  
11 of transportation, not what I did. I had a federal  
12 operating authority when I was in the private  
13 sector.

14 Prior to that, Senator Alexander, I  
15 was serving on City Council of Winnsboro. As  
16 small as it is it's lucky to have its own electric  
17 department, its own water department, its own waste  
18 department, and its own natural gas department. So  
19 those experiences in my time as Councilmen -- in  
20 the '90s we took over the wastewater plant from a  
21 private firm and operated it.

22 We had to secure a new water line.  
23 We ultimately ran water to areas outside the  
24 county. So I had a lot of experience there and a  
25 lot of experience with our electric department

1 providing -- it was one of the 21 electric cities.  
2 Of course, Winnsboro again was blessed and  
3 fortunate to have natural gas which it still has.  
4 So Winnsboro has some infrastructure and utilities  
5 in place.

6 As Senator Rankin alluded to, things do  
7 come back around. Little old Winnsboro does have  
8 some infrastructure and some utilities in place to  
9 support economic development, growth, and jobs that  
10 are badly needed for our citizens.

11 Q. What do you see as the greatest  
12 challenge before the Commission today?

13 A. The greatest challenge is being --  
14 staying up on the cutting edge as nationally the  
15 energy sector changes with distributed generation,  
16 electric vehicles, battery storage.

17 As our grid modernizes from a grid that  
18 was built a hundred years ago with large central  
19 generation units to distributed generation and we  
20 have two-way power flow -- as that evolves there  
21 will be more and more pressure on utilities to  
22 survive.

23 Again, you folks set policy. We  
24 don't. But we're going to be looking at, you know,  
25 things that are going to come up or what will the

1 utility -- what will utilities do as pressure comes  
2 in for other areas such as energy efficiency. As  
3 you well know, we have demand-side management and  
4 energy efficiency riders and programs in place.

5 What will -- and I'm certainly not  
6 suggesting this, but it's often talked about at  
7 NARUC, what they call performance-based rate making  
8 which is different from the traditional rate making  
9 that we have here now currently. So they're going  
10 to be regulatory challenges across the nation.

11 You know, we look to you folks and to  
12 the energy office and to the leaders of this state  
13 for guidance in how you want us to proceed to carry  
14 out and administer energy laws in this state.  
15 Telecom is much the same way as we convert to the  
16 IP transition from the old public switched telecom  
17 network.

18 SENATOR ALEXANDER: Any other  
19 questions?

20 (No response.)

21 SENATOR ALEXANDER: Okay. Thank you  
22 very much.

23 MR. WHITFIELD: Thank you.

24 SENATOR ALEXANDER: We appreciate your  
25 attendance here. Again, our condolences continue



1 to be with you and your family.

2 MR. WHITFIELD: Thank you so much.

3 SENATOR ALEXANDER: Thank you.

4 (Off-the-record conference.)

5 SENATOR ALEXANDER: Before us now is  
6 the Public Service Commission Seat 7 screening.  
7 Our first individual this afternoon is Mr. John Q.  
8 Atkinson, Jr. Welcome.

9 MR. ATKINSON: Thank you.

10 SENATOR ALEXANDER: Thank you, sir. I  
11 appreciate your endurance with your schedule. I'm  
12 going to ask that our court reporter swear you in  
13 for the screening this afternoon.

14 JOHN QUINCY ATKINSON, JR.  
15 being first duly sworn, testified as follows:

16 SENATOR ALEXANDER: At this point I'm  
17 going to recognize Mr. Davidson to begin our  
18 screening process.

19 MR. ATKINSON: Good afternoon.

20 MR. DAVIDSON: Good afternoon, sir.  
21 Mr. Atkinson earned a Bachelor of Science in  
22 Business Administration from The Citadel in 1976.  
23 He also earned a diploma from LSU in '97 and  
24 completed the curriculum of the Graduate School of  
25 Banking. He's also successfully completed three

1 annual sessions of the South Carolina Bankers  
2 School and graduated from the school in 1990  
3 receiving a certificate of diploma.

4 Mr. Atkinson is employed with the  
5 Pee Dee Federal Savings Bank and has worked for the  
6 bank since 1994. Mr. Atkinson began his career  
7 with Farm Chemical & Fertilizer Sales before going  
8 to work for Production Credit Association.

9 From there Mr. Atkinson went to work  
10 for the South Carolina National Bank for  
11 approximately six years before joining Pee Dee  
12 Federal Savings Bank. Last but certainly not  
13 least, Mr. Chairman, Mr. Atkinson has served on the  
14 Marion County Council since 1989.

15 Mr. Atkinson, do you have any changes  
16 you would like to make to the personal data  
17 questionnaire you submitted with your application?

18 MR. ATKINSON: No, sir.

19 MR. DAVIDSON: Is the green light on?

20 MR. ATKINSON: It is now.

21 MR. DAVIDSON: Thank you. Mr.  
22 Chairman, I would request that Mr. Atkinson's  
23 personal data questionnaire be entered into the  
24 record with any confidential or personal  
25 information being redacted.

1 SENATOR ALEXANDER: So ordered.

2 (EXHIBIT 9, Personal Data Questionnaire  
3 of John Q. Atkinson, Jr., was marked for  
4 identification.)

5 MR. DAVIDSON: As part of our  
6 background investigation of the candidate, we  
7 obtained a credit check, driver's license, and  
8 SLED check. Any questions of a confidential or  
9 personal nature be taken up in executive session.

10 Before we begin the questioning,  
11 Mr. Atkinson, do you have a brief opening statement  
12 that you would like to make?

13 MR. ATKINSON: I appreciate y'all's  
14 time. I appreciate being allowed to come here  
15 today and talk with you.

16 EXAMINATION

17 BY MR. DAVIDSON:

18 Q. Thank you. Would you state for the  
19 record your name and home address, please.

20 A. John Q. Atkinson, Jr. 201 Oakenwald  
21 Drive, Marion, South Carolina.

22 Q. Are you a registered voter?

23 A. Yes, sir.

24 Q. In which congressional district are you  
25 registered to vote?

1 A. Seventh.

2 Q. And why are you interested in serving  
3 on the Public Service Commission?

4 A. Well, I've been in senior management at  
5 Pee Dee Federal Savings Bank for over 15 years and  
6 I've been a county council person in Marion County  
7 for 30 years. I feel like the experiences that  
8 I've shared in those positions give me some insight  
9 into serving on this Commission.

10 The county council a seven-member board  
11 like this Commission. You learn how to respect the  
12 other council members and/or other commissioners.

13 Q. Have you attended any hearings at the  
14 commission?

15 A. Yes, I have.

16 Q. Have you read any of their decisions?

17 A. No, I have not.

18 Q. How do you expect to get up to speed  
19 on the issues confronting the Commission?

20 A. Well, I would expect to do a lot of  
21 reading, a lot of studying, and maybe ask some  
22 questions of the staff or other commissioners.

23 Q. What role does the Public Service  
24 Commission serve in regards to the regulation  
25 of utilities?

1           A.    The role it regulates and adjudicates  
2 problems with the investor-owned utilities.

3           Q.    Is there a role for activism on the  
4 commission versus impartial application of the law?

5           A.    I don't think so.

6           Q.    What are the key factors that a  
7 commissioner should consider in a rate case?

8           A.    Key factors would be whether the rate  
9 is fair and reasonable, a reliable service. You've  
10 got to balance that out and the need for a fair  
11 reasonable rate with the need for the utility to  
12 make a return on their investment.

13          Q.    Are you familiar with the three  
14 advisory opinions issued by the Review Committee,  
15 this Committee, dealing with attendance at, one,  
16 legislative receptions, two, legislative caucus  
17 meetings and, three, political gatherings?

18          A.    Yes, sir.

19          Q.    Have you attended any legislative  
20 receptions or any legislative caucus meetings since  
21 submitting your application?

22          A.    I attended the Horry County delegation  
23 meeting.

24          Q.    At that meeting what was your purpose?

25          A.    I went and introduced myself.

1 Q. Nothing further?

2 A. Nothing further.

3 Q. Have you attended any other -- any  
4 political gatherings since submitting your  
5 application?

6 A. No, sir.

7 Q. Could you explain the general rule  
8 regarding ex parte communications as it relates to  
9 the Public Service Commission.

10 A. Well, you can't talk if -- when you're  
11 in the middle of a hearing you can't talk with  
12 another commissioner or Public Service Commission  
13 employee about -- if you're approached with an  
14 improper -- you have to put it on the record.

15 You have to inform everybody that was  
16 involved and you have to get a copy of the written  
17 or the electronic communication or an answer to it.  
18 After it's put on the record you've got ten days  
19 for somebody to rebut that. If no one rebuts it  
20 you've got the opportunity to hear the  
21 communication.

22 Q. Assume you're serving on the  
23 commission and you're approached by someone wanting  
24 to discuss a matter that is currently or may become  
25 an issue in a proceeding. How would you handle

1       that situation?

2               A.     I would remove myself from it and tell  
3       them we can't talk about it.

4               Q.     And you are you aware that  
5       commissioners are subject to the judicial code  
6       of conduct as well as state ethics laws?

7               A.     I am.

8               Q.     Are you able to describe the five  
9       canons in the Code of Judicial Conduct?

10              A.     Yes, sir.

11              Q.     Would you make an effort please, sir.

12              A.     Yes, I will.

13              Q.     Thank you.

14              A.     You must have the integrity and  
15       independence of the judiciary. Avoid the  
16       impropriety or appearance of impropriety. Handle  
17       your judicial duties impartially and diligently.  
18       Don't allow your extrajudicial responsibilities or  
19       your extrajudicial actions to interfere with your  
20       judicial responsibilities and no improper politics.

21              Q.     Thank you, sir. What do you consider  
22       to be appropriate use of social media pursuant to  
23       the judicial canons?

24              A.     For me it would be very little because  
25       I don't understand a whole lot about social media.

1 It's just personal.

2 Q. Are you a member of your immediate  
3 family employed by a utility regulated by the  
4 Public Service Commission either currently or  
5 within the past two years?

6 A. No, sir.

7 Q. Do you or a member of your immediate  
8 family have stock or other financial interests as  
9 directly controlled by you or your family member of  
10 a utility regulated by the PSC?

11 A. No, sir.

12 Q. Do you or a member of your immediate  
13 family member have stock or other financial  
14 interest that is directly controlled by you or your  
15 family member in a renewable energy company that  
16 appears before the PSC?

17 A. No, sir.

18 Q. Are you or a member of your immediately  
19 family an officer or director or involved in the  
20 management of any business enterprise?

21 A. No, sir.

22 Q. What entities did you or a member of  
23 your immediate family receive income from within  
24 the previous year? Now, bear with me for a moment.  
25 This does not include IRA or deferred compensation



1 funds, disability, mutual funds, pensions or  
2 retirements or funds received from your financial  
3 institution in the ordinary course of business.

4 A. I've got income from the Marion County  
5 Council and a salary as a Senior Vice President of  
6 Pee Dee Federal Savings Bank. You said retirement  
7 is not included?

8 Q. Correct. Yes, sir.

9 A. My wife has retirement income.

10 Q. If elected would there be any potential  
11 conflicts of interest, financial or otherwise?

12 A. No, sir.

13 Q. Would you consider the -- you disclosed  
14 the solar lease contract.

15 A. That was terminated December the 31st.  
16 I received notification January the 3rd that they  
17 had terminated their option to renew that lease.

18 Q. Thank you. And what would you do if a  
19 conflict arose? A conflict of interest while  
20 serving on the commission.

21 A. I don't know what kind of conflict  
22 you're referring to, but I would try to remove  
23 myself from that position of conflict.

24 Q. Are you affiliated with any political  
25 parties, boards, or commissions that would need

1 to be reevaluated if you were nominated and  
2 elected?

3 A. No.

4 Q. Do you belong to any organization that  
5 discriminates based on race, religion, or gender?

6 A. No.

7 Q. What is the appropriate demeanor for a  
8 commissioner?

9 A. Treat everybody with dignity and  
10 respect.

11 Q. And does that apply only while on the  
12 bench or is it 24/7?

13 A. I think it would be 24/7.

14 Q. If elected to serve as a commissioner  
15 how do you envision your work schedule?

16 A. It seems to me like it's pretty hectic  
17 right now. I mean, I think they're working five  
18 days a week. So whatever it is, that's what we'll  
19 do have to do.

20 Q. Could you define briefly, please, the  
21 term cogeneration.

22 A. Cogeneration, is that --

23 Q. There will be other opportunities.

24 A. When heat -- for example, heat in a  
25 paper mill, you get to use twice maybe.

1 Q. Yes, sir. Thank you. And also briefly  
2 if you're able to define the term avoided cost --

3 A. You know, that's -- that's kind of a  
4 tough one, but I think avoided cost is the cost of  
5 energy. If you're a utility and you buy energy you  
6 avoid the cost that you have to produce that  
7 energy. So that's the avoided cost.

8 MR. DAVIDSON: Thank you, sir. Mr.  
9 Chairman, at this time I'd request that we go into  
10 executive session as we do with all candidates.

11 SENATOR ALEXANDER: By previous motion  
12 we'll go into executive session at this time.

13 (Off-the-record conference.)

14 SENATOR ALEXANDER: We're going back  
15 into open session. We were in executive session  
16 and no action was taken. I will recognize Mr.  
17 Davidson to continue.

18 BY MR. DAVIDSON:

19 Q. Mr. Atkinson, as you know we do a  
20 search of the Public Index for any lawsuits of the  
21 named party with the name the same or similar to  
22 yours. We'd like the record to reflect that there  
23 were three lawsuits that Mr. Atkinson was named in  
24 his official capacity as County Councilman.

25 Those are reflected in the record

1 through his personal data questionnaire. Also,  
2 Mr. Atkinson, there were four cases that all have  
3 the same name. They were different cases, 2017,  
4 '18, and '19 that were John Atkinson versus Lakisha  
5 Godbolt, a rule to vacate. Do you have any  
6 recollection of that case, sir?

7 A. Yes. I was trying to collect rent.

8 Q. Trying to collect rent?

9 A. Yes.

10 Q. Thank you. Then another one was 2017,  
11 Atkinson versus Grant.

12 A. Yeah, Julia Grant. Same thing.

13 Q. Same thing. And then there were two  
14 more cases. One was 2004, Tim Norwood versus Lacy  
15 Edwards. Are you that familiar with that case?

16 A. Yes, sir.

17 Q. Could you provide a little bit of  
18 context to that one.

19 A. That was -- that's a case where  
20 Tim Norwood was running against Kent Williams for  
21 Senate. We found out that there were some debts  
22 that he had not handled correctly. We wrote a  
23 letter that was mailed to a percentage of the  
24 constituents of that district and it was -- the  
25 case was released because we were -- we had the

1 truth on our side.

2 Q. Thank you. And then you've had the  
3 opportunity to review the other lawsuits I sent  
4 you, if you'll just confirm that that was not you.

5 A. That --

6 Q. Those cases are --

7 A. I'm not even familiar with the lawyers  
8 or who it was. Those were not me.

9 Q. Thank you, sir. That should be  
10 sufficient. Have you made any contributions to  
11 members of the General Assembly since filing your  
12 application?

13 A. No, sir.

14 Q. Have you sought or received the pledge  
15 of any legislator prior to this date?

16 A. No, sir.

17 Q. Have you sought or been offered a  
18 conditional pledge of support by any legislator  
19 pending the outcome of your screening?

20 A. No, sir.

21 Q. Have you asked any third parties to  
22 contact members of the General Assembly on your  
23 behalf before the final and formal screening report  
24 has been released?

25 A. No, sir.

1           Q.    Are you aware of any friends or  
2           colleagues contacting members of the General  
3           Assembly on your behalf?

4           A.    I'm not aware, no.

5           Q.    Are you familiar with the 48-hour rule  
6           which prohibits a candidate from seeking pledges  
7           for 48 hours after the report has been submitted to  
8           the General Assembly?

9           A.    Yes.

10          Q.    Do you plan to serve a full term if  
11          elected?

12          A.    Yes.

13               MR. DAVIDSON:  Thank you.  Mr.  
14          Chairman, for the record Mr. Atkinson scored a 44  
15          on the test.  I have no further questions.  Thank  
16          you very much, Mr. Atkinson.

17               MR. ATKINSON:  Thank you.

18               SENATOR ALEXANDER:  Thank you,  
19          Mr. Davidson.  Any questions from members of the  
20          Committee?  Representative Forrester.

21               REPRESENTATIVE FORRESTER:  Thank you,  
22          Mr. Chair.

23                               EXAMINATION

24               BY REPRESENTATIVE FORRESTER:

25           Q.    Mr. Atkinson, when did you have the

1 lease on this solar farm property?

2 A. I think it was from 2014 until December  
3 of this year.

4 Q. You were President of the Association  
5 of Counties in '15?

6 A. Yes, sir.

7 Q. I recall the county association when  
8 the solar bill was up didn't weigh in on that. Did  
9 that have anything to do with your site?

10 A. No.

11 Q. So how big was your site?

12 A. 110 acres.

13 REPRESENTATIVE FORRESTER: Thank you.

14 SENATOR ALEXANDER: Chairman Sanders.

15 REPRESENTATIVE SANDIFER: Thank you,  
16 Mr. Chairman.

17 EXAMINATION

18 BY REPRESENTATIVE SANDIFER:

19 Q. Mr. Atkinson, several things I just  
20 want to clarify with you, please.

21 A. Certainly.

22 Q. When you were asked some questions  
23 about ex parte communications one of your answers  
24 was that you can't talk with another commissioner  
25 or staff. Is that what you believe ex parte

1 communication to be?

2 A. Well, I think if you're in the middle  
3 of a hearing you're not supposed to communicate,  
4 are you?

5 Q. I'm asking you to tell us.

6 A. Well, I don't think you are. No.

7 Q. Okay. So if it's during the time of a  
8 hearing you -- even though you're not on the bench  
9 can you not speak to another commissioner or  
10 another to a staff member?

11 A. When you say even though I'm not on the  
12 bench --

13 Q. You're not in a hearing room. You're  
14 in your offices.

15 A. I don't think it makes any difference  
16 where you are.

17 Q. Okay. Thank you, sir. All right. And  
18 then another response was the work schedule. What  
19 would you see as a normal work schedule? You said,  
20 well, right now it appears that it would be five  
21 days a week. What would it be if it were not right  
22 now?

23 A. Well, I think it used to be more  
24 Tuesday, Wednesday, and Thursday. With the  
25 workload that they have had in the last six months



1 or a year they've been meeting more than that.

2 Q. Okay. Let me just remind you, Mr.  
3 Atkinson, we meet Tuesday, Wednesday, Thursday.  
4 We're part-time legislators. That's a full-time  
5 job.

6 A. Yes, sir.

7 Q. So I think there is a distinction there  
8 if you will, if you will indulge me on that. The  
9 last one is on your questionnaire one of the things  
10 you had to do is check those areas of employment or  
11 the information. There were eight different boxes  
12 to check. You checked only one.

13 You didn't check energy,  
14 telecommunications, consumer protection, water,  
15 wastewater, accounting, engineering, or law. You  
16 only checked finance, economic, and statistics  
17 which is all on one line.

18 A. Yes, sir.

19 Q. Do you any background whatsoever in any  
20 of the others?

21 A. No, sir. I can't say I do.

22 Q. Okay. Thank you for your honesty on  
23 that. I appreciate it.

24 A. Uh-huh.

25 REPRESENTATIVE SANDIFER: Mr. Chairman,

1       that's all I have at this time.

2                       SENATOR ALEXANDER: Thank you, Chairman  
3       Sandifer.

4                       EXAMINATION

5       BY SENATOR ALEXANDER:

6               Q.     Kind of following up on that, you've  
7       had obviously a distinguished career on county  
8       council there --

9               A.     I'd like to think so.

10              Q.     -- and many years of service, being  
11       re-elected by your constituents obviously. I'm  
12       based on --

13              A.     I think the best thing about that is  
14       I've run the way all of y'all like to run,  
15       unopposed. So that tells me that I think that I've  
16       done something right for the people of Marion  
17       County and that they have trust in me.

18              Q.     Yes, sir. So how would those  
19       experiences and that work that you've had in that  
20       capacity -- how do you see that being of value or  
21       helping if you were chosen to be a member of the  
22       Public Service Commission?

23                     What value -- how could that help you  
24       if your role as a commissioner?

25              A.     Problem solving. I mean, listening to

1 people and figuring out -- you know, with the  
2 capital budgeting process the numbers tell the  
3 truth. There are other processes that you can go  
4 through. But I think being able to help problem-  
5 solve and being able to add to what the other  
6 commissioners do --

7 Q. In Marion County is the county engaged  
8 in any of those activities? Water, wastewater,  
9 telecommunication issues there in Marion County.

10 A. Grand Strand Water and Sewer has the  
11 City of Marion's water. MarCo Water is our county,  
12 our rural water. We work with them in various  
13 ways. To say that I deal in water issues a lot, I  
14 really don't.

15 Q. Do y'all do the rate making for those  
16 or who determines the rates?

17 A. No. They get their rates from  
18 somewhere else. The County doesn't do it.

19 SENATOR ALEXANDER: Thank you, sir.  
20 Yes, sir. Senator from Horry.

21 EXAMINATION

22 BY SENATOR RANKIN:

23 Q. Mr. Atkinson, thank you for your offer  
24 to serve here in a different role of public  
25 service. You continue to serve on Marion County

1 Council, correct?

2 A. Right. I am employed by a bank now  
3 and I am on the Marion County Council. I'm on the  
4 Association of Counties board in Columbia and I'm a  
5 member of -- not a member. I'm Secretary/Treasurer  
6 for Pee Dee COG, all of which I'm willing to give  
7 up.

8 Q. And you're on the NESAs --

9 A. NESAs.

10 Q. -- board as well?

11 A. That's correct.

12 Q. So you've got your hand in a lot of  
13 stuff?

14 A. Yes, sir.

15 Q. It's not in Marion County, I don't  
16 think. Quinby is in Florence County, correct?

17 A. Correct.

18 Q. Are you familiar with the solar -- I'm  
19 going to call it -- farm that's adjoining the  
20 Harwell property?

21 A. I see it when I ride by. I don't know  
22 which solar company it is or how big it is, but  
23 they're working on it.

24 Q. Yes. Any idea of the scope? I mean,  
25 just with the untrained eye perhaps how many acres

1 would be out there? At this point that appears to  
2 be covered or equipped for --

3 A. That field is a hundred-acre field and  
4 it looks like maybe half of it is done.

5 Q. Your -- why in the world would you want  
6 to do this nicely said?

7 A. That's a good question. I feel like  
8 having been on a county council for a number of  
9 years and being able to balance a budget with  
10 less -- our mill is \$66,000.

11 As y'all know, with Act 388 we've  
12 kind of got our hands tied as to what we can do  
13 and how we can finance things. I feel like I've  
14 been a big part of keeping the budget as tight as  
15 it is by cutting expenses and revenues where we  
16 can, keeping taxes down. We have to do that  
17 because Marion County loses population unlike Horry  
18 County which gains population. I feel like I could  
19 maybe bring that to the Public Service Commission  
20 and help the people get more favorable rates or be  
21 sure that -- I mean, I've got to be careful what I  
22 say. I just feel like I could help people or the  
23 ratepayers of the State of South Carolina maintain  
24 their rates.

25 Q. Representative Lucas Atkinson, is he

1 from Marion? Are y'all related?

2 A. We are not related, but he is from  
3 Marion. His grandmother lives right down the  
4 street from me.

5 Q. Did she put an Atkinson County  
6 Council sign in her yard or have you not ever been  
7 challenged since you had to ask her to do that?

8 A. Well, I haven't spent that money. I  
9 haven't bought any signs.

10 Q. Good move. I ask this of all the  
11 candidates as well or I think most all. This  
12 process, how we're interviewing you today, and the  
13 work you had to get to this point -- the test,  
14 let's start there.

15 Do you think that that was an  
16 appropriate or good way for us to measure the  
17 candidates' competency or skill or knowledge of --  
18 I'll call it -- all things PSC energy?

19 A. I do. I've got no excuse for myself.  
20 All I can say is, sir, no excuse, sir. But I think  
21 it is. I think it was done right.

22 I kind of got mixed up on it. It's  
23 kind of like trying to learn how to speak Mandarin  
24 in two months when you look at the way these things  
25 are worded. I think the process has been good.

1 It's been learning and it's been one I won't ever  
2 forget.

3 Q. Good deal. You speak you said  
4 Mandarin. To some of these Tigers up here you  
5 speak a different Tiger language I see.

6 A. Don't get me involved in that. I'm not  
7 in a good seat.

8 Q. Let me tell you, as a Gamecock I didn't  
9 get you involved in it. Y'all earned your stripes.

10 A. You see the color of the tie?

11 Q. For the record, it matches the color of  
12 your face.

13 SENATOR ALEXANDER: It's not garnet,  
14 though, is it?

15 BY SENATOR RANKIN:

16 Q. It's getting there the more I ask.  
17 LSU for banking school, how in the world did you  
18 get there?

19 A. At that time when I went to LSU I  
20 worked for South Carolina National Bank. So you  
21 can think of how long ago that was.

22 They used to send their potential  
23 officers to LSU because it is the banking school of  
24 the south. It's three years and two weeks a year  
25 in May down there during Memorial Day every year.

1 You have six home study problems that they give you  
2 during the year. So, yeah. That's a big test and  
3 it was a big deal to be able to go to LSU.

4 Q. Banking -- again, your proficiency in  
5 that arena as well as public service. Kind of  
6 tacking onto what Senator Alexander asked about  
7 your experiences in bringing it to not just what  
8 the different iterations of energy policy is but  
9 tackling this subject, I mean, it's a pretty  
10 technical subject.

11 Do you think you would have the ability  
12 to get up to speed on it if you were able to get  
13 the nod to serve?

14 A. I know I would.

15 SENATOR RANKIN: That's all.

16 SENATOR ALEXANDER: Does anybody else  
17 have questions?

18 MR. ATKINSON: I've just got to  
19 decrease the size of that brief case from about  
20 that wide to something like this. (Motioning)

21 SENATOR RANKIN: For the record, his  
22 arms are extended 18 feet.

23 SENATOR ALEXANDER: Any other  
24 questions? Mr. Atkinson, we appreciate you being  
25 here today and being responsive to the Committee



1 and your willingness to serve.

2 MR. ATKINSON: Thank you for having me.  
3 I'd love the opportunity.

4 SENATOR ALEXANDER: We commend you on  
5 your service to Marion County.

6 MR. ATKINSON: Thank you.

7 (Off-the-record conference.)

8 SENATOR ALEXANDER: We'll continue with  
9 the Screening on Seat Number 7. We have before us  
10 Ms. Bonnie Loomis. Good afternoon.

11 MS. LOOMIS: Good afternoon.

12 SENATOR ALEXANDER: We appreciate you  
13 being here and I'm going to ask that our court  
14 reporter swear you in for the screening process.

15 BONNIE DRAKE LOOMIS  
16 being first duly sworn, testified as follows:

17 SENATOR ALEXANDER: I will recognize  
18 Mr. Davidson to begin the screening process.

19 MR. DAVIDSON: Good afternoon, Ms.  
20 Loomis.

21 MS. LOOMIS: Good afternoon.

22 MR. DAVIDSON: Ms. Loomis earned a  
23 Bachelor of Arts degree from the University of  
24 South Carolina in 1993 and a law degree also from  
25 the University of South Carolina in '98.

1 Ms. Loomis is currently the Executive  
2 Director of the South Carolina Clean Energy  
3 Business Alliance having served in that capacity  
4 since 2018. Prior to that Ms. Loomis served as  
5 Executive Director of the American Petroleum  
6 Institute for approximately one year.

7 From '13 to '16 Ms. Loomis worked for  
8 the Palladium Group, Public Affairs. From 2010 to  
9 '13 Ms. Loomis worked for Duke Energy. From 2005  
10 to '10 Ms. Loomis worked for a -- she was in  
11 private legal and public affairs practice.

12 From '03 to '05 Ms. Loomis worked for  
13 the Department of Health and Human Services --  
14 South Carolina Department of Health and Human  
15 Services as Director of Policy and Planning. From  
16 '01 to '03 Ms. Loomis worked for the South Carolina  
17 Senate as Research Director for the Medical Affairs  
18 Committee, majority caucus.

19 She was in private legal practice  
20 before that. In addition, Ms. Loomis reported  
21 having served as a registered lobbyist for various  
22 clients which are part of the record in her PDQ for  
23 the years between 2009 to 2015.

24 Ms. Loomis, do you have any changes  
25 that you would like to make to the personal data

1 questionnaire you submitted with your application?

2 MS. LOOMIS: I do not other than to  
3 note that the years with the American Petroleum  
4 Institute were '16 and '17 and I was registered to  
5 lobby on behalf of that organization.

6 MR. DAVIDSON: Okay. So it --

7 MS. LOOMIS: I might have truncated  
8 that period of time for some reason.

9 MR. DAVIDSON: Thank you for that  
10 clarification.

11 MS. LOOMIS: Okay.

12 MR. DAVIDSON: So it would be 2017.  
13 Mr. Chairman, I would request that Ms. Loomis'  
14 personal data questionnaire be entered into the  
15 record with any confidential information being  
16 redacted.

17 SENATOR ALEXANDER: So ordered.

18 (EXHIBIT 10, Personal Data  
19 Questionnaire of Bonnie Drake Loomis, was marked  
20 for identification.)

21 MR. DAVIDSON: As part of our  
22 background investigation of Ms. Loomis we obtained  
23 a credit check, driver's license, and SLED check.  
24 Any questions of a confidential or personal nature  
25 will be taken up in executive session.

1                   Before we begin the questioning,  
2           Ms. Loomis, do you have a brief statement that you  
3           would like to make?

4                   MS. LOOMIS: I would. Thank you.  
5           Following Senator Rankin's lead, before I begin I  
6           would like to introduce my husband, Chris Loomis,  
7           who is with me today. It seemed everybody else in  
8           the gallery had already been introduced; so I  
9           wanted to make sure.

10                   SENATOR RANKIN: You beat me to the  
11           punch.

12                   MS. LOOMIS: I'm happy to have Chris  
13           with me. He is recently retired from Active Duty  
14           Army National Guard Service. It is very unusual  
15           for us to be able to actually do something together  
16           as a couple. So it means a lot to have him with  
17           me.

18                   SENATOR RANKIN: Well, other things,  
19           too.

20                   MS. LOOMIS: Instead of this, yes.  
21           And I'd also like to just say thank you for the  
22           opportunity to be here today. This is a real  
23           privilege to me. I appreciate the effort that  
24           you as a Committee put into this process. In  
25           particular I wanted to note that at every point of

1 contact I have been extremely impressed with the  
2 professionalism of the staff all the way down to  
3 the Senate Security individuals.

4 They made me feel like a human and not  
5 like an application. It was very comforting as we  
6 went through the process. I'm running for the  
7 Public Service Commission because the Public  
8 Service Commission has been an integral part of my  
9 professional life for the last decade.

10 It's a natural step in the evolution or  
11 the professional evolution of my life to offer  
12 myself in this regard. The Public Service  
13 Commission has actually been a part of my personal  
14 evolution as well.

15 I have with me today a very worn  
16 cookbook that belonged to my mother. It was  
17 published in 1971. I was born in 1970. It's  
18 secret recipes of Telephone Pioneers.

19 The Telephone Pioneers are the employee  
20 organization for long-term phone company employees.  
21 This has been a part of every holiday in my life,  
22 my whole life as far back as I remember. It became  
23 mine when my mother passed at 29 years old. She  
24 began her career as a telephone switchboard  
25 operator for Southern Bell when she was in high

1 school working part time. My father began his  
2 career as a lineman for Southern Bell. I knew that  
3 their work was vital to everyone's lives and  
4 livelihoods.

5 I knew that what they did was  
6 important. I knew as a child that the phone  
7 company mattered. It mattered a lot.

8 It mattered so much so that the  
9 government had something to do with it, although  
10 I wasn't really sure what that was until as a  
11 preteen the Ma Bell break-up occurred. I received  
12 my first lesson in public utility regulation and  
13 deregulation.

14 I remember at that time my father who  
15 at that point had made it to management had a bunch  
16 of different job titles. He kept working for a  
17 different company or a different name that somehow  
18 had Bell in it still, but it was a different  
19 company. Despite all those changes the one thing  
20 that remained constant was that my parents worked  
21 for the phone company.

22 They both retired from the phone  
23 company as well. They were BellSouth lifers. In  
24 between my childhood and this last decade of my  
25 professional career there have been places where my

1 personal evolution and the Public Service  
2 Commission have touched.

3 In college I was a House legislative  
4 aid during Operation Lost Trust. I was on the  
5 House floor as our State Ethics Act was debated and  
6 adopted. As a law clerk I researched and briefed  
7 for law firm attorneys on the subject of  
8 electricity deregulation.

9 As an associate attorney for an  
10 insurance defense litigation firm I prepared and  
11 actually hand-delivered common carrier licensing  
12 applications to the Public Service Commission, the  
13 original Public Service Commission.

14 A few years later as a Senate staffer I  
15 was in this very building when controversy erupted  
16 over ex parte communications in the PSC prompting  
17 the debate and adoption of Act 175 and the creation  
18 of a new PSC. That new PSC is the one that has  
19 been a part of my professional work over the last  
20 decade.

21 I have supported investor-owned  
22 utility filings for everything from fuel cost  
23 adjustments to full rate cases. I have consulted  
24 on a merchant power producer's petition to  
25 intervene in an investor-owned utility's

1 certificate for public convenience and necessity  
2 filing. I participated along with multiple  
3 stakeholders in multiple extended sessions to  
4 negotiate Act 236.

5 Then I appeared of record on behalf of  
6 the solar industry to approve the Act 236  
7 implementation/settlement agreement. That  
8 appearing of record to me is critical in your  
9 deliberations.

10 It sets me apart from every candidate  
11 that you've interviewed both today and yesterday.  
12 I hope that it is one of the factors that will lead  
13 you to find me qualified and nominated. Thank you.

14 EXAMINATION

15 BY MR. DAVIDSON:

16 Q. Thank you, Ms. Loomis. Could you  
17 please state for the record your full name and home  
18 address.

19 A. Bonnie Drake Loomis, 785 Cherry Blossom  
20 Drive, Murrells Inlet 29576.

21 Q. Are you a registered voter?

22 A. I am.

23 Q. In which congressional district are you  
24 registered?

25 A. The 7th.



1           Q.    Have you attended any hearings of the  
2   Public Service Commission?

3           A.    I have.

4           Q.    Have you read any Commission decisions?

5           A.    I have.

6           Q.    How would you expect to get up to speed  
7   on the issues confronting the Commission?

8           A.    In regard to the energy issues I feel  
9   like I am up to speed from participating and  
10   observing over the last few years. In regard to  
11   the other matters I would read the dockets, listen  
12   to the archived meetings and hearings, and study  
13   materials that were presented.

14          Q.    In your view what role does the Public  
15   Service Commission serve in regards to the  
16   regulation of utilities?

17          A.    The Public Service Commission really,  
18   you know, governs the relationship between  
19   customers and their provider. It's a regulated  
20   monopoly. Customers are not able to participate  
21   as they are in a traditional marketplace. It is  
22   indeed that market mediator so to speak.

23          Q.    Do commissioners have a role in  
24   policymaking decisions?

25          A.    No.

1           Q.    What are the key factors that a  
2 commissioner should consider in a rate case?

3           A.    A rate case is designed to ensure that  
4 the utility is being fairly compensated for the  
5 cost of delivering safe and reliable service and  
6 that they are able to earn a reasonable rate of  
7 return on their invested capital.

8                   It's also designed to ensure that  
9 because of that natural monopoly that utilities  
10 have customers aren't paying more than is a fair  
11 rate for that reasonable -- I'm sorry -- reliable  
12 and safe electric service.

13           Q.    Are you familiar with the three  
14 advisory opinions issued by the Review Committee  
15 dealing with attendance at, one, legislative  
16 receptions, two, legislative caucus meetings, and  
17 three, political gatherings?

18           A.    I am.

19           Q.    Have you attended any legislative  
20 receptions or legislative caucus meetings since  
21 submitting your application?

22           A.    I have not.

23           Q.    Have you attended any political  
24 meetings since submitting your application?

25           A.    I have not.

1           Q.    Could you explain the general rule  
2           regarding ex party communications as it relates to  
3           the Commission, please.

4           A.    They are strictly prohibited.  Any  
5           communication regarding a matter that is before  
6           the Commission or is reasonably -- foreseeably to  
7           be before the Commission and a commissioner is  
8           not -- and the staff are not allowed to engage in  
9           any conversation on those subjects outside the  
10          presence of all parties to the proceedings.

11          Q.    Assume you were serving on the  
12          Commission and you were approached by someone  
13          wanting to discuss a matter that is or may become  
14          an issue in a proceeding.  How would you handle  
15          that situation?

16          A.    I would politely decline to continue  
17          the conversation, remind them that I am subject to  
18          that ex parte communication rule.  I probably would  
19          just go ahead and walk away.

20          Q.    Are you aware that commissioners are  
21          subject to the judicial code of conduct as well as  
22          state ethics laws?

23          A.    I am.

24          Q.    Are you able to describe the five  
25          canons in the Code of Judicial Conduct?

1           A.    I am.  They regard public perception  
2           of your activities.  They regard the perception of  
3           you from a personal perspective, perception from a  
4           professional perspective, and prohibit engagement  
5           in any political activities.

6                   Overall it ensures that you conduct  
7           both your professional and your private affairs and  
8           in a manner that ensures that you're viewed as fair  
9           and impartial and that you're not opinionated prior  
10          to considering matters.

11          Q.    What do you consider to be an  
12          appropriate use of social media pursuant to the  
13          judicial canons?

14          A.    For me my social media relates strictly  
15          to family, personal matters, posting of holiday  
16          photos and birthday congratulations or  
17          announcements of something that may be taking  
18          place.

19                   It is absolutely not appropriate in any  
20          way for that -- either of those means to be used as  
21          a voice of your opinion whether it be on politics,  
22          on an individual, on a neighborhood matter, or any  
23          matters that you're considering in regard to  
24          your professional endeavors.

25          Q.    If you were elected to the Commission

1 do you think you would need to revisit any of your  
2 previous social media usage?

3 A. In terms of going back and looking at  
4 things that I may have posted in 2010, '11, and '12  
5 I like a lot of people became very upset with the  
6 way social media was inflamed, particularly over  
7 the last few years as a result of politics.

8 So I'm sure at some point in the past I  
9 have posted something related to politics. I have  
10 over the last few years stayed well away from that.

11 So I've tried to conduct myself in  
12 that manner already just for it to be a positive  
13 forum and not anything negative or that would be  
14 derogatory toward any other individual or person.

15 Q. Just for point of clarification,  
16 critical-type postings pursuant to the judicial  
17 canons probably would be inappropriate?

18 A. Oh, absolutely. Yes.

19 Q. Thank you. Are you or a member of your  
20 immediate family employed by a utility regulated by  
21 the Public Service Commission currently or within  
22 the past two years?

23 A. No.

24 Q. Do you or a member of your immediate  
25 family have stock or other financial interest that

1 is directly controlled by you or your family member  
2 of a utility regulated by the Public Service  
3 Commission?

4 A. No.

5 Q. Do you or a member of your immediate  
6 family have stock or other financial interest that  
7 is directly controlled by you or your family member  
8 of a renewable energy company that appears before  
9 the PSC?

10 A. No.

11 Q. Are you or a member of your immediate  
12 family an officer or director involved in the  
13 management of any business enterprise?

14 A. No.

15 Q. This is a bit of a long question. So  
16 bear with me.

17 A. Okay.

18 Q. What entities did you or a member of  
19 your immediate family receive income from within  
20 the previous year?

21 Now, this does not include IRA,  
22 deferred compensation funds, disability, mutual  
23 funds, or pensions or retirements and it does not  
24 include funds received from your financial  
25 institution in the ordinary course of business.

1 So you or your immediate family.

2 A. My income for the last two calendar  
3 years has been from the South Carolina Clean Energy  
4 Business Alliance. My husband's has been from his  
5 active Army National Guard service, his retired  
6 Army National Guard service. He also works part  
7 time at Coastal Carolina University.

8 Q. Thank you. If elected would there be  
9 any potential conflicts of interest, financial or  
10 otherwise?

11 A. Not that I can envision.

12 Q. What would you do if a conflict of  
13 interest arose?

14 A. I would alert my Chairman to that  
15 matter and recuse myself from any consideration  
16 that would be associated with that.

17 Q. And in the context of a perceived  
18 conflict of interest with the understanding that  
19 you at various times worked for different parties  
20 who may have been or will be at some time in the  
21 future parties how would you handle that  
22 perception?

23 A. That's a good question and it's  
24 something that I've definitely thought about. One  
25 of the things that I think is fair to say about me

1 is that I have truly worked across the spectrum. I  
2 have an insight into both traditional and  
3 nontraditional utility business strategies and  
4 operations.

5 I think that that helps balance the  
6 perception of me as an individual, at least I hope  
7 that it does. I would seek to ensure that I  
8 thoroughly vetted all of the matters that came  
9 before me and ask questions during the hearings  
10 that, you know, indicated a real fairness of  
11 process.

12 I think that that is ultimately what  
13 really matters, whether it be in a courtroom, a  
14 hearing room, or a commission room that the process  
15 is fair and that the individuals have been  
16 forthright in their willingness to take a look at  
17 what's before them in a fair and balanced manner.

18 Q. One last question at this time.

19 A. Sure.

20 Q. If a party were to seek recusal based  
21 on a perceived conflict of interest how would you  
22 handle it?

23 A. To me -- as a licensed attorney that to  
24 me means they think there's an issue. If they  
25 think there's an issue then there's an issue and I



1 need to recuse myself.

2 Q. Are you familiar with any political  
3 parties, boards, or commissions that would need to  
4 be reevaluated if you were nominated and elected?

5 A. I am not.

6 Q. Do you belong to any organization that  
7 discriminates based on race, religion, or gender?

8 A. I do not.

9 Q. What is the appropriate demeanor for a  
10 commissioner?

11 A. Impartial, fair, balanced, polite,  
12 kind, and considerate.

13 Q. Does that apply only while on the bench  
14 or 24/7?

15 A. 24/7.

16 Q. If elected to serve as a commissioner  
17 how do you envision your work schedule?

18 A. It would be full-time. I think in  
19 particular over the last few years the work related  
20 to the Commission has been a more than full-time  
21 endeavor for not only the Commission members but  
22 the Commission staff and these who appear before  
23 the Commission. I would dedicate my full attention  
24 and full 40 plus hours, more likely than not, to  
25 that.

1           Q.    Could you briefly describe the term  
2 cross-subsidization.

3           A.    It is where one customer class is  
4 supporting more than just the cost of delivering  
5 service to that customer class, whether it be a  
6 commercial, industrial, residential, lighting.  
7 There is costs that are being borne that are not  
8 directly related to that service delivery.

9           Q.    Does the Public Service Commission  
10 have any regulatory authority over cable service  
11 providers?

12          A.    I am -- for the wired services I  
13 believe still that there is. With internet-faced,  
14 I don't know.

15               MR. DAVIDSON: Thank you, Ms. Loomis.  
16 At this time, Mr. Chairman, I'd request we go into  
17 executive session as we do with all candidates.

18               MS. LOOMIS: Thank you.

19               SENATOR ALEXANDER: Pursuant to  
20 previous motion that we have we'll go into  
21 executive session.

22               (Off-the-record conference.)

23               SENATOR ALEXANDER: We're back in open  
24 regular session. No action was taken in executive  
25 session. I'll recognize Mr. Davidson to continue

1 the screening of Ms. Loomis.

2 MR. DAVIDSON: Thank you, Mr. Chairman.

3 BY MR. DAVIDSON:

4 Q. Ms. Loomis, as you know, we do a Public  
5 Index records check and the search for lawsuits or  
6 anything like that with your name. No lawsuits  
7 were returned on the search. However, there were  
8 two tax liens, an individual state income tax lien  
9 in 2006 and then a federal income tax lien at the  
10 same time.

11 If you would -- my understanding is  
12 that they have both been satisfied. If you will,  
13 just confirm that and also you may want to provide  
14 a brief explanation.

15 A. Thank you. There were two liens. Both  
16 have been long been satisfied. One was satisfied  
17 in 2008. The other was satisfied in 2009. They  
18 were both associated with debt that was associated  
19 with business endeavors of my husband's.

20 We were married in 2006 and filed  
21 jointly for the first time that year. So they  
22 became attached to my Social as well and that is  
23 what you see.

24 Q. Thank you.

25 A. Thank you.

1           Q.    Have you made any contributions to  
2 members of the General Assembly since filing your  
3 application?

4           A.    I have not.

5           Q.    Have you sought or received a pledge  
6 from any legislator prior to this date?

7           A.    I have not.

8           Q.    Have you sought or been offered a  
9 conditional pledge of support by any legislator  
10 pending the outcome of your screening?

11          A.    I have not.

12          Q.    Have you asked any third parties to  
13 contact members of the General Assembly on your  
14 behalf before the final and formal screening report  
15 has been released?

16          A.    I have not.

17          Q.    Are you aware of any friends or  
18 colleagues contacting members of the General  
19 Assembly on your behalf?

20          A.    I am not.

21          Q.    Are you familiar with the 48-hour rule  
22 which prohibits candidates from seeking pledges for  
23 48 hours after their report has been submitted to  
24 the General Assembly?

25          A.    Yes, sir.

1 Q. Do you plan to serve a full term if  
2 elected?

3 A. Yes, sir.

4 MR. DAVIDSON: I note for the record  
5 that Ms. Loomis scored a 75 on the test. I have no  
6 further questions. Thank you, Ms. Loomis.

7 MS. LOOMIS: Thank you.

8 SENATOR ALEXANDER: Thank y'all. I'll  
9 open it up to questions from members of the  
10 Committee. Senator Rankin.

11 SENATOR RANKIN: Thank you, Mr.  
12 Chairman.

13 EXAMINATION

14 BY SENATOR RANKIN;

15 Q. I know you, Bonnie Drake Adams  
16 Loomis --

17 A. There you go. Very good.

18 Q. -- as a lobbyist.

19 A. Correct.

20 Q. I've known you for a long time. So  
21 welcome and I appreciate your offering for this  
22 position. I appreciate your opening remarks  
23 invoking your mother and the cookbook.

24 Marti who's gotten up in our  
25 remembering the fun old days -- and I'm older than

1 she is by a lot but you could still pick up the  
2 phone and you could hear party line conversations.

3 A. Well, if I might interrupt just a  
4 moment, I'd like to say my mother's name so that it  
5 appears in the record. I was thinking about this  
6 yesterday. I actually Googled her name.

7 She died in 2000 and there really is no  
8 digital footprint of her life. I thought about  
9 this as a really unique opportunity to honor her  
10 and the legacy that she's left for me, my brother,  
11 and our family. So Anna Case West was her name and  
12 she spent a full career working for BellSouth.

13 Q. You know, we asked you about this  
14 Facebook and social media and stuff. You've got  
15 more than just a little bit of family.

16 You've broached that very topic today  
17 and that was pointed that out to us earlier today,  
18 that you've highlighted your coming here today and  
19 invoked your mother's legacy in the cookbook. So I  
20 thought that was a sweet gesture. Likewise you now  
21 have it on the record, her name?

22 A. Thank you.

23 Q. You are a lawyer --

24 A. Correct.

25 Q. -- as well. I asked this as an

1 attorney to an attorney, recognizing the role that  
2 you have to advocate for various clients that you  
3 were blessed to get.

4 So with that introduction I want to  
5 reference your PDQ. Your present position is  
6 with the Clean Energy Business Alliance. You  
7 volunteered there that that service could create  
8 the appearance of impropriety in terms of your  
9 service if you were to be successful in this PSC  
10 bid. You've acknowledged that, correct?

11 A. Correct.

12 Q. I looked back through as we have been  
13 given the information. You have represented what  
14 is district or many times conflicting, alternate  
15 sides of an issue through the years. One which  
16 caught my eye was way back in the dereg days of the  
17 South Carolina effort. What do they call that?

18 A. I think that it was called Carolinians  
19 for Competitive Power or South Carolinians for  
20 Competitive Power.

21 Q. You were working for a law firm at the  
22 time?

23 A. I was.

24 Q. So it wasn't like you were the front  
25 and center person? That was '96 to '98 with

1 Berry Quackenbush & Dunbar, South Carolinians for  
2 Competitive Power, regarding electric power dereg.

3 Would you like to have a magic wand and  
4 go back and not have this one associated with your  
5 resume --

6 A. So --

7 Q. -- or did you learn a lot about the  
8 ills of dereg and --

9 A. Yes.

10 Q. -- that you might be a better candidate  
11 today?

12 A. So I will say that that work was as a  
13 law clerk and not as a lawyer, of course. So it  
14 was at the direction of the supervising attorney  
15 for the law clerks and I learned a lot.

16 It actually kind of took me back to  
17 my house when the BellSouth or Ma Bell breakup was  
18 taking place and BellSouth was being created. It  
19 is very complicated and it is very contentious and  
20 it is very difficult. Often the results are  
21 extremely unintended.

22 So I don't know that as a lawyer I  
23 would have ever represented that interest because  
24 it's not something that -- that I think -- I think  
25 that the way it was -- at least in terms of, you



1 know, kind of duking it out in the political space  
2 is something that would need to be undertaken with  
3 an exceptionally significant amount of study, a lot  
4 of input, and with an extreme amount of reflection.  
5 So, I mean, perhaps, yes. I would like to go back,  
6 but I did learn a lot.

7 Q. You would never have that role if you  
8 were on the PSC --

9 A. Absolutely not.

10 Q. -- too. So that would be nice to --

11 A. Yes.

12 Q. -- not have --

13 A. Correct.

14 Q. Then you have invoked the term, duke it  
15 out. Flipping forward, one of your clients has  
16 been Duke Energy as well. In your PDQ on Page 3 I  
17 think it's perhaps Question 15 -- I may have it  
18 wrong. But you list the -- one of your former  
19 clients and your work as the director of strategy  
20 and planning.

21 You worked to align Duke's state  
22 legislative regulatory community philanthropy,  
23 blah, blah, blah, with corporate strategic goals.  
24 That's a pretty nice description. What did that  
25 mean --

1           A.     What does that mean?

2           Q.     -- and how did you succeed or fail in  
3     doing that?

4           A.     So that role -- so I joined Duke  
5     Energy. Six months later Duke Energy announced the  
6     merger with Progress Energy which created a period  
7     of about 18 months where I would say that was the  
8     role that I was in.

9                     After the merger was complete my role  
10    shifted to one of philanthropy only which is really  
11    what led ultimately to my departure from the  
12    company.

13                    It just really wasn't the right fit  
14    from a skillset and a professional desire  
15    perspective, but I would -- I would listen to our  
16    earnings calls with, you know, top corporate  
17    leadership briefings -- Wall Street -- on the  
18    corporate strategies.

19                    I would then look to see from a  
20    legislative regulatory -- a community awareness  
21    perspective -- what our teams were doing and  
22    tried to really be a connector or a conduit of  
23    information to make sure that what we were doing  
24    at those levels was consistent with what the  
25    corporate -- the overall corporate strategy was.

1 So it was more of a support to a certain extent --  
2 support role for the community affairs team, the  
3 Regulatory Counsel Group and the State Government  
4 Affairs team. I don't know if that really explains  
5 it much better.

6 Q. Well, that's a beautiful answer.

7 A. Thank you.

8 SENATOR RANKIN: Madam Court Reporter,  
9 capital B-E-A-U...

10 BY SENATOR RANKIN:

11 Q. So that's effectively the role of a  
12 lobbyist, right?

13 A. Yes.

14 Q. So you were lobbying and that role  
15 shifted and your focus became more narrow?

16 A. Yes.

17 Q. Philanthropy became more the focus?

18 A. Correct.

19 Q. So then American Petroleum Institute,  
20 another energy behemoth in terms of issues, is  
21 maybe not aligned with Duke and certainly not  
22 aligned with your present Clean Energy Business  
23 Alliance. Is that a fair statement?

24 A. I think that the perception is  
25 definitely accurate, that that is an accurate

1 perception. However, the Clean Energy Business  
2 Alliance, we consider any low carbon energy  
3 production to be clean. So our organization  
4 actually puts both nuclear and natural gas in  
5 that clean bucket.

6 I think that that's to a certain  
7 extent what sets us apart from some other  
8 organizations such as the South Carolina Solar  
9 Business Alliance which is specific to solar and  
10 is not, you know, working from a broad clean energy  
11 perspective.

12 So to the extent that natural gas  
13 is similar across both of those roles and the  
14 role that I have today I would say that they're  
15 consistent. But they do -- they are different in  
16 terms of what I'm doing on a day-to-day basis.

17 Q. Century Aluminum in Mount Holly, your  
18 job there was to try to get a different rate --

19 A. That is correct.

20 Q. -- which was greatly -- I won't say it  
21 was litigated because it wasn't but negotiated,  
22 correct?

23 A. It --

24 Q. There was a perception --

25 A. Well, it was ultimately was not

1       successfully negotiated. So they closed one of  
2       two of the aluminium smelters. Recently Goose  
3       Creek -- the Town of Goose Creek has elected to  
4       become a municipal power provider in order to  
5       provide power to Century Aluminum at a rate that  
6       would allow them to open that second smelter back  
7       up. Yes.

8               Q. Again, I take issue with none of these.  
9       These are all examples of conflicting issues or  
10      advocacy groups that you've worked for. Again,  
11      there's no shame in that.

12             A. Yeah. I mean, I don't -- if you  
13      look at it in terms of the issues that I was  
14      working on for those organizations, I mean, I  
15      don't know that -- I personally have never done  
16      any representation that I believed to be  
17      conflicting with something I have done in the  
18      past in terms of that particular -- you know, the  
19      letter of representation would set out what it is  
20      I'm working for.

21             So I've never had any particular issue  
22      that I felt I represented in that same issue  
23      conflicting interests. I mean, that certainly is  
24      against our lawyer's code of conduct --

25             Q. Again --

1           A.    -- but from an external perspective I  
2 have worked for groups that appear to be at  
3 conflict with each other at different times, yes.

4           Q.    Then Palladium Group, public affairs,  
5 that's -- that relationship is over as of December  
6 16th or --

7           A.    That is correct.

8           Q.    You were lobbying for various entities,  
9 these and others --

10          A.    Correct.

11          Q.    -- at the time? The issue here, of  
12 course, for some and me is this big nebulous or  
13 acutely important term of recusal. Again, I  
14 harken back to your answer about the appearance of  
15 impropriety with your present employer.

16                I'm curious if there are other  
17 relationships that perhaps we might not know  
18 about or that we do or that you can volunteer for  
19 us that would be similar in terms of a relationship  
20 that you have that effectively is going to either  
21 rise to the level of your recusal.

22                Therefore are you not being able to  
23 serve or at least rise to the level of your  
24 revealing it as you've described as we know how  
25 you're supposed to do it?

1 A. So --

2 Q. Do you follow my question?

3 A. I do. I'd like to start with my  
4 current employer and why I believe there may be  
5 the appearance of impropriety with that.

6 Our organization is funded through  
7 memberships that include Southern Current, a  
8 solar developer that participates with the Solar  
9 Business Alliance before the Public Service  
10 Commission, Dominion Energy, Duke Energy, Piedmont  
11 Natural Gas, Lockhart Power.

12 All fund the organization from which  
13 I get a paycheck now. So I would not want to  
14 continue to be paid by that entity because those  
15 dollars go back or track back to organizations  
16 that would appear before me.

17 I don't work on -- in this role on  
18 any -- we don't lobby and we don't litigate. Those  
19 were kind of two keys for me when I took this role  
20 because we were in a significant amount of family  
21 transition over the last few years.

22 I had come to the conclusion that the  
23 lobby had -- that when my husband retired from the  
24 Army that I was going to retire from the lobby. So  
25 I moved into a different role. I believe that my

1 familiarity which has come through prior  
2 professional associations with multiple different  
3 entities is what would make me a strong  
4 commissioner because I don't necessarily start from  
5 zero with an understanding of power generation,  
6 transmission, and distribution.

7           You know, I would hope that in the  
8 conduct of my business that I would be perceived as  
9 fair, impartial, and balanced. I can't go back and  
10 recreate history. We talked about a situation in  
11 executive session for which I didn't do that when I  
12 had the ability to go back and ask that it be  
13 rewritten.

14           So I don't believe that the fact that I  
15 was associated with Duke Energy or with the Solar  
16 Business Alliance in the past automatically means  
17 that I would be broadly perceived as having a  
18 conflict. I don't have an insight into people's,  
19 you know, thoughts.

20           So it's hard to say that. I can say  
21 that I believe it's what would make me a strong  
22 commissioner. So because I've not been directly  
23 involved in the operations of any of those entities  
24 and I've been, you know, a contractor on their  
25 behalf I can't envision anything that would come



1 before me for which I would have an actual conflict  
2 and need to recuse myself.

3 Q. Well --

4 A. I mean, I think perhaps going back to  
5 the petition to intervene on behalf of energy --  
6 for Duke Energy's development of a 75 megawatt --  
7 750 megawatt combined cycle plant and the rate  
8 that -- you know, costs associated -- that CPCN has  
9 already been issued. I don't know that that plant  
10 is in service at this point.

11 You know, costs associated with that  
12 plant I'm sure will continue in the rate cases. My  
13 client was eventually not allowed to intervene in  
14 that proceeding and I was not of record. I was  
15 simply consulting with them on it. Another  
16 attorney represented them.

17 Q. We all have a really --

18 A. That's a really -- you know, this is  
19 actually taking me down a path that I haven't gone  
20 down in terms of rate cases and vetted costs  
21 associated. If there were a case, I think,  
22 specific to that plant I would need to recuse  
23 myself. You know, that's an interesting --

24 Q. We all have relationships in this  
25 state. It's a small state, thank the Lord. That's

1       why we're here. This exercise is almost -- are you  
2       related to Kevin Bacon? You know, you're going to  
3       be related to somebody and ultimately how many  
4       iterations or how many -- how many? Seven? Six?

5             A.     Six.

6             Q.     I'm going to go 13. I'm going to go  
7       way farther, but you would agree that anybody that  
8       came before you by -- be it a relationship that you  
9       have personally with somebody or the -- again, a  
10      personal relationship or professional, that that  
11      would be an exercise that -- in terms of whether to  
12      recuse yourself that that would be something that  
13      you should take seriously.

14            I think you mentioned you'd discuss it  
15      with the Chairman or did I hear that incorrectly?

16            A.     No. You heard that correctly. I mean,  
17      I think the question was premised on if I thought  
18      there was an issue. I think it would be something  
19      that I would discuss, you know, with the Chair or  
20      if the Chair -- I mean, I tend to think of the  
21      Chair in terms of that perhaps being an attorney.

22            I mean, I certainly would seek another  
23      attorney member of the Commission in particular and  
24      then as well Staff Counsel.

25            Q.     Again, in the vetting of the

1 information that's out there, your public social  
2 media includes a person who I hold in high regard  
3 that apparently we share --

4 A. Okay.

5 Q. -- admiration of, that being Catherine  
6 Heigel.

7 A. Correct.

8 Q. So my question. Specifically on any  
9 potential rate that --

10 A. Yes.

11 Q. -- she is affiliated or associated  
12 with, is her role as Carolina Water and whatever --  
13 now -- Blue Granite -- would that be worthy of your  
14 disclosure and/or -- again, not just internally but  
15 weighing --

16 A. Correct.

17 Q. -- if you're successful recusing  
18 yourself from that particular rate case and --

19 A. Well --

20 Q. Again --

21 A. Well, I was about to say that I  
22 provided -- so she is no longer --

23 Q. Well, that's correct.

24 A. -- President of --

25 Q. She's left.

1           A.     -- Blue Granite.  She's in a corporate  
2     role for Corix Utilities which I think makes  
3     this --

4           Q.     Did they buy Blue Granite?

5           A.     So Carolina Water has always been --  
6     well, not always but since she's been working with  
7     that organization has been a part of Corix  
8     Utilities or Corix Holdings.

9                     That's the name of the company and she  
10    was elevated in her role from President of Blue  
11    Granite to -- I think it's President and Chief  
12    Operating Officer or CEO of Corix regulated  
13    utilities.  So her role is not tied directly to  
14    South Carolina anymore.

15          Q.     Again, for the record, I've have no ill  
16    will towards her.

17          A.     Right.

18          Q.     As I said, I share an admiration  
19    for her professionally.  So that's the kind of  
20    thing as we -- with this small little state you're  
21    putting it out on there on your social media.  I'm  
22    not out there except politically.  Again, I just  
23    want for the record you to acknowledge whoever or  
24    whatever.

25          A.     Yes.

1           Q.    This is not going to be something  
2           you're going to keep to yourself.  You owe the  
3           duty --

4           A.    Absolutely.

5           Q.    -- to disclose that relationship.

6           A.    Absolutely, yes.

7           Q.    That's all I have.

8           A.    I'm sorry if it took me a while --

9           Q.    No.

10          A.    -- to get to that point with you,  
11          but I absolutely would.  You know, she and I have  
12          actually had a conversation to this extent.  Since  
13          I filed she is no longer responsible for the  
14          operations in South Carolina.

15                 We really don't talk shop a lot often  
16          anyway.  We usually talk about our kids and what  
17          we're doing on vacation or challenges that we're  
18          having with our children in particular as mothers  
19          of kids who are the same age.  I certainly would be  
20          extremely circumspect in regards to that particular  
21          company.

22                 They do have a rate request before the  
23          Commission now.  It is my understanding that the  
24          scheduling of that hearing would wrap up prior to  
25          this term initiating.  So I didn't consider that in

1 particular as something that would be a part of  
2 your question.

3 SENATOR ALEXANDER: Chairman Sandifer.

4 REPRESENTATIVE SANDIFER: Thank you,  
5 Mr. Chairman.

6 EXAMINATION

7 BY REPRESENTATIVE SANDIFER:

8 Q. Ms. Loomis, glad to see you again.

9 A. Thank you so much.

10 Q. You and I go way back to deregulation.

11 A. We apparently do. Yes, sir.

12 Q. God help us if we ever have to go there  
13 again.

14 A. Yes.

15 Q. That's all I can say. I want to tell  
16 you first of all that the term that you use, the  
17 Pioneers -- Telephone Pioneers -- I remember them  
18 very well. Actually, I remember the first phone  
19 number that we had when I was a child.

20 A. Wow.

21 Q. 101.

22 A. Wow.

23 Q. So I go back that far with telephone  
24 and that's just for information. On social media  
25 if you were -- if you continued on social media

1 and you had multiple attacks on your character,  
2 your stand on an issue or whatever but they were  
3 personal in nature, because of your relationship  
4 with the Commission how would you handle it?

5 A. I would probably simply stop using  
6 social media. I mean, as an attorney I've worked  
7 for -- I've done Family Court work, individuals  
8 going through a divorce.

9 I would get a call from a client who  
10 would say, he or she won't leave me alone. They  
11 keep calling, keep e-mailing, keep texting. My  
12 response was always, well, don't answer the phone.  
13 Don't answer the text. Block the number.

14 You know, make sure if you're  
15 co-parenting that they have a way of getting in  
16 touch with you, but we are ultimately in control of  
17 what comes into our brains. If that is something  
18 that is causing me personal grief that it is not  
19 something that I could continue to use, Number 1.

20 Number 2, several years ago -- well, I  
21 don't know when I started this, but I stopped it a  
22 few years ago. I used to post more on Facebook  
23 about what I was doing for work that day. The view  
24 from my desk today is whatever. You know, like if  
25 I were at a like committee hearing or if I were at

1 a conference, or a continuing legal education  
2 seminar. I stopped doing that around the time that  
3 I developed a LinkedIn profile which I consider to  
4 be more of your business profile and traditionally  
5 just use Facebook for personal only over the course  
6 of the last few years.

7 So I don't see a post of my mine  
8 prompting that type of attack. You know, I tell my  
9 children this all the time. You can't control what  
10 other people think. You can control what you think  
11 and you can control how you respond. It is never  
12 appropriate to belittle or demean another  
13 individual.

14 At times it's not appropriate to even  
15 explain yourself. You know, my ultimate test is if  
16 I feel comfortable with myself and my God when I  
17 put my head on my pillow at night. If I do then I  
18 don't really care what others would say.

19 Q. Do you see the potential -- and this is  
20 following up on the Senator's question regarding  
21 conflicts, recusal and so forth.

22 Do you see the potential that some of  
23 your former clients might seek your recusal from an  
24 issue if they were in conflict? Your former  
25 clients.



1           A.     Certainly if it is the same manner on  
2     which I represented them I would think that they  
3     would, but generally speaking no.

4                     I mean, I don't see -- I mean, I will  
5     tell you that I've had conversations with people  
6     affiliated with multiple former business  
7     associations of mine and have received positive  
8     feedback about my offering myself for the  
9     Commission.

10           Q.     Okay.   Work schedule.

11           A.     Yes, sir.

12           Q.     As you know, this is a full-time job.

13           A.     Yes, sir.

14           Q.     Would there be times -- you live a  
15     distance away from Columbia as do I and a number  
16     of us.   But if there were a time when you were  
17     working from home and you got through with your  
18     work at noon what do you do with the rest of the  
19     day?   How do you account for it?

20           A.     I work from home predominantly now  
21     and I rarely get through with my work at noon.   I  
22     am a consummate student.   I read a lot.   This job  
23     entails a lot of reading.   I categorize my work as  
24     both active and passive activities.   I think that's  
25     when I would turn to passive activities.   You know,

1 reading in particular, that's not necessarily  
2 related to a case. I would put that more in an  
3 active work role, reading that's related to  
4 technology and NARUC.

5 The National Association of Regulatory  
6 Commissioners' website is a wealth of information.  
7 The Regulatory Assistance Project website is a  
8 wealth of information. There are often webinars  
9 and white papers. I have a stack this high  
10 (motioning) of white papers that I have intended to  
11 read and never gotten to. So that would be what I  
12 would see myself doing with the balance of my day.

13 Q. I guess where I'm going with it is to  
14 ask, if there were that occasion would you take  
15 annual leave for that period of time?

16 A. Oh, absolutely. If I -- and I hope  
17 that this is consistent with the view of this  
18 Committee. I think that the state -- the official  
19 state workweek is 40 hours. Is it 37 and a half?

20 Q. I think mine is 80.

21 A. I mean, you know, I'm a lawyer. I am  
22 used to keeping time. I believe if I were on a  
23 Monday and had a balance of an afternoon I don't  
24 know that I would just call it quits for the rest  
25 of the week and figure out how I'm going to spread

1 the 40 hours that the commission deserves from me.

2 But on a Friday afternoon if I got  
3 done at noon I probably, yes, would clock out for  
4 the week provided that it -- that it had -- I had  
5 not attended any night hearings and that, you know,  
6 I had not already worked more than what is  
7 considered the 40 full-time hours that the  
8 commissions do. Yes.

9 REPRESENTATIVE SANDIFER: All right.  
10 That's all I have, Mr. Chairman. Thank you.

11 SENATOR ALEXANDER: Chairman Sandifer.  
12 Representative Forrester.

13 REPRESENTATIVE FORRESTER: I'm good.

14 EXAMINATION

15 BY SENATOR ALEXANDER:

16 Q. You have answered a good bit of this  
17 this afternoon, but I've got two or three little  
18 follow-ups. I want to make sure I heard correctly  
19 or a little bit of a different route, I guess.

20 One is on your questionnaire you  
21 indicate that you have been employed or held  
22 positions with telecommunications. Could you kind  
23 of give me an example of what that experience is  
24 in telecommunication. It says: Have you been  
25 employed or held any position in any of the

1 following areas? You just have a yes by  
2 telecommunication issues, various law firms. Is  
3 that your position?

4 A. I may have erroneously checked that  
5 box.

6 Q. Nothing comes to mind of working with a  
7 law firm or anything on the telecommunication  
8 issue? I was just going by your questionnaire.

9 A. No. I think that phrase is the one  
10 that I used with other things that I did check. I  
11 think I erroneously checked that. I am struggling  
12 to bring to my recollection at the moment any  
13 telecommunications-specific work.

14 Q. Okay.

15 A. I apologize.

16 Q. I just wanted to clarify that. What  
17 about -- I think you I heard you either to Senator  
18 Rankin or Chairman Sandifer say something about --  
19 that you would not want to continue to be paid by  
20 this organization. I think you were referring to  
21 the South Carolina Clean Energy Business Alliance.

22 A. That is correct.

23 Q. So help me understand. I mean, had  
24 you -- as Chairman Sandifer mentioned, this is a  
25 full-time job on the commission.

1           A.     So I'm specifically referring to from  
2     the time of election to when I become a Commission  
3     member that I would assign that role if elected and  
4     not continue in that role --

5           Q.     Okay.

6           A.     -- until installed.

7           Q.     Okay. That's a good clarification.

8           A.     Does that make --

9           Q.     That's a good clarification.

10          A.     That makes -- I'm sorry that I wasn't  
11     clear about that.

12          Q.     It might have just been my hearing on  
13     that. Getting back to the appearance of conflicts  
14     or things of that nature, are there any other  
15     relationships that could create the appearance of a  
16     conflict that we've not discussed today?

17          A.     I mean, I certainly maintain  
18     acquaintance with people who I've worked in the  
19     past or clients of mine in the past. I don't  
20     socialize with those individuals.

21                 Catherine Heigel who we mentioned is  
22     somebody who when our schedules allow -- which is  
23     probably twice a year to actually be in the same  
24     place at the same time -- we will socialize with  
25     each other. We recently went away with some of our

1 college girlfriends at the end of September or  
2 October. I don't see any relationships that I  
3 currently have causing that appearance.

4 I will say that someone who I look to  
5 emulate is my dear friend and former law partner,  
6 Monet Pincus, who this body has found fit to elect  
7 to a Family Court seat multiple times. She's  
8 actually who I stay with. She and her husband  
9 introduced me and Chris.

10 Her husband Danny and him were in the  
11 Georgia National Guard together. So Monet -- when  
12 she was elected to the Family Court bench she used  
13 to have an annual Halloween party. She and Danny  
14 would have an adult Halloween party and lots of  
15 people who were members of the Family Court Bar  
16 would attend the party.

17 You know, it was professional  
18 acquaintances of his. They would often host a  
19 Memorial Day gathering as well. They don't do that  
20 anymore because their friend circle needs to be  
21 smaller. That would be who I would look to  
22 emulate.

23 Actually, it's who I plan to -- whose  
24 house I plan to take advantage of for the nights  
25 that I will be in town and needing to stay in town

1 overnight. I look forward to that deep friendship  
2 and that continuing of sort of iron sharpens iron  
3 between myself and a member of the Family Court  
4 bench to make sure that we're keeping ourself in  
5 check.

6 Q. Okay. Throughout your employment  
7 experience you've had a number of policy strategies  
8 and things of that nature, positions. What kind of  
9 practical experience would you bring to the Public  
10 Service Commission if you were a member?

11 A. This might be a somewhat sensitive  
12 comment or situation to point to. There has -- in  
13 the -- is it earlier in -- it was late last week --  
14 late last year.

15 There appears to be a little bit of a  
16 disconnect if I could put it that way between  
17 policies that have been adopted by this body, by  
18 the General Assembly, and orders that have come out  
19 of the commission such that with the avoided cost  
20 docket and the directive that was issued  
21 mid-December prompted petitions for reconsideration  
22 that then prompted the Commission to I think  
23 fairly -- I think it can be fairly said to almost  
24 180 reverse itself last Friday. It's a little  
25 curious to me why that is taking place.

1           If there is one thing that is necessary  
2     for both traditional and nontraditional utility  
3     businesses to succeed it's regulatory certainty.  
4     When a commission reverses itself dramatically it's  
5     unsettling and it creates a little bit of  
6     uncertainty. I think somehow there's -- something  
7     is getting lost in translation.

8           I don't know that -- I don't have that  
9     knowledge firsthand, but I think having the policy  
10    background wouldn't enable me to perhaps help with  
11    some of that translation in an appropriate manner  
12    based on evidence in the record and consistent with  
13    the law.

14          Q.    One last question, I think. I'm kind  
15    of going on the other aspect from being a lobbyist.  
16    I would assume you're advocating for your clients  
17    in that role. With those responsibilities do you  
18    think there could be -- I think we've kind of  
19    talked about it some, but I wanted to circle back  
20    around one more time.

21          Do you think there could be questions  
22    of a conflict with entities that you've actually  
23    advocated for or as you appeared before the -- I  
24    think we maybe talked about the other side of that,  
25    but how about from that side or from that side of



1 the equation? Do you think there could be that  
2 question of a need for recusal or some other  
3 action?

4 A. I think we've talked about this. As  
5 I've said, I don't believe that there would be. I  
6 mean, I can certainly tell you that --

7 Q. That was on the side of those that  
8 maybe you were working for. How about those  
9 that --

10 A. On the other --

11 Q. The other --

12 A. -- side. I'm sorry. Thank you, sir.  
13 I mean, certainly anyone -- I would hope that any  
14 organization that feels a need to be reassured  
15 would bring that to the attention of me or the  
16 Commission and that it would be something that --  
17 that we as I said previously would discuss.

18 You know, perhaps even given the ex  
19 parte rules it's hard to have, you know, a  
20 conference about it without it being an actual  
21 docketed hearing matter. But I think it would be  
22 appropriate for that to be vetted. I mean, I would  
23 want anyone who feels a need to be assured of my  
24 impartiality to take whatever means is necessary to  
25 ensure that.

1 Q. Would you agree or -- or what are your  
2 thoughts on -- I mean, could there be certainly a  
3 perception? I guess that's another thing I'm --

4 A. I see the canon as applying  
5 to, you know, you're active in how you conduct  
6 yourself. I mean, I think it will be -- it's hard  
7 to say for, you know, someone who's worked for  
8 three decades in and around this environment  
9 that -- I mean, there are probably are a lot of  
10 different perceptions that people may have.

11 Whether those directly impact  
12 proceedings at the commission, I don't believe that  
13 those perceptions would. I hope that that's  
14 satisfactory. What I would like to add is that I  
15 have appreciated your questions in this regard. It  
16 is absolutely something that I hear and an honor  
17 your focus.

18 SENATOR ALEXANDER: No other questions?  
19 Representative Forrester.

20 REPRESENTATIVE FORRESTER: Thank you,  
21 Mr. Chairman.

22 EXAMINATION

23 BY REPRESENTATIVE FORRESTER:

24 Q. Ms. Loomis, when asked if you had  
25 visited any legislative gatherings I think you

1       responded no. Have you attended any legislative  
2       delegation meetings?

3             A. Yes, I have.

4             Q. Which ones?

5             A. I think I can more easily tell you the  
6       ones I know that I didn't attend, but then I'll try  
7       to work backwards. Charleston had a delegation  
8       meeting that I did not attend. Richland had a  
9       delegation meeting that I did not. Anderson had a  
10      delegation meeting that I did not attend.

11            I attended Greenville, Spartanburg,  
12      Aiken, Pickens which adds to seven. I think that  
13      that's from the time of filing the only delegations  
14      that I've met.

15            Q. And what was your purpose at those  
16      meetings?

17            A. To introduce myself as a candidate.

18            Q. And that's all you did?

19            A. That is correct.

20            REPRESENTATIVE FORRESTER: Thank you.

21            SENATOR ALEXANDER: Any other  
22      questions? You've been most generous with your  
23      time.

24            MS. LOOMIS: Y'all have as well.

25            SENATOR ALEXANDER: I appreciate your

1 being before us this afternoon.

2 MS. LOOMIS: Thank you so much.

3 SENATOR ALEXANDER: Thank you.

4 (A recess transpired.)

5 SENATOR ALEXANDER: We'll go ahead  
6 and call our meeting back to order and continue  
7 with the screening of Public Service Commission  
8 Seat Number 7. We have before us now Mr. Thomas G.  
9 Miller. We appreciate your patience with us in  
10 getting to your screening this afternoon. Welcome.

11 MR. MILLER: Thank you.

12 SENATOR ALEXANDER: At this time I'm  
13 going to recognize our court reporter to swear you  
14 in.

15 THOMAS GOUDELOCK MILLER, JR.  
16 being first duly sworn, testified as follows:

17 SENATOR ALEXANDER: At this time,  
18 Ms. Anderson, if you would proceed with the  
19 screening.

20 MS. ANDERSON: I'm going to give a very  
21 brief general overview of Mr. Miller's background.  
22 He graduated from the University of South Carolina  
23 with a Bachelor of Science Degree in Business  
24 Administration and a Masters in Business  
25 Administration. He also obtained a Master of

1 Science in Communications from the University of  
2 Tennessee.

3 Mr. Miller is the owner of Black Mingo,  
4 LLC. He previously served as Planning and Economic  
5 Director for the City of Georgetown and the State  
6 Director for Rural Development with the US  
7 Department of Agriculture. He was Former Deputy  
8 Director for the Office of Business Liaison with  
9 the US Department of Commerce and served as a  
10 congressional liaison for the US Department of  
11 Agriculture.

12 He also has prior employment  
13 experience in market planning and strategy.  
14 Details regarding Mr. Miller's education and his  
15 employment background are found in his personal  
16 data questionnaire.

17 Mr. Miller, do you have any changes  
18 you would like to make to the personal data  
19 questionnaire you submitted with your application?

20 MR. MILLER: No.

21 MS. ANDERSON: I would request  
22 Mr. Miller's personal data questionnaire be entered  
23 into the record with any confidential information  
24 being redacted.

25 (EXHIBIT 11, Personal Data

1 Questionnaire of Thomas Goudelock Miller, Jr., was  
2 marked for identification.)

3 MS. ANDERSON: As part of our  
4 background check of Mr. Miller we obtained a credit  
5 check, driver's license, and a SLED check. Any  
6 questions of a confidential or personal nature will  
7 be taken up in executive session. Before we begin  
8 do you have a brief statement that you would like  
9 to make?

10 MR. MILLER: Sure. Chairman, Members  
11 of the Committee, I appreciate the opportunity to  
12 appear before you this afternoon for my candidacy  
13 for the 7th Seat Public Service Commission. In my  
14 background I've served all levels of government:  
15 Local, state, federal.

16 I've also spent an equal amount of time  
17 in the private sector creating goods and services,  
18 you know, trying to make my living. I think these  
19 varied experiences allowed me to see the different  
20 points of view that relate in our lives and that  
21 that would be an important asset to the Commission.

22 I feel I have a lot to bring to the  
23 Commission. I have a sincere desire to serve and  
24 have a positive impact. I look forward to  
25 discussing my qualifications and answering your

1 questions.

2 EXAMINATION

3 BY MS. ANDERSON:

4 Q. Please state your full name and home  
5 address for the record.

6 A. Thomas Goudelock Miller, Jr. My  
7 address is 409 Meeting Street, Georgetown, South  
8 Carolina 29440.

9 Q. Are you a registered voter?

10 A. Yes.

11 Q. And in which congressional district are  
12 you registered to vote?

13 A. The 7th Congressional District.

14 Q. To clarify for the record, you also  
15 sometimes go by 'T' Miller, correct?

16 A. Yes, ma'am.

17 Q. Okay. Why are you interested in  
18 serving on the Public Service Commission?

19 A. Like a lot of people, you know,  
20 I've learned a lot more about the Public Service  
21 Commission and the significant importance it plays  
22 in everyone's lives in this state over the past  
23 couple of years with the increased media attention  
24 with the hot button issue that's sort of come up.

25 I've always known about -- I'm sorry --

1 I've known always known about the Public Service  
2 Commission, but by learning more about it I really  
3 didn't realize the authority and the responsibility  
4 it had. It intrigued me.

5 Going back to my background in  
6 political, state, and federal government and then  
7 the private sector I felt I had a lot to add and to  
8 bring to it and just a sincere desire to serve.

9 Q. Have you attended any hearings at the  
10 Commission?

11 A. No, I have not, but I've watched the  
12 live streams of you.

13 Q. Okay. So you have observed the  
14 hearings then?

15 A. Yes, ma'am.

16 Q. Have you read any Commission decisions?

17 A. Yes.

18 Q. How would you expect to get up to speed  
19 on the issues confronting the commission?

20 A. I'd consider myself a quick study.  
21 When I worked in Northern Virginia at Wireless  
22 Telecom I had experienced something really similar.  
23 I was hired to be a market analyst with no  
24 experience in telecom satellite or even in  
25 technology. My boss at the time knew that and she



1       applauded that because of the groupthink she was  
2       getting from some of the analysts.

3               So you obviously -- this was prior to  
4       the internet. You had to read a lot and study and  
5       weigh the information, where it was coming from,  
6       and the source that was creating it because that  
7       obviously created some biases or limited  
8       perspective. I had to ask a lot of questions to  
9       the right people and staff. I also attended  
10      conferences and participated in training.

11             With the Public Service Commission I  
12      would expect it to be very similar. Obviously  
13      there's a very experienced staff to lean on as well  
14      as the Public Service Commission.

15             I've been really amazed at the  
16      resources they already have online with the past  
17      hearings, the live streams, the orders and so  
18      forth, the allowable ex parte briefings -- you can  
19      look at -- and then the regional and national  
20      associations for commissioners as well as, you  
21      know, like the EEI -- Edison Electric -- water and  
22      sewer groups, and all that.

23             They obviously provide some great  
24      resources. I would expect, you know, at all times  
25      it's going to be a lot of research. Definitely in

1 the beginning it would be a lot of reading.  
2 There's a lot to learn, but it is a very fluid  
3 environment. So I think it would definitely be  
4 learning all the time.

5 Q. What role does the PSC serve in regards  
6 to the regulation of utilities?

7 A. Well, it's the power vested from  
8 the legislature to serve and to supervise  
9 and regulate the public utilities in the state and  
10 to set the rates and services on behalf of the  
11 public as well as the public utilities to make sure  
12 that they're able to recoup their investments and  
13 get a reasonable rate of return.

14 Then it's also to make sure that those  
15 utilities can -- those utilities are providing  
16 adequate service to everyone in their area.

17 Q. What are the key factors that a  
18 commissioner should consider in a rate case?

19 A. Well, you start with the information  
20 provided to you obviously with the applicant, if  
21 there's any cost information, test case scenarios  
22 and all of that.

23 Then you start getting evidence and  
24 witness testimony from the intervening parties and  
25 weighing that together along with third-party

1 research if that's brought in. You've got the  
2 groups, the Office of Regulatory Staff as well as a  
3 consumer advocate that could be a participant.

4 Then you again weigh all of that within  
5 obviously following the laws as your guidance and  
6 legislative intent within that and then looking at  
7 the financials to make sure that they're accurate,  
8 that there's no questions about them and that that  
9 reasonable rate of return is there to find that --  
10 that -- find something in the best interest of the  
11 ratepayer as well as the utilities.

12 Q. How would you determine what  
13 legislative intent is?

14 A. In this case it's a lot -- we use  
15 that a lot more in the federal government because  
16 they give you that and there's a lot more leeway in  
17 some of the decisions. This is a lot more  
18 straightforward. I'll go to the USDA because I  
19 have the experience there.

20 Here I don't have the experience.  
21 But like in some cases, for instance, we'd have  
22 underserved people on Hilton Head that needed water  
23 and sewer. But Hilton Head, you know, has a high  
24 income. It somewhat qualifies but it needs some  
25 waivers and stuff. But the intent there is to

1       serve them. They're low income and they need the  
2       help. At the same time you could have -- there's a  
3       group that was going on that was using -- they were  
4       running golf courses and they'd find municipalities  
5       and all that to apply to set up a nonprofit golf  
6       course where they would become an administrator.  
7       They'd pretty much make the money and leave the  
8       city or the county high and dry. That's not really  
9       the intent of the USDA.

10               So in those cases we were not trying  
11       to help them. With the Public Service Commission  
12       I think obviously the rules and laws are much  
13       more concrete that you -- you know, obviously those  
14       are the -- those are the things that keep you  
15       together.

16               But obviously, you know, what the  
17       legislature -- with state energy reports and  
18       things like that what they're trying to get the  
19       state to -- as a Public Service Commission if you  
20       have leeway that's what you're trying to get to as  
21       well. I think that's the intent.

22               Q.     What are the -- I'm sorry. I just  
23       asked that question. Are you familiar with the  
24       three advisory opinions issued by the review  
25       committee dealing with attendance at legislative

1       receptions, legislative caucus meetings, and  
2       political gatherings?

3               A.     Yes, I am.

4               Q.     Have you attended any legislative  
5       receptions or legislative caucus meetings since  
6       submitting your application?

7               A.     No, I have not.

8               Q.     Have you attended any political  
9       gatherings since submitting your application?

10              A.     No, I have not.

11              Q.     Please explain the general rule  
12       regarding ex parte communication as it relates to  
13       the Public Service Commission.

14              A.     Well, you can't -- they are  
15       prohibited to have any discussions or  
16       communications about any matters in front of the  
17       Public Service Commission or that could come in  
18       front of the Public Service Commission without all  
19       parties being present.

20                     So they just -- you can't have them.  
21       They're prohibited.

22              Q.     Okay. Assume that you're serving on  
23       the Commission and you're approached by someone  
24       who wants to discuss a matter that's either  
25       currently pending or could come before the

1 Commission. How would you handle that situation?

2 A. First you'd politely just let them know  
3 about the prohibition of ex parte communications  
4 and say you can't discuss it. If they're persistent  
5 obviously you have to get yourself away from  
6 situation, point them to the Office of Regulatory  
7 Staff, someplace where they're energized to put  
8 some input, to say here's how you can do it.

9 Then you'd also need to report it just  
10 to make sure everyone knows what's happened.

11 Q. Are you aware that commissioners are  
12 subject to the judicial code of conduct as well as  
13 state ethics laws?

14 A. Yes, I am.

15 Q. Please describe briefly the five canons  
16 of the Code of Judicial Conduct.

17 A. I knew that that was coming back up.  
18 You know, it's -- I've got them right here. So I'm  
19 not going to cheat. But it's basically the  
20 demeanor, the integrity, the temperance of that  
21 judge and the -- being able to make sure the  
22 court's decision is just and people -- there's  
23 public confidence in those decisions.

24 It also goes into the perceptions that  
25 go with it, too, because if there's a perception

1       that something's going wrong or there's some  
2       impropriety going on that starts deluding the court  
3       and I've got them. I mean, you know, I don't know  
4       if I'm supposed to be cheating. I could read them  
5       to you right now, but --

6               Q.     I think they're looking for your own  
7       words.

8               A.     That's what I was trying to give.

9               Q.     Okay.

10              A.     But it's, you know, the activities  
11       you're involved with, the groups you're involved  
12       with. Your social media comes back into your --  
13       your contact, but it's basically your 24/7 demeanor  
14       and temperance. It's being objective, open-minded,  
15       no preconceived opinions of everything -- of  
16       anything and just -- and you're doing that to build  
17       trust in the Public Service Commission that it's an  
18       impartial decision board.

19              Q.     You said demeanor 24/7. What kind of  
20       demeanor?

21              A.     Demeanor being your behavior, how  
22       you act, how you respond to people, your body  
23       language, by just being -- listening to people,  
24       being polite, courteous, and then deliberative, you  
25       know, in how you do your work. You're making sure

1       that you do your work and not just, you know, doing  
2       other things while people are presenting things to  
3       you. But it's giving them a fair forum to present  
4       their ideas and letting all the information come in  
5       before you start making decisions, just exactly  
6       like a judge.

7               Q.     Okay. And you had also mentioned  
8       social media. What do you think is the appropriate  
9       use of social media for a commissioner pursuant to  
10      the canons?

11             A.     Well, it's obviously -- social media  
12      for everybody is something that -- you know, it's  
13      an extension of yourself. So all the judicial code  
14      of conduct follows you with social media. It's  
15      something that -- you know, you can't be discussing  
16      anything.

17                    The ex parte communications would come  
18      into social media. Again, it's your demeanor and  
19      your temperance and, you know, how you relate. But  
20      it's just -- for a commissioner I think it's better  
21      to be very cautious with how you use social media  
22      and how you post on social media. I mean, that's  
23      sort of what I do today.

24             Q.     Would there be a distinction between  
25      you as a private individuals versus you as an



1       elected official?

2               A.     No, not for a commissioner.  Again,  
3       you're an extension but you're -- you're  
4       commenting and you're doing whether it's dealing  
5       with issues.  You know, utility-type issues or  
6       just general politics, that same thing is following  
7       you into your social media because that's what  
8       people are going to look at to judge you if there's  
9       any biases for the court.

10              Q.     Are you or a member of your immediate  
11       family employed by a utility regulated by the  
12       Public Service Commission either currently or  
13       within the past two years?

14              A.     No.

15              Q.     Do you or a member of your immediate  
16       family have stock or other financial interest that  
17       is directly controlled by you or your family member  
18       of a utility regulated by the PSC?

19              A.     No.

20              Q.     Do you or a member of your immediate  
21       family have stock or other financial interest that  
22       is directly controlled by you or your family member  
23       of a renewable energy company that appears with the  
24       PSC?

25              A.     No.

1           Q.    Are you or a member of your immediate  
2 family an officer, director, or otherwise involved  
3 in the management of a business?

4           A.    Yes.   Currently, yes.

5           Q.    Okay.   Can you describe the entity and  
6 the role.

7           A.    Well, Black Mingo Outfitters in  
8 Georgetown which is a retail store of lifestyle  
9 apparel mostly.   It's in the City of Georgetown, /I  
10 guess technically me and my wife are both the  
11 managers.

12                   In small business you do a lot of  
13 things, but that's primarily what I do.   So I'm  
14 listed as -- I really don't -- we don't have  
15 titles, but between she and I we run the place.

16           Q.    What entities did you or a member of  
17 your immediate family receive income from within  
18 the past year?   And I'm going to list some  
19 exclusions for this.

20           A.    Okay.

21           Q.    This would not include an IRA, deferred  
22 compensation, disability, mutual funds, or funds  
23 received from a financial institution in the  
24 ordinary course of business, pension, or  
25 retirement.

1           A.     Okay. Well, primarily our income comes  
2     from Black Mingo as well as -- my wife works for an  
3     attorney in Georgetown.

4           Q.     Okay. And the attorney that your wife  
5     works for, does this attorney or the law firm  
6     appear before the PSC?

7           A.     No. No, it doesn't, not that I know  
8     of. She works in bookkeeping as well. She's in  
9     the legal part, but I'm fairly certain he doesn't  
10    appear before the PSC.

11          Q.     If elected would there be any potential  
12    conflicts of interest, financial or otherwise?

13          A.     No, not that I know of.

14          Q.     What would you do if a conflict of  
15    interest arose?

16          A.     Obviously you have to immediately make  
17    it known to ethics or to the -- you know, to  
18    whoever. But then you'd have to -- as well as  
19    disclosing it you'd have to either mitigate it or  
20    just divest. If you're on a board you'd have to  
21    obviously resign. So...

22          Q.     Are you affiliated with any political  
23    parties, boards, or commissions that would need to  
24    be reevaluated if you were nominated and elected to  
25    the Commission?

1 A. No.

2 Q. Do you belong to any organization that  
3 discriminates based on race, religion, or gender?

4 A. No.

5 Q. If elected to serve on the Commission  
6 how do you envision your work schedule?

7 A. Obviously to be -- it's a full-time  
8 job to be here or be involved, you know, at least  
9 40 plus hours especially with -- you know, I think  
10 in the beginning it's going to be more than that  
11 because it will be a lot of, you know, getting up  
12 to speed so that you can contribute and be -- you  
13 know, be knowledgeable about what's going on.

14 It would be, you know, a full-time job.  
15 So I expect to be in Columbia most of the day, most  
16 of the week.

17 Q. In your personal data questionnaire you  
18 indicated that you're a member of conservatives for  
19 clean energy. Are you currently a member?

20 A. No. I resigned almost, I think, right  
21 when I applied. So this is back in October.

22 Q. Back in March of 2019 you wrote an  
23 article regarding conservatives for clean energy.  
24 In this article you stated: Conservatives  
25 wholeheartedly support more energy competition and

1 choice but these two ingredients have been missing  
2 from our state's ongoing energy discussion.

3 What do you think a commissioner's role  
4 is from directing or formulating energy discussion  
5 and policy?

6 A. I always find that -- I'll respond in  
7 two parts. First off, in response to your  
8 question, they're not in charge of policy. The  
9 policy comes from the legislature. They're not a  
10 lobbyist.

11 They're not advocating policy.  
12 They're regulating within the laws. With that  
13 article I was asked through a friend who was  
14 (inaudible) political consultant to be part of  
15 the group and --

16 THE COURT REPORTER: I'm sorry. I  
17 couldn't hear what you said.

18 MR. MILLER: I'm sorry. Back to my  
19 involvement with the group and the letter, I was  
20 asked by a friend and a political consultant to be  
21 part of this advisory board. It's a national group  
22 that is being set up in the States.

23 It's looking to -- I think it's more  
24 political but an overarching look for forward-  
25 thinking ways from a conservative standpoint to

1 move forward versus just saying no to the more  
2 liberal proposals. I agreed with everything and  
3 got involved. As part of it, you know, initially  
4 this op-ed was written. I didn't directly write  
5 it, but it was an opportunity to participate.

6 It was submitted with all the board  
7 member's names. In Charleston they would only  
8 allow one. So they chose me being the closest to  
9 Charleston.

10 So I don't disagree with anything  
11 written there, but I wasn't technically the one  
12 that wrote it. Back to the policy part, you know,  
13 again, as a commissioner you have to be open-minded  
14 and, you know, let the legislative elected people  
15 make the policy decisions.

16 Q. If elected as a commissioner would you  
17 be able to apply the laws and in an impartial  
18 manner?

19 A. Absolutely.

20 Q. What does the term demand-side  
21 management mean as it relates to electric  
22 utilities?

23 A. Oh, my goodness. Where a customer is  
24 able to control their utility, the demand. You  
25 know, if they were having a distributive generation

1 of solar or something and being able to get it  
2 off -- off the grid. So the customer is more in  
3 control of their utility is the way I would  
4 understand that.

5 Q. What about energy efficiency?

6 A. That's just being able to save on your  
7 energy. You know, LED bulbs obviously is the first  
8 thing you think of, geothermal and other type  
9 things, where you can generate the energy with less  
10 or generate the same energy with more efficiency, I  
11 guess. I can't start to -- I do understand, but  
12 it's hard to explain.

13 MS. ANDERSON: It's okay. Mr. Chair,  
14 pursuant to the prior motion, if we could go into  
15 executive session with the candidate.

16 SENATOR ALEXANDER: Okay. At this time  
17 we'll go into executive session.

18 (Off-the-record conference.)

19 SENATOR ALEXANDER: We'll go back  
20 into open session. We're back in open session and  
21 no action was taken in executive session. I'll  
22 recognize Ms. Anderson to continue.

23 BY MS. ANDERSON:

24 Q. Ms. Miller, I'd like to resume the  
25 questioning I had asked previously about entities

1 from which you or a member of your immediate family  
2 receive income. Is there another source of income?

3 A. Yes, ma'am. I'm sorry. I failed to  
4 mention there is an entity, Hobcaw Company, LLC  
5 which is really a partnership between my father  
6 and I that owns -- I'm sorry. Do you want me to  
7 start all over again?

8 All right. It's partnership between  
9 my father and I that owns a piece of property in  
10 Georgetown. We do have -- it does have a boatslip  
11 on it that we rent out to a tour boat. So we get a  
12 little income, annual income from it.

13 Q. Thank you. And with the report the DMV  
14 report showed a ticket back in 2017 for speeding  
15 more than 10 miles an hour but less than 25. Then  
16 there were two matters from SLED. One was a Thomas  
17 Miller versus W.M. Billy Wilkinson in Greenville  
18 County back in 1993. Is this you?

19 A. No. That's not me.

20 Q. The other is Thomas Miller versus Eugene  
21 Hopkins. This was Richland County in 1990. Is  
22 this you?

23 A. No. That's not me.

24 Q. Have you made any contributions to  
25 members of the General Assembly since filing



1 your application?

2 A. No, I've not.

3 Q. Have you sought or received a pledge of  
4 any legislator prior to today?

5 A. No. I have not.

6 Q. Have you sought or been offered a  
7 conditional pledge of support by any legislator  
8 pending the outcome of your screening?

9 A. No. I have not.

10 Q. Have you asked any third parties to  
11 contact members of the General Assembly on your  
12 behalf before the final screening report has or  
13 will be released?

14 A. No.

15 Q. And are you aware of any friends or  
16 colleagues contacting members of the General  
17 Assembly on your behalf?

18 A. No, I'm not.

19 Q. Are you familiar with the 48-hour rule  
20 which prohibits a candidate from seeking pledges  
21 for 48 hours after the report has been submitted to  
22 the General Assembly?

23 A. Yes, I am.

24 Q. Would you please to serve a full term  
25 if elected?

1           A.     Yes.

2                   MS. ANDERSON:   Thank you, Mr. Miller.  
3     Mr. Chairman, I have no further questions.   For the  
4     record, Mr. Miller made a 62 on the test.

5                   SENATOR ALEXANDER:   All right.   Thank  
6     you so much.   Questions from Members of the  
7     Committee?   I recognize Chairman Sandifer.

8                   REPRESENTATIVE SANDIFER:   Thank you,  
9     Mr. Chairman.

10                                   EXAMINATION

11     BY REPRESENTATIVE SANDIFER:

12                 Q.     Thank you for being here.   I love some  
13     of your history with the feds and all kinds of  
14     folks.   You have a varied history and I appreciate  
15     the chance to talk with you.

16                         I have a question about one of your  
17     memberships.   This is in:   Civic charitable, et  
18     cetera.   You're a member of Conservatives for  
19     Clean Energy of South Carolina and you're on the  
20     advisory board.   Would that potentially create a  
21     conflict with some of the utilities?

22                 A.     Sir, I resigned that position almost  
23     immediately upon applying for the thing, but I left  
24     it on the application.   I don't think it would pose  
25     a conflict because the group is more political and

1 working with state and federal elected people at  
2 the top. It would pose a perceived bias and that's  
3 why I resigned.

4 Q. And I understand that. I think,  
5 though, that in as much as this is now a public  
6 document, the fact that you were -- and it doesn't  
7 say you've resigned. But the fact that you show  
8 that, could that potentially create an environment  
9 in which a regulated utility might have a real  
10 problem with you making decisions with your  
11 background?

12 A. I guess, you know, we try but they're  
13 also -- all the utilities from my understanding are  
14 trying to look at energy efficiency and renewable  
15 sources as well.

16 This group, the way it was explained to  
17 me -- and I've participated and been to Washington  
18 actually once in my limited activity to meet with  
19 congressional people -- because again it's trying  
20 to become a more conservative approach versus just  
21 opposing the new Green Bill saying that's dumb,  
22 it's stupid. It's saying this is not working but  
23 this is how we need to move forward.

24 So it is more of a political group the  
25 way it's presented, but it's to look at, you know,

1 forward-thinking. You know, don't be the one that  
2 opposed the horseless carriage and let it go on but  
3 look forward and realize some things are coming.  
4 It doesn't get into specifics.

5 I'm not aware of it ever being an  
6 intervening party nor wanting to be an intervening  
7 party with the Public Service Commission.  
8 Obviously when you associate with something people  
9 assume that's your background and that's your views  
10 but I've worked with utilities as well.

11 Q. I will tell you that although they are  
12 not a party to the case before the Commission right  
13 now they have certainly worked diligently to try  
14 to force the Commission to take their point of  
15 view.

16 A. Well --

17 Q. Do you not think that that gives a bias  
18 against you and them by the regulated community?

19 A. Well, yeah. I realize, you know, I was  
20 probably -- you know, the group existed. I didn't  
21 create the group. It wasn't -- but I was, you  
22 know, brought in because of my background and  
23 influence. They needed a diverse group to be the  
24 advisory to do it with the goal of influencing some  
25 things that -- that's obviously what politics is is

1 bringing people to your views. But I did. I mean,  
2 I can provide the letter. I immediately resigned,  
3 you know, with some time in early October -- I  
4 think it was within a couple of days -- because I  
5 realized that that would be, you know, something  
6 that -- just the perception of it.

7 Q. All right. And if because of that  
8 perceived bias -- if the utility asked that you  
9 recuse yourself would you do so?

10 A. I really don't have an interest. I --  
11 there's no actions or things that -- as an advisory  
12 board I think there was maybe one conference call I  
13 may have participated in. It was really just  
14 talking and a news release they were going to do.  
15 It was an advisory board.

16 It wasn't a true board of  
17 directors. There's no activities I've done or  
18 participation in even the politics of what  
19 they're trying to do here in South Carolina or in  
20 Washington. I'm just sort of more -- I had a very  
21 limited involvement.

22 So I don't see any conflicts. Again,  
23 I've -- you know, when I worked at Commerce, I mean  
24 you know, we dealt directly with Edison Electric  
25 Institute regularly. I mean, I have been over to

1 many events in their building and advocate for --  
2 because that's what the Department of Commerce in  
3 Washington does. We advocate for these groups. So  
4 that was a big group. I knew those people very  
5 well. You know, that could be conceived as --

6 Q. The problem here is really different  
7 than what you've experienced in DC. You're going  
8 to be part of the jury to -- to determine what the  
9 outcome of a formal hearing is. If there is a  
10 perception of bias then do you believe that one of  
11 the parties to that would have a right to ask for  
12 you to recuse?

13 A. I mean, they would always have a right  
14 to ask. Again, I think you need to -- you know,  
15 I've had this experience before. You know, when  
16 people -- you want to recuse but you -- it goes  
17 both ways. Obviously if there's any hint of  
18 something you recuse yourself but sometimes --  
19 but there has to be that hint of something that  
20 could be there.

21 This is a very limited involvement  
22 that -- that op-ed which, you know, went into other  
23 papers with different authors, that's really about  
24 the -- the most that I've known that they've done.  
25 I mean, they've done a study -- a survey of the

1 people and what they -- what they think about  
2 renewables and stuff a like that. But it's very  
3 limited that it's not to the extent of a more  
4 advocacy, environmental group. That's -- you know.

5 I really -- again, I resigned because  
6 of the perception just to try and avoid it. I  
7 listed it because sometimes when you try and hide  
8 something you make it worse. So I definitely was  
9 not going to try and hide from it but I -- you  
10 know, I think I could explain it.

11 I don't think -- you know, I won't say  
12 I know. You know, I think I feel confident that  
13 there is -- a reasonable person would not see a  
14 bias there.

15 Q. I'm not sure that always those hearings  
16 are quite reasonable. I think sometimes that  
17 because they're so much on the line that --

18 A. Well, I mean, I understand. Obviously  
19 everybody has stuff that they've done somewhat in  
20 their background. You may have worked for  
21 something -- I mean, actually I think I had a  
22 roommate that worked for S&M Electric.

23 I think I did a project for him and got  
24 paid or something. So I've worked, but obviously I  
25 have no influence there. But it's going forward

1 with your actions or activities and how you do it  
2 because that's what people are going to look at.  
3 But going into it I really have never had a  
4 financial interest in really any of the energy  
5 sectors.

6 SENATOR ALEXANDER: Representative  
7 Forrester.

8 REPRESENTATIVE FORRESTER: Thank you,  
9 Mr. Chair.

10 EXAMINATION

11 BY REPRESENTATIVE FORRESTER:

12 Q. Thank you for being here with us today  
13 and wading through all of this. I'm interested in  
14 your USDA experience. Tell me what you learned  
15 about the water industry in South Carolina.

16 A. I learned a lot. When you work in  
17 Washington and you participate in the Farm Bill  
18 where all the stuff gets authorized that's quite an  
19 experience, seeing how the national interest groups  
20 come together and come up with the policies and put  
21 it in writing.

22 Then when you get to the state you  
23 see how the politics work. The rural water system  
24 is a very political environment because there's so  
25 much demand for the money. There's such limited



1 money that they have to get in line for it. So we  
2 ran regularly a \$100 million backlog for the  
3 applicants.

4 I mean, there wasn't enough money to  
5 fund these. So that prioritization got really  
6 important. We had a lot of members of the General  
7 Assembly weighing in, calling me, because obviously  
8 if -- even though the staff did a lot of the work  
9 and worked it up and even helped, you know, to come  
10 up with some of the prioritization you go straight  
11 to the person that can make that last decision.

12 So they would be at me before the  
13 application even hit the desk. But if you give the  
14 funding to one group you're taking it away from  
15 another group because there's only limited funds.  
16 So you had to really be very deliberative on those  
17 decisions very similar to, I think, with the Public  
18 Service Commission because you wanted people to  
19 trust that that decision was fair.

20 You had to look at obviously all the  
21 input from -- you had engineers and experts to make  
22 sure that the cost was right. We looked at the  
23 rates, made sure they had reasonable rates.  
24 Sometimes we had them where they wouldn't raise the  
25 rates and they were way below national averages,

1 you know, because obviously they didn't want to  
2 come up and Washington would be telling us to do  
3 this with environmental issues.

4 You have to again weigh all this and  
5 have the political input and the congressional  
6 obviously, the members of Congress that are  
7 weighing in. Then you look at where they are in  
8 their phases or these multiple phases to keep them  
9 on track.

10 You don't want them to mess something  
11 up. So it was -- of all the projects at the USDA  
12 it took a lot of work and it was -- but I think in  
13 my application -- you know, I think I was fair. I  
14 got invited to the rural conference each year.  
15 So --

16 Q. Was a lot of your requests for  
17 repairing of existing lines or was it extending  
18 new lines?

19 A. It's both. You know, obviously you  
20 have to spread the money out around the state.  
21 That was another part of it because, you know, each  
22 congressional district -- they want to feel like  
23 they were part of it because you really can  
24 prioritize and give it to certain districts over  
25 the others. But it was -- yeah. It was --

1           Q.    Do you have any clue about the number  
2           dollar-wise with what it's going to cost to replace  
3           deteriorating, old water lines in the State of  
4           South Carolina?

5           A.    I know they did. I think, you know,  
6           obviously the Obama administration came in and  
7           through a lot of money at the backlog. Now it's  
8           back up.

9                    The number is astronomical especially  
10           on the sewer side because of the rules and regs  
11           that are coming from Washington that are having to  
12           create these systems that, you know, are expensive.  
13           Then there's the regulations for health and stuff  
14           which are important because that's one of the  
15           reasons that you -- you want people to have water  
16           and sewer systems is because it's more healthy in  
17           their communities, but it gets to be very  
18           expensive.

19                   The smaller -- the rural customers that  
20           we dealt with didn't have the base and didn't have  
21           the sophistication sometimes to get through it, but  
22           it was -- you know, since I've gone I'm sure it's  
23           become even more of a challenge. It's --

24           Q.    The last numbers I saw was like  
25           \$3 billion for South Carolina.

1 A. Oh, really? I hadn't --

2 Q. The other question. You mentioned you  
3 hadn't visited any political gatherings, but have  
4 you gone to any county delegation meeting?

5 A. No. We have a legislative breakfast  
6 coming up in about a week or so in Georgetown and I  
7 have signed up to go there. That would be the  
8 first time I've actually spoken to any of my  
9 representatives.

10 Q. Your purpose for going there will be  
11 what?

12 A. I normally go. It's done through the  
13 Chamber. I've gone every year, you know, pretty  
14 much. You know, obviously this time of year I  
15 would go as well. I've been to it many times.

16 REPRESENTATIVE FORRESTER: Thank you.

17 SENATOR ALEXANDER: Follow-up?

18 (No response.)

19 EXAMINATION

20 BY SENATOR ALEXANDER:

21 Q. I wanted to follow up just a little bit  
22 on your experiences with the US Department of Ag  
23 and Commerce and I think listing under -- under  
24 the -- the PDQ and the experiences. How will those  
25 experiences help you -- it says that you -- I

1 forget exactly what the question is from that  
2 standpoint, but how will those experiences help you  
3 be a commissioner?

4 You marked on here. It says: Have you  
5 been employed or held any position in any of the  
6 following areas. It's energy issues,  
7 telecommunication -- these are the four that you  
8 marked: Energy issues, telecommunication issues,  
9 water and wastewater issues, finance, economics and  
10 statistics.

11 How will -- are all those based on  
12 those -- those disciplines? Those jobs that you  
13 had?

14 A. Yeah, and they are -- the way I looked  
15 at it to -- to -- obviously I would never consider  
16 myself an expert in any of this.

17 Q. Right. I didn't say expert.

18 A. I know, but having to work in those  
19 industries and understand how those industries work  
20 and some of the situations and to quickly get in  
21 there a, you know, a lot -- you literally didn't  
22 have too many of the same issues.

23 So you were constantly having to go  
24 from one to the other and get up to speed so that  
25 you could make the right decision. But I've dealt

1 directly in all those areas. The  
2 telecommunications obviously was even deeper  
3 because I was an analyst. I mean, I was charged  
4 with actually being somewhat of an expert.

5 Again, like I was saying earlier, when  
6 I was hired, you know, I -- you know, being in  
7 there and everyone's -- it's a lot of engineers and  
8 technical and all that. I remember, you know,  
9 talking with my boss. She was -- you know, we  
10 really -- you get a groupthink.

11 You get people that may come with their  
12 backgrounds here and they all of a sudden start  
13 going along with things and not looking for --  
14 looking outside the box or the other perspective or  
15 our -- you know, that was one of the reasons that  
16 she, you know, had looked at my background with  
17 doing some business and venture capital and  
18 planning and -- and analytical work which was what  
19 was important.

20 But she was like, we can teach you the  
21 telecommunications. Then -- plus it was a very  
22 fluid -- growing. I mean, you have to learn real  
23 quickly about the technologies which are now  
24 obsolete. You know, learning about circuit switch  
25 data and packet data was just coming in. Now it's

1 all worked out. We were talking about 1G or 2G and  
2 now we're talking about 5G. So everything I knew  
3 then is gone.

4 It was more of understanding enough to  
5 ask the questions, process it and presenting it,  
6 because we were looking at it from the company --  
7 they were executive officers -- on how to make some  
8 strategic plans and do some things but also I was  
9 speaking information to the sales force on how to  
10 sell our products and do that.

11 So you had to get it to some layman's  
12 terms. That's what I think I brought to the table.  
13 I think that's a good analogy for the Public  
14 Service Commission because you wouldn't want  
15 everyone to be a utility expert or an attorney or  
16 something.

17 You need somebody that has to be a  
18 little bit more broad. But they've got to be able  
19 to comprehend and analyze and understand what's at  
20 stake. I mean, you know, you can't just wing it.  
21 You're going to have to have a basis to build on  
22 and be a quick study.

23 Again, a specialist from the newer  
24 technologies, it's going to be changing. So you  
25 can't just -- you're going to have to keep

1 learning. That's what I've done.

2 Q. As the State Director of Rural  
3 Development would you -- I see here where you led  
4 the employees. I assume you had staff that kind  
5 of -- you led 130 employees? Is that --

6 A. Yeah. We had -- we actually -- one of  
7 the things was a downsize and we -- I think we went  
8 from 11 to 7 offices. Through attrition we cut the  
9 workforce because technology actually -- it used to  
10 be in the farmer's home.

11 We were the ones taking the payments  
12 and doing it right there in the office. Now it's  
13 done all online. We had a processing out in St.  
14 Louis that could process it. So there got to be  
15 efficiencies and -- but there was a large staff of  
16 people that would work in certain programs. You  
17 know, I was the executive officer for them.

18 So, you know, I had that management  
19 part as well as trying to -- you know, and our  
20 position was more outreach for the program trying  
21 to get money, you know, for the state which I did.  
22 I increased the funding in the state and -- but  
23 then work applicants through it. You know, you  
24 find those applicants and you're trying to get them  
25 together especially for some of the national



1 competitive programs. They're more trained in  
2 South Carolina.

3 Q. One final question. I think at least  
4 at this time you have acknowledged that this would  
5 be a full-time job?

6 A. Yes, sir.

7 Q. When I think about full time I don't  
8 think about dedicating time to another business or  
9 entity but I -- understand, too, that you and your  
10 wife own a -- I'm in small business. It sounds  
11 like you're in small business. So --

12 A. Yeah, and I --

13 Q. -- I'd like to hear what that would  
14 look like if you were on the Commission.

15 A. That's very fair. Prior I worked at  
16 the City of Georgetown as the -- I took that  
17 opportunity because there were some things going on  
18 in Georgetown with the steel mill. I thought it  
19 was a great opportunity to do some things and  
20 hopefully move Georgetown forward.

21 That was a full-time position. It was  
22 actually more than a full-time position. So I  
23 didn't work in the store. My wife -- you know, we  
24 have other employees, but she was the sole manager  
25 pretty much at that time. So when I left the city

1 and came back to work is when she actually started  
2 working more for this attorney. He had someone  
3 that left and asked her to take on more hours. So  
4 that's why she's done it.

5 Q. I'm thinking about prospectively and --

6 A. Well, if I were to get the position  
7 she would go back to where she was and be more of  
8 the -- be the primary manager, which we did for  
9 over three years.

10 Q. So what would your role be with the  
11 company? I guess that is what I'm asking.

12 A. There really wouldn't be a direct  
13 role. I wouldn't be working in the store, doing  
14 the day-to-day stuff.

15 Obviously I see the need to  
16 -- you know, if my wife -- and everything would be  
17 together but it would be very similar which, I  
18 mean, I -- I ask how is your day as it went on but  
19 I'm not -- I'm looking forward to that, too,  
20 because in the store it's not -- we have people  
21 that we could hire as we need to do that and we  
22 have other people that work there.

23 It would be a full -- I mean, I  
24 understand the commitment to the Public Service  
25 Commission. It wouldn't be a conflict at all.

1                   SENATOR ALEXANDER: Representative  
2 Chairman Sandifer.

3                   REPRESENTATIVE SANDIFER: Thank you,  
4 Mr. Chairman.

5                                   EXAMINATION  
6 BY REPRESENTATIVE SANDIFER:

7                   Q. I really want to go back to some of the  
8 discussions we had a few minutes ago. First of  
9 all, I've got a real question. In your PDQ under  
10 energy issues you say that there was \$605 million  
11 plus in funding to the electric cooperative of  
12 South Carolina. That's over a four-year period.

13                  A. Yes, sir.

14                  Q. Okay. Tell us where that money went.

15                  A. USDA through the utility service which  
16 comes under rural development is the primary funder  
17 for the rural properties in the country and in the  
18 state.

19                               THE COURT REPORTER: I'm sorry. That  
20 fan -- I apologize -- is just distorting everything  
21 in here.

22                  SENATOR RANKIN: Should we cut it off?

23                               THE COURT REPORTER: I'm sorry. If we  
24 need to we can or either y'all can just speak up.  
25 I just want to get an accurate record and I can't

1 hear very well. I'm sorry. I apologize.

2 THE WITNESS: USDA Rural Development,  
3 you know, was the primary funder just like it is to  
4 the water and sewer companies. The rural utilities  
5 did -- there was a -- a GFR, a general field rep,  
6 that was sort of more of a conduit because that  
7 person was assigned to multiple states, I think, in  
8 the energy/electric we shared with North Carolina.

9 So on those projects sometimes he  
10 would be the one that -- I wouldn't necessarily be  
11 managing him, but I was -- the money would come  
12 through our state.

13 It varied year to year. It wasn't --  
14 you know, we had a couple of big loans. They're  
15 mostly loans. There would be some grant money, but  
16 it's mostly a loan program. From what I understand  
17 it's really -- with a lot of the co-ops that's  
18 their financing.

19 Q. But it appears if my math is correct  
20 that we're looking at \$125 million a year?

21 A. Yeah. I think since I left and the  
22 Obama administration kicked in -- I don't know what  
23 it is now, but the annual output got to be over a  
24 billion dollars a year.

25 Q. I'm asking just for information.

1           A.     It's a huge number. It would vary,  
2     like especially in the telecommunications, because  
3     they weren't directly needing the money as much.  
4     But when they needed it, it would be a big number.  
5     They would be putting in a bunch of technology and  
6     equipment and asking for -- I mean, we fund their  
7     buildings. I mean, it's anything that has to do  
8     with -- required to them to provide service in  
9     these rural areas.

10           Q.     Okay. I want to go back to the  
11     question in a line of questioning I had earlier  
12     about your interest and involvement in renewables.  
13     Again, on the same page: I received training  
14     through our national office on renewable  
15     technologies and administering programs.

16                     I was actively involved with the  
17     initial South Carolina Biomass Council. Then it  
18     goes on that -- it says that you helped receive  
19     funding for local support of these types of things  
20     but -- secondarily I'm going to reference a letter  
21     of reference for you. In the next to the last  
22     paragraph it's talking about you: He wants our  
23     state to pursue new and renewable sources of  
24     energy.

25           A.     Well, you know, that's sort of where

1 that group that I was involved with came about was  
2 that the words renewable energy efficiency are not  
3 taboo. I mean, you can go in Santee Cooper and I'm  
4 sure you can go in Duke and Dominion and they will  
5 have a bunch of information about how to get  
6 involved with renewable and energy efficiency  
7 projects.

8 Obviously within the Public Service  
9 Commission there's -- how that actually comes  
10 together is there's efforts because of the  
11 investments they made and their territories and  
12 all of that. That's the part where there's no  
13 preconceived notions of where I'm going forward and  
14 -- and I'll obviously have to learn more and make  
15 deliberative decisions about that.

16 With the USDA the energy part came  
17 into the Farm Bill in 2002. There were programs  
18 and a lot of them -- we -- you know, we would take  
19 a grocery store in a small county and they would  
20 put in new heating and air system or new lighting  
21 and -- or new things and save money.

22 That was the program and we got them  
23 into with the energy efficiency. A lot of the  
24 applicants were like that. Around the country that  
25 was when the ethanol and the biodiesel were taking

1 off. Then the state had a lot of energy. The  
2 Biometrics Council was part of the State Energy  
3 Office. They were looking for everyone to be a  
4 part of it because, again, people in South Carolina  
5 did not want to miss the boat.

6 These were -- you know, the Governor's  
7 office was involved in all of this. So the  
8 approach was not to figure out how to force this,  
9 you know, at the expense of the utilities. It was  
10 how to -- again, if this is going to become a  
11 horseless carriage that's -- it's going to be a big  
12 deal.

13 We need to make sure our state doesn't  
14 fall behind. It was going on in a lot of states  
15 and -- and there were some things obviously with  
16 renewables and the ethanol that blew up. You know,  
17 investments didn't pan out. So it wasn't just --  
18 you know, there was some prudence I think we took  
19 that paid off. But the effort was just to be  
20 looking forward, to make sure that we're not  
21 missing anything. That's I think everyone's  
22 effort.

23 The letter you referenced I think  
24 came from the -- it was actually a last-minute  
25 reference because I had one that didn't come in

1 on time, but he was, you know, a good friend and  
2 political consultant that got involved with the  
3 group. That was -- their approach is, again, to  
4 not be the naysayer but to - let's take a  
5 conservative approach to having renewable and  
6 energy efficiency.

7 They had a study and it's  
8 overwhelmingly -- people that identify as  
9 republicans want, you know, renewable  
10 opportunities.

11 Again, exactly how it comes together  
12 through the Public Service Commission is a  
13 challenge. I thought a new a lot about it until I  
14 got involved in this process and learned a whole  
15 lot.

16 There are no easy answers. I guess  
17 that's why you have to have a human make these  
18 decisions and be deliberative and weigh everything.  
19 But I think generally the things I've supported are  
20 not -- they're widely supported. So that's why I'm  
21 not, you know, trying to run away from them.

22 Q. I understand what you're saying. Let  
23 me quote from your own op-ed of March 4, 2019.  
24 This is recent: South Carolinians deserve more  
25 access to free market-driven clean, renewable and



1 efficient power. To make the case for more clean  
2 energy development -- and it goes on to talk about  
3 Clean Energy SC. How can you -- how can you assure  
4 us that you're no longer an advocate for renewables  
5 versus something else with that op-ed on record?

6 A. Well, when that op-ed again was  
7 written -- again, I agree with it. I generally  
8 agree with it now. It hasn't changed. I was  
9 really unaware -- you know, you see the solar  
10 issues and all that.

11 I was always like -- I didn't realize  
12 -- I knew there was some prohibitions about selling  
13 back under the grid but -- but actually being if  
14 you had -- being able to do it I didn't know that  
15 the Public Service Commission had that  
16 jurisdiction. It makes sense obviously with what  
17 the utilities -- the territories -- their market  
18 they have and their being able to recruit money.

19 You know, that's just something -- my  
20 naivete about it. I didn't know then. So I've  
21 actually -- that's really a lot where I started  
22 learning more about the Public Service Commission  
23 because things like this just make sense.

24 Why don't we just do it? Then you find  
25 out, well, there's reasons. You, know, the net

1 metering bill had just gone through and then the --  
2 the new -- the new one. The Energy Freedom Act  
3 still hadn't gone through.

4 You know, so I was learning those, but  
5 I did not realize that those issues obviously --  
6 you always just think that the utilities just want  
7 to control everything, the whole -- you know, Mr.  
8 Burns from the sense that -- you just think that  
9 part of it -- which is obviously I don't think --  
10 I've never thought that, but I've learned that  
11 there are some nuances as to why things don't work  
12 like the average person thinks they should.

13 That's the same with the Public Service  
14 Commission. A lot of people just want to say it's  
15 a bad group and we'll go in there and fix it.  
16 Everything can be improved and built on, but, you  
17 know, you sometimes don't know all the stuff that  
18 gets involved in the decisions and weighing it.  
19 But you keep getting back to the bias.

20 You know, again, I think everyone that  
21 I've seen that's come forward has had something --  
22 not a renewable type -- I mean, there's been  
23 renewable people, but they've not made it onto a  
24 board like this. I don't consider myself  
25 renewable. I touched on this because it's an issue

1       that comes before you to understand the issue of  
2       solar and some of the -- and really I think the  
3       things going forward could be things we don't even  
4       know. You know, you start getting hydro and all of  
5       that.

6               It's not going to be just solar versus  
7       the utilities. There are things that might not  
8       happen in our life sometime but some are going to  
9       happen. But it's just understanding that it's not  
10      the same utility industry like it was 30 years ago  
11      or 40 years ago.

12             Q.    I helped pass the Energy Freedom Act.

13             A.    Yes, sir.

14             Q.    I worked hard on it.

15             A.    I know.

16             Q.    So what we've done is given tools to  
17      the renewables and yet now we see someone coming  
18      before us that seems to have a bias in one  
19      direction or the other. That was never our intent.  
20      So thank you for your candor.

21             A.    Yeah. Again, I understand that. It's  
22      something that I will be always cognizant of. You  
23      know, thank you. I appreciate it.

24             SENATOR ALEXANDER: Senator from Horry,  
25      Chairman Rankin.

1 EXAMINATION

2 BY SENATOR RANKIN:

3 Q. Thank you, Mr. Miller. I will be very  
4 brief. This is late in the day. I have two things  
5 hopefully. I'll be very brief, but I want to one  
6 commend you for offering.

7 I don't know that the last questions  
8 exchanged sound -- is as bad as it sounds. I don't  
9 perceive you as having a bias. I don't think  
10 Representative Sandifer does either. Perhaps,  
11 though, your words may be ill advised in the timing  
12 of their being published and might suggest  
13 otherwise.

14 Could you -- irrespective of those  
15 words if you're successful -- be fair and impartial  
16 to all sides, whether it be renewable, solar, or  
17 the traditional utilities and with their larger mix  
18 of power generation?

19 A. Absolutely. Yes, sir.

20 Q. Okay. Your wife is working in  
21 Georgetown. How long has she been working with  
22 Jim Bell?

23 A. She's worked with him doing some  
24 personal stuff that she was doing from home just --  
25 she was doing -- that's how she got involved is he

1 wanted someone to do personal bookkeeping. It's  
2 just really entering stuff in QuickBooks. She's  
3 done that for, you know, maybe five or six years.  
4 She does doing that when she even had her store.

5 Actually acting more as the bookkeeper  
6 happened when I went to work with the city. They  
7 had someone -- a lone bookkeeper. She was the only  
8 one who knew how to cut checks and stuff like that.

9 So they've hired some people and they  
10 just asked her to stay. I was able to work at the  
11 store more. So that worked out well.

12 Q. I'm familiar with his group and holding  
13 him in high regard. I'm also familiar with your  
14 property down there. As mentioned in one of your  
15 letters of reference the fire that -- because of  
16 your perseverance and wisdom that did not destroy  
17 your property because you had the foresight to do  
18 more than maybe was required.

19 A. Well, the story is that my father owns  
20 that property. His was there. We owned the one  
21 that did get burned. So we do have one of the  
22 burned out pieces of property, but hopefully for  
23 Georgetown it will come back soon.

24 Q. But the others if I -- maybe I misread  
25 that. I don't know if that was Luke Byars --

1 A. Yeah.

2 Q. -- with the letter that --

3 A. Well, we -- my father and I have --  
4 there's eight buildings that burned back in 2013.

5 Q. Right.

6 A. My father and I together owned one of  
7 those buildings. Then adjacent to that which is  
8 where my store is he owns that building. He's  
9 owned that building since --

10 Q. So do we give you credit rightfully  
11 and --

12 A. Absolutely. I'll take the credit for  
13 doing the thing, but --

14 Q. Don't take away my compliment, please.

15 A. Yes.

16 SENATOR RANKIN: Okay. Again -- that's  
17 to your credit again. But you've got an  
18 interesting resume here. I think it's refreshing  
19 that you've offered for this. So that's all I  
20 have. Thank you.

21 MR. MILLER: I appreciate it. Thank  
22 you.

23 EXAMINATION

24 BY SENATOR ALEXANDER:

25 Q. We'd like to follow up before we let

1       you go. As far as the test being a part of the  
2       evaluation, do you have any comments in fairness to  
3       this process of the test as being a part?

4               A. It was a difficult test. I think -- I  
5       think obviously the staff has been extremely fair.  
6       I wouldn't accuse them or anything that -- with  
7       being an outsider and being -- having a bunch of  
8       different information and not sure what -- about  
9       the format and all that it was -- I was wondering  
10      if there was a way I could file some discrimination  
11      because I don't write with a pen and paper anymore.

12               I'm typing even if it's a thank you  
13      note. I'm going to type it. So it was -- with the  
14      handwriting so when you're asking open-ended  
15      answers to stuff. It was -- but it was -- the  
16      material I felt like would have been done better.  
17      But it was a challenging test.

18               SENATOR ALEXANDER: Any other  
19      questions?

20               (No response.)

21               SENATOR ALEXANDER: We appreciate you  
22      being with us this afternoon and again for your  
23      indulgence with our schedule. You're dismissed.

24               MR. MILLER: Thank you.

25               SENATOR ALEXANDER: Good afternoon. We

1 have now before us Mr. Ted M. Vick. Welcome this  
2 afternoon.

3 MR. VICK: Thank you.

4 SENATOR ALEXANDER: I will recognize  
5 now the court reporter who will swear you in for  
6 the screening, please.

7 TED MARTIN VICK  
8 being first duly sworn, testified as follows:

9 SENATOR ALEXANDER: I'll recognize  
10 Ms. Anderson to begin the screening for us.

11 MS. ANDERSON: Good evening, Mr. Vick.

12 MR. VICK: Good evening.

13 MS. ANDERSON: I want to give a very  
14 brief overview of Mr. Vick's background. He  
15 obtained a Bachelor of Arts degree in Business  
16 Administration from the Citadel and a Masters in  
17 Education from the University of South Carolina.  
18 Mr. Vick has been involved in various businesses  
19 since 1985. His current businesses are primarily  
20 focused on commercial, residential, and timber  
21 real estate.

22 Mr. Vick has served in various  
23 positions within the US military since 1990 and  
24 currently serves as a Lieutenant Colonel on active  
25 duty at Fort Bragg with the Army Reserves. Mr.



1 Vick also served in the South Carolina General  
2 Assembly as Representative for District 53 from  
3 2004 to 2014. More details regarding Mr. Vick's  
4 background can be found in his personal data  
5 questionnaire.

6 Mr. Vick, do you have any changes  
7 you'd like to make to the personal data  
8 questionnaire you submitted with your application?

9 MR. VICK: None other than the one that  
10 I sent in.

11 MS. ANDERSON: I would request that  
12 Mr. Vick's personal data questionnaire be entered  
13 into the record with any confidential information  
14 being reacted.

15 SENATOR ALEXANDER: So ordered.

16 (EXHIBIT 12, Personal Data  
17 Questionnaire of Ted Martin Vick, was marked for  
18 identification.)

19 MS. ANDERSON: As part of the  
20 background investigation of Mr. Vick we obtained a  
21 credit check, driver's check -- driver's license  
22 check, and SLED check. Any questions of a  
23 confidential or personal nature will be taken up in  
24 executive session.

25 Before we begin do you have a brief

1 statement that you'd like to make?

2 MR. VICK: Yes, ma'am. Mr. Chairman,  
3 Committee Members, staff as well as members of the  
4 public sector, I'd like to thank you for having me  
5 here today before you. It's an honor to be here  
6 before you. I've know y'all have had an awful long  
7 day and the staff had been working awful hard.

8 I'd like to commend your staff because  
9 I've gotten e-mails and seven, eight, nine o'clock  
10 at night. They've been working around the clock.  
11 I know you're well aware of that, but I would just  
12 like to make that mention that they are very hard-  
13 working. I want to thank y'all for the support  
14 that you've given me during this process. I look  
15 forward to your questions.

16 EXAMINATION

17 BY MS. ANDERSON:

18 Q. Please state your full name and home  
19 address for the record.

20 A. Ted Martin Vick, 198 Masters Drive,  
21 Pawleys Island, South Carolina 29585.

22 Q. Are you a registered voter?

23 A. I am.

24 Q. In which congressional district are you  
25 registered to vote?

1           A.     Congressional District 7.

2           Q.     Why are you interested in serving on  
3 the Public Service Commission?

4           A.     I'll tell you. At no point I believe  
5 in the history of the PSC we've seen the scrutiny  
6 in the public that we've seen over the past couple  
7 of years.

8                     I'd say probably two years ago most  
9 people would have never even known if you had  
10 mentioned what the Public Service Commission was.  
11 They really hadn't had the exposure that we've  
12 seen.

13                    When I came back from overseas -- I've  
14 been deployed for two and a half of my last five  
15 years that I've been gone from the General Assembly  
16 since 2014. I've been in eight direct countries.  
17 When I came home in 2018 I heard rumblings that  
18 there may be some changes on the PSC. I began to  
19 start looking into it. I found out that the  
20 Committee member that was representing by district,  
21 O'Neal Hamilton, who is a fine gentleman was not  
22 going to be seeking re-election at that time.

23                    That that time I decided that I would  
24 throw my hat in the ring. I felt that I had --  
25 because of my unique experiences at both the

1 federal, state, and local level that I could  
2 contribute to the Public Service Commission in this  
3 capacity and hopefully restore some of the  
4 confidence and trust that I felt like had not been  
5 there because of the issues that's been going on  
6 over the last couple of years.

7 Q. Have you attended any hearings at the  
8 Commission?

9 A. I have.

10 Q. Have you read any of the Commission  
11 decisions?

12 A. I've read several of them. Yes, ma'am.

13 Q. How would you expect to get up to speed  
14 on issues confronting the commission?

15 A. There's a lot to get up to speed on.  
16 I'll tell you as I'm sure this Committee is aware  
17 that there's a lot of information that need to be  
18 studied. I'm sure staff members just like any  
19 other good staff is going to give you specific  
20 handouts and information about issues that come  
21 before the Committee.

22 But it goes deeper than that, just  
23 knowing specifics about a particular issue. It's  
24 knowing the larger spectrum of the issues. I'm  
25 sure you as legislators and those in the public

1 sector as well know it's one thing to study a  
2 specific issue and it's another thing to understand  
3 the regulations and laws that are the greater laws  
4 out there that those specific issues effect. I  
5 have a thirst to learn. I've loved macroeconomics.

6 I love the big picture. That's what I  
7 do for the Army. I'm an economist for the Army.  
8 We give advice to foreign military governments as  
9 well as governments here in the United States.

10 I enjoy learning. I like a good  
11 challenge. I have reviewed many of the hearings,  
12 watched the hearings, seen some of the rulings that  
13 have come out of the Public Service Commission. I  
14 look forward to learning the language. I'll be  
15 honest with you. They speak their own language in  
16 the utility sector.

17 I look forward to learning that  
18 language because of the ex parte communication --  
19 excuse me -- the ex parte legislation that changed  
20 in 2004 we have allowable ex parte communication  
21 which is to learn and to go to conferences and that  
22 sort of thing.

23 I look forward to going to the EEI, the  
24 Edison Electric Institute, as well as the NRRI, the  
25 National Regulatory Regulation Institute which is

1 part of the NARS which I look forward to joining.  
2 I know many of you join conferences and go to  
3 conferences and learn. I look forward to learning  
4 all that I can about this industry so that I can  
5 serve the people of South Carolina and their  
6 interests.

7 Q. What role does the Public Service  
8 Commission serve in regards to the regulation of  
9 utilities?

10 A. The legislature gets its power and  
11 authority from the constitution. With that power  
12 the legislature decides to either relegate or  
13 delegate that authority to the Public Service  
14 Commission in certain issues.

15 It gives it procedures, policies,  
16 statutory law that the Public Service Commission  
17 follows. The Public Service Commission regulates  
18 the economic regulation as well as the rate  
19 regulation that affects utilities, the people that  
20 they serve, and how those services are rendered in  
21 their jurisdictions. That's the purpose of the  
22 Public Service Commission.

23 Q. What are some of the industries that  
24 are regulated by the Public Service Commission?

25 A. Natural gas, telecommunications mostly

1 with landlines, electric, transportation, taxi  
2 services, Uber, emergency vehicles as well as  
3 in-state transportation, household goods as well as  
4 waste and water treatment.

5 Q. What are some of the key factors that  
6 a commissioner should consider in a rate case?

7 A. Well, there are three entitlements  
8 that utilities have. Those entitlements are the  
9 exclusive right to serve a certain area. They have  
10 the rights of eminent domain.

11 They have the rights to have limited  
12 liability while carrying out those sources.  
13 Because of those entitlements they also have  
14 three obligations: Obligations to serve,  
15 obligation to give consent, to be regulated as  
16 well as the obligation to have a quality of  
17 service that's rendered -- that's reliable and --  
18 and dependable to -- to the customers that they  
19 serve.

20 In that they also have an obligation  
21 as well as an entitlement -- they're kind of both  
22 in the same -- and that is the right to charge a  
23 reasonable rate. The PSC has a responsibility for  
24 dictating what that rate is. Normally industry  
25 utility electric generators come up with a cost of

1 service. They'll use a test period which normally  
2 is a year period to figure out what the costs of  
3 actually producing that electricity is. There are  
4 capital expenditures.

5 There's fixed costs and then there's  
6 variable costs. There's variable costs that  
7 invariably it could be natural gas or it could be  
8 coal or other ways to generate electricity. All  
9 those costs will actually be considered by the  
10 Public Service Commission.

11 Under the new Act 62 the Office of  
12 Regulatory Staff as well as other parties and  
13 others can come and be heard and listen to these  
14 cases that are going to be before the Public  
15 Service Commission.

16 The Public Service Commission has a  
17 right to either accept or deny any of those  
18 changes or make changes to the cost structures that  
19 the industry puts forward. But it's the ultimate  
20 decision of the Public Service Commission to allow  
21 and set what those rates are going to be that they  
22 can charge their customers.

23 Q. Are you familiar with three advisory  
24 opinions issued by the review committee dealing  
25 with attendance at legislative receptions,



1 legislative caucus meetings, and political  
2 gatherings?

3 A. I am.

4 Q. Since the submission of your  
5 application have you attended any legislative  
6 receptions or any legislative caucus meetings?

7 A. I have not.

8 Q. Have you attended any political  
9 gatherings since submitting your application?

10 A. I have not.

11 Q. Please explain the general rule  
12 regarding ex parte communications as it relates to  
13 the Public Service Commission.

14 A. There are three types of ex parte  
15 communication. One we've already talked about  
16 which is allowable communication which is when  
17 both sides are informed and they can come and  
18 participate in ex parte communication. Then  
19 there's two types of nonallowable ex parte  
20 communication.

21 One is inadvertent. It would be like  
22 if we started discussing right now how you would  
23 rule on a case regarding XY company. I'd say, wait  
24 a minute, Heather, I can't talk to you about that.  
25 I'd like to, but we can't talk about that and we

1 need to cut that conversation off. When that  
2 happens you have to inform the committee and staff  
3 -- or either ethics staff if it was egregious  
4 enough.

5 Then that particular case would --  
6 would go -- if you needed to you can inform all  
7 sides of this communication that happened, what had  
8 happened, and if necessary recuse yourself from any  
9 vote or proceedings going forward due to that  
10 inadvertent ex parte communication.

11 Last is willful ex parte communication.  
12 That's where the candidate willfully reaches out  
13 to another party that's not a part and has a  
14 conversation or communication with them that is not  
15 authorized.

16 At that point I would probably offer my  
17 resignation, but at that point hopefully that would  
18 never happen. If it did then I would be under an  
19 order to tell the Chairman, Senator Alexander of  
20 the PURC Committee, and inform him of the what the  
21 communication was and what happened. Then he would  
22 take the appropriate action from there.

23 Q. Are you aware that commissioners are  
24 subject to the judicial code of conduct as well as  
25 state laws?

1           A.     I am.

2           Q.     Can you describe the five canons in the  
3     Code of Judicial Conduct.

4           A.     A judge is to be impartial. He's not  
5     to allow personal emotion or effects to come in.  
6     He's not to have any inappropriate behavior as far  
7     as his mannerisms or his conduct out in public as  
8     well as in private.

9                     Nothing that he does should cause  
10    others to look down or think that he was  
11    inappropriate or to cause -- act in an  
12    inappropriate manner that would bring disgrace  
13    upon the judiciary or those that are sitting in  
14    positions of authority to rule.

15                    He's not to attend political functions,  
16    not to give money to political candidates, not be  
17    involved in any organization that discriminates  
18    against sex, gender, or any other origin.

19           Q.     What do you consider to be the  
20    appropriate use of social media pursuant to the  
21    judicial canons?

22           A.     I think social media ought to be just  
23    that, social. We called it OPSEC in the Army,  
24    Operations Security. We don't put stuff out on our  
25    web -- Facebook pages or any social media letting

1       them know where we are or what we're doing. I  
2       doubt any of you have ever probably seen me in  
3       uniform on any type of Facebook communication. We  
4       use -- my family uses that for social. We don't  
5       talk about political things on there.

6               My two daughters -- my twin daughters,  
7       Willow and Laurel, are about the biggest thing we  
8       post on social media. I think that would be the  
9       appropriate conduct of any commissioner to not put  
10      anything out that would be politically motivated or  
11      cause the judiciary to have a smudge on it in any  
12      way.

13             Q.    Are you or a member of your immediate  
14      family employed by a utility regulated by the PSC  
15      either currently or within the past two years?

16             A.    We are not.

17             Q.    Do you or a member of your immediate  
18      family have stock or other financial interest that  
19      is directly controlled by you or your family member  
20      of a utility that is regulated by the PSC?

21             A.    We don't own any stocks --

22             Q.    I'm going to follow up with this next  
23      question.

24             A.    -- in a publicly traded company.

25             Q.    I said I'm going to ask you another

1 question even though it's somewhat related just so  
2 it's clear for the record.

3 Do you have a member -- do you or a  
4 member of your immediate family have stock or other  
5 financial interests that is directly controlled by  
6 you or your family member of a renewable energy  
7 company that appears before the PSC?

8 A. I do not.

9 Q. Are you or a member of your immediate  
10 family an officer, director, or otherwise involved  
11 in the management of a business?

12 A. We are not involved in -- in a  
13 business?

14 Q. I'll repeat the question. Are you or  
15 a member of your immediate family an officer, a  
16 director, or involved in the management of a  
17 business enterprise?

18 A. Yes.

19 Q. Okay. Can you identify the business  
20 and talk about the business purpose and your role.

21 A. Sure. We have a five real estate  
22 companies. We did have seven, but we've rolled one  
23 up as I amended in my PDQ.

24 MTV Properties, LLC, B&B Properties  
25 Incorporated, Wayne Fowler Properties, LLC,

1 Swampfox Communications, LLC, and Progressive  
2 Forest Resource Management, LLC. I'm the CEO of  
3 all those companies.

4 We have folks that work for our  
5 companies as well as partners in a lot of them.  
6 They are mostly real estate companies, commercial  
7 and residential development companies as well as  
8 land and timber holding companies.

9 Q. Okay. And Swampfox Communications is  
10 also real estate?

11 A. No. It was a communications company  
12 that I set up a couple of years back. We've been  
13 doing some marketing and management. It usually  
14 does the marketing and management arm. Right now  
15 it's pretty much a shell company that's not active.

16 Q. What entities did you or a member of  
17 your immediate family receive income from within  
18 the previous year? And I'm going to name a list of  
19 exclusions.

20 This would not include IRA, deferred  
21 compensation, disability, mutual funds, retirement,  
22 pension, or funds received from a financial  
23 institution in the ordinary course of business.

24 A. Just my companies. We received draws  
25 from the real estate companies and then I received

1       probably about \$150,000 as a lieutenant colonel on  
2       active duty.

3               Q.     If elected would there be any potential  
4       conflicts of interest, financial or otherwise?

5               A.     No, ma'am.

6               Q.     What would you do if a conflict of  
7       interest arose?

8               A.     I would either recuse myself or either  
9       divest myself of that conflict of interest.

10              Q.     Are you affiliated with any political  
11       parties, boards, or commissions that would need to  
12       be reevaluated if nominated and elected?

13              A.     No, ma'am.

14              Q.     Do you belong to any organization that  
15       discriminates based on race, religion, or gender?

16              A.     No, ma'am.

17              Q.     You touched on this earlier, but what  
18       is the appropriate demeanor for a commissioner?

19              A.     A commissioner should be -- should be  
20       fair-minded and balanced. He should listen to all  
21       sides and all parties before rendering a decision  
22       and render that decision in a fair and impartial  
23       way that is in the best interest of the citizens of  
24       South Carolina taking out of that decision his  
25       personal bias or emotion and doing what's right and

1 what's best for the citizens of South Carolina.

2 Q. And would judicial demeanor apply only  
3 while on the bench or at all times?

4 A. It's like your faith. You can't take  
5 it off. When you take the robe off it's like your  
6 faith. You can't take it out when you leave on  
7 Sunday. You've got to take it everywhere. You  
8 should always be mindful that you've taken an oath  
9 and you're being entrusted with it.

10 It's an oath that members of the  
11 community and the General Assembly placed on you  
12 and you should always take that very seriously with  
13 the utmost respect and concern.

14 Q. If elected to serve as a commissioner  
15 how would you envision your work schedule?

16 A. I don't see it as being a nine-to-five  
17 job. It's changing continually. The technology is  
18 changing. Regulations are changing. Best  
19 practices are changing.

20 I don't see how a person couldn't work  
21 more than 40 hours a week. I've never had a job in  
22 my life where I worked 40 hours a week. I work  
23 about 70 or 80 hours a week now and I wouldn't  
24 expect to do any different otherwise because I was  
25 elected to the commission. I pour my heart and



1 soul into everything that I do.

2 Q. What does the term energy efficiency  
3 mean?

4 A. It's the amount of energy that an  
5 appliance, a vehicle, or whatever uses. It's the  
6 amount of energy that's produced per kilowatt  
7 that's used. You see it on hair dryers. You see  
8 it on washing machines and all kind of different  
9 appliances.

10 Q. What does the term distributed energy  
11 resources mean?

12 A. Distributed energy resources came  
13 about in 2014 by the passage of Act 236 that  
14 the General Assembly passed that basically charged  
15 a dollar for residential rates, \$10 for industrial  
16 rates and \$100 for -- excuse me. A dollar for  
17 residential, \$10 for commercial, and \$100 for all  
18 industrial rates.

19 That money was used to offset and to  
20 help promote solar energy development in our state  
21 and. That money is a redistribution of basically a  
22 tariff. That's what they call it. That was  
23 charged on every light bill in the state and it's  
24 used to help subsidize and offset the cost of net  
25 metering which is what helped to promote very

1 successfully actually getting the two percent cap  
2 in 2018 because of its success.

3 Q. And what is the term demand-side  
4 management?

5 A. Demand-side management is managing --  
6 it's a utility electric generator's ability to  
7 manage the supply load that is required by its end  
8 users whether it's industry or residential  
9 customers.

10 MS. ANDERSON: Mr. Chairman, pursuant  
11 to the previous motion if we could go into  
12 executive session with Mr. Vick.

13 SENATOR ALEXANDER: As was mentioned,  
14 with each candidate we go into executive session.  
15 We're at that point. We'll go into executive  
16 session.

17 (Off-the-record conference.)

18 SENATOR ALEXANDER: We're back in  
19 regular section. We took no action in executive  
20 session and I'm going to recognize Ms. Anderson to  
21 continue with the screening.

22 BY MS. ANDERSON:

23 Q. As mentioned previously, part of the  
24 background check involved a SLED and DMV report.  
25 Part of the SLED report showed a case from 2015 for

1 Richland County for unlawful carrying of a pistol.

2 Do you have any comments you'd like to  
3 make, Mr. Vick?

4 A. Yes, ma'am. I was found not guilty of  
5 that and it was an oversight of mine to allow my  
6 CWP to run out. That was an oversight on my part  
7 that I thought had been handled but it hadn't. I  
8 was found not guilty. Thank you.

9 Q. There were some liens that also showed  
10 up in the record. Now, a number of these liens  
11 list a Sub Station II, a Chad Vick and a Ted Vick.

12 A. Yes, ma'am. That's my brother and  
13 my father. My father also has the same name that  
14 I do. His name is Ted Vick. I didn't have any  
15 financial interest involved with that.

16 I actually did speak with him over the  
17 holidays and my brother informed me those debts had  
18 been taken care of. I have no financial interest  
19 with that. Those aren't mine.

20 Q. There are also two additional liens  
21 that show up for Georgetown County in the name of  
22 Ted Vick and Melissa Vick. One -- well, they're  
23 both from -- one is showing June 3rd, 2019 and the  
24 other is showing May 21st, 2019.

25 A. Yes, ma'am. They're both for the same

1        thing. I was deployed in two combat zones between  
2        2017 and '18. It was covered under the Soldiers  
3        and Sailors Act.

4                    I was not able to file my taxes due  
5        to the fact that I was overseas. I've been in  
6        eight countries in the last two and a half years on  
7        behalf of our government. When I hit the ground I  
8        did -- I was in compliance when I filed. I filed  
9        within a timely manner.

10                   I think it is 120 or 150 days you have  
11        file once you come back stateside and I did that.  
12        I filed those appropriately and the IRS as well as  
13        the DOR have waived all penalties and interest.  
14        Those fees were wiped away and paid.

15                   Q.     Okay. And an article search showed  
16        articles regarding two alleged DUI charges. Is  
17        there anything that you would like to say about  
18        that?

19                   A.     I'm sure there was more than one  
20        article. You're being kind, Ms. Anderson. I think  
21        it was well publicized in several venues. Listen,  
22        I made mistakes. I was found guilty -- not guilty  
23        of those charges.

24                   I'm not proud of those things. I never  
25        ran from them. I owed up to them. I paid a price

1 for them. To be quite honest, I think I'm a better  
2 person because of them. I've learned lessons from  
3 them. I've moved on and been very successful in my  
4 business, my family life and private life. I've  
5 moved on from that. Thank you.

6 Q. Okay. Mr. Vick, have you made any  
7 contributions to members of the General Assembly  
8 since filing your application?

9 A. I have not.

10 Q. Have you sought or received a pledge  
11 from any legislator prior to today?

12 A. I have not.

13 Q. Have you sought or been offered any  
14 pledge of support pending the outcome of your  
15 screening?

16 A. I have not.

17 Q. Have you asked any third parties to  
18 contact members of the General Assembly on your  
19 behalf before the final screening report is  
20 released?

21 A. I have not.

22 Q. Are you aware of any friends or  
23 colleagues contacting members of the General  
24 Assembly on your behalf?

25 A. I am not.

1           Q.    Are you familiar with the 48-hour rule  
2           which prohibits a candidate from seeking pledges  
3           for 48 hours after the report has been submitted to  
4           the General Assembly?

5           A.    I am.

6           Q.    If elected would you plan to serve a  
7           full term?

8           A.    I do.

9           MS. ANDERSON:  Thank you, Mr. Vick.  
10          Mr. Chairman, I have no further questions.  For the  
11          record, Mr. Vick made a 64 on the test.

12          SENATOR ALEXANDER:  Thank you so much.  
13          Thank you, Ms. Anderson.  I'll look to the members  
14          of the Committee now for questions as part of the  
15          screening.  I'll recognize Representative Forrester  
16          from Spartanburg.

17          REPRESENTATIVE FORRESTER:  Thank you,  
18          Mr. Chairman.

19                               EXAMINATION

20          BY REPRESENTATIVE FORRESTER:

21               Q.    Mr. Vick, thank you for being here  
22               today.  It's good to see you again.

23               A.    Yes.

24               Q.    I was reading through here and you  
25               listed your wife's name as Melissa.  I thought

1 maybe that might have been a typo because I always  
2 heard her name called Buttercup.

3 A. That's all I wanted y'all to know,  
4 Mr. Forrester, because I didn't have a choice but  
5 to be truthful on this.

6 Q. Question: After you received the  
7 results of you test what did you do?

8 A. I took a deep breath and swallowed. I  
9 said, wow, it must have been -- the grading must  
10 have been very strict on the test as I felt like I  
11 was very prepared. I can assure you there are very  
12 few people that studied as hard as I have on the  
13 statutory law as well as the new changes and  
14 regulations. I thought I had done very well on the  
15 test. I don't know where a 64 stacks up.

16 Q. Did you go back and review some of the  
17 things that you really didn't know when you --

18 A. I did. I went -- I've got a Masters in  
19 Education. I've actually taught post-graduate as  
20 well. One of the way those true and false  
21 questions are written -- and I think I could argue  
22 either side of one way or the other of the coin --  
23 but it was a tough test.

24 Q. The other question I had: I noticed  
25 you're Fort Bragg with FORSCOM. Were you to be

1       successful with this position how would you end  
2       your Army obligation?

3               A.     I had to talk to the -- I had to  
4       actually get special dispensation from the  
5       Secretary of the Army. I don't know if Heather  
6       included that.

7               MS. ANDERSON: I haven't got that.

8               THE WITNESS: Secretary of the Army  
9       McCarthy gave me special permission to run because  
10      as you're well aware -- I know you served as well  
11      for many years and I think Mr. Sandifer and maybe  
12      others -- you can't serve on Title 10 active duty  
13      orders and serve in any state-type capacity or  
14      execute the duties thereof.

15              My orders end on 14 April and I  
16      anticipate coming off of those orders on 14 April.  
17      So I won't be in any violation of the Hatch Act or  
18      anything like that. That's why I had to get  
19      dispensation to run. With Title 10 active duty  
20      soldiers are not allowed to engage elected  
21      officials without getting the express written  
22      consent of the Secretary of the Army.

23      BY REPRESENTATIVE FORRESTER:

24              Q.     My last question: What makes you the  
25      best candidate for this position?



1           A.    I have a unique track record, I  
2 believe. I joined the military at 17 years old.  
3 I have had an entire life of public service. This  
4 is my 30th year now as a lieutenant colonel in the  
5 military.

6                   I actually advised foreign governments  
7 on economic economies in macroeconomics, gross  
8 domestic product, revenues. We talk to them about  
9 basically anything in state government. Anything  
10 that you can imagine we've got in the Army  
11 actually. I'm a 38-Gulf Series which is a civil  
12 affairs officer.

13                   We had set up judicial systems,  
14 legislative systems. We've set up security  
15 systems, police force, education systems, waste and  
16 water treatment plants, electric generation.  
17 Whatever we have to do pretty much the Army can do  
18 it.

19                   You've served in it and you've seen it.  
20 We roll and we can do whatever we need to do  
21 wherever we need to do it. I've had those  
22 experiences working at the federal level. I work  
23 for a four-star level command now. It's the  
24 largest command in the Army and 850,000 soldiers,  
25 contractors, and civilians work there. I do

1 strategy, policy and transformation. All the  
2 way -- I know you've heard of the National Defense  
3 Act and the National Security Agreement.

4 That's set out by the President of the  
5 United States as well as funded by the Congress and  
6 the -- the National Defense Act funded by congress.  
7 My job in the Army is to take the -- once it goes  
8 down through the branches, through the Department  
9 of Defense, it goes to the Department of the Army.  
10 My job is to initiate the Army Campaign Plan to  
11 help meet those national strategy objectives. So  
12 I'm used to dealing with federal statutory law and  
13 bringing it down to a level at CORs and below, at  
14 Forces Command.

15 Had the -- I also have benefit of  
16 starting -- I've started seven companies that have  
17 been successful in this state. The financial  
18 statement that she pulled showed a \$500,000 credit  
19 limit. My company has borrowed and paid back tens  
20 of millions of dollars.

21 So a big part of -- any time you're  
22 in real estate there's a lot to do with finance. I  
23 have a specific background in finance. I  
24 understand capitalization rates, have done -- been  
25 the preferred developer for Meineke muffler store,

1       been a preferred developer for Checkers and  
2       Valley's burger joints. I've been to South  
3       Carolina, North Carolina, and Virginia. I've had  
4       an opportunity in a lot of cases to be successful  
5       in business and I think we need that perspective on  
6       this board.

7               It is a balancing act with serving on  
8       the Public Service Commission. Balance is a key  
9       word. You've got industry. There's electric  
10      generators that are generating electricity. You've  
11      got solar that's trying to compete with them coming  
12      in as a renewable energy source.

13             You also have the consumer which is  
14      both industry and it's private citizenry, your  
15      private citizen, your constituents, our neighbors,  
16      people down the street that are trying to decide  
17      whether they can put food on the table or whether  
18      they can buy the next prescription drug and that --  
19      a lot of that is based off of what their utility  
20      bills cost.

21             It is important. It affects about 25  
22      to 30 percent of our state's economy in one way or  
23      another. It 's a very important position. It's  
24      something that I feel passionate about. I love  
25      economics. I love helping people. I've been a

1       servant my entire life. I believe that if this  
2       Committee will give me the opportunity I will not  
3       let you down. If you put your trust and faith in  
4       me I will not disappoint you.

5                You will not be criticized for the  
6       position that I'll take on the Public Service  
7       Commission. That position is to be a leader.  
8       Everybody -- all legislators in this room and even  
9       those in the private sector have had to take  
10      positions that you've got to own even though  
11      some -- you'll never make everybody happy.

12              Some of the people are happy some of  
13      the time, some of them all time, but they'll never  
14      all of them happy all the time. You know that.  
15      You've got to be able to make a decision and take a  
16      stand. I've proven that through being a  
17      legislator, being a military leader, and being a  
18      businessman.

19              I feel like I'm uniquely qualified  
20      amongst any of the other candidates that are  
21      running to serve as a public service commissioner.  
22      I look forward if you'll give me that opportunity  
23      to not impugn your trust and to exceed your  
24      expectations.

25              REPRESENTATIVE FORRESTER: Thank you.

1                   SENATOR ALEXANDER: Chairman Sandifer  
2 is recognized.

3                   REPRESENTATIVE SANDIFER: Thank you,  
4 Mr. Chairman.

5                                   EXAMINATION

6 BY REPRESENTATIVE SANDIFER:

7                   Q. Mr. Vick, Ted, Representative, Colonel.

8                   A. My friend.

9                   Q. Yes. Exactly. Several questions. One  
10 of them Mr. Forrester touched on a moment ago.  
11 That is with the military. If you were to be  
12 elected to the commission that's a full-time job.

13                  A. Yes, sir.

14                  Q. So does your Army career end at that  
15 point?

16                  A. With the Reserves you can still serve.  
17 I think one of the commissioners that's currently  
18 on the Commission is in the reserves. I've got  
19 about two years left on my -- the majority that I  
20 can serve is about two years. So I would rotate  
21 off of active duty and then be in the reserves  
22 which is two days, a weekend, and two weeks -- two  
23 days a month and two weeks a year.

24                  Q. Okay. And being in the Reserves, is  
25 there an opportunity or possibility of you being

1 activated again?

2 A. I can't say that there's see zero  
3 possibility, but where I'm currently assigned I  
4 don't think the possibility is very great.

5 Q. Okay. I have been down that path. So  
6 I do understand. I do appreciate your service to  
7 our country. It's important.

8 A. Thank you for yours, sir.

9 Q. Yes, sir. I'm just flipping through  
10 the pages here. There was a couple of things in  
11 here that I just wanted to ask about. One of them  
12 is you said you lobbied Congress. Tell me what  
13 that lobbying entailed.

14 A. Lobbying is not as -- as a paid  
15 lobbyist. I was Deputy Public Affairs Director for  
16 General Stan Spears. I'm sure many of you know  
17 that great general that served for many -- almost  
18 16 years here as our Adjutant General.

19 I was a deputy adjutant general eight  
20 of those 16 years. So we worked with Congressional  
21 leaders, produced Congressional documents or  
22 askings if you will. We got appropriations and  
23 funds to help our military here in South Carolina  
24 including my alma mater, the nice armory we've got  
25 there at the Citadel. The State of South Carolina

1 was kind enough to donate about \$10 million of that  
2 project and the federal if I remember was right  
3 about 40.

4 Q. Then in community involvement you used  
5 a term that I am not sure I have an understanding  
6 of. I'm going to ask you to explain this:  
7 Appropriator of an annual \$7.5 million budget.

8 A. Yes.

9 Q. I don't understand the term  
10 appropriator.

11 A. Well, when we --

12 Q. This is when you were in the  
13 Statehouse?

14 A. Yes, sir. When you and I -- when  
15 we vote on a budget we technically are an  
16 appropriator.

17 Q. But you were not in charge --

18 A. Oh, no. No.

19 Q. -- for making that entire  
20 appropriation?

21 A. No, sir. Absolutely. Of course not.

22 Q. That's the differentiation I was trying  
23 to get to.

24 A. You are 100 percent right,  
25 Mr. Stanford. I never claimed to do that.

1 Q. I certainly wouldn't.

2 A. I had a little small piece of that.  
3 I'm one of many, sir.

4 Q. Okay. And then in another line here it  
5 describes the fact that you were a member of the  
6 House, a member of the American Counsel for Young  
7 Political Leaders. The next line says: Ambassador  
8 to the Philippines.

9 A. No. I was never an ambassador to the  
10 Philippines. That's a typo, sir.

11 Q. I didn't think so.

12 A. With the Young Political Leaders I did  
13 go to the Philippines. I'm sorry. That was a  
14 typo.

15 Q. Thank you for clearing that up. I  
16 think that was the last thing, Mr. Chairman. I may  
17 find something else in there. I may?

18 A. I hope not, Mr. Sandifer.

19 REPRESENTATIVE SANDIFER: Yeah. The  
20 time is getting later, too.

21 EXAMINATION

22 BY SENATOR ALEXANDER:

23 Q. I've got several things here right  
24 quick. Thank you for being here and I appreciate  
25 your service to our country --



1           A.     Thank you, Mr. Chairman.

2           Q.     -- and your willingness to be  
3     considered for this. On your questionnaire you  
4     included things that you have been either  
5     employed -- been employed or held any position in  
6     the following areas and you have listed there  
7     experience in water and wastewater and law.

8                     Can you explain -- let me know what  
9     your experience in each of those areas are.

10          A.     Yeah. In wastewater I've delved in  
11     several watershed areas when I did commercial  
12     development. One of the toughest ones was in the  
13     Chesapeake Bay area up in Virginia. We actually  
14     had to build the first mitigation pool for a single  
15     site facility.

16                    Normally they require you to do these  
17     retention ponds and my -- actually built in  
18     Ashland, Virginia a Meineke store there. It was  
19     the first one of its kind. It wasn't pleasant for  
20     me and cost about 80,000 or \$90,000 to build. I  
21     wasn't too excited about it. At any rate, I've had  
22     some involvement with wastewater runoff from the  
23     development.

24          Q.     That's -- you've had some experience.  
25     You've not really employed or held a position in

1       those areas?

2               A.     Yeah.

3               Q.     You just have experience with those?

4               A.     Yes, sir.

5               Q.     How about the law?   You marked:   Law.

6               A.     Was that on the PDQ?

7               Q.     Yes, sir.

8               A.     Yes, sir.   Okay.   Other than being a  
9       legislator and helping amend and to make laws, I'm  
10      not a lawyer.

11              Q.     So you mentioned a full-time job, but  
12      also we've talked about you have other business  
13      interests.

14              A.     Yes, sir.

15              Q.     So if you were on the Commission help  
16      me understand or let me know how you would handle  
17      your other business interests, what they would be.  
18      What would you do with those?

19              A.     Yes, sir.   I would -- I have  
20      employees and I have folks that work -- my wife is  
21      a bookkeeper for all my companies.   As far as that  
22      goes, we have tax attorneys, CPAs, partners who  
23      partner with us.

24                     I ran those companies from 7,000 miles  
25      away pretty much.   I'm just the decision maker

1 that makes decisions. They bring deals, projects,  
2 issues. I make the decisions and they -- they do  
3 them the same way when I was in the General  
4 Assembly.

5 I owned two properties up here. I  
6 actually lived here when I was in the House because  
7 I spent so much time as my job as a Chief Whip.  
8 Y'all I'm sure are very well aware of the  
9 responsibilities. It's not a part-time job up here  
10 either.

11 Those things could be done outside of  
12 the regular workday. As I said, I don't think --  
13 as complex as what I've observed and read this  
14 position is going to be it is not an every-workday  
15 job. It is even after work in this particular case  
16 and I'm no stranger to that. I've never had a  
17 week -- rarely do I ever -- that I'm not working  
18 70 or 80 hours a week in some capacity.

19 Q. So I think as I heard you in that --  
20 that answer there you talked about why military  
21 duty -- you've done these things from 7,000 miles  
22 away and different things. So do I take that that  
23 you would continue to do what you're currently  
24 doing with those -- with those ventures as well as  
25 being on the commission?

1           A.    Yes, sir.  I'm not actively on a daily  
2 basis involved in my companies other than making a  
3 decision maybe a couple of times a week, a couple  
4 of conversations, text messages, and that kind of  
5 thing.  Most of it is handled by brokers,  
6 attorneys, and bookkeepers.

7           Q.    In your opening statement I think you  
8 talked about your experience on a local, state, and  
9 federal level, that that would help you at the  
10 Commission.

11                       How would that experience that you  
12 have -- how would you envision that helping you  
13 prepare or be a Commissioner or do the duties and  
14 responsibilities as a Commissioner briefly?

15           A.    Yes, sir.  It knowing where your  
16 authority only comes from -- and I -- and I think  
17 there's been issues over the past couple of years  
18 of understanding what those authorities are,  
19 understanding how to read the statutory law,  
20 whether it's federal law that was passed by PURPA  
21 in 1978 or whether it was Act 62 that was just  
22 passed this past May of House Bill 39-68 that Peter  
23 McCoy -- Representative Peter McCoy's bill that  
24 passed with the Senate amendments and changes of  
25 and law keeping up to date and understanding what

1 that means for your position and understanding what  
2 discretion you have, what authority you have.

3 The Public Service Commission is an  
4 independent body, but it's also a representative of  
5 this Committee. It's representative of the General  
6 Assembly. We need to know what those authorities  
7 are. I understand what authority means.

8 I've done that for the military. I've  
9 done it as an elected official. I've done it as a  
10 servant on local boards, understanding your  
11 position and what your authority is and not  
12 deviating outside of that authority.

13 Q. You mentioned also in your statement  
14 that -- if I heard you correctly you reference  
15 trust at the PSC, lack of trust and that's  
16 something that you want -- that you brought up that  
17 you wanted to speak to as to that aspect of -- what  
18 would you -- could you elaborate further on what's  
19 your vision from that standpoint would be.

20 A. The public has a very keen interest  
21 in knowing that the Public Service Commission is  
22 open, is fair, that they've got a fair shake at the  
23 process. They can come plead their case whether  
24 they agree or disagree with any matter before the  
25 Public Service Commission. Any impropriety or

1 any -- a lot of the articles that have been written  
2 and things that I've read from afar -- and I've  
3 kept up with it from afar, talking to industry.

4 I've kept up with it talking to  
5 generators as well as industry people using it as  
6 well as just regular residents. I know this  
7 committee has heard. Y'all -- I can't imagine what  
8 y'all have been through the last couple of years  
9 with all the issues that are going on.

10 I don't want to get negative or go into  
11 talking about negative things. We need leadership  
12 at the Public Service Commission and someone who  
13 can carry the wishes of the statutory law, apply it  
14 fairly, justly, rightly and restore that confidence  
15 back to the general public that the right thing is  
16 going to be done and their best interests are going  
17 to be taken care of and the best interest of our  
18 state.

19 It's critical. We're not competing  
20 just with our next door neighbor or competing with  
21 the next industry over. We're competing with other  
22 states. We're competing with other countries. A  
23 big part of that for a lot of industries -- Volvo,  
24 BMW, a lot of big companies like this -- Alcoa -- a  
25 lot of big companies use electric rates to

1 determine whether or not they're going to locate  
2 their industry here. It affects everything and all  
3 of our citizens. It's very important and I want to  
4 restore that trust back to the Committee.

5 Q. I guess that last point, is how would  
6 you restore that trust?

7 A. By working as a team. I want to  
8 emphasize that as much as I can. One person -- I  
9 hate to say it. I always like to say, in the Army  
10 one monkey don't stop the show. One person can't  
11 do it all or do anything but one person can get in  
12 and build a team.

13 They can listen to what other members  
14 have to say. I'll come from one district, the  
15 Seventh District, but I keenly believe that there  
16 are different needs and different interests all  
17 throughout this state and each of the congressional  
18 districts. I take as a personal privilege as I've  
19 built alliances with both parties when I served in  
20 the House.

21 I take it that -- seriously that you  
22 need to get in and work as a team, listen to what  
23 others have to say, listen to their concerns, and  
24 then come out with a sound, reasonable, and  
25 transparent voice that lets the public know and let

1 this Committee know why we make a decision and why  
2 we make a determination because we owe that to the  
3 people of South Carolina.

4 We owe that to the Committee that  
5 entrusted us and gave us this authority. We owe  
6 it to you to tell you what our rationale and our  
7 thinking is and spell it out and be open and  
8 transparent with the public. I think that's what  
9 Act 62 is requiring and what Act 62 is asking us to  
10 do at the Public Service Commission.

11 SENATOR ALEXANDER: Chairman Rankin.

12 SENATOR RANKIN: Thank you. Friends,  
13 Countrymen, Late Presenter -- but not because of  
14 your clock. It's ours. So I appreciate your, one,  
15 candidacy and, two, your patience because we asked  
16 you to be here early. Now we're having you be here  
17 late. It's 7:04.

18 MR. VICK: I understand.

19 EXAMINATION

20 BY SENATOR RANKIN:

21 Q. The court reporter is long ready for us  
22 to quit talking and the term bloviate is what I'm  
23 perhaps doing. I know you well. I know your CV or  
24 your resume is extensive in many facets, but I'm --  
25 I want to tack to your kind of focus and that



1 confidence that needs to be restored. I'm not  
2 aware of decisions -- reported decisions that are  
3 split such that they would appear to be a divide or  
4 a lack of leadership. So maybe that's the wrong  
5 barometer.

6 So if absent split decisions or  
7 dissenting decisions within the PSC, what other  
8 evidence would we look to see that there's a lack  
9 of leadership other than perhaps the corporate  
10 decision to go forward with the rate request that  
11 SCANA made long ago?

12 A. Right. Well, I really don't want to  
13 speak to any specific case, Senator Rankin. I  
14 don't want to bring it out. One thing comes to  
15 mind is with the debacle over in Fairfield that has  
16 still not been resolved. There are many issues and  
17 I know you've heard about it all the way down into  
18 Horry County.

19 People -- they're complaining about how  
20 that's actually going to affect -- or any rate  
21 changes that may have to go up to help pay for some  
22 of that debt that is still lingering on that failed  
23 project. But, you know, there have been -- there  
24 have been some decisions that have come back. They  
25 say that they came back and changed course due to

1 information and that very well could be true. I'm  
2 not privy to that information.

3 Q. Or politics.

4 A. Absolutely, a lot of politics. I see a  
5 lot of articles just like you do and read just like  
6 you do. That's just not good.

7 Like I said, before two years ago I  
8 doubt -- if you'd have taken a survey I doubt if  
9 you'd got a pole that five percent of the people in  
10 the state that actually even what the public -- I  
11 don't know if that's good to say or bad to say or  
12 what but a lot more people are talk about it now.

13 Q. And that decision, that debacle, is  
14 that something that -- that here after PSC you  
15 predict will have another opportunity to either  
16 write or not to repeat?

17 A. I think that maybe even the PURPA needs  
18 to be adjusted because PURPA doesn't allow a  
19 private entity to own over 50 percent of a project.  
20 There should be maybe a provision changed in the  
21 PURPA law that would allow that if that -- if the  
22 company that owns the majority share or companies  
23 that own a majority share are not going solvent or  
24 are not able to complete a project that that public  
25 entity will have the authority to go over and own

1 more ownership if that's what it takes. But it  
2 just -- it puts -- when the public money is being  
3 used in a private venture and you own a less than  
4 50 percent ownership it puts the public interest in  
5 a bad predicament as far as failed projects and --  
6 and no say-so over it.

7 Q. Again, your decision to run -- and I  
8 don't -- I appreciate your doing it again. The  
9 district you're running from or you would succeed  
10 or the candidate you would succeed, O'Neal  
11 Hamilton, tell me. Have you talked to him about  
12 what is involved in fulfilling the job of a PSC  
13 commissioner?

14 A. I have and I respect very much  
15 Mr. Hamilton. I helped him on a couple of his  
16 campaigns. He came out of I don't want to call it  
17 the same political team but the same neck of the  
18 woods that I came out of and what we call the Pee  
19 Dee area which I'm sure you're well acquainted  
20 with, Mr. Rankin, from being from that area.

21 It's a very tough area. He served as a  
22 county councilman for a long time there. From my  
23 knowledge he's well respected amongst everybody on  
24 every side. He is a voice of reason. He is one  
25 that tries to find common purpose. I have talked

1 to him about it or I would have never filed to run  
2 against him. I think he does a great job even now.

3 Q. Your earlier observations about the PSC  
4 would not includes his lack of leadership I'm sure.

5 A. Of course not.

6 Q. Okay. Very good. And you have many  
7 interests in terms of professional. Senator  
8 Alexander asked about this and perhaps  
9 Representative Sandifer as well. Aside from your  
10 full-time fully employed job with the department  
11 defense is it the Army, is it the -- which one --

12 A. It's with the United States Army as  
13 Fort Bragg. I work for Forces Command, a four-star  
14 level command.

15 Q. What you're charged with doing is  
16 lengthy. It is a lot of stuff that you're charged  
17 to do.

18 That aside from your -- the businesses  
19 that you've referenced earlier, the five or now  
20 seven narrowed down to five, how are you going to  
21 have the time if you're successful to fulfill the  
22 job if you -- as you -- if you talked as you have  
23 to O'Neal Hamilton it's not three days a week, four  
24 day a week. It is a full-time job with many hours  
25 required in the week. How would you handle that?

1           A.     Right.   First of all, I won't get sworn  
2     in if I'm fortunate enough for this Committee to  
3     have confidence in me and vote me as -- and then if  
4     I had the confidence of the General Assembly and  
5     got elected I wouldn't be sworn in to do duties  
6     until I think the 1st of July.   So I will be  
7     already off active duty.

8                 So I won't have a full-time job at  
9     that time.   My other companies pretty much run  
10    themselves as I'm sure like many of you have  
11    residential and commercial portfolios of real  
12    estate.   Other than negotiating an agreement once  
13    every couple of years it doesn't require daily,  
14    every-day, 40-hour-a-week work.

15           Q.     The tests itself, we've already had a  
16    question about that.   Your reaction when you got  
17    the results of not your performance but our relying  
18    upon it as a measure of you and your competitors or  
19    other candidates, is that an effective tool?

20                 Do you recommend that we give it  
21    credence or do you suggest otherwise?

22           A.     I started writing, Senator, when I  
23    sat -- my butt hit the seat and I didn't stop until  
24    I think 15 seconds after because I had erased  
25    something and I was trying -- I don't know if

1 that's against the rules or whatever but two hours  
2 straight I wrote. I wrote about 15 percent in  
3 pencil.

4 Either you knew what you were doing on  
5 that test or you didn't. I felt confident in my  
6 answers that I put down that I had a grasp for the  
7 information, but I'm nowhere near a subject matter  
8 expert. I don't claim to be one on this. I've got  
9 a lot to learn, a lot to study.

10 Q. In preparation for this today -- well,  
11 strike that. With this process, the interview  
12 process and the work that you've done aside from  
13 that test, is this as good a way as we have in the  
14 General Assembly to judge all the candidates?

15 A. I would hope so because I think the  
16 PDQ -- the questionnaire is on -- spot on. You get  
17 all the -- the qualities that you need and find  
18 out all the information you need about a candidate.  
19 The background check definitely shows all that as  
20 well.

21 Q. If you have a lacking -- my last  
22 question -- on any anything that would equip you to  
23 be ready and able on your first day what would that  
24 be?

25 A. Language. Learning the language you --

1 Q. Your language is fine.

2 A. No.

3 Q. You've got very proper English.

4 A. The accent might be fine, but knowledge  
5 of the terminology is -- it's its own language and  
6 I'm grasping it.

7 I think they say you have to use a word  
8 16 times before it actually comes in your  
9 vocabulary. I need more time. I need more study  
10 time and I need more time using the terminology.

11 SENATOR RANKIN: Thank you.

12 MR. VICK: Thank you.

13 SENATOR ALEXANDER: Are there any other  
14 questions? Members of the Committee? Mr. Vick,  
15 again, we appreciate you being here this afternoon.  
16 We appreciate you understanding our schedule and  
17 your tolerance for getting to the point to be  
18 before the Screening Committee.

19 MR. VICK: Thank you, sir.

20 SENATOR ALEXANDER: We appreciate you  
21 being here.

22 MR. VICK: Thank you for having me.

23 SENATOR ALEXANDER: We're going to  
24 dismiss you at this point.

25 MR. VICK: Thank you, sir.

1           SENATOR ALEXANDER: Members of the  
2 Committee, that concludes the screening for the  
3 candidates for Districts 1, 3, 5 and 7. I would  
4 entertain a motion that we go into executive  
5 session to discuss potential employment pursuant to  
6 Section 30-4-70 (a)(1).

7           REPRESENTATIVE SANDIFER: I so move.

8           SENATOR RANKIN: Second.

9           SENATOR ALEXANDER: I have the motion  
10 by the Vice Chair and seconded by Senator Rankin.  
11 If there's no discussion we'll go to a vote on  
12 that. All in favor, please say aye.

13                   (Members stated aye.)

14           SENATOR RANKIN: Any opposed?

15                   (No response.)

16           SENATOR RANKIN: I declare that's  
17 unanimous with proxies. We'll go into executive  
18 session.

19                   (Off-the-record conference.)

20           SENATOR ALEXANDER: Okay, we're out  
21 of executive section and no action was taken in  
22 executive session.

23                   I believe that brings us to the point  
24 where we could consider candidates and finding them  
25 qualified. So we will start with -- again, that



1 would be purely on -- again, that would be the  
2 point before us is qualifications.

3 So at this point I'm going to call each  
4 name of the candidates by seats. Then I'll ask for  
5 a show of hands of those from that standpoint.

6 So with Seat 1, PSC Commission Seat 1,  
7 any wishing to vote to qualify for Mr. Paul S.  
8 Gawrych?

9 (No response.)

10 SENATOR ALEXANDER: I will declare that  
11 he did not receive a sufficient number for him to  
12 be found qualified. Mr. Alvin T. Johnson, Jr., who  
13 is wishing to find him qualified? Raise their  
14 hand.

15 (No response.)

16 SENATOR ALEXANDER: I would declare  
17 that he did not receive sufficient numbers to be  
18 found qualified. Mr. George Robert Newman. Those  
19 wishing to find him qualified, please raise your  
20 hand.

21 (Hands raised.)

22 SENATOR ALEXANDER: I would deem  
23 that he has been found qualified or receiving the  
24 numbers necessary to be found qualified.

25 REPRESENTATIVE SANDIFER: And with

1 the proxy.

2 SENATOR ALEXANDER: Okay. Mr. Lawrence  
3 D. Sullivan. Those wishing to find him qualified,  
4 please raise your hand.

5 (Hand raised.)

6 SENATOR ALEXANDER: I would deem that  
7 Mr. Lawrence D. Sullivan did not receive sufficient  
8 numbers to be found qualified.

9 Mr. Darryle B. Ware. Those wishing to  
10 find him qualified, raise your hand.

11 (No response.)

12 SENATOR ALEXANDER: I would deem that  
13 the appropriate number to be found qualified did  
14 not -- is not there.

15 Ms. Carolyn L -- Carolee Williams,  
16 those wishing to find her qualified, please raise  
17 your hand.

18 (Hands raised.)

19 SENATOR ALEXANDER: I would deem that  
20 the majority has found Ms. Williams qualified.  
21 That completes Seat Number 1. Without objection  
22 we'll go to Seat Number 3. Those wishing to find  
23 Mr. Stephen Mike Caston qualified, please raise  
24 your hand.

25 (Hands raised.)

1 SENATOR ALEXANDER: I deem that the  
2 majority to find him qualified has been met.

3 Mr. Santana D. Freeman. Those wishing  
4 to find him qualified, please raise your hand.

5 (No response.)

6 SENATOR ALEXANDER: I would deem that  
7 not enough. He did not receive the sufficient  
8 votes.

9 Mr. Comer H. Randy Randall, those  
10 wishing to find him qualified please raise your  
11 hand.

12 (Hands raised.)

13 SENATOR ALEXANDER: Okay. With proxy I  
14 deem that he has received sufficient number to be  
15 found qualified.

16 That takes us to Seat Number 5. First  
17 is Mr. Luther P. Hendrix. Those wishing to vote  
18 for him to be found qualified, please raise your  
19 hand.

20 (No response.)

21 SENATOR ALEXANDER: He did not receive  
22 enough to be -- move forward. Mr. Headen B.  
23 Thomas, those wishing to find him qualified please  
24 raise your hand.

25 (Hands raised.)

1 REPRESENTATIVE FORRESTER: Mr.

2 Chairman, I request that your record show that  
3 abstain from this vote.

4 SENATOR ALEXANDER: The record will  
5 show that Representative Forrester will abstain  
6 from the vote. I would deem that the appropriate  
7 majority has been reached for Mr. Thomas.

8 Those wishing to vote to find Mr. Swain  
9 E. Whitfield qualified, please raise your hand.

10 (Hands raised.)

11 SENATOR ALEXANDER: I would deem that  
12 Mr. Whitfield did not receive the majority. That  
13 completes Seat Number 5.

14 That takes us to Seat Number 7. Mr.  
15 John Q. Atkinson Jr. Those wishing to find him  
16 qualified, please raise your hand.

17 (Hand raised.)

18 SENATOR ALEXANDER: He did not receive  
19 enough for a majority. Ms. Bonnie D. Loomis.  
20 Those wishing to find her qualified, please raise  
21 their hand.

22 (Hands raised.)

23 SENATOR ALEXANDER: I would deem that  
24 she did not receive enough votes for a majority.

25 Mr. Thomas G.T. Miller, Jr. Those

1 wishing to find him qualified, please raise your  
2 hand.

3 (Hands raised.)

4 SENATOR ALEXANDER: The Chair  
5 recognizes that he has received the majority.

6 Mr. Ted M. Vick, those wishing to find  
7 him qualified please raise their hand.

8 (No response.)

9 SENATOR ALEXANDER: The Chair  
10 recognizes that he did not receive the majority  
11 of those voting and present. That concludes  
12 those that have been found qualified, the process  
13 for qualifications. Again, that's purely for  
14 qualifications. I recognize Vice Chair,  
15 Chairman Sandifer.

16 REPRESENTATIVE SANDIFER: Mr. Chair, I  
17 move we carry over the nominations.

18 SENATOR ALEXANDER: So you have a  
19 motion that the actual nominations versus the  
20 qualifications -- that would be the next step in  
21 the process. You're moving to carry the nomination  
22 process over. Is that correct?

23 REPRESENTATIVE SANDIFER: Correct.

24 SENATOR RANKIN: Second.

25 SENATOR ALEXANDER: I have a second for

1       that. Is there a discussion on that motion?

2                       (No response.)

3                       SENATOR ALEXANDER: Hearing none, we'll  
4 go to a vote. All in favor of the motion to carry  
5 over the nominations, please raise their hand.

6                       (Hands raised.)

7                       SENATOR ALEXANDER: Any opposition?

8                       (No response.)

9                       SENATOR ALEXANDER: Declare by the  
10 Chair that it was unanimous. So the nominations  
11 for Seats 1, 3, 5 and 7 have been carried over.  
12 Okay. I'll recognize Vice Chair Representative  
13 Sandifer.

14                      REPRESENTATIVE SANDIFER: Mr. Chairman,  
15 I recommend that we submit a resolution to the  
16 General Assembly to extend the quick screening for  
17 Seats 1, 3, 5 and 7 --

18                      SENATOR ALEXANDER: Of the Public  
19 Service Commission.

20                      REPRESENTATIVE SANDIFER: -- of the  
21 Public Service Commission.

22                      SENATOR ALEXANDER: Okay. You've heard  
23 that motion. Is there a second to that motion?

24                      SENATOR RANKIN: Second.

25                      SENATOR ALEXANDER: We have a second

1 from the Senator from Horry. Is there a discussion  
2 on that motion?

3 (No response.)

4 SENATOR ALEXANDER: Hearing none, we'll  
5 go to a vote. All in favor of the motion?

6 We would ask that the staff create a  
7 recommendation of the resolution to the General  
8 Assembly by this Committee. All in favor of that  
9 motion, please raise your hand.

10 (Hands raised.)

11 SENATOR ALEXANDER: It appears to be  
12 show -- let me ask, is there any opposed?

13 (No response.)

14 SENATOR ALEXANDER: Hearing none, the  
15 Chair declares that a unanimous vote.

16 REPRESENTATIVE SANDIFER: Mr. Chairman,  
17 may I recommend that we attempt to have that  
18 resolution ready to present to both bodies on the  
19 first day of session?

20 SENATOR ALEXANDER: I hear that request  
21 and directive. We'll certainly do that. We can to  
22 meet that. Thank you for that comment. If there  
23 is no other business to come before the Public  
24 Utility Review Committee, I thank you, each and  
25 every one, for your efforts over these last two

1 days and especially thanks to all of our  
2 outstanding staff for the diligence, dedication,  
3 and commitment you have made to this process. If  
4 there's no objection we will stand adjourned.

5 (No response.)

6 SENATOR ALEXANDER: Thank you very  
7 much.

8 (The hearing was adjourned at 7:49 PM.)  
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CERTIFICATE OF REPORTER

I, Priscilla Nay, Court Reporter and  
Notary Public for the State of South Carolina, do  
hereby certify that the foregoing transcript is a  
true, accurate, and complete record.

I further certify that I am neither  
related to nor counsel for any party to the cause  
pending or interested in the events thereof.

Witness my hand, I have hereunto  
affixed my official seal this 10th day of February,  
2020 at Charleston, Charleston County, South  
Carolina.



*Priscilla Nay*

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Priscilla Nay,  
Court Reporter  
My Commission expires  
December 2, 2021

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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign  
require rejection of the deposition in whole or in  
part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES  
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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