

In the Matter Of:

State Regulation of Public Utilities v
Screening Subcommittee

Screening Subcommittee Public Hearing
April 18, 2016

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STATE REGULATION OF PUBLIC UTILITIES
REVIEW COMMITTEE

- - -

SCREENING SUBCOMMITTEE PUBLIC HEARING

- - -

DATE: April 18, 2016
TIME: 9:06 a.m.
LOCATION: Gressette Building
1101 Pendleton Street, Room 209
Columbia, SC
REPORTED BY: Lori S. Mortge,
Certified Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 MEMBERS IN ATTENDANCE:

2 Senator C. Bradley Hutto, Chairman

3 Representative P. Michael Forrester

4 Erik H. Ebersole

5 John S. Simmons

6 Representative David Mack (Observer)

7
8 COMMITTEE COUNSEL:

9 Heather Anderson

10 Jamey Golden

11
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14
15 (INDEX AT REAR OF TRANSCRIPT)
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1 SENATOR HUTTO: All right. Good
2 morning, everybody.

3 AUDIENCE: Good morning.

4 SENATOR HUTTO: This is the public
5 hearing for the screening of candidates for the
6 Public Service Commission seats 1, 3, 5 and 7.
7 There's nine candidates to be screened. One of the
8 duties of the Review Committee is to screen
9 candidates to determine whether they meet statutory
10 qualifications. First, a baccalaureate or more
11 advanced degree; second, a background of substantial
12 duration and expertise in at least one of the
13 following areas -- energy, telecommunications,
14 consumer protection and advocacy, water and
15 wastewater, finance, economics and statistics,
16 accounting, engineering or law.

17 The Review Committee is also required to
18 consider the ability, dedication, compassion, common
19 sense and integrity of the candidates, and the race
20 and gender of the candidates and other demo --
21 demographic factors to assure nondiscrimination to
22 the greatest extent possible of all segments of the
23 population of the state.

24 Since we've received applications we
25 conducted background investigations of each

1 candidate including credit, law enforcement,
2 driver's license checks. We gave a written
3 examination to discuss and determine the level of
4 knowledge that each candidate has with respect to
5 the substantive public utility issues, ethical
6 constraints applicable to the Commission, and
7 operations of the Commission.

8 We're here today to have further
9 questioning of the candidates and to give them an
10 opportunity to make any statement with respect to
11 their qualifications and their desire to serve as a
12 commissioner.

13 In review, committee members in
14 attendance will also be given the opportunity to ask
15 questions to the candidates. The subcommittee will
16 present its report to the candidates -- to the full
17 committee for its review and adoption. We
18 anticipate this Review Committee will issue a report
19 to the General Assembly in mid-May. Candidates may
20 not seek pledges until 48 hours after the Review
21 Committee has submitted its official report.
22 Candidates will be notified at the time that the
23 report is officially issued.

24 The subcommittee requests that
25 substantive information during the screening be

1 shared -- to not be shared until after the final
2 candidate has been screened. The candidates are
3 sequestered prior to the screening in order to
4 ensure fairness during the process. However, the
5 purpose of sequestration is defeated if the
6 candidates are contacted about the questions that
7 are being asked or read about earlier candidates'
8 screening on-line. So that means no texting, no
9 tweeting -- no any of that other stuff that I don't
10 even know how to do. So there is to be no
11 communication out of this room from questioning of
12 the candidates to the candidates who are waiting to
13 come in.

14 And if anybody has any other opening
15 comments; if not, I'm going to move that the
16 subcommittee meet in executive session with each
17 candidate following the public screening to discuss
18 the potential employment pursuant to Section 30-4-70
19 or other matters of a personal nature with public
20 disclosure would constitute an unreasonable invasion
21 of privacy which are exempt from public disclosure
22 pursuant to the statute.

23 So we're going to -- what we're going to
24 do now is go into executive session before we start
25 the first screening. We're going to go into

1 executive session after each candidate to take up
2 any matters that might be related to their record
3 that's not subject to public review. We're going to
4 try and stick to the schedule that we've got, which
5 is that we're going to begin -- try to begin the
6 first screening at 9:30 and then the second at ten,
7 we'll take a break from 10:30 to 10:45. We'll
8 screen District 3 at 10:45, and then we'll come back
9 and we'll try to do District 5 at 11:15, 11:45 and
10 12:15. We'll break for lunch at 12:45 to 1:30 and
11 then we'll finish up with District 7 after lunch,
12 we'll start those screenings at 1:30 and try to
13 complete those by three.

14 So if nobody has any other questions
15 about the schedule so that we'll try to stay on
16 time, I am going to move to go into executive
17 session right now and ask that you folks in the
18 audience to step out in the hallway. And this
19 shouldn't take long and we'll get back in and try to
20 start on time at 9:30. Thank you.

21 (Executive session.)

22 SENATOR HUTTO: All right. You late
23 comers, I said no texting and no tweeting. Did you
24 get that in the back row back there? Or even
25 passing notes.

1 All right. We're ready to begin the
2 screening of Public Service Commission District 1
3 and we'll start off with Commissioner John E.
4 "Butch" Howard. Turn it over to the staff.

5 MR. GOLDEN: Do you want to swear him
6 in, have the court reporter do it?

7 SENATOR HUTTO: Court reporter, will you
8 swear him in, please?

9 THE COURT REPORTER: Yes, sir.

10 JOHN E. "BUTCH" HOWARD
11 being first duly sworn, testified as follows:

12 MR. GOLDEN: Good morning, Commissioner.
13 First I'd like to take the opportunity to summarize
14 kind of your background.

15 Commissioner Howard was initially
16 elected to the Public Service Commission in 2004.
17 Before serving on the Commission Mr. Howard worked
18 in a number of different capacities. Prior to
19 this -- his service on the Commission he was
20 printing division manager at RL Bryan Company.
21 President of sales and part owner of Williams Howard
22 and he also worked in the trucking industry.

23 Commissioner Howard has been a member of
24 NARUC since 2004 and serves on its board of
25 directors as chairman of the subcommittee on

1 education and research. You have -- you have here
2 in your packet and your binder Commissioner Howard's
3 Personal Data Questionnaire, and I would like for it
4 to be entered into the record with any amendments if
5 you have any today, Commissioner?

6 COMMISSIONER HOWARD: No.

7 (EXH. 1, Personal Data Questionnaire for
8 John E. Howard, was marked for
9 identification.)

10 (EXH. 2, Performance Evaluation for John
11 E. "Butch" Howard, was marked for
12 identification.)

13 MR. GOLDEN: As part of our background
14 investigation of the candidate, we obtained a credit
15 check, driver's license and SLED check. For the
16 record, I would like to state that the credit check,
17 driver's license and SLED check revealed no negative
18 end results brought for Commissioner Howard that
19 should be brought to the attention of this
20 committee.

21 Before we begin your questioning, do you
22 have a brief statement you would like to make to the
23 committee?

24 COMMISSIONER HOWARD: No. I am looking
25 forward to your questions and I hope I answer them

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
and keep your confidence.

2 MR. GOLDEN: Thank you.

3 EXAMINATION

4 BY MR. GOLDEN:

5 Q. Will you please state your name and home
6 address for the record?

7 A. My name is John E. Howard. Home address
8 is 108 Waterfront Drive, Moncks Corner 29461.

9 Q. Are you a registered voter?

10 A. Yes, I am.

11 Q. Which Congressional District are you
12 registered to vote?

13 A. First Congressional District.

14 Q. Can you describe an ordinary workday at
15 the Commission?

16 A. Workday at the Commission? It varies --
17 it varies on what we do. If we have a hearing --
18 and the hearings usually start around 10:30. So we
19 get there, you know, whenever -- you know, get there
20 and you do the preparation work and then you go into
21 the hearing and you question. And then that's
22 basically -- then you'll have another meeting in the
23 afternoon.

24 Wednesday, virtually always business
25 meetings in the afternoon. So that's where we'll

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 take up and vote on issues to be -- we have heard
3 and other issues might come forward to the
4 Commission, do that on Wednesday afternoon.
5 Thursday, we'll also have hearings.

6 Q. How do you prepare for a hearing?

7 A. Good question. Depends on what it is.
8 Most of the time -- most of the time you read the
9 testimony. You read testimony and any laws that may
10 be particular to the situation and all the
11 testimony, just read the testimony along with --
12 that way you think of questions you might have or
13 any information you might need to make a decision.

14 Q. What type of contact do you have with
15 Commission staff?

16 A. Commission staff? I have a fairly -- I
17 have a fairly -- fairly -- I'm laughing because the
18 Electricians Commission, the staff person resigned.
19 He said I was his best customer -- not resigned, he
20 retired. But, yeah, I have a -- I depend on the
21 staff a good bit.

22 Q. Thank you. Your annual review reports
23 by PURC have been entered into the record. Would
24 you like to provide any additional description
25 concerning your experience or expertise that is not
covered in your Personal Data Questionnaire or in

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 your annual reviews in the areas where you'd like to
3 discuss your expertise?

4 A. No, not really. I think -- I think the
5 personal data information sheet was pretty well all
6 encompassing. I mean, yeah, I went on my -- all my
7 responsibilities at NARUC and -- and the Commission,
8 you know. Former vice chair, former chairman of the
9 Commission, been on the Commission for 12 years.
10 NARUC, former vice chair of the Water Committee,
11 chair of the Water Committee. Now vice chair of the
12 Subcommittee on Education and Research and now I'm
13 chair of the Subcommittee on Education and Research.

14 Q. If you were approached by someone
15 wanting to discuss a matter that is or may likely
16 become an issue before the Public Service
17 Commission, how would you go about that?

18 A. I would first tell them I couldn't
19 discuss it because of ex parte regulations. And
20 then it depends on what our conversation was. If
21 you said something, you know, just leads me to --
22 that I was uncomfortable with and I thought might be
23 ex parte, I would report it. I would turn it in to
24 our chief legal counsel and let him handle it.

25 Q. Are you familiar with two advisory
opinions issued by the Review Committee dealing with

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
attendance at legislative receptions as well as
2 legislative caucus meetings?

3 A. Yes, sir. I promise you I'm familiar
4 with those.

5 Q. Do you -- have you -- as a follow-up
6 have you attended any legislative receptions or
7 caucus meetings?

8 A. No. The question has come up and I
9 might ask you -- and I think there's different
10 opinions of it. Are we allowed to go to the General
11 Assembly, the county meetings -- you know, the
12 delegation meetings in counties and stuff like that?
13 Berkeley County might have a delegation meeting --
14 I'm not laughing over that or what -- I mean, I
15 think I've heard two rulings on it, that's why I
16 asked the question. Do you understand?

17 MR. GOLDEN: Do you want to answer that?

18 SENATOR HUTTO: There is no
19 prohibition --

20 COMMISSIONER HOWARD: Pardon?

21 SENATOR HUTTO: There's no prohibition
22 to attending a county delegation meeting.

23 COMMISSIONER HOWARD: Thank you.

24 BY MR. GOLDEN:

25 Q. What is the appropriate demeanor for a

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
commissioner?

2 A. If it wasn't for Representative Parr
3 (unintelligible), I think there'd be -- no. It --
4 it's carrying yourself professional. Knowing --
5 knowing yourself and abide by the Code of Ethics and
6 standards of the Commission.

7 Q. Is there ever a role for sternness or
8 anger with commissioners?

9 A. No. I mean, there's no reason for it.
10 I mean, you're a commissioner; but, you know,
11 basically you just have to control the situation.
12 No reason for you to get angry. People might get
13 angry at you, but no reason for you to get angry.

14 Q. Will you briefly describe three issues
15 either pending before the Commission or that have
16 come before the Commission during your time as a
17 commissioner?

18 A. I'm looking at the clock because the
19 first one I'm going to say is Base Load Review Act.
20 I think -- in fact, that's a controversial issue.
21 That's the issue that, as a result, could have
22 national implications. The Base Load Review Act was
23 an act passed by the General Assembly to allow
24 upfront recovery of cost of building base load
25 generations to be performed. But then a question

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 that I asked myself, based on generation, basically
3 is -- right now is coal, gas and nuclear.

4 Then I say, what do we need to do?
5 First thing is look at your growth. I don't think
6 anybody driving in traffic would deny we've got
7 tremendous growth. How in the future do we handle
8 the growth that's growing in the face of a
9 generation? And I challenge anyone to give me
10 another answer to that question.

11 Coal, I think we all are left hanging
12 because I don't think coal -- I don't think you can
13 get a coal plant permit any time soon anyway.
14 Natural gas is the golden child right now, everyone
15 wants natural gas. Natural gas is still an
16 emissions -- still emits greenhouse gases, not to
17 the extent of coal; but it's still -- it's still in
18 the middle. Natural gas prices still fluctuate.
19 Natural gas prices are low because of fracking.

20 Fracking is one EPA regulation away from
21 having, you know, cost implications, how to -- how
22 to get around EPA regulations and different
23 conditions, coal, whatever you have. I thought it
24 was interesting -- I was talking to commissioners
25 from Oklahoma and the numbers are fairly accurate,
they might not be exact; but they told me, like,

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 three years ago they had 60 earthquakes. Last year
3 they had 600. And every earthquake would track --
4 would track to fracking. And he said, you know --
5 and Oklahoma is a big state for fracking. They've
6 got a lot of income, a lot of money, a lot of
7 fracking wells. You know, they're probably a pro --
8 well, they are a pro fracking state. But then he's
9 saying, you know, people can do this and do that;
10 but then their house starts moving, you know, they
11 get different opinions.

12 Now -- now, the process that caused the
13 earthquakes is not necessarily the fracking itself.
14 Each fracking well, which is another problem, takes
15 four to five million gallons of fresh water. Tens
16 of thousands of fracking wells. Think about a state
17 with drought conditions -- Texas, for example, with
18 fracking wells. It would be a situation where
19 people got to choose between water to drink and
20 water for them fracking wells.

21 So that -- that's a big issue. But when
22 they -- they track this water and it's got a
23 chemical in it. And the chemicals, by and large,
24 have been treated with some contested information --
25 but you really just don't know what's in it. Most
people know it's a big -- a big part of it is diesel

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
fuel. But then when water comes back up, no
2 wastewater plant will take it. What do you do with
3 it?

4 What they have been doing is they inject
5 it in them used wells and this is what's basically
6 caused the earthquake, when they inject the water
7 down there. So as chairman of the Water Commission,
8 I was pretty concerned about it because that is
9 water that will never go back in the hydrological
10 cycle. So what do we do with it? I mean, you know,
11 so -- and there's been all kinds of studies of doing
12 fracking without water. Now I'm -- not impractical
13 right now, I'm sure some day they will be.

14 So that's why I -- I'm reluctant to put
15 all my eggs in the natural gas basket. I mean,
16 anything can happen with natural gas. They close
17 down fracking, you're back on the Gulf Coast water,
18 hurricane comes in, you're back with 14 different
19 kinds of gases. So, you know, as far as Base Load
20 goes, they can all be nuclear as far as I'm
21 concerned.

22 Now, I think -- I think once these
23 plants are built -- I know it's a long time frame.
24 It's expensive. People ask me all the time, why are
25 SCE&G -- why are they so expensive, more than even

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 Duke? Duke has -- Duke Progress has four nuclear
3 plants. Duke Energy has seven nuclear plants.
4 Nuclear is, by far, the cheapest in the generation.
5 I think fuel cost is something like four cents
6 versus 10 or 11 of other -- other fuel costs of the
7 generation. So by SCE&G only having one fuel
8 plant -- only one nuclear plant, they are
9 disproportionate as far as, you know, the cost
10 savings they would get as far as nuclear, that Duke
11 and other companies have. I'm looking at the clock
12 and I have two more to go.

13 And then -- and then the thing about
14 nuclear, too, you know, that a lot of people don't
15 know, it emits no greenhouse gas. Nuclear is clean.
16 So the disadvantage of nuclear obviously is the cost
17 of construction and perception and -- we're finally
18 here today because I just saw an article in USA
19 Today, this month is the 30-year anniversary of
20 Chernobyl. Everybody be talking about nuclear
21 brings up Chernobyl. Chernobyl was an accident
22 waiting to happen. There was no regulation, there
23 was no containment field, nothing. It was just --
24 it was just a bad situation. Then they bring up
25 Three Mile Island. Nobody was hurt, nobody was
killed at Three Mile Island. What they did, it's

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
made regulations a lot stricter.

2 And then, you know, we're in the process
3 of building that nuclear plant and you had a tsunami
4 in Japan wipe out a nuclear plant. Well, most of
5 the damage was caused by the tsunami, not the
6 earthquake itself. If a tsunami hits Jenkinsville,
7 we've got a lot more problems than the nuclear
8 plant. That's, like, 400 people. So that's
9 basically -- that's basically probably the biggest
10 issue as commissioner that I found that I have.

11 I mean, I'm looking -- we won't talk
12 about -- I won't go there. Let me see what else.
13 Well, the Distribution Generation Act passed by the
14 General Assembly and that -- that gives us inroads
15 to nuclear energy. That gives us legislation and
16 some guidelines to promote and work with nuclear
17 energy -- particularly so. Particularly so. And so
18 that handled -- that particular act handled
19 distribution generation, gas meters and also third
20 parties, so -- so other leading companies.

21 The third one -- we can always go back.
22 We came in on Act 175. That is the act we were
23 raised -- you know, the Commissioners that were on
24 before Act 175 had a different mind-set. We came in
25 all new with Act 175 and it wasn't that -- wasn't

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
that difficult.

2 Telecom issues sort of take the
3 background, but when they get on the front they get
4 on the front. I mean, the last issue we had was
5 deciding if there were complications. And it was a
6 big issue as far as general service funds going to
7 wireless service and I don't have to tell y'all the
8 complications, but there's no way of denying that
9 there's not competition in the telecom industry. I
10 mean, I -- landlines are going down, people are
11 losing landlines every day. I've got several
12 friends that don't have landlines now, the only
13 thing they have is their cell phones. And in
14 particular young kids, I mean, young America.

15 So I would think those would be my
16 personal three issues based on the Review Act and
17 based on the Review Act -- the implication is based
18 on the Review Act allows a company to -- to get paid
19 up front. And now once they have an annual
20 review -- in the annual review if the extensions
21 they paid, we got it proven, then they can put those
22 extensions to be paid. All right. It is
23 scrutinized severely -- I mean, very critical,
24 that's the way the law is. The law has to go
25 through the receipt for every expenditure and then

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 we come back -- we get it, we go through all the
3 testimony, our staff -- you know, all expenses,
4 additional revenue requirements, and that's it.

5 But if you ask me what would be one
6 thing as a commissioner that I didn't realize the
7 importance of until I got on, it would be -- it
8 would have to be the influence Wall Street has on
9 our utility. Wall Street looks at us, they look at
10 everything because their investment -- they want to
11 be sure that they get cost recovery on what they
12 invest and the Base Load Review Act gives them the
13 assurance that they will get their money back. You
14 know, that's their investment.

15 Q. Let me ask you. Let's -- let's touch on
16 the Base Load Review Act because, as you said, it
17 has been scrutinized a lot and there's been a lot of
18 public comments on it. Let me ask you this. Is
19 there a way that the public's voice can be heard
20 under proceedings under the Base Load Review Act?

21 A. Oh, yeah, and they are heard. I mean, I
22 think we've got one coming up -- I'm not sure. I
23 think we have -- you know, the public does
24 participate in any Base Load Review hearing. And --
25 and I will say this, it's an important
consideration. It's important to hear them. So the

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 public is there, you know, to stress their viewpoint
3 and their opinion.

4 Q. Do you feel you have an obligation in
5 weighing the public's interest versus that of an
6 IOU, an investor-owned utility?

7 A. Yeah. Key word is weigh the public
8 interest. Yes, sir. We do. That is one of the
9 missions of ORS. They represent the public
10 industry -- they represent the public interest in
11 all our hearings. They are a part of our hearings
12 and one of the challenges they represent is public
13 interest.

14 And I'll be honest. When I set a rate
15 change, there's a sequence I use in my mind. And
16 our mission is to furnish reliable utility
17 service -- be it electricity, be it gas, be it
18 water, what have you, at a reasonable rate, and then
19 the third part is economic development. That is the
20 order that I think about, and the first thing we
21 have is reliability. You can give away electricity,
22 but if it's not reliable and people are on oxygen
23 tanks and -- say what you want to, but electricity
24 is a part of our world and it's going to stay there.
25 I guess after water it's probably the most critical
commodity we regulate. But -- but you've got to

1 JOHN E. "BUTCH" HOWARD - EX. BY MR. GOLDEN
2 have it. And then after you get reliability -- you
3 pass on your reliability factor, then the cost
4 factor comes in. It's important. And, you know, we
5 are a poor state. You know, the average income is
6 not that great. I was talking to a Commissioner,
7 arguing one time, and they say our people do not
8 care what they pay as long as it is environmentally
9 friendly. We don't have that type of flexibility.
10 A lot of our people do care, you know, what it
11 costs. Everybody is worried about what the price
12 is, so that's just the way that I look at it. I
13 think reliability is very important. You've got to
14 have it and you've got to have a reasonable cost.

14 Q. Thank you. Just a few general
15 questions. Have you sought or received a pledge of
16 any legislator prior to this date?

17 A. No, I have not.

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

21 A. No, I haven't.

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

25 A. No, I haven't.

JOHN E. "BUTCH" HOWARD - EX. BY SENATOR HUTTO

1 Q. Are you aware of any friends or
2 colleagues attempting to contact any members of the
3 General Assembly on your behalf?

4 A. If they have, I'm not aware.

5 Q. Are you familiar with the 48-hour rule
6 which prohibits candidates from seeking pledges
7 until 48 hours after the report is finalized?

8 A. Right.

9 Q. Do you plan to serve your full term if
10 reelected?

11 A. Yes, I do.

12 MR. GOLDEN: Thank you. Mr. Chair, I
13 have no other questions.

14 EXAMINATION

15 BY SENATOR HUTTO:

16 Q. You made the comment that in connection
17 to fracking that that water will never go back into
18 the hydrological cycle. You said it never can be
19 cleaned up?

20 A. No. Matter of fact, one of the problems
21 is no wastewater treatment plant will accept it.

22 Q. Right. But even through nature, through
23 seeping through whatever rocks or whatever else that
24 might cleanse it, it just won't?

25 A. That would be a good question. The

JOHN E. "BUTCH" HOWARD - EX. BY REPRESENTATIVE FORRESTER
1 answer to that question I don't know. I would think
2 that -- I would think if that could happen there
3 would be some technological way now that they can
4 extract the impurities out of the water. But that's
5 just a guess on my part.

6 SENATOR HUTTO: Okay. Any members of
7 the Committee have any questions that they'd like to
8 ask Commissioner Howard?

9 REPRESENTATIVE FORRESTER: Thank you,
10 Mr. Chair.

11 EXAMINATION

12 BY REPRESENTATIVE FORRESTER:

13 Q. Mr. Howard, just two questions. What
14 would you say has been your highest accomplishment
15 during your ten years as commissioner?

16 A. Personally or as commissioner?

17 Q. Either way.

18 A. Well, personally it would have to be
19 chairman of the Water Committee. I mean, that was
20 just a vote of confidence among my commissioner
21 peers and that was more than I expected. And I'd
22 have to go back to the Base Load Review Act because
23 that allows us the opportunity to have treatment
24 generation.

25 Right now I know of two states that are

JOHN E. "BUTCH" HOWARD - EX. BY REPRESENTATIVE FORRESTER

1 watching us very closely to see how the plants --
2 how they fare -- how they fare budget wise, how they
3 fare schedule wise, and -- because of the reasons I
4 mentioned. I know it's controversial, and I know
5 I'll probably get some heat, but that's exactly
6 where I stand. I don't see how we can have base
7 load generating with the growth we're experiencing
8 in South Carolina without nuclear. There is plenty
9 of reasons for gas, coal, little bit -- but
10 basically and hopefully -- hopefully in 20 years, 25
11 years renewable gas will be such.

12 I mean, I talked to someone the other
13 day -- I don't know what's going on with nuclear --
14 I mean, solar research, but he would tell me he read
15 an article about house painting. How painting your
16 house with a different color paint, different kind
17 of paint would give your whole house -- envelop your
18 house in solar panels by using this paint. That
19 might or might not be a factor, but we've got to
20 give -- we've got to give that technologically
21 some -- technology some time to mature, and what we
22 do while it's maturing I can't tell you.

23 Q. My last question is tell me why you feel
24 you are the most qualified for this position.

25 A. I have a load of experience. I mean,

JOHN E. "BUTCH" HOWARD - EX. BY REPRESENTATIVE FORRESTER
1 there's so many issues right now on the table and I
2 think it's preemptive. I mentioned also, you know,
3 we've got to deal with nuclear generation, we've got
4 to deal, you know, with the coal industry and other
5 renewable factors. And they are coming -- I see --
6 I see renewable being an important part of our
7 generation in years to come when that technology
8 matures.

9 SENATOR HUTTO: Any other questions?

10 (No response.)

11 SENATOR HUTTO: All right. So as we
12 discussed before, we'll go into executive session
13 after each candidate. We'll do that now. Of
14 course, if you don't know, when we go into executive
15 session we take no action. We just hear matters
16 that might not be able to be heard in open session,
17 but we take no action in executive session. So
18 we'll go into executive session. I imagine it will
19 be very brief, as it will for most of our
20 candidates, and be right back into public session
21 with our next candidate right after this. So if the
22 public would step out in the hall for a second.

23 COMMISSIONER HOWARD: Thank you very
24 much.

25 SENATOR HUTTO: Thank you. You stay.

1 (Executive session.)

2 SENATOR HUTTO: Thank you. You stay.

3 (Executive session.)

4 SENATOR HUTTO: No action has been taken

5 and we are waiting on our next candidate from

6 District 1 to be screened. We will continue with

7 the screening of applicants for the Public Service

8 Commission District 1 with Carolyn L. -- Carolee

9 Williams. And I will remind the audience again

10 during her testimony, because other candidates are

11 sequestered, there be no attempts to communicate or

12 communication with candidates who are sequestered

13 and that includes by texting, tweeting or other

14 means of electronic communication.

15 Good morning.

16 MS. WILLIAMS: Good morning.

17 SENATOR HUTTO: All right. We will ask

18 the court reporter to put you under oath.

19 CAROLYN LEONE (CAROLEE) WILLIAMS

20 being first duly sworn, testified as follows:

21 SENATOR HUTTO: All right. We'll turn

22 it over to the staff.

23 MS. ANDERSON: Good morning,

24 Ms. Williams.

25 MS. WILLIAMS: Good morning.

1 MS. ANDERSON: First of all, I'm going
2 to give a brief summary of Ms. Williams' educational
3 background and her experience.

4 She is a graduate of Wake Forest
5 University where she received a bachelor of arts
6 degree. She also received her master's in urban and
7 environmental planning from Virginia. She began her
8 career as planner for the Department of Planning and
9 Urban Development in Charleston, South Carolina.
10 And since 1992 she became the project manager for
11 the Department of Planning, Preservation and
12 Sustainability for the City of Charleston, South
13 Carolina where she currently works. She is also a
14 member of the American Planning Association, the
15 American Institute of Certified Planners, and the
16 Southeast Sustainability Directors Network. And
17 she's also involved in a number of community
18 organizations.

19 Ms. Williams, do you have any changes
20 that you would like to make to the Personal Data
21 Questionnaire you submitted with your application?

22 MS. WILLIAMS: No, I do not.

23 MS. ANDERSON: I would request that
24 Ms. Williams' Personal Da -- Personal Data
25 Questionnaire be entered into the record with any

1 confidential information being redacted.

2 (EXH. 3, Personal Data Questionnaire for
3 Carolyn Leone (Carolee) Williams, was
4 marked for identification.)

5 MS. ANDERSON: As part of our background
6 investigation of Ms. Williams we obtained a credit
7 check, driver's license and SLED check. For the
8 record, I would like to state that a credit check,
9 driver's license and SLED check revealed no
10 information for Ms. Williams that should be brought
11 to the attention of the subcommittee.

12 Before beginning questioning do you have
13 a brief statement that you would like to make?

14 MS. WILLIAMS: I do. Thank you for this
15 opportunity to meet with your subcommittee. As you
16 may remember -- is the sound appropriate?

17 SENATOR HUTTO: We're okay.

18 MS. WILLIAMS: Okay. As you may
19 remember, this is the second time that I've met with
20 you. The first time I was impressed with the
21 thoroughness of your process; however, at that point
22 I had no understanding of the political realm in
23 which this process would take candidates.

24 For me, I'm applying for a professional
25 role which I understand lies within your political

1 realm. In that spirit, I want you to know how much
2 I respect the role that you and your peers play in
3 this decision-making. You alone have dedicated the
4 time to listen to us, to review our backgrounds, our
5 strengths, our test scores and evaluate our
6 temperament, and for that I'm very appreciative and
7 respectful.

8 Over the past three years, since going
9 through this process before, I thoroughly debated
10 and questioned my interest in serving on the Public
11 Service Commission. Clearly I decided that I was
12 intensely motivated by the work of the Commission
13 and I want you to hear why.

14 First, you on the legislature have set
15 South Carolina on a successful path with both the
16 Transportation Network Company Act and the
17 Distributed Energy Resource Act in recent years.
18 You're currently dealing with legislation regarding
19 other ways to continue to fund and serve telephone
20 access in our most rural and most expensive parts of
21 the State. It's exciting to think of the role that
22 the Public Service Commission plays in those
23 judicial decisions and that help to support your
24 successes in the legislature while also ensuring
25 that South Carolina has met its basic utility needs

1 in a fair and open and efficient process.

2 Second, the work of my profession,
3 conference of planning, provides I think both the
4 experience and the mindset to make a contribution to
5 the Public Service Commission. As a planner for
6 local governments I'm always looking at projections
7 for growth, change in needs and the vision for a
8 community for both residents and for businesses.
9 From my early days in working with energy and water
10 utilities on the expansion of their services and
11 consideration of the needs within the City of
12 Charleston and as Charleston grew in geographic size
13 and population, those were very interrelated
14 decision-making processes. The same was true for
15 transportation planning with recognition and
16 services to both those with and without vehicles.

17 To more recently the focus on resilience
18 and the resilience of a community and working with
19 emergency managers with energy and water utility
20 managers on ensuring that whether it's a hurricane
21 or an earthquake or any other disaster that we have
22 the redundancy and the ability to respond to that.
23 And also to my work representing our mayors on the
24 U.S. Bureau of OSHA Energy Management Renewal Energy
25 Task Force and looking at long-term capabilities of

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
offshore wind with federal waters.

2 Finally, and in the more general sense,
3 I think that the work of the commissioner plays
4 really well into a skill of mine. I relish the
5 challenge of learning new information, evaluating
6 its impact on all of the community, asking tough
7 questions and making the best decisions at the time.

8 Over these three years I've had time to
9 review daily dockets, skimming them, attending some
10 Commission hearings and reviewing some of the web
11 recordings that are now available on the
12 proceedings. I am more and more intrigued with the
13 service on the Commission, but I have to also tell
14 you I am also much more aware of what I don't know
15 but similarly equally motivated to learn what it
16 will need to be to be a good commissioner. Thank
17 you.

18 EXAMINATION

19 BY MS. ANDERSON:

20 Q. Will you please state your name and home
21 address for the record?

22 A. Carolyn Leone Williams, 7 Beverly Road,
23 Charleston, South Carolina 29407.

24 Q. Are you a registered voter?

25 A. Yes, I am.

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON

1 Q. In which Congressional District are you
2 registered to vote?

3 A. Congressional District 1.

4 Q. And I think you covered this already but
5 in case there's anything you left out, why are you
6 interested in serving on the Public Service
7 Commission?

8 A. I think I have covered it already.

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

11 A. I have. I went to a public hearing
12 years ago on a rate increase in Charleston. I've
13 been to a hearing that got into the details related
14 to solar and insurance that I found fascinating and
15 then was able to follow up and read that directive
16 so -- as well as a few other hearings.

17 Q. Have you read any of the Commission's
18 decisions?

19 A. I have.

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

22 A. It's my understanding that it will
23 involve a lot of reading, I'm sure a lot of talking
24 with other commissioners to gain an understanding,
25 and it's also my understanding that the National

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
2 Association of Regulatory Utility Commissioners has
3 an intensive class that would be a big part of
4 what -- where I would gain that knowledge.

4 Q. Please describe your experience or
5 expertise in any of the following areas and include
6 the time that you spent in each -- energy issues,
7 telecommunications, consumer protection and
8 advocacy, water and wastewater, finance, economics
9 and statistics, accounting, engineering or law.

10 A. The three that I am going to speak to
11 are consumer protection and advocacy, energy and
12 water and sewer.

13 The consumer protection and advocacy --
14 that role, to me, is very aligned with the work of a
15 comprehensive planner because our job is to look at
16 those who are both at the hearings and those who
17 cannot be at the hearings. Our job is to look
18 long-term, our -- our job really is to put our minds
19 into the businesses and the residents' minds that
20 can participate and not participate in the process.
21 And so that's really my whole career.

22 Energy kind of has spanned the entire
23 career with the early section relating to growth in
24 cities and extension of services and service areas
25 and then more recently in working with SCE&G and

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
2 Berkeley Electric Cooperative on both informational
3 knowledge that they are sharing in trying to get it
4 to both our business and our residential communities
5 and also with a challenge program that the City runs
6 that is more businesses where we try to connect some
7 of the great information that's now available from
8 the electric companies on energy and efficiency and
9 on incentives that are now available.

10 Finally, and I mentioned that the Bureau
11 of OSHA and Energy Management and the Renewable Task
12 Force representing both of our mayors in recent
13 years, just in working to understand what the impact
14 of offshore wind would be on Charleston, looking at
15 particular areas, understanding the process that
16 that task force went through and determining the
17 areas that would be available and put out for bid
18 and now to a potential lead source has indicated
19 interest.

20 Water and sewer. Water and sewer
21 similar to the early days with energy and that has
22 to do with extension of services and, in particular,
23 the reason that the City of Charleston annexed some
24 of -- many of some of the early annexations had to
25 do with sewage treatment plants that are owned by
private companies that were failing. So working

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
2 then with the Charleston water system on bringing
3 those on-line and evaluating whether we could indeed
4 do that for communities that wish to be annexed.
5 And then more recently with resilience, working with
6 Charleston water system and understanding what they
7 and the electric companies are doing to ensure
8 redundancy, to assure ability to withstand certain
9 kinds of weather-related impacts.

9 Q. Are you familiar with the two advisory
10 opinions issued by the Review Committee dealing with
11 attendance at legislative receptions and legislative
12 caucus meetings?

13 A. I am.

14 Q. Have you attended any legislative
15 receptions or any legislative caucus meetings since
16 receiving the advisory opinion?

17 A. I have not.

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

23 A. I would immediately tell them that they
24 need to be talking to someone else, probably the
25 Office of Regulatory Services, and that we can't

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
2 have this conversation because of the concern that I
3 might learn something that needs to be shared in an
4 open environment.

4 Q. Can you explain the general rule about
5 ex parte communication?

6 A. That's what I began to touch on, is
7 what -- what I perceive is that allowed ex parte
8 communication is incredibly valuable because it
9 allows in a setting like this for everybody to learn
10 the same thing at the same time and to learn it from
11 experts and to learn it where you can ask questions
12 and delve into it deeply. What's not allowed is
13 when it's one person who has that information
14 sharing it with the Commissioner, and that's where
15 you need to end the conversation immediately.

16 Q. Are you aware that commissioners are
17 subject to the Judicial Code of Conduct as well as
18 State ethics law?

19 A. I am.

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

23 A. I am not.

24 Q. Do you belong to any organizations that
25 discriminate based on race, religion or gender?

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON

1 A. I do not.

2 Q. What is the appropriate demeanor for a
3 commissioner?

4 A. To listen respectfully, to -- to
5 dedicate yourself to understanding the issues that
6 are in front of them. To both approach the work in
7 a way that is above any question, whether it is the
8 work or whether it is in your -- the rest of your
9 life.

10 Q. Would that apply only while you are on
11 the bench or would that apply seven days a week/24
12 hours a day?

13 A. Twenty-four hours a day, seven days a
14 week.

15 Q. Is there ever a role for sternness or
16 anger with commissioners?

17 A. Anger for sure not. Sternness, I think
18 it probably depends on your definition of it, but
19 it's important to be clear and -- and to get
20 someone's attention.

21 Q. Have you made any contributions to
22 members of the General Assembly within six months of
23 filing your application?

24 A. I have not.

25 Q. Have you made any contributions to

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
2 members of the General Assembly since filing your
3 application?

3 A. No, I have not.

4 Q. Have you sought or received a pledge
5 from any legislator prior to this date?

6 A. I have not.

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

10 A. I have not.

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

15 A. I have not.

16 Q. Ms. Williams, you sent an e-mail to me
17 over the weekend.

18 A. Yes.

19 Q. And you reported that a friend of
20 yours --

21 A. Right.

22 Q. -- had contacted Senator Campsen.

23 A. Right.

24 Q. Do you have that e-mail with you?

25 A. I do. But I did not -- the reason I

1 CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY MS. ANDERSON
answered no is that I did not request that.

2 Q. Can you please explain what happened?

3 A. Sure. I'd be happy to. Would you like
4 for me to give you a copy of it?

5 Q. I have copies.

6 A. Okay. Okay. My parents were
7 entertaining a friend of mine who -- and they were
8 telling why I was coming to town again, and they
9 just mentioned it in passing. And what you'll see
10 at the top of the e-mail are relatively -- well, I
11 guess it's not the top of the e-mail anymore, but my
12 parents say we mentioned that they would -- that I
13 would be here Sunday night for Monday's interview
14 FYI the following. Hope it does not cause a problem
15 but will help.

16 They clearly understood and did not ask
17 this person to reach out. You'll see what follows
18 that a friend of our families went to school with --
19 went to Furman with Senator Campsen and she reached
20 out -- she referenced some qualifications but she
21 also did say if you can help in any way I would
22 appreciate it. I wanted to make sure that you knew
23 about it and knew that I was not a party to that
24 request.

25 Q. That you did not request the e-mail or

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY SENATOR HUTTO
1 any type --

2 A. Absolutely not.

3 Q. Okay. Thank you.

4 A. Sure.

5 Q. A few more questions. Are you aware
6 of -- I'm sorry. Are you aware of the 48-hour rule
7 which prohibits a candidate from seeking pledges for
8 48 hours after a report has been submitted to the
9 General Assembly?

10 A. Absolutely.

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

13 A. Yes.

14 MS. ANDERSON: I have no more questions,
15 Mr. Chair.

16 EXAMINATION

17 BY SENATOR HUTTO:

18 Q. Thank you for being back again because I
19 know sometimes when somebody runs for political
20 office or tries to seek a position or in this case a
21 seat on the Public Service Commission and they don't
22 get it the first time they just go away but I -- you
23 know, there's a certain sticktoitiness that -- that
24 is required for some of these, so we appreciate
25 having you back, and we also take note that you did

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY SENATOR HUTTO
1 very well on your exam.

2 So being a non-commissioner, how did you
3 go about studying for something that you don't sit
4 for every day?

5 A. I wish I could bring you my exhibit, but
6 I -- I'm one of those folks that I read every paper
7 in my hand, I process The Wall (phonetic) and read
8 through it and highlighted it. I also looked at old
9 interviews and looked at questions from your
10 interviews that are public so that I could
11 understand what might be the questions being asked.
12 And having been through it it's a little bit easier
13 to anticipate, you know, what the recent successes
14 are that you all have had and that there might be
15 questions on that. So really just dedicating the
16 time to focus on the issues and absorb them as much
17 as I could.

18 Q. In the, I guess, last few years we've
19 had review hearings based on the Base Load Review
20 Act and what do you see the role of the public in
21 that? Do they have a right to come and testify at a
22 hearing?

23 A. Oh, abso -- the public always has a
24 right to that. You know, I think I was thinking a
25 little bit more deeply that I know the public is

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY REPRESENTATIVE FORRESTER

1 very concerned about the impact to their utility
2 bills, but I also understand there's broader goals
3 in -- in play with the Base Load Review Act.

4 Q. And what are those goals?

5 A. Well, in general terms, I think it was
6 that -- I'm -- I'm learning more every day about
7 this but, in general terms, I think it was more
8 that -- not a literal capital cost pay as you go
9 kind of program but a way where you're paying up
10 front. And then when the -- when the -- in this
11 case a nuclear power plant comes on-line that
12 there's savings overall. I think that was -- in the
13 biggest picture that was the goal that the public --
14 the business and the residential public would have
15 savings in the long term because of the way that it
16 was going to be financed. I can go into more
17 detail, but...

18 SENATOR HUTTO: No, I can see from your
19 exam that you probably could. Thank you.

20 Any other members of the committee have
21 any questions? All right. Mr. Forrester.

22 REPRESENTATIVE FORRESTER: Thank you.

23 EXAMINATION

24 BY REPRESENTATIVE FORRESTER:

25 Q. Ms. Williams, what would you say has

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY REPRESENTATIVE FORRESTER

1 been your most -- I guess your most accomplishment
2 during your planning career? What would you say was
3 the highlight of your career?

4 A. I didn't anticipate that one, but that's
5 a great question. You know, it's -- it's hard
6 looking back on it to be one thing. It -- just
7 seeing the way that a community has changed in 30
8 years is just a real honor to have been at the table
9 and seen a variety of issues that our council has
10 dealt with and our -- the community has dealt with.
11 I'm really struggling to give you one example.

12 If you make me I'll pick one but -- but,
13 you know, when I think about the relatively small
14 60,000 person community that Charleston was at the
15 time that I started working and you think about the
16 diversity of the community that we have today and to
17 have seen the changes, to both balance the
18 preservation of some aspects of Charleston but to --
19 to look at the economic growth that the greater
20 Charleston area has, there I'm thinking about -- I'm
21 thinking about Boeing but I'm also thinking about
22 the Wind Turbine Testing Facility and the fact that
23 there's some -- that's not my accomplishment but
24 that is a real coup for South Carolina to have some
25 of the investments that they have in onshore and

CAROLYN LEONE (CAROLEE) WILLIAMS - EX. BY REPRESENTATIVE FORRESTER

1 offshore wind testing. I have to say it's really
2 just having a seat at that table and nudging little
3 parts of it along. Do you want to make me say
4 something?

5 Q. No, that's all right.

6 A. Okay. Thank you.

7 Q. My last question, tell me why you're the
8 most qualified for this position.

9 A. Wow. That -- that is a hard one. Here,
10 as of last night, my -- my thought about the work
11 that the Public Service Commission does and what I
12 understand about it is that three years ago I
13 understood perhaps the circumference of the issues
14 if you think physically about something like an
15 iceberg. Now I have an understanding of the depth
16 as I've learned more.

17 The reason I'm the most qualified is
18 because I'm not the most qualified, but I have a
19 drive to learn about the interior of that iceberg.
20 That's really my -- my answer.

21 REPRESENTATIVE FORRESTER: Thank you.

22 SENATOR HUTTO: Okay. What we'll do is
23 ask you to stay, ask everybody else to leave for a
24 minute and we'll go into executive session and we'll
25 be here briefly and then we'll move ahead.

1 (Executive session.)

2 SENATOR HUTTO: All right. It's 10:45.
3 We will call this screening back to order and we'll
4 move now from District 1 to District 3 for the
5 screening of Comer H. "Randy" Randall, III.

6 Commissioner, good morning.

7 COMMISSIONER RANDALL: Good morning.

8 SENATOR HUTTO: First we'll ask you to
9 be sworn in.

10 COMER H. "RANDY" RANDALL, III
11 being first duly sworn, testified as follows:

12 SENATOR HUTTO: And we'll turn this over
13 to staff for some questions and then the committee
14 will follow up with some questions and give you an
15 opportunity to speak throughout this process as
16 well.

17 MR. GOLDEN: Mr. Chair, I'd like to take
18 this opportunity to summarize Commissioner Randall's
19 background and experience. Commissioner Randall is
20 a graduate of Presbyterian College where he received
21 his bachelor of science in 1975. In 1979
22 Mr. Randall received his master's in education from
23 the University of Georgia. Mr. Randall has served
24 on the PSC since 2013.

25 Before serving on the Commission

1 Commissioner Randall worked in a number of different
2 capacities, most recently served on the Piedmont
3 Municipal Power Agency Board from 2004 to 2014,
4 served as chairman of that for three years. During
5 that time Commissioner Randall was also the mayor of
6 Clinton. From 20 -- 2006 to 2013 he was also on the
7 American Public Power Association Policy Makers
8 Council, served as the national chair on their board
9 of directors from 2011 to 2012. He was also the
10 chairman of the Clinton/Newberry Natural Gas
11 Authority from 2003 to 2013. And before becoming
12 mayor of Clinton Mr. Randall served on City Council
13 of Clinton from 1993 to 2003.

14 Do you have any amendments to your
15 Personal Data Questionnaire?

16 COMMISSIONER RANDALL: No, sir.

17 MR. GOLDEN: I would request at this
18 point that Commissioner Randall's Personal Data
19 Questionnaire be entered into the record with any
20 confidential information redacted, and I would
21 request also that the candidate's annual review by
22 the Public Utilities Review Committee, since the
23 candidate's prior screening, also be entered into
24 the record.

25 (EXH. 4, Personal Data Questionnaire for

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN
1 Comer H. "Randy" Randall, II, was marked

2 for identification.)

3 (EXH. 5, Performance Evaluation for

4 Comer H. "Randy" Randall, III, was

5 marked for identification.)

6 MR. GOLDEN: As part of our background
7 investigation of the candidate we obtained a credit
8 check, driver's license and SLED check. For the
9 record, I would also like to state that none of
10 those turned up anything negative about Commissioner
11 Randall or that should be brought to the attention
12 of the subcommittee.

13 Before I begin questioning, Commissioner
14 Randall, would you like to make a brief statement?

15 COMMISSIONER RANDALL: Just I'm glad to
16 be here, I've enjoyed serving for the last three
17 years and so -- it's a very worthy cause so I think
18 I'm looking forward to getting on with this.

19 MR. GOLDEN: Thank you.

20 EXAMINATION

21 BY MR. GOLDEN:

22 Q. Please state your name and home address
23 for the record.

24 A. Comer H. "Randy" Randall, III. 306 West
25 Maple Street, Clinton, South Carolina.

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN

1 Q. Are you a registered voter?

2 A. I am.

3 Q. Which Con -- which Congressional
4 District do you vote?

5 A. 3rd District.

6 Q. Could you describe an ordinary workday
7 for you at the Commission?

8 A. Wow. There's no ordinary days, you
9 know. We -- we -- we start -- well, I start every
10 day with about an hour commute from Clinton to
11 Columbia but, you know, different days require
12 different things, but every day starts with a lot of
13 reading, a lot of -- we have a lot of testimony, a
14 lot of different things that we get sent on each
15 case. I used to take a lot of time -- our -- our
16 staff is a very good staff, so every day just about
17 I talk with somebody on either the legal side or the
18 technical side of our staff about upcoming cases
19 that are about things that we are talking about.

20 So it's -- it's -- you know, we --
21 different days -- Wednesday is our meeting day but
22 we have meetings where we get briefed on other days
23 and then we have lots of days where we will have
24 anything from an ex parte hearing to a variance
25 hearing on rate cases and that kind of thing. So

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN
1 every day is a full day.

2 Q. Thank you. You mentioned a little bit
3 about your contact with staff. What kind of role do
4 they play with the commissioners?

5 A. Staff -- you know, our staff is -- is
6 excellent. They -- you know, they're there
7 basically to answer questions but also to -- they
8 brief us on things that -- especially on procedure.
9 But, also, we've got a great technical staff, people
10 that have different expertise in different areas,
11 you know, everywhere from electricity to gas to the
12 telephone. So we interact a good bit with our
13 staff.

14 Q. Thank you. If you are approached by
15 someone wanting to discuss a matter that may or
16 likely may become an issue before the Commission,
17 how would you go about that?

18 A. Well, first of all, tell them that we
19 can't talk about that. You know, ex parte
20 communications are prohibited. So we shut it down
21 immediately; however, if something does come up, if
22 somebody does say something, you have to report it.
23 Of course, we make sure that our staff knows it has
24 to go on the record, Public Utility Review Committee
25 needs to know about it especially if it's one that's

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN
1 intentional. So all parties need to be notified
2 about that.

3 Q. Are you familiar with the two advisory
4 opinions issued by PURC concerning attendance at
5 legislative functions and caucus -- legislative
6 caucus meetings?

7 A. Yes, I am.

8 Q. Have you attended any legislative
9 reception, function or caucus meeting?

10 A. No, I have not.

11 Q. Is it appropriate for a commissioner to
12 express a personal opinion on an issue within the
13 utility industry provided that that expression is
14 meant to educate the public and the issue is not
15 pending before the Commission at the time the
16 opinion is expressed?

17 A. My personal opinion is I don't express
18 an opinion on -- on anything. Being under the
19 judicial canons we try to make sure that everything
20 that we do is -- is subject to that.

21 Q. Thank you. What is the appropriate
22 demeanor for a commissioner?

23 A. I think we always try to treat everybody
24 like we want to be treated. You know, we want to be
25 very professional. We have -- in our hearings that

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN
1 we have on the merits, in our ex partes, in -- in
2 our public -- public hearings that we have for
3 citizens to express themselves. I think we all try
4 to maintain a very professional attitude, a very
5 listening attitude. We do a lot of listening and
6 not much talking.

7 Q. Does that only apply in the hearing
8 setting or is that seven days a week?

9 A. Seven days a week.

10 Q. Is there ever a role for sternness or
11 anger amongst commissioners?

12 A. Not from me. I've been in -- in this
13 business -- you know, we -- there are times when the
14 Chair has to be firm and move a meeting along, but I
15 don't think there's ever a sternness or anger
16 necessary or shown.

17 Q. I know it's only been your first term,
18 but could you please describe the three biggest
19 issues that have come before the Commission or may
20 even be pending right now?

21 A. Well, you know, as far as our big
22 issues, we -- we've recently -- and this is all I'll
23 say about this one because we -- we've recently had
24 to rule on competition in the telecom industry, but
25 that's still under appeal so that's as much as I'll

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN
1 say about that.

2 Of course, we're ongoing with -- also
3 with the -- when you're talking about the Base Load
4 Review Act with the nuclear plants that are at V.C.
5 Summer. And, of course, we had the issue come up
6 with the transportation network carrier that we had
7 a ruling on and then we -- but the General Assembly
8 made a -- put the law in where they wanted it to be
9 so -- so now we're out of that one.

10 Q. Thank you. Following up on Number 2 I
11 think you mentioned, what is the purpose of the Base
12 Load Review Act?

13 A. The Base Load Review Act basically is a
14 way to finance a new base load generation. You
15 know, we -- new base load, which is nuclear or coal,
16 the -- basically the -- the way to -- for utilities
17 to recover cost pre-construction or cost of
18 construction while the plant is being constructed
19 but has not yet been put into service. If it's the
20 nuclear plant, there's also some pre-construction
21 costs that can be recovered in that and also since
22 Carter (phonetic) rights, that type of thing.

23 You know, it's -- base load plants, you
24 know, can be either nuclear or coal; but if it's
25 coal, it's got to be the best available technologies

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY MR. GOLDEN
1 by -- as set by EPA. It's got to run at least 70

2 percent capacity to be at least 350 megawatts.

3 Q. Is there a way that the public may
4 participate in proceedings under the Base Load
5 Review Act so that their voices are heard?

6 A. Well, everything we that do, every
7 proceeding that's -- that we have -- merits hearings
8 or any -- we generally have in the merit hearing a
9 time for public input. We -- on big -- on rate
10 cases, that kind of thing, we have public hearings
11 around the State so that -- folks who are able to
12 express their opinions.

13 Q. As a commissioner, what is your
14 obligation in weighing the interest of the public
15 versus that of an investor-owned utility?

16 A. Well, we -- we have to make sure that
17 the rate payer is considered, we also have to make
18 sure that the financial stability of our utilities
19 and how that interacts also with the economic
20 development of our state. So we -- there's a
21 balance there and it's pretty closely defined by
22 law, I think.

23 Q. Thank you. Have you sought or received
24 a pledge of any legislator?

25 A. No.

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY SENATOR HUTTO

1 Q. Have you sought or been offered a
2 conditional pledge of support by any legislator
3 pending the outcome of this screening?

4 A. No, sir.

5 Q. Have you asked any third parties to
6 contact members of the General Assembly on your
7 behalf?

8 A. No.

9 Q. Are you aware of any friends or
10 colleagues that maybe attempted to contact any
11 members of the General Assembly --

12 A. No.

13 Q. -- on your behalf?

14 A. No.

15 Q. Are you familiar with the 48-hour rule?

16 A. Yes.

17 Q. Do you plan to serve a full term if you
18 are reelected?

19 A. Absolutely.

20 MR. GOLDEN: Thank you. Mr. --

21 Mr. Chair, I have no further questions.

22 SENATOR HUTTO: Thank you.

23 EXAMINATION

24 BY SENATOR HUTTO:

25 Q. Commissioner Randall, you have served on

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY SENATOR HUTTO
1 the nuclear subcommittee at NARUC?

2 A. Right.

3 Q. And what is the general view of the
4 future of nuclear among some of your commissioners
5 that don't have a plant being built?

6 A. It's interesting because everybody looks
7 to South Carolina on a lot of issues, especially
8 nuclear. And I think it sort of goes -- depends on
9 what section of the country that you're in, but I
10 think most people know that when you're looking at
11 the -- at the EPA's Clean Power Plan that the way
12 to, you know, meet the carbon objectives, especially
13 base load power, is nuclear. And there -- there's
14 lots of -- I think -- one of the things I tell other
15 folks is I'm -- I'm glad to be where we've got 48
16 percent nuclear because we're -- we're going to have
17 the lights on when other people are going to be
18 sitting in the dark, I think. But at the same time
19 you've got the issue of nuclear waste, and part of
20 the subcommittee that I'm -- I'm dealing with is --
21 deals with nuclear waste and -- and what's going to
22 happen with Yucca Mountain and if there are other
23 states that want to be -- you know, take the nuclear
24 waste. And there's -- we have a -- we have a call
25 at a briefing about once every other month about

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY REPRESENTATIVE FORRESTER
1 that.

2 So different -- different areas of the
3 country have different ideas, but I think that's one
4 of the ways that we're going to be able to meet
5 EPA's.

6 Q. Do you think that people are waiting to
7 see the outcome of the construction of the new
8 facilities?

9 A. Yeah, I think so. I think that's --
10 that's a very fair statement to say folks are
11 trying -- you know, nobody's built a nuclear plant
12 in 30 years, so this is a pretty big deal nationwide
13 for South Carolina and Georgia at Vogtle to be
14 putting these plants in operation. You know, while
15 they -- you get big public -- publicity on when they
16 have delays, you know, things that folks have to
17 remember is that it is the first time there's been
18 one built in 30 years. So it's a pretty normal
19 situation in the process, I think.

20 SENATOR HUTTO: Any other committee
21 members have any questions for the Commissioner?

22 REPRESENTATIVE FORRESTER: Thank you.

23 EXAMINATION

24 BY REPRESENTATIVE FORRESTER:

25 Q. Just along those same lines, what are

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY REPRESENTATIVE FORRESTER

1 you hearing of what's being done at the national
2 level about hacking -- the potential of hacking into
3 our nuclear power system grids?

4 A. We have sessions just about every time
5 we have a meeting with NARUC or SEARUC about cyber
6 security, and it sort of ebbs and flows to me with
7 different people. I think everybody -- in fact, we
8 just got -- just got a book that I bought that was
9 talking about the national grid, and I think the
10 integrity of the grid is where people are mostly
11 worried about.

12 In my experience from -- from before
13 when I was dealing with APPA I know a lot of
14 utilities the investor owns and the -- the public
15 power utilities have all invested pretty heavily in
16 separate ways on cyber security. And I think the
17 big push now is to make sure that we've got
18 everybody coordinated because, you know, you don't
19 want to have a cascading effect when something goes
20 down as you get hacked in the Northeast and it -- we
21 had that happen when it spread to Canada and spread
22 down the East Coast because we -- you know, all
23 those electrons are -- belong to everybody, so it's
24 a -- it's a serious -- very serious issue and I
25 think the connectivity is what -- what I hear mostly

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY REPRESENTATIVE FORRESTER

1 in our meetings, about making sure that the right
2 hand knows what the left hand is doing.

3 Q. What would you say has been your
4 greatest accomplishments in your three-year tenure
5 on the Commission?

6 A. Wow. Well, I think learning a whole lot
7 more about what we're doing. You know -- you know,
8 this is a very complex business and I think that,
9 you know, Act 175 -- I think one of the goals was to
10 have an educated commission and I think that our --
11 our group has done a good job at having
12 commissioners that know what they're doing.

13 So I -- and I think -- I guess as far as
14 accomplishments goes, I think the moving along, you
15 know, making sure that we are being fair in every
16 issue that we take up, making sure that we are
17 hearing the people of South Carolina and especially
18 the rate payers, but maintaining the financial
19 integrity of our utilities, too.

20 Q. There is no one opposing you, but can
21 you tell me why you're most qualified in that
22 position?

23 A. Well, you know, I was -- I was looking
24 at that, thinking about that, and I think -- I think
25 my prior experience -- I'm the only commissioner

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1 that has ever been actually in the business on the
2 delivery side of -- of a utility, so I bring that to
3 the table, I think. And I think that, you know, my
4 experience having been on that side of it with
5 electricity, with gas, with water and sewer, with
6 waste collection as well gives me a little bit
7 different insight to things.

8 And I was fortunate enough to be able to
9 be involved with American Public Power with
10 policymakers, which is elected officials on the
11 municipal level from all over the country. And
12 we -- we engaged in a lot of dialogue with people
13 from every area of the country and, you know, had
14 the -- I wouldn't -- I was not considering a good
15 portion at the time, but when I was having to
16 testify at EPA with Ms. McCarthy on the -- on the
17 Mack rules it gave me a real background in what
18 we're doing. And now that we've had -- I think one
19 of the -- one of the good things about the way we
20 elect our commissioners is having a test, having a
21 public hearing like this and people from all over
22 the country wonder about that.

23 But I think -- you know, it really makes
24 us focus on not only the issues that we've got going
25 on at any particular time but it also helps us focus

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY SENATOR HUTTO
1 and -- on the -- you know, just knowing the
2 business, knowing the rules of the game and knowing
3 the details in everything that we do.

4 REPRESENTATIVE FORRESTER: Thank you.

5 EXAMINATION

6 BY SENATOR HUTTO:

7 Q. Let me ask you. What do you see is the
8 future of renewables and the use of renewables in
9 our energy mix?

10 A. Well, I mean, we're going to have
11 renewables with the -- with Act 236 coming in. It's
12 goings to be a balance, you know. We're talking
13 about -- and I know you're keeping up with
14 everything with -- we're doing all of our
15 utilities -- electric utilities are doing -- have
16 really focused pretty heavily on community solar,
17 but also working on the part of Act 236 -- the small
18 scale solar, you know, the residential has got to be
19 20 kilowatts or less. So I think it's going to be
20 there.

21 Still -- you know, we're still having
22 hearings on interconnection -- you know, the
23 interconnection agreement I think is probably --
24 is -- has been a work in progress. And I think that
25 a lot of people are -- are looking at that and

COMER H. RANDY "RANDALL" RANDALL, III - EX. BY SENATOR HUTTO

1 it's -- it's beginning to get some momentum. I
2 think everybody was a little nervous about how it
3 was going to start and how -- and I think right now
4 in South Carolina solar is going to be our -- our
5 first real wave of renewables since we haven't
6 really had a chance to -- to do any wind research
7 too much. We've done some, but it's really solar is
8 where it's going to be. So I think we're probably
9 at two percent right now, I think that's probably
10 going to grow.

11 But you -- you know, it's -- one of the
12 things that I think everybody agrees on is that I
13 think communication is -- is a must when you're
14 talking renewables. I don't think you can -- you
15 know, you can't promote solar energy as base load
16 power when you're talking in the difference of a 17
17 percent capacity factor as opposed to a 90, 95
18 percent capacity factor.

19 So I think that's communication,
20 marketing, how it's done and how it works into the
21 system and there's -- it's -- when you're talking
22 about bidirectional meters and that kind of thing,
23 it's a really -- it's really a complicated deal.

24 SENATOR HUTTO: Anybody else have any
25 questions?

1 (No response.)

2 SENATOR: All right. At this time we'll
3 ask you to stay, ask everybody else to leave for a
4 quick executive session and we'll be back on the
5 record in just a minute.

6 (Executive session.)

7 SENATOR HUTTO: Okay. We will lift the
8 veil. No action was taken in executive session.
9 We're now back in public session, continuing with
10 the screening of the Fifth District for Public
11 Service Commission and we have before us William J.
12 Billy Hagner.

13 Good morning.

14 MR. HAGNER: Good morning.

15 SENATOR HUTTO: We first ask that the
16 court reporter swear you in.

17 WILLIAM J. HAGNER

18 being first duly sworn, testified as follows:

19 SENATOR HUTTO: Okay. We're going to
20 proceed with some questions by the staff in which
21 you'll be given an opportunity to speak and address
22 us about why you want to serve, and then after that
23 we may have some follow-up questions. So I'll turn
24 it over to the staff.

25 MR. GOLDEN: Mr. Chairman, I'd like to

1 summarize Mr. Hagner's experience before I get into
2 the questioning.

3 Mr. Hagner began his education at the
4 University of Arkansas before transferring to
5 Louisiana Tech University in 1966. He went on to
6 graduate with a bachelor's of science degree in
7 mechanical engineering in 1970. He also took
8 additional graduate courses in mechanical
9 engineering toward his master degree. He would
10 later return to school in 1988, getting his MBA from
11 Winthrop University in 1990.

12 Mr. Hagner began his professional career
13 in August of '70 in the engineering department of
14 International Paper Company. In 1974 he was
15 transferred to the power utilities department,
16 starting as a supervisor, and then became assistant
17 plant -- power plant superintendent. 1981

18 Mr. Hagner was hired to supervise the power/public
19 utilities department for Bowater, and then in 1990
20 he was promoted to the power utilities
21 superintendent/manager -- manager role where he
22 worked until his retirement in 2010.

23 All of that came from your Personal Data
24 Questionnaire. Do you have anything you need to
25 amend to your PDQ?

1 MR. HAGNER: No. That sounds accurate.

2 MR. GOLDEN: Okay. I would request at
3 this time that Mr. Hag -- Mr. Hagner's Personal Data
4 Questionnaire be entered into the record, also
5 redacting any confidential information.

6 (EXH. 7, Personal Data Questionnaire for
7 William J. Hagner, was marked for
8 identification.)

9 MR. GOLDEN: As part of our background
10 investigation of the candidate we obtained a credit
11 check, driver's license and SLED check. For the
12 record I would like to state that the credit check,
13 driver's license, SLED report -- none of it showed
14 anything negative and/or -- or that should be
15 brought to the attention of this committee.

16 Before we begin the questioning is there
17 a short statement you'd like to make to the
18 committee?

19 MR. HAGNER: Nothing other than I
20 appreciate the opportunity to -- to apply for this
21 position and it has been a learning experience, not
22 only about the -- what all the PSC does and ORS but
23 also how the Government -- the legislature works and
24 a few of those things that I really haven't thought
25 about too much until I got a little more involved in

1 WILLIAM J. HAGNER - EX. BY MR. GOLDEN
it. So it's been a learning experience on my part.

2 Appreciate it.

3 MR. GOLDEN: Thank you.

4 EXAMINATION

5 BY MR. GOLDEN:

6 Q. Please state your name and your address
7 for the record.

8 A. William J. Hagner. 1901 Voyager Road in
9 York, South Carolina.

10 Q. Are you a registered voter?

11 A. Yes, I am.

12 Q. Which Congressional District are you
13 registered?

14 A. Fifth.

15 Q. Why are you interested in serving on the
16 Public Service Commission?

17 A. Well, I guess, first of all, my entire
18 background has been in the power utilities business.
19 I feel like it was a -- it's a pretty good -- pretty
20 good qualification to be on the Public Service
21 Commission.

22 I've been in power generation where we
23 generate electricity on an industrial level. I've
24 been in coal generation, which is most -- most of
25 the heavy industry has, especially the paper

1 WILLIAM J. HAGNER - EX. BY MR. GOLDEN
2 industry. I've got experience in electrical
3 distribution systems, experience in water systems,
4 treating water -- raw water and making high quality
5 processed water. Also biomass steamer -- biomass
6 steam production, also waste treatment. I've got
7 experience in electrical contracts and gas
8 contracts, so that's kind of where my background is
9 coming from, so I would feel like those
10 qualifications would be a good -- a good set for the
11 PSC but also add more diversity in the way of work
12 experience on the Commission. So that's -- that's
13 my main reason for that.

14 I also -- what kind of brought it to my
15 attention originally I guess in our area we had been
16 having some issues with I guess some drinking water
17 and quality and service issues that I'm not involved
18 in, I'm not on the system, but I did hear a good bit
19 of the conversation on that and all the news. But
20 that's kind of what made me start thinking in this
21 direction.

22 Q. As a follow-up to that have you attended
23 any hearings at the Commission?

24 A. I attended one of the ex parte -- it was
25 on an IOP you had about a month ago.

Q. Have you read any of the Commission's

1 WILLIAM J. HAGNER - EX. BY MR. GOLDEN
decisions?

2 A. I can't say that I have read any of the
3 decisions.

4 Q. Can you describe your experience -- you
5 just did a little bit, but a little bit more about
6 your expertise in the following, be it energy
7 issues, telecom, consumer protection, water and
8 wastewater issues, finance -- any of those under the
9 statute? And you just talked a little bit about
10 your engineering background, but just a little bit
11 more?

12 A. Yes, sir. As far as my engineering
13 background I was in the plant engineering department
14 for several years and handled both small and larger
15 projects, probably the largest project was in the 5
16 to \$6 million range but it was several years ago.
17 Here again, on all my -- I didn't stay in
18 engineering very long, just went into operations,
19 but it was more what I would like to do so I have,
20 like, been around urban generators, steam
21 generators, I was in biomass and all of that. All
22 my vocation has been responsible for the treating of
23 water and waste treatment.

24 As far as telecommunications, I really
25 don't have any experience in transportation, nothing

1 WILLIAM J. HAGNER - EX. BY MR. GOLDEN
2 there. As far as I guess accounting and economic
3 type things, I've had several -- I probably put
4 three or four economic type classes both in the
5 engineering and MBA program.

6 And as a power utility manager quote
7 responsible for a budget, anywhere from a \$50
8 million budget to a lot of different things. And we
9 were responsible for the maintain -- operation and
10 we had to have a certain -- any kind of project or
11 anything we would properly return on the investment.
12 And our business was very competitive commodity type
13 product we sold, so it was very competitive and was
14 very important that we operated officially and knew
15 what our costs were.

16 Q. Thank you. Are you familiar with the
17 two advisory opinions issued by the Public Utility
18 Review Committee addressing attendance at
19 legislative functions and legislative caucus
20 meetings?

21 A. Yes, I am.

22 Q. Have you attended either of those or any
23 of those?

24 A. No, I have not.

25 Q. Thank you. What role does the Public
Service Commission play in establishing the service

1 WILLIAM J. HAGNER - EX. BY MR. GOLDEN
territory for cable companies in South Carolina?

2 A. Cable companies in South Carolina. I
3 can't say that I'm for sure on that, but I do know
4 that they -- when you get into the competitive side
5 of it it's not as involved as the noncompetitive
6 side.

7 Q. Okay. What's South Carolina's electric
8 generation mix?

9 A. What they actually produce? I think
10 around 55 percent nuclear, 25 coal and around ten is
11 the gas. And the rest is either hydro and renewable
12 type biomass, solar. I think that's the...

13 Q. Thank you. Assume that you are serving
14 on the commission and you're approached by someone
15 who wishes to discuss a matter that is pending or
16 possibly could become pending before the Commission.
17 How would you handle that?

18 A. First of all, you know, I would -- as
19 soon as I could I would tell him -- I assume I would
20 tell him immediately I could not discuss anything,
21 only -- only upcoming general that could be -- only
22 at an upcoming event. I guess depending upon -- I
23 know there was two ways, one could be an
24 inadvertent -- inadvertently type communication and
25 another one I guess would be more of a blatant type

1 WILLIAM J. HAGNER - EX. BY MR. GOLDEN
communication.

2 I think in either case I would have to
3 report it, probably need a little more guidance on
4 what to do after that, but I do know it's not
5 allowable and go from there.

6 Q. Are you aware that commissioners are
7 bound by the Judicial Code of Conduct?

8 A. Yes, I am.

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

12 A. I am on a gas authority board in York
13 County. I feel like it would have to be evaluated
14 because the PSC does enforce and review safety
15 performance or the safety parts of the pipeline
16 system. I am a precinct chairman in my precinct as
17 we evaluate that. And then I also am a pole manager
18 for a precinct, electric, but I don't think that
19 would be a problem.

20 Q. Would you be willing to resign any of
21 those if you were elected?

22 A. Yes, I would.

23 Q. Okay. Do you belong to any
24 organizations that discriminate based on race,
25 religion or gender?

WILLIAM J. HAGNER - EX. BY MR. GOLDEN

1 A. No, I don't.

2 Q. And what is the appropriate demeanor for
3 a commissioner?

4 A. I think a commissioner should be very
5 calm is one thing, should be attentive, should treat
6 people with respect, treat people like you want to
7 be treated.

8 Q. Is there ever a role for sternness or
9 anger from commissioners?

10 A. I would not think anger -- I know not
11 anger. Sternness I would think could be -- not
12 knowing what all the situations, I think there could
13 be situations where you did have to be stern.

14 Q. Can you tell me what -- what is
15 cross-subsidization amongst energy classes?

16 A. Cross-subsidization?

17 Q. Mm-hmm.

18 A. I don't -- energy classes, I don't
19 remember reading something on that. I'm not
20 familiar.

21 Q. Did you make any contributions to
22 members of the General Assembly within six months of
23 filing your application?

24 A. No, I have not.

25 Q. Have you made any contributions to

1 WILLIAM J. HAGNER - EX. BY SENATOR HUTTO
members since filing your application?

2 A. No.

3 Q. Have you sought or received a pledge of
4 any legislator to date?

5 A. No, I have not and I haven't asked
6 anybody to seek a pledge as far as anything like
7 that.

8 Q. So nobody on your behalf is trying to do
9 that?

10 A. No.

11 Q. Are you familiar the 48-hour rule on
12 pledging -- which prohibits you from seeking pledges
13 until 48 hours after the report of the Public
14 Utility Review Committee becomes public?

15 A. Yes, I'm aware of that.

16 Q. If elected, would you serve a full term?

17 A. I certainly would.

18 MR. GOLDEN: Thank you. I have no
19 further questions.

20 EXAMINATION

21 BY SENATOR HUTTO:

22 Q. How did you find out about the fact that
23 there was going to be an availability to run for
24 this? Were you recruited, did you read it in the
25 newspaper? How did you learn about it?

WILLIAM J. HAGNER - EX. BY SENATOR HUTTO

1 A. I had a person in the -- I guess in the
2 community that asked me if I would be interested.
3 She thought I would be interested in running.

4 Q. And on your questionnaire it says that
5 you went to APGA Annual Conferences for several
6 years. What is APGA?

7 A. American Public Gas Association.

8 Q. Okay. And also on your questionnaire it
9 indicated that you are a company representative to
10 the South Carolina Energy Users Committee. What is
11 that?

12 A. They represent industry and the State on
13 such things as rate cases -- our biggest -- for our
14 company our biggest thing was the electric side, so
15 they would keep us abreast of anything coming down
16 the pipe on changes in the electrical pricing and
17 rules, things like that, and they would also -- we
18 would as a group represent -- try to look at the
19 industry's interest.

20 Q. And how -- you've been retired for how
21 long?

22 A. Right at five years.

23 SENATOR HUTTO: Five years. Any other
24 representatives have any questions?

25 REPRESENTATIVE FORRESTER: Yes.

1 WILLIAM J. HAGNER - EX. BY REPRESENTATIVE FORRESTER
SENATOR HUTTO: Mr. Forrester?

2 REPRESENTATIVE FORRESTER: Thank you,
3 Mr. Chair.

4 EXAMINATION

5 BY REPRESENTATIVE FORRESTER:

6 Q. Mr. Hagner, in your experience -- most
7 of it I think was from industry; correct?

8 A. Yes, sir.

9 Q. You mentioned that you had contract
10 experience and I guess that was from an industry
11 perspective as well? Negotiating with...

12 A. Yes. Not necessarily -- you have some
13 negotiating or also following the rules of the
14 contract. As far as the electrical contract there's
15 several different types, there were things from real
16 pricing to time of day and that kind of stuff. We
17 had gas contracts and had rules we had to follow as
18 contracts.

19 Q. I believe you indicated that you
20 presently serve as a board member of the York County
21 Natural Gas Authority?

22 A. Yes.

23 Q. What's been -- what would you say has
24 been your greatest accomplishments in that role?

25 A. In which role was that?

WILLIAM J. HAGNER - EX. BY REPRESENTATIVE FORRESTER

1 Q. With the gas utility?

2 A. The gas? I guess being in the
3 industry -- there was an industry and I guess a
4 monopoly type company. You have to look awful -- a
5 lot stronger, in my opinion, on the industry side on
6 cost. I guess my interest has been on the gas side
7 of it, was trying to be as efficient as possible at
8 the same time looking at your reliability, your
9 dependability, and your long-range planning ability
10 to have gas available. I'd say that's probably the
11 biggest thing that I've been trying to emphasize,
12 would be the cost control.

13 Q. So tell me, based on your experience,
14 why you would be the most qualified for this
15 position.

16 A. Well, I feel like that I -- here again,
17 I have experience in doing a lot of the functions
18 that y'all -- that the PSC regulates, looks at from
19 the dependable -- dependability side of it, the
20 long-range side of it. And the position I was -- I
21 was in I understood the importance of both of them.
22 I just feel like having someone that has actually
23 been on the generation side of it, production side
24 of it would be a plus to go along with the other --
25 other seven to eight commissioners, or six

1 commissioners, to get a little bit more diversity on
2 the board and having people that are not involved in
3 the actual operation of that type of equipment.

4 REPRESENTATIVE FORRESTER: Thank you.

5 SENATOR HUTTO: Any other questions?

6 (No response.)

7 SENATOR HUTTO: All right. We'll ask
8 you to stay for a minute. We'll ask everybody to
9 step out so we can be in brief executive session and
10 we'll be back.

11 (Executive session.)

12 SENATOR HUTTO: We're going to go back
13 on the record and continue with screening of the
14 Public Service Commission and we're still on
15 District 5 and we have with us now Commissioner
16 Swain E. Whitfield.

17 Commissioner Whitfield, will you be
18 sworn in by the court reporter.

19 SWAIN EDGAR WHITFIELD
20 being first duly sworn, testified as follows:

21 SENATOR HUTTO: All right. We are going
22 to turn this over to staff where you'll be asked
23 some questions where you'll be given an opportunity
24 to speak as to why you want to serve and we'll
25 follow that up with questions by members of the

1 committee.

2 MS. ANDERSON: Good morning. I'm
3 going to first give a very brief summary about
4 Mr. Saleem -- Mr. Whitfield's -- his educational
5 background and experience.

6 Mr. Whitfield obtained a bachelor of
7 arts degree from the University of Georgia. He has
8 served on the Public Service Commission since 2008.
9 He currently serves on a number of NARUC committees.
10 He is the second vice president of SEARUC and serves
11 as vice president on the Gas Technology Institute
12 Advisory Board.

13 Prior to serving on the Commission he
14 served as president of Whitfield Transportation,
15 Inc., a company which he started in 1991. From 1990
16 to '91 he worked at Senn Trucking Company as
17 director of brokerage operations. From 1987 to '90
18 he served as the operations manager at Youmans
19 Transportation.

20 Mr. Whitfield has also served in other
21 public roles. He was a member of the John De La
22 Howe School Board of Trustees from 2006 to 2008, and
23 he served on the Winnsboro City Council from 1995 to
24 1999.

25 I would request that Mr. Whitfield's

1 Personal Data Questionnaire be entered into the
2 record with any confidential information such as
3 Social Security number and financial information
4 being redacted. In addition, I would request that
5 Mr. Whitfield's annual review by the Public
6 Utilities Review Committee since his last screening
7 be entered into the record.

8 (EXH. 8, Personal Data Questionnaire for
9 Swain Edgar Whitfield, was marked for
10 identification.)

11 (EXH. 9, Performance Evaluation for
12 Swain Edgar Whitfield, was marked for
13 identification.)

14 MS. ANDERSON: As part of our background
15 investigation of Mr. Whitfield, we have obtained a
16 credit check, driver's license and SLED check. For
17 the record, I would like to state that the credit
18 check, driver's license and SLED check revealed no
19 negative information for Mr. Whitfield that should
20 be brought to the attention of the subcommittee.

21 Before we begin questioning, do you have
22 a brief statement that you would like to make?

23 COMMISSIONER WHITFIELD: Yes,
24 Ms. Anderson, I would. I'd like to thank the Review
25 Committee for -- for another term. I'd like to

1 thank you for the confidence you have shown in me
2 the past two terms. A lot has changed in my life
3 since I became a commissioner seven and a half --
4 nearly eight years ago. I sold my business just as
5 I came on the Commission, to devote full-time
6 service to the Commission, and I've since moved
7 twice as many of you know and a lot has changed.
8 But it's wonderful job. I have to pinch myself
9 every day to still believe it's true. A lot of
10 people think we deal with a lot of -- a lot of data
11 that can get kind of heavy at times, but I find it
12 interesting and fascinating and every day brings a
13 new challenge and a new witness and new experts in
14 front of us each and every day. But it's a
15 fascinating job.

16 I would like to remind the Committee
17 that I'm the only commissioner that has been in
18 transportation for 22 years and held federal
19 authority and that last year 35 percent of our cases
20 were transportation cases which led the pack in all
21 cases. I think followed by electric with 27
22 percent. So I'd like to point that out, I'd like to
23 mention some of the training. I think you all have
24 a lot of that in front of you and I will continue to
25 do that and just can't thank you enough.

SWAIN E. WHITFIELD - EX. BY MS. ANDERSON

1 It's been a wonderful experience and I'm
2 here to ask for another term because there's several
3 things in this next term that will be crucial during
4 these next four years, and I addressed some of those
5 last time I was before you and one of those is still
6 pending. So I'm eager to serve, I'm poised for
7 leadership in several NARUC and SEARUC roles and
8 hope that the Committee will find -- give me the
9 opportunity to do so again.

10 EXAMINATION

11 BY MS. ANDERSON:

12 Q. Please state your name and home address
13 for the record.

14 A. Swain E. Whitfield, 124 Palmetto Place
15 Lane, Winnsboro, South Carolina 29180.

16 Q. Are you registered voter?

17 A. I am.

18 Q. In which Congressional District are you
19 registered to vote?

20 A. Fifth.

21 Q. Please describe an ordinary workday for
22 you at the Commission.

23 A. Well, we come in and I guess like
24 everybody in this day and age, probably one of the
25 first things we do is go through e-mail and check

1 SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
2 messages and then usually we -- the Commission,
3 we -- I interact with staff, there our staff at the
4 Commission, and we kind of look at what's on the
5 agenda for this week or what brief -- what briefing
6 might be before us and I'll interact with them. And
7 then usually once that's done I kind of check
8 through either SEARUC or NARUC messages and some of
9 the committees -- many of us are on multiple
10 committees so we're constantly being kept up --
11 updated on current issues in the utility regulatory
12 industry, through both NARUC and SEARUC.

13 Q. And you touched on this, but if you want
14 to elaborate what type of contact do you have with
15 the Commission staff?

16 A. I would say in my case it's a daily
17 contact. It's -- we -- we have an excellent staff
18 as many of you know. We have six attorneys and we
19 have a couple of accounting advisers and engineers.
20 Dr. Spearman, our economist, and -- and we have a
21 water person and wastewater person as well. And we
22 have several other support people as well, and I --
23 I interact with all of them.

24 Q. Your annual review reports by the Public
25 Utilities Review Committee have been entered into
the record. Would you like to provide any

1 SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
2 additional description concerning your experience or
3 expertise that is not covered in your PDQ or your
4 annual -- annual reviews in energy issues,
5 telecommunications, consumer protection,
6 water/wastewater, finance, economic, statistics,
7 accounting, engineering or law?

8 A. I don't know of anything. There's a few
9 other NARUC-related things that are not in there
10 that are -- like that has come in in the last week
11 or so that I haven't mentioned, but I don't know of
12 anything to add to what you have there.

13 Q. Okay. If you are approached by someone
14 wanting to discuss a matter that is or may become an
15 issue in a proceeding, how would you handle the
16 situation?

17 A. Just simply tell them we -- we cannot
18 discuss it. It just really -- it really doesn't
19 happen I guess because of Act 175. I've not been
20 approached -- I think the last time before -- I was
21 before this committee I mentioned an inadvertent
22 communication that a constituent had sent me and
23 that occurred and that was prior to me even running
24 last time and that was placed in the record, but
25 completely inadvertent. And all parties were
notified and it was placed into the record and

1 SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
2 nobody had any -- anything to contest about it. But
3 other than that, in my nearly eight years I've not
4 really been approached.

5 Q. Are you familiar with the two advisory
6 opinions issued by the Review Committee dealing with
7 attendance at legislative receptions as well as
8 legislative caucus meetings?

9 A. I am.

10 Q. Have you attended any legislative
11 receptions and/or legislative caucus meetings?

12 A. I have not.

13 Q. What is the appropriate demeanor for a
14 commissioner?

15 A. The appropriate demeanor for a
16 commissioner is to -- to be impartial and -- and
17 unbiased and sit and take each and every case on its
18 own merits and weigh the evidence, weigh the
19 pre-filed testimony, the rebuttal testimony -- all
20 the testimony. And once that's all been entered
21 into the record really just to sit and be a good
22 listener and to be a good referee, if you will, to
23 make sure everyone plays by the rules and that
24 everyone -- ever party, every intervenor, every
25 party of record -- anybody that appears before us
needs to be treated fairly and equally.

SWAIN E. WHITFIELD - EX. BY MS. ANDERSON

1 Q. And would that be something that would
2 apply only while you were on the bench or at all
3 times?

4 A. That applies at all times. Certainly
5 what I just described was during a hearing, but --
6 but, really, your out of the hearing room actions
7 can have a huge impact as well. And we don't need
8 to do anything that could give the appearance of any
9 impropriety or the appearance of any bias or
10 favoritism toward -- toward any side or the
11 appearance of any opposing view of any -- any party
12 that comes before us or any -- any group or party.

13 So we really just -- like I said, the
14 last eight years I totally -- just totally been in
15 my own little insulated world, so to speak. And it
16 doesn't mean we aren't to interact with the public,
17 we do, but certainly we are not to do anything to --
18 to give any appearance of any bias or prejudice.

19 Q. Is there ever a role for sternness or
20 anger with the commissioners?

21 A. I would say no, certainly not for anger.
22 We have had a few night hearings where we've had to
23 show some sternness sometimes with the gavel, but
24 certainly not anger. And we expect everybody to be
25 treated fairly, both in our merits hearings and in

SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
1 our night hearings, public night hearings as well.

2 If someone is getting unruly or out of hand, it's --
3 it's the Chairman's job to -- to rule that person
4 out of order and ultimately control the meeting.

5 Q. Can you name three issues that are
6 either pending before the Commission or that may
7 come before you in your consideration as a
8 commissioner -- actually, I'm sorry, let me rephrase
9 that.

10 What would be the top three issues,
11 either pending or that may come before the
12 Commission in the near future, that you would
13 consider kind of big ticket items?

14 A. Could I ask, Ms. Anderson, are you
15 referring to federal -- the federal issues or other
16 issues that may impact South Carolina or are you
17 referring to specific cases that might come before
18 us?

19 Q. Well, I don't -- what are some
20 general -- three general topics?

21 A. Okay. Great. Okay. That helps me a
22 lot. Well, naturally the Clean Power Plan is
23 probably first and foremost in front of
24 everybody's -- on everybody's mind. And -- and you
25 may know in South Carolina our carbon emission limit

1 SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
2 has been reduced back to 32 percent from 51 percent
3 with the latest Clean Power Plan that has been
4 released. And, of course, it's been widely reported
5 in the media that has been issued a stay by the D.C.
6 Circuit and it's pending before the Supreme Court,
7 so we'll see how that plays out and how that may
8 impact South Carolina. But it will still have huge
9 implications on our -- and it already has as we
10 started preparing for it, as many of our utilities
11 have retired coal-fired plants and switched to
12 natural gas. And we also -- we've also certificated
13 a few brand new natural gas facility -- one big one
14 in the Upstate, 750 megawatt one that we have
15 approved. So that's one big issue.

16 Another big issue coming before the
17 Commission, at least here in South Carolina, is
18 the -- I'll call it the Renaissance in America
19 nuclear power that didn't happen nationally. It is
20 happening here in South Carolina and in Georgia with
21 our two new units here, our two AP1000s here and the
22 two new AP1000s being built in Georgia. And there
23 is one other unit, but the 29 new unit -- units that
24 we thought were going to come on nationally have now
25 turned into five.

So we are still in the -- in the thick

1 SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
2 of things, if you will, for lack of a better term
3 and fear, but I can't say much more than that about
4 that process because it is an ongoing matter before
5 the Commission and -- but also what I would point
6 out is that in some areas of the country, in some of
7 the regulated markets you've had quite the opposite.
8 You've had a few nuclear power plants that have
9 actually shut down and -- because of being in those
10 markets there hasn't been the demand for -- for them
11 and for other reasons and there have been other
12 reasons that plants have been shut down. Everything
13 from physical problems to -- to actually opposition
14 there from the local or regional area that the
15 plants are located in.

16 And probably another big thing that I
17 would say is facing the Commission is in the telecom
18 area. As our -- we -- we've moved from a
19 copper-based and public switch -- public switched
20 access network system to the IP transition, that's
21 going to bring huge changes in our telecom area. So
22 those are three of the big ones that I see. There
23 are many more as we continue our distributed
24 generation you're going to face cyber security
25 threats and all kind of things as we continue to
push out. You're going to face looking at the rate

1 SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
2 making model and the cost shift paradigm as we
3 continue to deploy and distribute a generation,
4 which I think our legislature did a good thing in
5 enacting Act 236 and we're in the midst of carrying
6 that out now.

7 Q. What is the purpose of the Base Load
8 Review Act?

9 A. The purpose of the Base Load Review Act
10 is -- there's several reasons, but one of the
11 primary things was to encourage capital investment
12 and new nuclear generation and to encourage
13 utilities to build base load generation. Parts of
14 that act, of course, as you know, did not only apply
15 to nuclear but the main bulk of it was to encourage
16 new nuclear. And if you want to know the -- of
17 course, it applies to something larger than 350
18 megawatts or greater and must have 70 percent
19 capacity.

20 But the other -- the other biggest
21 reason I guess is for the rate payer, so that the
22 rate payer could enjoy that generation and have the
23 reliability and safe, affordable, reliable power for
24 generation -- for another generation or so to come
25 without being hit with massive rate shock, if you
will, in the end. Instead, by the Base Load Review

SWAIN E. WHITFIELD - EX. BY MS. ANDERSON
1 Act what it's allowing, it's allowing the company to
2 recruit the AFDC (phonetic) or the interest, if you
3 will, in advance while the plant is under
4 construction so that a lot of these interest costs
5 has been estimated up to a billion will be saved in
6 our new projects.

7 Q. Is there a way that the public could
8 participate during the proceedings to make sure
9 that, in essence, their voice is heard in Base Load
10 Review Act proceedings?

11 A. Certainly part of the Base Load Review
12 Act allows for any party to challenge prudence in --
13 in any revision that we have each year. And, of
14 course, that intervenor or that party does have to
15 challenge the prudence and show that there was
16 imprudence found, so each and every time there is an
17 opportunity for that. Every time we -- we have a
18 revised rate hearing in that matter there is an
19 opportunity for a party to do that.

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

22 A. I have not.

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

SWAIN E. WHITFIELD - EX. BY SENATOR HUTTO

1 A. I have not.

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. I have not.

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

10 A. I am not.

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

15 A. I am.

16 Q. And would you plan to serve a full term
17 if reelected?

18 A. I would.

19 MS. ANDERSON: Thank you. I have no
20 further questions.

21 EXAMINATION

22 BY SENATOR HUTTO:

23 Q. I see that one of the things that you
24 attended, maybe a couple of years ago, was an FBI
25 cyber security briefing. What role does the PSC

1 SWAIN E. WHITFIELD - EX. BY SENATOR HUTTO
2 have in making sure that our power supply is -- is
3 insulated as it can be from being hacked or misused?

4 A. That's a great question, Senator Hutto,
5 and also a delicate matter. That briefing I
6 attended was a classified briefing and I signed my
7 life away that I could never disclose what I heard
8 or saw or learned in that briefing so I can't get
9 into that but it was fascinating, to say the least.
10 And I am vice chair of the Critical Infrastructure
11 Committee and one of the things that when I was --
12 when Ms. Anderson was questioning me, I just
13 recently in the last week -- well, last couple of
14 days, even, got a call saying that I am being
15 considered for the chairmanship of that committee
16 and that committee does deal with cyber security and
17 we have cyber experts in a lot.

18 Typically we -- we've got some federal
19 agencies, first of all, that are on the forefront of
20 that. But it's our job to -- to, as we say, provide
21 safe, affordable and reliable power in South
22 Carolina. And that's where safety is being
23 broadened to mean a lot of other things because of
24 cyber security. And as you -- as we go -- as the
25 grid is modernized from a -- from a -- to a more
digital type system and as we start to get into

1 SWAIN E. WHITFIELD - EX. BY SENATOR HUTTO
2 distributive generation, there's more opportunities
3 for cyber issues to become a problem as you --
4 you -- there are more -- more opportunities to our
5 scatus (phonetic) systems. There's more
6 opportunities for that to -- to happen.

7 And so we have taken a role at Critical
8 Infrastructure that it's kind of a need to know
9 basis and I think Representative Forrester was at
10 one of our NARUC meetings when we had a forum on
11 that. And it got to be quite a debate among
12 commissioners as to who should have top level
13 security and who should not. And -- and I kind of
14 take the stance of if you know -- it's kind of like
15 reading something that we have in a case before us
16 that's confidential and sealed and redacted. Once
17 you know those sorts of things, you're in danger of
18 somebody trying to get it out of you.

19 And so we kind of think the few -- I
20 take the notion the fewer the people that know
21 certain things that the better off you are. Pretty
22 soon if everybody has top level clearance, then
23 what's the purpose of having top -- top security
24 clearance? And we did have to get clearance to go
25 to that briefing you referred to with PURC and FBI.

But we have had to really dive deep into

1 SWAIN E. WHITFIELD - EX. BY REPRESENTATIVE FORRESTER
2 some of these things and we've had one hearing where
3 some cyber security costs were placed into the
4 record and then later removed, and I think they're
5 going to come back later once we know a little bit
6 more in depth as things move forward. So it's one
7 of those things that's really hard to -- to deal
8 with in a public manner, like an open manner,
9 because certain things if you get into you're going
10 to have to clear the room. So it's a delicate
11 situation, Senator, is what I would say and it's
12 going to be moving forward.

13 SENATOR HUTTO: Okay. Mr. Forrester?

14 REPRESENTATIVE FORRESTER: Thank you.

15 EXAMINATION

16 BY REPRESENTATIVE FORRESTER:

17 Q. Mr. Whitfield, you spent eight years on
18 the Public Service Commission. What would you say
19 are your greatest accomplishments during that
20 period?

21 A. I would say our -- well, the greatest
22 accomplishments here are holding two major what I
23 would call cases of a lifetime here in South
24 Carolina, the two Base Load Review units, the two
25 units -- Units 2 and 3 at V.C. Summer which are
still ongoing. I got on the Commission about six

1 SWAIN E. WHITFIELD - EX. BY REPRESENTATIVE FORRESTER
2 months before those cases started and they were --
3 they lasted about a month, or close to it, and we
4 went late into the night many nights, and they
5 were -- it was certainly a landmark case that is
6 still ongoing as you well know.

7 And the other one I would say -- I guess
8 I'm talking in terms of largest was the Duke
9 Progress merger which has now fully taken effect.
10 We do have some other mergers upcoming, but they
11 are -- the Commission will be a little bit limited
12 in its involvement with those mergers.

13 Q. Okay. Last question. Tell me why
14 you're the most qualified person for this position.

15 A. Well, I would say that I've -- some of
16 the training I've been through -- I would say when I
17 hear a case I rely on all of my life experience.
18 That includes 22 years in -- in transportation as a
19 business owner, my experience in local government
20 and with municipality -- municipal-owned utilities.
21 I rely on everything in -- in my 52 years when I
22 hear a case.

23 However, the thing that's the most
24 crucial is the training that you have afforded me to
25 have, primarily through NARUC, over the last eight
years. I can certainly say the first two years as a

1 SWAIN E. WHITFIELD - EX. BY REPRESENTATIVE FORRESTER
2 commissioner every -- I think every commissioner
3 will tell you nationally, and here in South
4 Carolina, that the first two years is a long
5 learning curve and you continue to learn each and
6 every day. So I would say my -- my training that
7 I've experienced over the last eight years and
8 continued experience.

9 I might point out that Tier 1 training
10 you see on there, that's just not something I went
11 and got in the last year. That's the cumulative
12 total of 240 hours of training, and very few
13 commissioners in the nation have that. I just
14 received that distinction last year, and that's
15 something that I've done as a combined level of all
16 my training.

17 And I also would point out that I'm
18 familiar with these issues that we're going to be
19 facing in the next four years, particularly the
20 Clean Power Plan, the IP transition that's coming
21 forward in telecom, the coal ash issue -- there's
22 just so many issues that are coming before us over
23 the next -- that are right on the forefront that I
24 think I'm in position to deal with. And I also am
25 vice chairman of several groups, as you can see, and
hope to move into the chairman role of several of

1 SWAIN E. WHITFIELD - EX. BY REPRESENTATIVE FORRESTER
2 these organizations that's going to benefit South
3 Carolina if I do become chairman of those groups.
4 One of them is SEARUC, and I'll just flat tell you
5 if I'm chairman of SEARUC I plan to have SEARUC here
6 in South Carolina.

7 So there's just several things that
8 I'm -- I am vice chair in waiting, if you will, and
9 I hope to use a lot of the training and leadership
10 that you all have afforded me as a commissioner to
11 participate in. And I hope to be able to use those
12 skills and training and education that you have
13 afforded me to give back to my state. And I think
14 this would be, you know, perhaps my most beneficial
15 back to the people of South Carolina in this term as
16 a commissioner yet. So I'm eager to give that back.

17 REPRESENTATIVE FORRESTER: Thank you.

18 SENATOR HUTTO: All right. We're going
19 to ask you to stay for a minute and ask everybody
20 else to leave, and following that we'll come back in
21 open session and break for lunch.

22 (Executive session.)

23 SENATOR HUTTO: We will lift the veil
24 now and we will break for lunch. We're scheduled to
25 come back at 1:30. I guess we probably could start
at 1:15 if we want to. I'll leave it up to...

1 SWAIN E. WHITFIELD - EX. BY REPRESENTATIVE FORRESTER
MR. SIMMONS: I won't be here, if you
2 want to.

3 SENATOR HUTTO: All right. It will be
4 the three of us. Let's -- we're going to come back
5 into public session 15 minutes, because we're ahead
6 right now, we're going to move lunch up and start
7 back at 1:15.

8 (A luncheon recess transpired.)

9 SENATOR HUTTO: All right. We're
10 continuing on with our screening of Public Service
11 Commission candidates for the District 7 and our
12 next candidate is Clara L. Brockington.

13 Good afternoon.

14 MS. BROCKINGTON: Good afternoon.

15 SENATOR HUTTO: First we ask you to be
16 sworn in.

17 CLARA LEWIS BROCKINGTON
18 being first duly sworn, testified as follows:

19 SENATOR HUTTO: Ms. Brockington, we will
20 first proceed with some questions by the staff and
21 during that opportunity -- you'll be given an
22 opportunity to tell us why you would like to serve
23 on the PSC and following that we'll have questions
24 by the Committee.

25 MS. ANDERSON: First I'm going to give a

1 brief summarization of Ms. Brockington's educational
2 and experience background.

3 Ms. Brockington received an associate's
4 degree as a paralegal from Florence-Darlington
5 technical college. She then obtained a bachelor's
6 degree in social work from Limestone College and a
7 master's degree in social work from the University
8 of South Carolina. Ms. Brockington has worked with
9 Domestic Violence Court since February 2003. From
10 1996 to 1999 she was a supervisor at Lee
11 Correctional Facility. From 1995 to '96 she worked
12 as a coordinator with Darlington County Disabilities
13 and Special Needs. From 1990 to '95 she was
14 employed as a social worker at McLeod Regional
15 Medical Center, and prior to 1990 she was employed
16 as a counselor at South Carolina Vocational
17 Rehabilitation Department.

18 Ms. Brockington, do you have any changes
19 that you would to make to the Personal Data
20 Questionnaire you submitted with your application?

21 MS. BROCKINGTON: No, I do not.

22 MS. ANDERSON: I would request that
23 Ms. Brockington's Personal Data Questionnaire be
24 entered into the record with any confidential
25 information being redacted.

1 (EXH. 11, Personal Data Questionnaire
2 for Clara Lewis Brockington, was marked
3 for identification.)

4 (EXH. 12, Clara Brockington SLED Report,
5 was marked for identification.)

6 MS. ANDERSON: And, Ms. Brockington, as
7 clarification for the record your PDQ, your Personal
8 Data Questionnaire, states that you currently work
9 for domestic violence courts. Can you describe what
10 kind of entity this is?

11 MS. BROCKINGTON: It is an entity that
12 deals with perpetrators that have committed some
13 type of domestic crime, assault, attempted and they
14 are given court sentences. And normally instead of
15 court -- instead of the fines doing the court
16 sentence, then they can -- can choose to attend a
17 domestic class. And then once they attend the
18 domestic class, then they will be considered have
19 completed the sentence that was given and that can
20 come off of their record, can be erased from their
21 record.

22 MS. ANDERSON: Okay. So the entity that
23 you work for isn't the actual court system, it's
24 either -- is it a business or a nonprofit?

25 MS. BROCKINGTON: It's a business that

1 works jointly with the court system.

2 MS. ANDERSON: Okay. And the title of
3 the business entity, the name of it, is Domestic
4 Violence Court?

5 MS. BROCKINGTON: Yes.

6 MS. ANDERSON: Okay. And as part of our
7 background investigation of Ms. Brockington we
8 obtained a credit check, a driver's license and a
9 SLED check and the staff has questions of a
10 confidential or personal nature and will request
11 that they be taken up in executive session at the
12 appropriate time.

13 Before we begin questioning, do you have
14 a brief statement that you would like to make?

15 MS. BROCKINGTON: My brief statement
16 would be that I have applied today for this
17 Commissioner District 7 position because of numerous
18 reasons. One will be because I feel that I am
19 qualified for that position with my background, my
20 education, and with my being able to connect with
21 resources, knowing the contact of the different
22 communities that I have traveled and will continue
23 traveling, and the different court laws that I've
24 heard, dealing with the different attorneys, judges
25 and all of that. I feel like that qualifies me for

1 CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON
that position.

2 EXAMINATION

3 BY MS. ANDERSON:

4 Q. Please state your name and home address
5 for the record.

6 A. My name is Clara Lewis Brockington and
7 my home address is 3301 East Bennett Drive,
8 Florence, South Carolina 29506. But I get my mail
9 at Post Office Box 3232, Florence, South Carolina
10 29502.

11 Q. Are you a registered voter?

12 A. Yes, I am.

13 Q. In which Congressional District are you
14 registered to vote?

15 A. I am registered in the -- it's on my
16 voter's registration card, I went blank. (Reading.)
17 It has 21 on here, I don't know what that means.

18 Q. Okay. You touched on this earlier in
19 your brief statement but in case there's anything
20 you want to elaborate on, why are you interested in
21 serving on the Public Service Commission?

22 A. Well, as a social worker, Number 1,
23 social workers like challenges and this would be a
24 challenge for me.

25 Number 2, I believe in being a good

1 CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON
2 listener and having the understanding of the Public
3 Service Commission concerning the utilities. And
4 I'm an advocate, I have that experience with being
5 an advocate. I also do a lot of my own finances
6 concerning my budget.

7 And so numerous qualifications that are
8 required, I do that on a daily basis and I feel like
9 those qualifications and the experience that I have
10 it would definitely qualify me for a person to
11 travel around being in meetings. I am a good team
12 player, understand different parts of the laws and
13 all that and it will, I think, tie me in to be a
14 good person for this position.

15 Q. Okay. And while we're on the topic of
16 qualifications, as you know there were a number of
17 items in the statute listed for areas of expertise
18 and so I'm going to name each one of those in case
19 you have anything else you want to add to it.

20 If you would describe your experience or
21 expertise that you have not already covered in the
22 following areas, including the time that you've been
23 engaged in the issues -- energy, telecommunications,
24 consumer protection and advocacy, water and
25 wastewater, finance, economics and statistics,
accounting, engineering or law.

CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON

1 A. Telecommunication, I am the
2 telecommunication person because I go and do all the
3 public speaking, I do all of the training, I do all
4 of the communicating where there is a problem going
5 on with anyone in the agency or with agency laws or
6 whatever our standards are. As far as domestic
7 violence, I am that person. Whenever the judges
8 have a problem, they contact me and we meet. We
9 revise if we need to to satisfy the judges because
10 that's one of the persons I definitely want to
11 satisfy is the judge. So I've done many revisions
12 that he has -- that they have requested in our
13 closed door meetings to make the program more
14 accessible for the offenders.

15 As far as the accounting, I am
16 responsible for accounting as far as doing my
17 budgets, I do my budgets every year, submit my
18 budgets to get them approved. So -- and I do
19 payroll, all of that, I do my own accounting.

20 The advocacy. Advocacy, I've been doing
21 that ever since I've been a social worker -- from a
22 social worker to working at the hospital, working
23 with disabilities and special needs. All of my
24 employment involved advocacy. What else...

25 Q. Energy, telecommunications, consumer

1 CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON
2 protection and advocacy, water and wastewater,
3 finance, economics, statistics, accounting,
4 engineering or law.

5 A. Okay. And as far as the law, I'm in the
6 law -- in the courtroom every day and so I'm hearing
7 the law, I'm seeing the lawmakers. We constantly
8 are viewing laws of the State concerning our
9 domestic policy and any other laws that we have to
10 help us encompass what we are trying to do. And we
11 also speak occasionally with, you know, several of
12 our lawyers here at the State House and State
13 senators because several of those lawmakers are
14 attorneys. So I am in touch with those lawmakers a
15 lot when they're in the courtroom.

16 Q. Have you attended any hearings at the
17 Commission?

18 A. Pardon me?

19 Q. Have you -- have you attended -- have
20 you gone to any hearings at the Public Service
21 Commission?

22 A. No, I have not.

23 Q. Have you read any of the Commission's
24 decisions?

25 A. Not quite sure if I did. I've read a
lot of material and I don't know if there were

CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON
1 decisions, but I read a lot of material.

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

4 A. In any job that you obtain, any job that
5 I hire individuals, because all of the individuals
6 who work for me they have to have master's degrees,
7 but master's degrees don't really tell anything.

8 It's just a piece of paper. And I tell all my staff
9 in my education at University of South Carolina one
10 thing that I was taught by numerous of my
11 professors, they said lots of people are not test
12 takers, that they will do terrible on a test, but
13 those are your front line people that you would like
14 to put out there and do the job. And I've learned
15 that because I do give a small test for my
16 employer -- employees, and lots of them do score a
17 little bit lower. So I've learned I don't cast
18 those people out, I give them opportunities and that
19 does prove correct what -- what I've learned from
20 the University of South Carolina.

21 So I feel like hands-on, being a doer,
22 continue reading information, continue receiving
23 training, because training -- continued education is
24 the key to every -- every job. So I feel like with
25 the portion of all of that, you will stay abreast of

1 CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON
2 what's going on with the Commissioner and do one of
3 the best jobs.

4 Q. Are you familiar with the two advisory
5 opinions issued by the Review Committee dealing with
6 attendance at legislative receptions and legislative
7 caucus meetings?

8 A. I am familiar that you are not to attend
9 any of those meetings until an election has been
10 held.

11 Q. Have you attended any legislative
12 receptions or caucus meetings since receiving the
13 advisory opinion?

14 A. I have not.

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

20 A. I would let them know that I am a
21 candidate for the Public Service Commission and I
22 have been informed through all of my reading
23 material that I do not discuss any information
24 concerning anything they're asking me about that. I
25 have -- there is an appropriate time for that and
this time is not the correct time.

CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON

1 Q. What is the general rule regarding ex
2 parte communication?

3 A. The general rule is you cannot -- you
4 cannot be a part of any ex parte because that is
5 leading to impartiality and you don't want to be --
6 that's leading to partiality and you don't want to
7 show any partiality. You want to be impartial on
8 any rules or laws or all that, so you would not take
9 part in anything that is partiality. You want to
10 remain impartial.

11 Q. And how would you handle a situation if
12 someone approached you and there was a discussion?
13 What -- what would be the remedy to that?

14 A. I would inform them that this is one of
15 the laws under the Public Service Commission and
16 that I will not be able to take part in any ex parte
17 because I am not being -- I'm not being partial to
18 anything and I am impartial at this time. And
19 after -- after an appropriate time, then I would
20 inquire and see when I can and if I could take part
21 in what I'm being asked.

22 Q. Are you aware that commissioners are
23 subject to the Judicial Code of Conduct as well as
24 State ethics laws?

25 A. Yes.

CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON

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

4 A. No, I'm not.

5 Q. Do you belong to any organizations that
6 discriminate based on race, religion or gender?

7 A. No, I'm not.

8 Q. What is the appropriate demeanor for a
9 commissioner?

10 A. Well, a commissioner should always have
11 great conduct. A commissioner should always -- they
12 should never be a part of anything that involved
13 third parties which is family -- families, aunts,
14 uncles, brothers, sisters -- anything that they
15 should not go and speak with anyone else to ask
16 about voting, they should not be a part of trading
17 anything as far as trading a vote for something
18 else, to satisfy something else. Anything that's
19 illegal of that nature they should not be a part of
20 anything. They should always hold up against the
21 conduct as...

22 Q. And would that conduct apply only while
23 on the bench or would that apply all the time?

24 A. That conduct is 24/7.

25 Q. Is there ever a role for sternness or

CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON
1 anger as a commissioner?

2 A. No, there's not.

3 Q. What are the businesses and industries
4 regulated by the Public Service Commission?

5 A. It's your waste business, it's your
6 energy businesses. It's your taxi services, it is
7 business that transfer your household goods --
8 energy, water, waste, taxi. I think I'm missing
9 one.

10 Q. What is the PSC's role in regulating
11 telecommunications?

12 A. Their role is to make sure that all of
13 the services are being processed appropriately and
14 that the services that the customers receive from
15 the telecommunication that it is accurate services.
16 And if they are not, they have an opportunity to
17 complain to the Public Service Commission
18 concerning...

19 Q. What is South Carolina's current
20 generation mix as it relates to electricity?

21 A. Ask that question again.

22 Q. What is South Carolina's current
23 generation mix as it relates to electricity? What
24 are the sources of energy that the electric
25 companies use to provide electricity?

CLARA LEWIS BROCKINGTON - EX. BY MS. ANDERSON

1 A. I'm not sure about that.

2 Q. Okay. Did you make any contributions to
3 members of the General Assembly within six months of
4 filing your application?

5 A. No, I did not.

6 Q. Have you made any contributions to the
7 members of the General Assembly since filing your
8 application?

9 A. No, I have not.

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

12 A. No, I have not.

13 Q. Have you sought or been offered an
14 additional pledge of support by any legislator
15 pending the outcome of this screening?

16 A. No, 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 and formal screening report
20 has been released?

21 A. No, 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. They have not.

CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO

1 Q. Are you familiar with the 48-hour rule
2 which prohibits a candidate from seeking pledges for
3 48 hours after the report has been submitted to the
4 General Assembly?

5 A. Yes.

6 Q. Would you serve -- would you plan to
7 serve a full term if elected?

8 A. Yes.

9 MS. ANDERSON: Mr. Chair, I have no
10 further questions.

11 SENATOR HUTTO: Let's ask a couple of
12 questions.

13 EXAMINATION

14 BY SENATOR HUTTO:

15 Q. In the domestic violence courts, who
16 funds that?

17 A. It is funded by nonprofit agencies and
18 donors and all of that.

19 Q. But you mentioned that you submitted a
20 budget. Is that, like, to a County Council or who
21 does the budget go to?

22 A. Yes.

23 Q. To?

24 A. I submit it to County Council, United
25 Way -- different agencies to submit a request.

CLARA LEWIS BROCKINGTON - EX. BY REPRESENTATIVE FORRESTER

1 Q. So do you receive funds from -- is it in
2 Florence?

3 A. Yes.

4 Q. Is it a -- is it an agency of the
5 Florence court system?

6 A. Yes.

7 Q. Okay.

8 A. We contract with them.

9 Q. Okay. So you contract with the Court
10 system, so there is public money and private money?

11 A. Right.

12 SENATOR HUTTO: Okay. Mr. Forrester?

13 REPRESENTATIVE FORRESTER: Thank you.

14 EXAMINATION

15 BY REPRESENTATIVE FORRESTER:

16 Q. Ms. Brockington, can you explain the
17 Base Load Review Act?

18 A. If I stand correctly, because I read a
19 lot of knowledge, I think that is when the -- I'll
20 pass. I'm -- I'm getting that mixed up with
21 something else.

22 Q. Well, let's go back to your career.
23 What would you say has been your greatest
24 accomplishments in your career?

25 A. My greatest accomplishments are I'm a

CLARA LEWIS BROCKINGTON - EX. BY REPRESENTATIVE FORRESTER
1 developer. I have developed numerous entities under
2 my program that would allow judges -- because when I
3 first started this some years ago none of the judges
4 were cooperating with me. They all wanted to
5 continue to go by the law and the law was you do the
6 crime and they assign the time. And I was steady
7 meeting with them, trying to show them where this is
8 not working because people are re-offending,
9 re-offending and re-offending and getting out of
10 jail, going home, retaliating, doing the same thing
11 over and over again.

12 So I had to kind of come up and develop
13 something and have it on paper and meet with each
14 judge and kind of have meetings with them regularly
15 and -- until I could show that and have the stats
16 and all that to show that this was not a good
17 statute that they had, that if they would just
18 listen to me and give me the opportunity and I would
19 be willing to revise some of the things that I had
20 developed to make sure that everybody was getting a
21 fair share -- the Court was getting their share and
22 that the program of mine was getting my share and
23 the offender also was getting treated -- was getting
24 treated.

25 Q. Okay. You might expect this position

CLARA LEWIS BROCKINGTON - EX. BY REPRESENTATIVE FORRESTER

1 requires a wide range of knowledge over multiple
2 disciplines. So how would your qualifications make
3 you the best candidate for this job?

4 A. Well, when I came to this position I was
5 coming from a whole different arena. I was leaving
6 working for Lee Correctional Institution and was not
7 doing anything that I'm doing now. And, as I said
8 earlier, anyone who receives a job you've got to
9 receive training, you've got to receive hands-on,
10 you've got to have other persons there with the
11 knowledge that were there before you. And if we all
12 work as a team -- and I am a hands-on person, I'm
13 not the person -- and I knew this but I had to be
14 told this by some of my professors that I'm not the
15 paper person -- paper and pencil person that you
16 just sit down and take a test because a lot of times
17 tests don't tell everything, it doesn't and I've
18 proven that, tests don't tell everything of the 20
19 people that I hired.

20 So gaining knowledge every day when
21 you're hands-on, when you're doing this every day
22 and you're gaining knowledge. I mean, I've done
23 what I've been doing for numerous years and every
24 day I'm learning something. Every day is a new day.

25 REPRESENTATIVE FORRESTER: Thank you.

CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
EXAMINATION

BY SENATOR HUTTO:

Q. Ms. Brockington, how did you find out about this position? Did you read about it or somebody recruited you to apply or how did that come about?

A. I read about it.

SENATOR HUTTO: All right. Any other questions?

(No response.)

SENATOR HUTTO: All right. We're going to ask you to stay and we're going to ask everybody else to step out for a minute. We'll go into executive session and we'll be back in public session in a few minutes.

(Executive session.)

SENATOR HUTTO: Okay. We're back out of executive session and on the record with Clara Brockington.

Q. Ms. Brockington, we've reviewed a few things in the -- in the executive session but now we need to go back on the record and review those things. For each candidate we have reviewed their driving record, their SLED record and their credit record and we need to now on the record, under oath,

1 CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
ask you some questions.

2 Your driving record shows a total of
3 five accidents and about six violations which
4 suggest that you were not obeying the law on
5 numerous occasions. Do you have any comment about
6 that?

7 A. Were they specifically saying me or it
8 could be me and my daughters that I have on my --

9 Q. It's talking about you with Driver's
10 License Number 4752964 and there was a speeding in
11 2015, two accidents in 2013, more speeding in 2011,
12 two more accidents in 2010 and '8. We're using a
13 ten-year driver's record and then three speeding
14 violations in 2007 and one in 2006. And generally
15 we don't get into that when a person has a speeding
16 violation or two, but when somebody shows a pattern
17 of being stopped by law enforcement on numerous
18 occasions over a decade we do ask you to comment
19 about that.

20 A. Well, I can't recall all of those that
21 you've gone so far back on unless I had them in
22 front of me to determine that, because I have
23 children that are listed on my driver's -- on my
24 insurance. And normally whenever I get my insurance
25 information it is not list -- it just lists the

1 CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
violations and what happened. It does not say whose
2 name beside each one, so I don't have -- I don't get
3 what you have there.

4 Q. Well, what I'm -- what this is is a
5 record of times in which you were either issued a
6 blue ticket, summons for a violation of the law, or
7 a report of FR-10 accident form showing that an
8 accident you were involved in was reportable.

9 A. Was it -- do your reports show
10 non-fault?

11 Q. It doesn't say --

12 A. Because I haven't had any accidents in
13 the last ten years that was my fault. So if it
14 shows accidents --

15 Q. You are correct about the four accidents
16 show that you were not at fault.

17 A. Okay.

18 Q. All right. But the one, two, three,
19 four, five -- six speeding violations, did you just
20 pay the fines on those or did you go to court?

21 A. I'm not sure because you were going back
22 so far -- so many years. I know the last one, one
23 of my judges that I am affiliated with in the Lake
24 City magistrate's court, I do remember going before
25 her. But as far as any one further than that,

1 CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
that's the last one I remember is the Lake City.

2 Q. All right. I'm going to move on to
3 another question. The question to you was have you,
4 to your knowledge, ever been under investigation for
5 possible violation of the criminal statute, you
6 answered no. Your SLED report shows that you have a
7 charge against you for a fraudulent check.

8 A. Yes. For the record, as we talked
9 earlier, I discussed that with Judge White, which is
10 one of the judges I work with in the courtroom. The
11 monies were paid to Piggly Wiggly grocery store and
12 apparently they did not do their paperwork
13 correctly. Whomever in customer service did not do
14 their paperwork correctly and it was shown as a
15 fraudulent check and it was not. And I had Judge
16 White, whenever I received that, to contact Piggly
17 Wiggly and Piggly Wiggly apologized to me for
18 sending that in and processing it as a fraudulent
19 check when the monies were paid to Piggly Wiggly
20 instead of whatever agency that sent the letter to
21 me.

22 Q. Are you aware that the public records of
23 Florence County show that the charge against you
24 resulted in a trial in which you were found guilty?

25 A. I never went to trial on anything like

1 CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
that.

2 Q. Okay. Let me move on to another
3 question in which you were asked. You were asked if
4 there had been -- ever been a tax lien or other
5 collection proceeding against you and our records
6 show that, in fact, you have been subject to a tax
7 lien, you did not report that. What is your
8 explanation?

9 A. Is that the tax lien on my father's
10 property that you're talking about?

11 MS. ANDERSON: No, ma'am, it's not.
12 That's not what the records show for the current
13 balance. This is the 2014.

14 MS. BROCKINGTON: Is that the one where
15 you showed me the name is Carlar -- Carlar Brockton
16 (phonetic)? Is that the one that we're talking
17 about?

18 MS. ANDERSON: No, ma'am.

19 BY SENATOR HUTTO:

20 Q. We're talking about -- what we're trying
21 to clarify is we asked you specific questions and
22 you signed as to those questions and you certified
23 that the answers to the questions were true and
24 correct. And there is apparently a tax lien that
25 was out there and you did not report it, and the

CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
1 question is why?

2 A. And I'm trying to clarify now. Is that
3 the one where I stated that my brothers paid the tax
4 lien, the taxes on the homestead property? Because
5 I have nothing to do with that, I turned all of that
6 over to them, and I'm not aware of when they pay and
7 when they do not pay. But I will follow up with
8 them and -- I haven't paid property taxes on that
9 property since the death of my father.

10 Q. All right. Finally the question was
11 have you ever been sued, and the SLED report comes
12 back -- the SLED report came back with the
13 following: Chase Manhattan Bank versus Clara
14 Brockington, First Federal Bank versus Clara
15 Brockington, First Federal Bank versus Clara
16 Brockington, South Carolina Housing Authority versus
17 Clara Brockington, Girl Scouts Council of the Pee
18 Dee versus Clara Brockington, State of South
19 Carolina versus C.L. Brockington, Betty Davis versus
20 Clara Brockington. There's a judgment from Pages
21 Auto Repair, Jacobs Plumbing versus Clara
22 Brockington -- two different suits, one in
23 Magistrate's Court and one in Common Pleas, and then
24 a restraining order Anita Harrison versus Clara
25 Brockington.

CLARA LEWIS BROCKINGTON - EX. BY SENATOR HUTTO
1 And the question is, Ms. Brockington,

2 was have you ever been sued and you answered no.

3 And we have no fewer than one, two, three, four,
4 five, six, seven, eight, nine, ten -- 11 instances
5 in which you were named a defendant in a legal
6 action and, yet, your answer was that you have not
7 been sued. Why did you answer that question no?

8 A. And my answer still remains no. As we
9 spoke and talked extensively in session, in closed
10 session, my answers to you remains no. All of those
11 names that you named, I informed you earlier that
12 all of the Chase Bank, this, that, the other and all
13 those names, those are housing people most of them.
14 My husband takes care of all the housing. I have
15 never been sued. If you pull up his record I'm
16 quite sure all of that information would be on his
17 record also. But I don't pay the bills at my house,
18 he pays the bills. And whatever is going on with
19 housing and all that, then he is responsible for all
20 of the housing information because I don't pay -- no
21 bills at home. He does that.

22 Q. All right. So in short, then, and to
23 wrap this up, there were three questions asked you.
24 One about whether you've been sued, one about
25 whether you had a tax lien, one about you never had

1 a criminal violation. You answered no to all of
2 those and the SLED report shows different
3 information, and we'll enter the SLED report into
4 the record and let it speak for itself. Is that
5 fair?

6 A. That's fair enough because I -- I am
7 aware and I know none of that is correct.

8 Q. Do you know whether the tax lien is
9 still outstanding or whether that's been paid?

10 A. I do not know. I have not spoken with
11 my brothers since I've been in Columbia. I have a
12 daughter going in the hospital tomorrow and my mind
13 has been on praying for her that she has a good
14 speedy recovery, because it is a major surgery.

15 SENATOR HUTTO: Okay. Thank you for
16 offering to serve in this capacity and we will
17 report these findings out to the full committee and
18 they will take the appropriate action.

19 MS. BROCKINGTON: Thank you so much.

20 SENATOR HUTTO: Okay. And we've got our
21 final person coming up, G. O'Neal Hamilton, if we
22 can get Mr. Hamilton here.

23 (Off the record.)

24 SENATOR HUTTO: All right. We're moving
25 back on the record. On the record for screening the

1 Public Service Commission District 7, our final
2 candidate is Commissioner G. O'Neal Hamilton.

3 Commissioner Hamilton, good afternoon.

4 COMMISSIONER HAMILTON: Good afternoon,
5 sir, Mr. Chairman, and Ms. Anderson and gentlemen.
6 Happy to be here.

7 SENATOR HUTTO: Glad to have you and
8 we'll ask that the reporter swear you in.

9 THE COURT REPORTER: Commissioner,
10 please raise your right hand.

11 G. O'NEAL HAMILTON
12 being first duly sworn, testified as follows:

13 MS. ANDERSON: Good afternoon. I'm
14 going to provide a very brief summary of
15 Mr. Hamilton's educational and experience
16 background.

17 Mr. Hamilton graduated from North
18 Greenville Junior College with an associate's degree
19 in business administration. Upon graduation he
20 became an agency manager for the life insurance
21 company where he worked till 1957, and then he
22 worked as an agency manager for Farm Bureau where he
23 worked until his retirement in 2001. He has served
24 on the Public Service Commission since 2004.

25 Before serving on the Commission he had

1 served on the Bennettsville City Council from 1978
2 to 1990. He also previously served on the South
3 Carolina Highway Commission and the Marlboro County
4 Council. He also served with various community
5 organizations and is also serving on a number of
6 neighboring committees as well.

7 I will request that Mr. Hamilton's
8 Personal Data Questionnaire be entered into the
9 record with any confidential information such as
10 Social Security number and financial information
11 being redacted. In addition, I would ask that his
12 annual review by the Public Utilities Review
13 Committee since his last screening be entered into
14 the record.

15 (EXH. 13, Personal Data Questionnaire
16 for G. O'Neal Hamilton, was marked for
17 identification.)

18 (EXH. 14, Performance Evaluation for G.
19 O'Neal Hamilton, was marked for
20 identification.)

21 MS. ANDERSON: As part of our background
22 investigation of Mr. Hamilton, we obtained a credit
23 check, driver's license and SLED check. For the
24 record, I would like to state that the credit check,
25 driver's license and SLED check revealed no negative

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
information for Mr. Hamilton that needs to be
2 brought to the attention of the Subcommittee.

3 Before we begin questioning, do you have
4 a brief statement that you would like to make?

5 COMMISSIONER HAMILTON: I would just
6 like to thank you for having me here today and I
7 would like very much to -- before I leave here to
8 convince you that I need to stay for four more years
9 to finish the work that I've started.

10 EXAMINATION

11 BY MS. ANDERSON:

12 Q. Please state your name and home address
13 for the record.

14 A. G. O'Neal Hamilton, 706 Lakeshore Drive,
15 Bennettsville, South Carolina 29512.

16 Q. Are you a registered voter?

17 A. Yes, ma'am.

18 Q. In which Congressional District are you
19 registered?

20 A. 7th.

21 Q. Please describe an ordinary workday for
22 you.

23 A. Well, we usually start on Monday. I
24 come from Bennettsville to Columbia normally on
25 Monday morning. And on Monday we kind of get

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
2 organized for what we've got in front of us for the
3 week. Usually on Tuesday we have -- have hearings,
4 normally it's transportation hearings, ex parte
5 briefings, et cetera. We always have the business
6 meeting on Wednesday and on Tuesday we have hearings
7 also. Usually I go home either Thursday night or
8 Friday.

8 Q. What type of contact do you have with
9 the Commission staff?

10 A. Well, it's very open and daily kind of
11 tact -- contact with the staff. We've got an
12 excellent staff and we work well together. The
13 communication is ongoing. One thing that we've --
14 that I've always said is that once you get with the
15 State I didn't realize it but when they hand you
16 that cell phone and iPad you don't ever get away
17 from the staff. It's constant.

18 Q. How do you prepare for a hearing?

19 A. Well, we have a good bit of testimony
20 that we have to study and read. We have to do
21 background information that we might want to work
22 on. We have the availability of the staff to help
23 us at any time we need it on any research that
24 they're more able to do it than we are at times.
25 And we -- then we have normal briefings, as we

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
discussed in the past. To make the adequate use of
2 the staff we have three commissioners that meet on a
3 rotating basis decided by the Chair that the staff
4 briefs at one time on the information that they've
5 gathered for the hearing.

6 Q. Your annual review reports by the Public
7 Utilities Review Committee have been entered into
8 the record. Is there any additional information
9 that you'd like to provide regarding your experience
10 or expertise that is not already covered in your PDQ
11 or annual reviews in the following areas -- energy,
12 telecommunications, consumer protection and
13 advocacy, water and wastewater, finance, economics,
14 statistics, accounting, engineering or law?

15 A. I believe the annual report will stand
16 for itself.

17 Q. If you were approached by someone
18 wanting to discuss a matter that is or may become an
19 issue in a proceeding, how would you handle the
20 situation?

21 A. Well, I wouldn't do it. The first thing
22 if I couldn't stop it -- it's a long process that
23 you have to go through that we have to -- if
24 something did happen inadvertently, you would have
25 to notify all the parties immediately of what had

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
transpired and give them an opportunity to answer.

2 Thank God, it has never happened to me and I think
3 with -- with my character and ethics I don't think
4 it ever will.

5 Q. Are you familiar with the two advisory
6 opinions issued by the Review Committee dealing with
7 attendance at legislative receptions as well as
8 legislative caucus meetings?

9 A. Yes, ma'am. I'm very appreciative of
10 that.

11 Q. Have you attended any legislative
12 receptions and/or legislative caucus meetings?

13 A. No, I have not.

14 Q. What is the appropriate demeanor for a
15 Commissioner?

16 A. Well, I think the Commission should
17 always appear -- give the appearance a priority and
18 they should protect the Commission in every way
19 possible. Their ethics should be without question
20 at any time. And I think the people that appear
21 before us would understand that -- in fact, we've
22 had several. We had a compliment this past week
23 from a person that appeared before the Committee
24 that said that our Committee -- our Commission was
25 probably as professional as any court he had ever

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
2 worked in. And I thought that was a high
3 compliment.

4 Q. Does that type of demeanor apply while
5 you're on the bench -- just while you're on the
6 bench or 24/7?

7 A. You have to live it. You have to live
8 it.

9 Q. Is there ever a role for sternness or
10 anger by a commissioner?

11 A. Sternness -- I think sometimes if you
12 have -- when I was Chair and you had a commissioner,
13 someone who got mad you had to call them down. I
14 don't think that's sternness, but to be able to lose
15 your temper and get mad there's never a time for
16 that.

17 Q. Can you briefly describe three topics
18 that are either pending before the Commission or
19 that have come you -- come before you for
20 consideration as a commissioner? Very general
21 topics.

22 A. Very general. I think probably the big
23 thing that's facing all of us, not only in South
24 Carolina and our companies but nationally is the
25 Clean Power Plan. And, of course, it's in limbo
now, it's in court and we don't know what's going to

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
2 happen and it's going to happen. But I think our
3 com -- our companies are trying to prepare as best
4 they can for it, the Commission is trying to ramp up
5 and be ready to understand what it is.

6 At the last NARUC convention I went to
7 three different topics on the Clean Power Plan and
8 you wouldn't know from one to the other that you
9 were in the same thing, so it's a lot of opinions
10 and a lot of thoughts.

11 I think our ash ponds are something
12 that -- that we have to be concerned about. We've
13 had newspaper articles about where they're going to
14 locate them and how they're going to do it and
15 transportation. I think our companies are
16 consistently doing everything possible to try to
17 right this problem that's been created over 100
18 years, and I think they're working to that end and
19 hopefully we can see that completed sooner rather
20 than later.

21 And one other problem that -- that I see
22 as an individual with my background is gas, is the
23 fact that I don't see new distribution lines being
24 brought in to our state or new pipelines. And we're
25 changing every day coal plants to electric, from gas
to -- use gas as a generator. And I just hope and

1 G. O'NEAL HAMILTON - EX. BY MS. ANDERSON
2 pray that everyone is working on this situation so
3 we won't run up with a lack of adequate supply of
4 gas. I know in my past career in municipal
5 government we did have curtailments back years ago
6 on gas and some folks, you know, didn't have heat
7 they needed. And so I think -- I hope all of our
8 companies -- whatever ex parte or hearing that we
9 have I'm bringing this point up and I hope they're
10 paying attention to it.

11 Q. What is the purpose of the Base Load
12 Review Act?

13 A. Base Load Review Act was designed as a
14 way to help the companies in our state develop base
15 load generation and it has worked. We're seeing
16 that work with our nuclear plants. The plants have
17 to be 3 -- 350 kw or more and at least 70 percent
18 capacity name plate for base load. And did you want
19 me to be brief or do you want me to move on?

20 SENATOR HUTTO: Brief will be fine.

21 COMMISSIONER HAMILTON: I think brief --
22 I think after our last hour brief is a good word.

23 BY MS. ANDERSON:

24 Q. Is there a way that the public's voice
25 could be heard during procedures prior to the Base
Load Review Act?

G. O'NEAL HAMILTON - EX. BY MS. ANDERSON

1 A. We do hear the public. The public has
2 never been shut up -- or shut off I think is the
3 better term I'll use here, because we have night
4 hearings and we always make opportunities for the
5 public to be heard. I don't think this Commission
6 will be criticized for the lack of the transparency
7 and seeing that the public has an opportunity.

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

10 A. No, ma'am.

11 Q. Have you sought or been offered a
12 conditional pledge of support by any legislator
13 pending the outcome of your screening?

14 A. No, ma'am.

15 Q. Have you asked any third parties to
16 contact members of the General Assembly on your
17 behalf before the final and formal screening report
18 has been released?

19 A. No, ma'am.

20 Q. Are you aware of any friends or
21 colleagues contacting members of the General
22 Assembly on your behalf?

23 A. I would hope not.

24 Q. Are you familiar with the 48-hour rule
25 which prohibits a candidate from seeking pledges

1 G. O'NEAL HAMILTON - EX. BY SENATOR HUTTO
2 until 48 hours after the report is submitted to the
3 General Assembly?

4 A. Yes, ma'am.

5 Q. Do you plan to serve a full term if
6 reelected?

7 A. I certainly do.

8 MS. ANDERSON: Thank you. I have no
9 further questions, Mr. Chair.

10 EXAMINATION

11 BY SENATOR HUTTO:

12 Q. Are you the longest serving
13 commissioner?

14 A. I believe we -- Butch and Liv and
15 myself.

16 Q. Y'all came on at the same time?

17 A. Yes, sir. David Wright was the one that
18 fell out.

19 Q. Okay. And how would you describe the
20 working of the Commission? Does it work smoothly?

21 A. Yes, it does. I think every
22 Commission -- Commissioner has, since 175 took
23 effect, and that we kind of -- three of us now were
24 a part of the original commission that set it up.
25 And each new commissioner that comes on, we take
time to bring them up to speed, that -- the

1 G. O'NEAL HAMILTON - EX. BY REPRESENTATIVE FORRESTER
2 perception of the commission is as important as the
3 action of the commission.

4 Q. And you mentioned night hearings. How
5 do y'all decide when you will go away from your home
6 office and hold a hearing in a community and at
7 night?

8 A. When I first became a commissioner the
9 legislature -- legislator in a certain area normally
10 asked for a night hearing and sometimes that happens
11 now. But since we have a history of having night
12 hearings, we have more and more individuals that
13 request night hearings. And we try to pick an area
14 that would be convenient for as many as possible to
15 attend.

16 Q. So you make an effort to make sure that
17 the public does have input into your decisions?

18 A. Yeah. The company is required to notify
19 the public.

20 SENATOR HUTTO: Okay. Mr. Forrester?

21 EXAMINATION

22 BY REPRESENTATIVE FORRESTER:

23 Q. Mr. Hamilton.

24 A. Yes, sir.

25 Q. Over your years of service what would
you say was your greatest accomplishment?

G. O'NEAL HAMILTON - EX. BY REPRESENTATIVE FORRESTER

1 A. Well, you know, you kind of hate to brag
2 on yourself. But as what I've been able to
3 accomplish because this committee allowed me to do
4 it, I think I have a record of service that -- that
5 I can be proud of. I've served as chairman of one
6 of the three major committees of NARUC, which is the
7 gas committee -- gas, electric, telecom are the
8 three major committees. And because of that I
9 served a term on the National Petroleum Council, and
10 this -- this was, I think, a great honor for South
11 Carolina to have someone represent them on the
12 National Petroleum Council. And it put me in
13 contact with the Secretary of Energy and with key
14 people in the Department of Energy that I still have
15 access to.

16 And I served as chairman of the
17 Commission twice, I'm proud of that, and it's a
18 continuous thing that we continue to try to grow day
19 by day.

20 Q. I heard you say earlier that you got
21 some unfinished business. What do you aim to
22 accomplish?

23 A. Well, we've got two nuclear plants that
24 should be completed in the next four years. And
25 this is important to South Carolina. I think the

1 G. O'NEAL HAMILTON - EX. BY REPRESENTATIVE FORRESTER
report that we just received that ORS has conducted
2 that showed that the legislation did the right thing
3 in passing the Base Load Review Act, that it will
4 save a billion dollars during the construction of
5 the plant and \$4 billion in the life of the plant
6 which is expected to be at least 60 years. So
7 that's one thing.

8 And, of course, another thing is I -- we
9 have been talking about distributive generation for
10 a long time, and Act 236 now is law. And I would
11 like to be able to be a part of helping it raise and
12 grow as it should be in the right way.

13 Q. Okay. And lastly, you know, you've seen
14 a lot happen here but there's other folks running
15 for this position. So what makes you the best
16 qualified for this position?

17 A. Well, I think my experience and
18 background -- and I don't think anyone would have
19 any question about me doing the right thing. I
20 think I know how to balance the needs of the right
21 player, with that of the company, both of them have
22 to be recognized. I think I understand that. I
23 understand the prudence test. I understand known
24 and measurable and use and useful. And I think
25 these things are something that -- that you aren't

1 G. O'NEAL HAMILTON - EX. BY REPRESENTATIVE FORRESTER
going to walk in that door and be able to accomplish
2 what I could do. I think I'm an asset worth
3 keeping.

4 REPRESENTATIVE FORRESTER: Thank you.

5 SENATOR HUTTO: Thank you. We're going
6 to ask you to continue to be seated. We'll ask
7 everybody else to -- to leave for a minute. We'll
8 go into executive session as we've done after the
9 screening of each candidate.

10 (Executive session.)

11 SENATOR HUTTO: We're going in open
12 session and now we're going back into executive
13 session again. So if y'all can let everybody know
14 we did that, please.

15 (Executive session.)

16 SENATOR HUTTO: All right. Welcome
17 back. Now we're standing up so you know we're
18 getting ready --

19 AUDIENCE MEMBER: That's right.

20 SENATOR HUTTO: We are back in open
21 session from the screening of -- for Public Service
22 Commission. Our work today is concluded and what
23 will happen is this transcript will be made
24 available on-line and to the full committee. The
25 full committee will meet sometime in May,

1 G. O'NEAL HAMILTON - EX. BY REPRESENTATIVE FORRESTER
tentatively May 3rd, but that's just tentative right
2 now. The full committee will consider the
3 transcript, the personal data information and --
4 that we've all made recommendations to -- will be
5 making recommendations to the full committee.

6 But it will be up to the full committee
7 as to what the final outcome on which candidates get
8 screened forward for consideration by the General
9 Assembly. But just so you know, the process -- even
10 if we do that in early May and then give the
11 candidates a couple of weeks to let their status be
12 known because they can't contact anybody till 48
13 hours after the release of the report, so in
14 fairness we have to give them a couple of weeks to
15 share their thoughts with the General Assembly. So
16 it looks like --

17 MS. ANDERSON: The election is May 25th.

18 SENATOR HUTTO: May 25th.

19 MS. ANDERSON: Tentative date.

20 SENATOR HUTTO: Tentative date. Okay.

21 Thank y'all. No action was taken in any of the --
22 any of the executive sessions, including the last
23 one, and everybody have a great day. See y'all
24 tomorrow. Appreciate it.

25 (The preceding was concluded at 3:34

G. O'NEAL HAMILTON - EX. BY REPRESENTATIVE FORRESTER
p.m.)

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CERTIFICATE OF REPORTER

I, Lori S. Mortge, Certified Court Reporter and Notary Public for the State of South Carolina at Large, 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 22nd day of April, 2016 at West Columbia, Lexington County, South Carolina.



Lori S. Mortge, CCR

Lori S. Mortge
Certified Court
Reporter, CCR
My Commission expires
December 13, 2016

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