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STATE REGULATION OF PUBLIC UTILITIES  
REVIEW COMMITTEE

2018 Public Service Commission Screening  
Seats 2, 4 and 6

DATE: April 23, 2018  
TIME: 8:15 AM  
LOCATION: Senate of South Carolina  
1101 Pendleton Street, Room 207  
Gressette Building  
Columbia, SC  
REPORTED BY: AMY R. COPE,  
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES  
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1 APPEARANCES :

2 Sen. Thomas C. Alexander, Chairman

3 Rep. William E. Sandifer, III, Vice Chairman

4 Margaret Bluestein, Esquire

5 Rep. P. Michael Forrester

6 Sen. C. Bradley Hutto

7 Dan Jones

8 Rep. David J. Mack, III

9 Sen. Luke A. Rankin, Sr.

10 John S. Simmons, Esquire

11 Heather Anderson, Committee Counsel

12 Steve Davidson, Committee Counsel

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1                   SENATOR ALEXANDER: Good morning. I'm  
2 going to call this meeting of the Public Utility  
3 Review Committee to order. Today is April 23rd,  
4 2018. I appreciate members of the committee being  
5 present this morning for the purpose of screening  
6 candidates.

7                   Before we go any further though, I  
8 would entertain a motion that we go into executive  
9 session to discuss potential employment pursuant to  
10 Section 30-4-70 and for receipt of legal advice  
11 pursuant to Section 30-4-70-(a)(2). We have a  
12 motion. Do I have a second? Numerous seconds. No  
13 discussion, the motion will go immediately to vote.  
14 Give me a show of hands on that, if we could, all  
15 in favor going into executive session? Unanimous  
16 of those present. Any opposed? It's unanimous.  
17 So we will go into executive session at this point  
18 in time.

19                   (Executive session)

20                   SENATOR ALEXANDER: We'll lift the  
21 veil. And there was no action taken in executive  
22 session, for the record. So again, I'll just make  
23 note that no action was taken in executive session.  
24 I do have a few opening remarks.

25                   This is the public hearing of the

1 screening of candidates for the Public Service  
2 Commission, seats 2, 4 and 6. There are 14  
3 candidates to be screened. One of the duties of  
4 the Review Committee is to screen candidates to  
5 determine whether they meet statutory  
6 qualifications. A baccalaureate or more advanced  
7 degree. Two, a background of substantial duration  
8 of expertise in at least one of the following  
9 areas: Energy, telecommunications, consumer  
10 protection and advocacy, water and waste water,  
11 finance, economics and statistics, accounting,  
12 engineering, or law.

13 The Review Committee is also required  
14 to consider one's ability, dedication, compassion,  
15 common sense, and the integrity of the candidates.  
16 And two, the race and gender of the candidates and  
17 other demographic factors to ensure  
18 nondiscrimination to the greatest extent possible  
19 of all segments of the population of the state.

20 The application process began last  
21 summer with applications due on August 11th, a  
22 total of seven candidates submitted applications.  
23 A few weeks later, the screening process was  
24 suspended. A few applicants withdrew their names  
25 for consideration and the application process was

1 reopened in February. The General Assembly passed  
2 S-955, a joint resolution to reopen the application  
3 process and to advertise for these positions  
4 February 16th through March 23rd.

5 On March 26th, the application period  
6 closed and a number of new applications were  
7 received. We have conducted background  
8 investigations of each candidate, including credit,  
9 law enforcement, and driver's license checks. In  
10 accordance with previous screenings by the  
11 Review Committee, the candidates took a written  
12 examination to assist us in determining the level  
13 of knowledge that each candidate has with respect  
14 to substantive public utility issues, ethical  
15 restraints applicable the Commission and the  
16 operations of the Commission.

17 We are here today to further question  
18 the candidates and give them an opportunity to make  
19 any statement with respect to their qualifications  
20 and desire to serve as a commissioner. The  
21 Review Committee plans to issue its report  
22 regarding the screening to the General Assembly on  
23 Wednesday, this Wednesday at noon.

24 Candidates may not seek pledges until  
25 48 hours after the Review Committee has issued its

1 official report. Candidates will be notified at  
2 the time that the report is officially issued. The  
3 Review Committee requests that substantive  
4 information during the screening not be shared  
5 until after the final candidate has been screened.  
6 Candidates are sequestered prior to their screening  
7 in order to ensure fairness during the process;  
8 however, the purpose of sequestration is defeated  
9 if the candidates are contacted or read about what  
10 questions are being asked or read about earlier  
11 candidates' screening online.

12 A transcript of these screenings will  
13 be posted online. We've requested that that  
14 transcript be provided as soon as possible. The  
15 Review Committee -- the Review Committee will need  
16 to meet in executive session with each candidate  
17 following their public screening to discuss  
18 potential employment pursuant to Section 30-4-70  
19 and/or matters of a personal nature where public  
20 disclosure would constitute an unreasonable  
21 invasion of privacy, which are exempt in the public  
22 disclosure pursuant to Section 30-4-48-2.

23 So at this point that concludes my  
24 opening remarks. I appreciate again the members of  
25 the committee being here to do the work of the

1 committee. And if there's no other comments at  
2 this time, then we'll proceed to the screening.  
3 Staff is ready? We have first Bruce Cole.

4 MR. COLE: Good morning.

5 SENATOR ALEXANDER: How are you this  
6 morning?

7 MR. COLE: Doing well.

8 MS. ANDERSON: Good morning, Mr. Cole.

9 MR. COLE: Good morning.

10 SENATOR ALEXANDER: You'll be sworn in.

11 BRUCE COLE

12 being first duly sworn, testified as follows:

13 SENATOR ALEXANDER: I'll turn it over  
14 to staff.

15 MS. ANDERSON: Mr. Chairman, committee  
16 members, I'm going to give a very high level  
17 summary of Mr. Cole's educational background and  
18 experience. Mr. Cole graduated from Harvard  
19 University and obtained a degree in economics. He  
20 has a master's degree in accounting from  
21 Northeastern University. A master's in business  
22 administration from Stanford. And Ph.D. in plan,  
23 design, and build environment from Clemson  
24 University.

25 From the late '70s to early 1980s, he

1 was an economic analyst auditor. From the 1980s  
2 through about 1997, he was employed in various  
3 areas regarding telecommunications and some cable  
4 television experience. And from 1997 to 2006, he  
5 served the City of Boston as the chief financial  
6 officer of Boston Public Library. And the chief  
7 executive consultant for John Hancock Financial  
8 Services. And also founded the Boston Rental  
9 Housing Association.

10 He has served at several institutions  
11 of higher education as an associate or visiting  
12 professor, including Allen University, Benedict,  
13 Presbyterian, Southern Wesleyan University, and the  
14 University of South Carolina. Since 2007, Mr. Cole  
15 has been the managing director for Palmetto Realty  
16 Advisors. And he founded the Richard T. Greener  
17 Institute for Social Policy Research in 2014.

18 Mr. Cole, since you have submitted your  
19 Personal Data Questionnaire, are there any changes  
20 that you would like to make?

21 MR. COLE: No.

22 MS. ANDERSON: All right.

23 Mr. Chairman, I would request that Mr. Cole's  
24 Personal Data Questionnaire be entered into the  
25 record with any confidential information being



1 EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
2 redacted and to also include Mr. Cole's notarized  
3 statement for the record.

4 SENATOR ALEXANDER: So ordered.

5 (COLE EXHIBIT 1, South Carolina Public  
6 Service Commission edited Personal Data  
7 Questionnaire for Dr. Bruce Kevin Cole, was marked  
8 for identification.)

9 (COLE EXHIBIT 2, Bruce K. Cole, Ph.D.,  
10 personal statement, was marked for identification.)

11 MS. ANDERSON: Before we begin  
12 questioning, Mr. Cole, do you have a brief  
13 statement that you'd like to make?

14 MR. COLE: Yes. First all,  
15 Mr. Chairman, Ms. Anderson, staff, and other  
16 commissioners, thank you for the opportunity for  
17 allowing me to speak today. It would be the  
18 highest honor for me to be able to serve in this  
19 capacity is a commissioner on the PSC. It's an  
20 area that I've worked in, towards, for most of my  
21 career. I'm trained, and experienced, and have a  
22 passion for that. I think that this is my time and  
23 this is my opportunity to serve the people of  
24 South Carolina. Thank you.

25 SENATOR ALEXANDER: Thank you.

EXAMINATION

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
BY MS. ANDERSON:

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

A. My name is Bruce Kevin Cole. My  
address is 309 North Trenholm Road, Forest Acres,  
South Carolina.

Q. Are you a registered voter?

A. I am.

Q. And in which Congressional district are  
you registered to vote?

A. District 2.

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

A. I've been interested in infrastructure  
economics for most of my career. Perhaps I get it  
naturally, my father and his father worked for RA  
Roebbling & Son, they built the Brooklyn Bridge and  
the Golden Gate Bridge. I've been involved in some  
aspect of infrastructure for most of my  
professional career, both as an auditor all the way  
through to recently. My Ph.D. thesis was in --  
looked at understanding how regulation affects the  
development and deployment of infrastructure. And  
I think that this position is a pinnacle of my  
career and it will allow me to draw on the many

1 EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
2 aspects of my training and experience.

3 Q. Have you attended any hearings at the  
4 Commission?

5 A. I have.

6 Q. Have you read Commission decisions?

7 A. I have.

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

10 A. I would look at the Commission website,  
11 first and foremost, and look at the dockets. I  
12 would look at some of the other websites, like ORS  
13 website. I would look at the FERC website. I  
14 would -- I've been looking at NARUC'S materials and  
15 EEI's materials. And I would probably also  
16 consider some of the academic literature in this  
17 space.

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

21 A. The Public Service Commission oversees  
22 rate making, oversees complaints. It rules on  
23 changes to strategy by the various players, by  
24 reviewing things like their IRPs. It provides a  
25 balance between the interests of the public and the  
interests of the industry. And it -- it provides

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 an opportunity for regulating markets when they  
2 fail.

3 Q. And what role, if any, does the PSC  
4 have in establishing energy policy in South  
5 Carolina?

6 A. Well, that really falls to the  
7 legislature and also to the ORS. I think the PSC  
8 appears to me to be more of a scorekeeper and an  
9 umpire making sure that the policies are fair and  
10 that the stakeholders are treated appropriately.

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

13 A. Key factors, they might include -- I've  
14 read some of the rate cases and I think they should  
15 consider who the winners and losers are and who  
16 might be affected by various policies that are  
17 ruled upon. They should consider, first of all,  
18 the law, I mean, that's their job. They would  
19 consider what the needs of the various parties are.  
20 I think a commissioner and the Commission should  
21 consider trends, if they're positive or negative  
22 trends in the market, just to be aware of whether  
23 or not we would be supporting negative tendencies  
24 in the marketplace or whether or not we would be  
25 moving towards a more positive future vision for

1           EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
2     the -- our state, and for the ratepayers and for  
3     the economy.

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

8           A.     I am.

9           Q.     And have you attended any legislative  
10    receptions or any legislative caucus meetings since  
11    receiving the advisory opinion?

12          A.     I have not.

13          Q.     Assume that you're serving on the  
14    Commission and you were approached by someone  
15    wanting to discuss a matter that is or may become  
16    an issue in a proceeding before the Public Service  
17    Commission, how would you handle the situation?

18          A.     I would tell them that under law I  
19    can't speak with them and I would remove myself  
20    from the situation.

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

24          A.     I am.

25          Q.     Do you or a member of your immediate  
   family own stock or have any other financial

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 interests that is directly controlled by you or  
2 your family member that's of a utility regulated by  
3 the PSC?

4 A. I don't.

5 Q. If elected, would there be any  
6 potential conflicts of interests, financial or  
7 otherwise?

8 A. No.

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

11 A. I do not.

12 Q. Are you a member of or affiliated with  
13 any entity that would need to be re-evaluated if  
14 you are elected to serve as a commissioner?

15 A. I am not.

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

18 A. A commissioner should be fair-minded.  
19 Should be -- have a cool disposition with regards  
20 to either side of an issue. And should look to  
21 balance the pros and the cons of any situation.

22 Q. And would that apply only while you  
23 were on the bench or would those rules apply all  
24 the time?

25 A. 24/7.

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018

1 Q. What do you consider to be appropriate  
2 use of social media for a commissioner?

3 A. I don't think a commissioner should use  
4 it at all.

5 Q. What jurisdiction does the Public  
6 Service Commission have over an electric  
7 cooperative? And you can take your time or we can  
8 move on.

9 A. Electric cooperative? I don't -- we  
10 ultimately have the -- have to consider the  
11 benefits and the consequences of any rate decisions  
12 on customers.

13 Q. And earlier you had mentioned, you made  
14 reference to Integrated Resource Plan. Can you  
15 describe what that is and include a description of  
16 its contents in the process?

17 A. IRPs consist of an overview of the  
18 economic environment. They include a projection of  
19 demand. And in theory, they should include some  
20 kind of a plan for the use and deployment of --  
21 future deployment of facilities to support those  
22 projections.

23 Q. Under what circumstances may a  
24 commissioner express a public opinion on an issue  
25 that is within the Public Service Commission's

1 EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
jurisdiction?

2 A. Only in an educational manner.

3 Q. What experience would you bring to the  
4 PSC that would be beneficial, if elected, to serve  
5 as a commissioner?

6 A. I have 35 years as being a CPA. I'm a  
7 CPA in New York, I chose to keep my CPA in New York  
8 because of the wealth of contacts that are there  
9 and the committees that the New York State Society  
10 of CPAs gives me access to, and their literature is  
11 fabulous. I have considered being a CPA here, but  
12 the regulators here don't approve -- have not  
13 approved of my having a real estate company and a  
14 CPA practice in the same location.

15 I also have a number of years of  
16 experience in telecommunications at a very critical  
17 point in the deregulation of telecommunications. I  
18 worked for AT&T as an intern when I was at Stanford  
19 University, I helped them prioritize projects for  
20 -- that would be going before the FCC, new  
21 technology such as voicemail, right. And I also  
22 worked for AT&T with bottom-line responsibility  
23 operating their, what they called the switch  
24 transit business, I resold the US network to  
25 foreign telecommunications companies. I also



EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 worked in buying and selling facilities as the  
2 messenger to the regional operating companies where  
3 we were splitting the various facilities in the  
4 western region.

5 I also worked as a -- as a manager with  
6 seven supervisors reporting to me when we supported  
7 various facilities, customer facilities in Northern  
8 California. Some of my clients included the San  
9 Francisco 49ers, Bechtel, and Bank of America and  
10 others. Subsequent to that, I worked as a  
11 consultant with my own firm, I supported the  
12 purchase of specific telesis by Southwestern Bell  
13 in a number of ways. I developed a new way of  
14 procurement of switch software that saved that  
15 company about 100 million bucks.

16 I worked in wireless as well. I also  
17 have experience in finance and understanding how  
18 companies are valued. I used that experience most  
19 recently in my economic research to understand how  
20 regulation affects corporate value.

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

24 A. I have not.

25 Q. Have you sought or received the pledge

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 of any legislator prior to this date?

2 A. I have not.

3 Q. Have you sought or been offered a  
4 conditional pledge of support by any legislator  
5 pending the outcome of your screening?

6 A. I have not.

7 Q. Have you asked any third parties to  
8 contact members of the General Assembly on your  
9 behalf before the final and formal screening report  
10 has been released?

11 A. I have not.

12 Q. Are you aware of any friends of  
13 colleagues contacting the General Assembly on your  
14 behalf?

15 A. I am not.

16 Q. Since the submission of your  
17 application to the Commission, have you contacted  
18 any legislator regarding your candidacy, and if so,  
19 please describe that contact or interaction?

20 A. I have not.

21 Q. And since the submission of your  
22 application, have you attended any political  
23 gatherings?

24 A. Yes. I attended the Democratic  
25 conference this weekend.

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

5 A. I am.

6 Q. And would you plan to serve a full  
7 term, if elected?

8 A. Certainly.

9 MS. ANDERSON: I need to state for the  
10 record that Mr. Cole's test score was 59. And  
11 Mr. Chairman, I have no further questions.

12 SENATOR ALEXANDER: Do any members of  
13 the Committee have questions? Senator from Horry.

14 EXAMINATION

15 BY SENATOR RANKIN:

16 Q. Mr. Cole, I appreciate your willingness  
17 to do this, and again you ran before, but didn't go  
18 fully through that process in 2010, correct?

19 A. Yes, sir.

20 Q. Curious question, you were the finance  
21 director for the public library system in Boston  
22 for a couple of years or some --

23 A. Yeah, I was the first Chief Financial  
24 Officer for the Boston Public Library. We had 27  
25 branches, yes, sir.

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018

1 Q. What was the highest fine for a late  
2 due book, that you recall?

3 A. The highest fine for a late due book,  
4 that's a good question, because some people held  
5 books for years and found them in their --

6 Q. I've got some Blockbuster videos I'd  
7 like to give you and if you can take them with a  
8 book and find a deposit in Boston and leave them  
9 both.

10 A. I would be happy to do that, sir.

11 Q. Are you involved -- your real estate  
12 business, is that Arete?

13 A. No, I hesitate because I'd love to be  
14 Arete.

15 Q. It sounded close to it, you were -- you  
16 were right there. And you are running against an  
17 incumbent, who you may or may not know, I think in  
18 this district; is that correct?

19 A. Yes, sir.

20 Q. And not to be cheeky, but in terms of  
21 your view of how the entire PSC is done and  
22 particularly the incumbent, in terms of how you  
23 would have done things differently, can you give me  
24 your thoughts on that?

25 A. Well, I know that a lot of the

1 EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
2 deliberations are private, so I really don't have  
3 access to that kind of information, but it appears  
4 that my -- the incumbent was well-qualified, you  
5 know, from his exposure to the workings of the PSC  
6 and regulatory processes. What I bring to the  
7 table is something different, I come from industry,  
8 I come from academia. I have had considerable  
9 experience working in regulation when I was the  
10 president of the Boston Rental Property  
11 Association, I did represent 3,000 members of  
12 the -- who were property owners in Boston before  
13 state boards. When I was also part of that  
14 organization, we worked on a committee with the --  
15 a special committee of both sides of the  
16 General Assembly of the Commonwealth looking at  
17 whether or not they should sell a convention center  
18 and gave them advice and they adopted our solution.

18 But what I'd -- but what I think  
19 separates me from others in this area and for this  
20 particular position is the fact that I have both  
21 experience, hands-on experience in regulated  
22 industries. I have a good solid decision making  
23 experience. I understand how regulation affects  
24 corporate value. And I am an experienced  
25 policymaker.

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 SENATOR RANKIN: Very good. Thank you.

2 SENATOR ALEXANDER: I have just a  
3 couple of questions and then I'll recognize  
4 Mr. Sandifer.

5 EXAMINATION

6 BY SENATOR ALEXANDER:

7 Q. You'd mentioned whether you're  
8 affiliated with an organization or entity or group  
9 and whether you would have to re-evaluate any of  
10 that, do you have any association now? Are you  
11 affiliated with an organization that would have to  
12 be evaluated if elected to be a member of the  
13 Public Service Commission?

14 A. Not now, Senator. I was on the Board  
15 of the Sierra Club, the state chapter, but I  
16 submitted my resignation effective the 26th of  
17 March when I submitted my application.

18 Q. So you're no longer in those capacities  
19 that were on your information?

20 A. No, sir.

21 Q. Okay. You've also mentioned you've  
22 been on the Richland County Airport Commission?

23 A. Yes, sir.

24 Q. I bet that was quite an experience.  
25 And how many years did you serve on the Commission?

## EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018

1           A.    Oh, my, I guess it was about seven  
2 years.

3           Q.    About seven years, okay.

4           A.    Yes.

5           SENATOR ALEXANDER:   Thank you.  
6 Mr. Sandifer.

7           REPRESENTATIVE SANDIFER:   Thank you,  
8 Mr. Cole.   And Mr. Chairman, thank you for allowing  
9 me to ask a few questions.

## EXAMINATION

10  
11 BY REPRESENTATIVE SANDIFER:

12           Q.    And I want to follow up, if I may, on  
13 some of the responses that you gave when  
14 Ms. Anderson was questioning you.   First of all,  
15 one of the answers was the factors in a rate case.  
16 And one of your answers was to look at the trends  
17 of the market.

18                   And I think I understand what you're  
19 saying, but is that an appropriate way to address  
20 it in a judicial manner?

21           A.    That's a good question, sir, I -- let  
22 me be honest with you, and if I show my naivety,  
23 please forgive me, but blame it on my youth.

24           Q.    Me too.

25           A.    When I read some of the EEI reports and

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 it shows that with, you know, the onset of DER,  
2 Distributed Energy Resources, there is clearly a  
3 demand in the marketplace for these services. And  
4 it appears that many -- the knee-jerk reaction for  
5 any utility would be to cross-subsidize the lost  
6 revenue from that group. And what you have is a  
7 situation that's not, in my mind, is not  
8 sustainable because it means that an increasingly  
9 smaller group of people are going to have to pay  
10 more and more in rates in order to make up for that  
11 lost revenue. And the increased costs from the  
12 complexity of the inner connections that have to be  
13 made in order to support a growing DER.

14 So at some point the bubble pops. And  
15 it will be politically unsavory for that  
16 cross-subsidy to continue. So I think one would  
17 have to consider that trend.

18 Q. Okay. And Mr. Cole, I would suggest to  
19 you that that's not a trend, the DER is in law and  
20 therefore you're applying a part of the law to what  
21 your decision-making process would be. Would that  
22 sum it up in a fairly easy way?

23 A. I would certainly apply the law because  
24 that concept that I just -- that trend that I just  
25 spoke of might be considered an intermediate or a



EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 longer-term trend.

2 Q. And to the question: Does the Public  
3 Service Commission have jurisdiction over the  
4 electric cooperatives. I'm not sure that you ever  
5 answered that and I'm curious to know what your  
6 response would be?

7 A. Well, yes, ultimately. I mean, we want  
8 to make sure that the cooperatives are doing the  
9 right thing. But I think at the same time, the --  
10 to be honest with you, sir, I haven't seen any rate  
11 cases involving the cooperatives, so I don't  
12 know -- I can't -- in all fairness, I can't answer  
13 that effectively.

14 Q. And the same question would apply to  
15 the municipal electrics and to Santee Cooper --

16 A. Oh, I see what you're saying.

17 Q. -- this state-owned authority, what  
18 role does the PSC play in the governance and the  
19 rate making in all three of those?

20 A. I don't see any role at all, sir.

21 Q. So you would revise your answer to the  
22 co-ops?

23 A. Based on that, yes, sir.

24 Q. And then one final question, if I may,  
25 you were asked about expressing a public opinion if

1 EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
2 you were speaking -- speaking to the public about  
3 any opinion before the Commission, would you  
4 express any opinion to a public gathering?

5 A. Not if something is pending, not at  
6 all, no, sir.

7 REPRESENTATIVE SANDIFER: All right.  
8 Let's see if I had any others. Nope, that's all of  
9 my notes, Mr. Chairman. Thank you very much,  
10 Mr. Cole.

11 SENATOR ALEXANDER: Any other  
12 questions? Representative Forrester.

13 EXAMINATION

14 BY REPRESENTATIVE FORRESTER:

15 Q. Mr. Cole, you list Palmetto Realty  
16 Advisors as your sole income source. Could you  
17 explain what that organization does?

18 A. Yes, sir. We do two things. One, we  
19 manage a fund, it's a tax lien fund, so I've been  
20 buying low here in Richland County and in  
21 Beaufort County and then selling at market value.  
22 And I've been focusing on infrastructure real  
23 estate, these are things that most people look --  
24 overlook, but because I feel comfortable working  
25 with lawyers and I feel comfortable with negotiated  
sales, we've been able to prove my theories. It's

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1 really -- this particular fund is really a pilot,  
2 the idea would be to make this a much larger fund.  
3 I actually have registered a name for that larger  
4 fund. Several years ago, I was seeking investors  
5 at the Urban Land Institute conference. I was  
6 given the chance to do a Shark Tank. Nobody came  
7 along, I guess most people felt that they knew all  
8 that needed to be known about these types of  
9 investments, but I have proven that I can make a  
10 10-X, 10 times a return on my money.

11 Q. This is a for-profit business?

12 A. Oh, very much so. And then the other  
13 piece of the business is an advisory business.  
14 I've been working with people who are either in or  
15 have not gone through probate with regards to their  
16 legacies and helping them work through real estate  
17 issues.

18 REPRESENTATIVE FORRESTER: Thank you.

19 SENATOR ALEXANDER: Can I follow up on  
20 that for just a second too?

21 EXAMINATION

22 BY SENATOR ALEXANDER:

23 Q. Are you also currently -- or you were  
24 the founder and are you now the president of the  
25 Richard T. Greener Institute?

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1 A. I am, sir.

2 Q. And so with that and your other duties  
3 there, if elected by the Commission, would you --  
4 one, your role with the institute now, and how  
5 would you re-evaluate your responsibilities in your  
6 current capacity?

7 A. With regards to the Richard T. Greener  
8 Institute for social policy research, that's really  
9 a foundation, and we file 990-PFs every year. I  
10 would kick myself upstairs and be on the board and  
11 allow others to run it. I think we're doing good  
12 work, good research. The goal is to focus on  
13 economic development issues here in South Carolina.  
14 So I don't think it would be in conflict, but I  
15 would allow other people to do the work.

16 Q. Okay. And what about are there other  
17 things that you're listed with the Secretary of  
18 State, other capacities or other organizations or  
19 is that the two that you currently are involved  
20 with?

21 A. Those are the two I'm currently  
22 involved with. The other organizations are  
23 placeholders. For example, the South Carolina Real  
24 Estate Journal is -- you know, if at some point we  
25 decide to offer that kind of publication, the

EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
1 Palmetto Realty Advisors would -- that would be  
2 another product that we would offer.

3 Q. So when you say, we, if you're on the  
4 Commission, again, it gets back to what capacity  
5 would you be involved in that?

6 A. Oh, oh, none, none. I mean, all of  
7 that goes on hold. The real estate pretty much  
8 runs by itself, in terms of introducing new  
9 products or bringing on -- or servicing customer  
10 clients, I would not do that. This would be a  
11 full-time job.

12 Q. So you confirm that it is a full-time  
13 job?

14 A. This would be a full-time, the Public  
15 Service Commission, yes, sir.

16 SENATOR ALEXANDER: Okay, thank you.  
17 Other questions?

18 SENATOR HUTTO: Mr. Chairman.

19 SENATOR ALEXANDER: Yes, sir,  
20 Senator Hutto.

21 EXAMINATION

22 BY SENATOR HUTTO:

23 Q. Are you familiar with the Base Load  
24 Review Act?

25 A. I am, sir.

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1 Q. What does that mean to you?

2 A. That means that the laws allow for the  
3 IOUs to have the ratepayers to pay for construction  
4 of new facilities, as opposed to having the  
5 investors of that company pay for new construction.

6 SENATOR HUTTO: Okay, thank you.

7 SENATOR ALEXANDER: Representative  
8 Sandifer would like to follow up.

9 REPRESENTATIVE SANDIFER: Thank you,  
10 Mr. Chairman.

11 EXAMINATION

12 BY REPRESENTATIVE SANDIFER:

13 Q. Mr. Cole, do the terms, cost of capital  
14 and capital costs, mean anything to you, the  
15 differentiation?

16 A. Well, cost of capital is a term that's  
17 commonly used as a measure of what the financing  
18 costs of a company would be.

19 Q. Okay. And capital costs?

20 A. That's a term that I'm not -- I haven't  
21 used.

22 Q. Right. And in the question that the  
23 Senator asked a moment ago about the Base Load  
24 Review Act, which one of those is allowable to be  
25 recoverable under the Base Load Act?

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1           A.     Well, I would think it would be -- it  
2 sounds like the capital costs. I mean, if someone  
3 -- if the company is actually building the  
4 facility, such as VC Summer, on a prorated basis,  
5 it would recover the costs of building that plant.

6           Q.     So throughout construction, they would  
7 be able to recover that?

8           A.     Yes, sir.

9           REPRESENTATIVE SANDIFER: Thank you,  
10 sir. Thank you, Mr. Chairman.

11          SENATOR ALEXANDER: Anything else? If  
12 not, we'll entertain a --

13          SENATOR HUTTO: I move to go into  
14 executive session.

15          SENATOR ALEXANDER: A move to go into  
16 executive session. Do I have a second? Any  
17 opposition?

18          SENATOR HUTTO: With the candidate  
19 remaining.

20          SENATOR ALEXANDER: With the candidate  
21 remaining with us. That was pursuant to the  
22 information and requests that I'd made earlier  
23 today in the opening comments.

24                   (Executive session)

25          SENATOR ALEXANDER: We're back in open

1 EXAMINATION OF MR. BRUCE COLE - APRIL 23, 2018  
2 session and no action was taken in executive  
3 session. And we appreciate your appearance with us  
4 here today, Mr. Cole. And I think that concludes  
5 our time with you and we appreciate, again, your  
6 taking the time to be with us.

7 MR. COLE: Thank you. May I make a  
8 quick statement in closing?

9 SENATOR ALEXANDER: Please.

10 MR. COLE: Yes, sir. I again thank you  
11 for the opportunity to present today. I'd like to  
12 just reiterate that I've been trained, been tested,  
13 I have experience. I think I would make a great  
14 commissioner at a time when the market seems to be  
15 changing. And I think that my processes that I can  
16 bring to the table of economic analysis and  
17 understanding, both the larger issues and some of  
18 the on-the-ground issues will make me an excellent  
19 commissioner. And I ask you to support my  
20 candidacy. Thank you.

21 SENATOR ALEXANDER: Thank you for being  
22 here.

23 Next we're to Mr. Patrick Donnelly.  
24 Good morning.

25 MR. DONNELLY: Good morning.

SENATOR ALEXANDER: Good to see you.



EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 Thank you for taking time to be with us today,

2 Mr. Patrick Donnelly. And I ask you to please be  
3 sworn in and then I'll recognize Ms. Anderson for  
4 some questions for you.

5 PATRICK DONNELLY

6 being first duly sworn, testified as follows:

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

9 MR. DONNELLY: Good morning.

10 MS. ANDERSON: First I want to give a  
11 very high level of Mr. Donnelly's educational  
12 background and experience. He attained a bachelor  
13 of science degree in mechanical engineering from  
14 Virginia Tech and a master's degree in business  
15 administration from the College of William & Mary.

16 From 2004 to 2008, we worked at  
17 Northrup Grumman Shipbuilding in Newport News as a  
18 nuclear engineer. And since 2008, Mr. Donnelly has  
19 been employed with the Nuclear Regulatory  
20 Commission, and recently he has served as the  
21 resident inspector for the VS Summer units.

22 Do you have any changes that you would  
23 like to make to the Personal Data Questionnaire  
24 that you submitted with your application,  
25 Mr. Donnelly?

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1 MR. DONNELLY: I do not.

2 MS. ANDERSON: I'd ask that his edited  
3 information be put into the record.

4 SENATOR ALEXANDER: So ordered.

5 (DONNELLY EXHIBIT 1, South Carolina  
6 Public Service Commission edited Personal Data  
7 Questionnaire for Mr. Patrick Donnelly, was marked  
8 for identification.)

9 (DONNELLY EXHIBIT 2, Resumé of Patrick  
10 Donnelly, was marked for identification.)

11 MS. ANDERSON: Before we begin  
12 questioning, do you have a brief statement that  
13 you'd like to make?

14 MR. DONNELLY: I would if that's all  
15 right. Good morning and thank you, Mr. Chairman  
16 and members of the committee. I appreciate the  
17 time before you today and I am pleased to be  
18 seeking this opportunity to serve the community and  
19 the residents of the 2nd district of South  
20 Carolina. I'd like to begin by introducing myself  
21 and my background. My name is Patrick Donnelly and  
22 I work -- and the work I've been engaged in for the  
23 better part of my career is a direct contributor to  
24 my interests and confidence in serving as an  
25 engaged, value-added member of the Public Service

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Commission.

1  
2 I began my career with the Nuclear  
3 Regulatory Commission just short of 10 years ago.  
4 After four successful years as a nuclear engineer  
5 at Northrup Grumman, I joined the NRC as a project  
6 manager in 2008. And that role involved managing  
7 the design changes to a certified design amendment.  
8 As a project manager, my days were spent engaging  
9 the designer or the applicant, the utilities  
10 seeking a combined license for that design, and  
11 members of the public. I found I excelled at  
12 crafting mutually agreeable solutions to some truly  
13 complicated issues by diligently listening and  
14 working with multiple stakeholders during my  
15 tenure.

16 After serving in that role, I was  
17 recruited by the NRC to train as a resident  
18 inspector with the anticipation of relocating here  
19 to Columbia to serve at the VC Summer site. My  
20 tour in that role began right before SCE&G received  
21 their license and ended with the recent decision to  
22 terminate the project.

23 As a resident engineer with the NRC, my  
24 role is focused on the construction of the  
25 safety-related systems that are relied upon for the

1 EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
safe shutdown of the plant. I was engaged in the  
2 field on a daily basis on the construction of units  
3 2 and 3, ensuring the safety-related systems,  
4 structures and components met licensed  
5 requirements. The NRC has no authority over cost  
6 and schedule.

7 Moving forward, it is my perception  
8 that the primary role of the Commission may shift  
9 from that of a mainly adjudicatory body ruling on  
10 set policy to that of a body responsible for  
11 applying critical expertise and thought toward  
12 developing policy and driving some manner of change  
13 and service to the goal of providing reliable  
14 energy to the citizens and businesses of this state  
15 while keeping rates affordable.

16 The issues ahead are complicated.  
17 Having the right mix of commissioners will be  
18 critical. I believe I provide a unique skill set  
19 that will strengthen the engineering insight of the  
20 Commission. I welcome the opportunity to bring  
21 those skills to bear. I believe my time onsite in  
22 Jenkinsville has afforded me a unique perspective  
23 that when coupled with my engineering and  
24 regulatory background, makes me especially equipped  
25 to effectively serve my district on the Commission.

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1 I have almost a decade of experience as  
2 a regulator of nuclear power. I find much  
3 satisfaction in the challenge of finding and in  
4 some cases creating the best solution to  
5 complicated problems. I hope that this gives you  
6 confidence in me as a potential commissioner. And  
7 again, I'd like to thank you for your time and the  
8 opportunity to speak to you today. And I look  
9 forward to answering your questions.

10 SENATOR ALEXANDER: Thank you, sir.

11 EXAMINATION

12 BY MS. ANDERSON:

13 Q. Mr. Donnelly, please state your name  
14 and home address for the record.

15 A. My name is Patrick Bart Donnelly. And  
16 I live at 2 Hobby Court in Irmo, South Carolina.

17 Q. Are you registered a voter?

18 A. I am.

19 Q. And in which Congressional district are  
20 you registered?

21 A. District 2.

22 Q. You've covered this briefly already, so  
23 is there anything else that you'd like to add about  
24 why you'd like to serve on the PSC?

25 A. I think -- well, like I said, I think

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1 I'm uniquely qualified. And also the issues that  
2 are before it are, as I said before, they're  
3 complicated. And I think currently the -- you  
4 know, there's a lack of engineering strength on the  
5 Commission. And I think I'm uniquely qualified to  
6 bring that strength to the Commission based on the  
7 other candidates.

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

10 A. I have.

11 Q. Have you read any Commission decisions?

12 A. I have.

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

15 A. I think based on my experience as a  
16 regulator, the process is virtually the same, it's  
17 just the regulations that you're -- that are the  
18 basis. And so, you know, once I get a handle on  
19 the regulations themselves that we will be  
20 enforcing, then it's -- it will be the similar type  
21 process that I'm used to.

22 Q. What role does the Public Service  
23 Commission serve in regards to the regulation of  
24 utilities?

25 A. Which utilities?

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1 Q. In general?

2 A. In general.

3 Q. Uh-huh, in general.

4 A. Well, it's the utilities -- or it's the  
5 -- I'm sorry, it's the Commission's responsibility  
6 to -- to oversee the utilities, particularly ones  
7 that are -- that have no competition, to ensure  
8 that the rates are there, charging the ratepayers  
9 are fair and equitable.

10 Q. And what are some of the key factors  
11 that a commissioner should consider in a rate case?

12 A. That's a good question. In a rate  
13 case, you're looking at several different issues.  
14 So you have -- you have the ratepayers themselves  
15 and you need to ensure that the ratepayers are  
16 going to receive quality and -- whatever is being  
17 provided to them needs to be provided to them at a  
18 high quality. And so in order to ensure that that  
19 takes place and whatever utility is providing it  
20 needs to receive enough money, so that it can cover  
21 its expenses and have a fair and equitable profit  
22 margin.

23 And so those are the things -- you want  
24 to make sure that they -- the people are getting  
25 what they need and that the utility is making

EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 enough money to survive in a fair and equitable  
2 way.

3 Q. What is the Public Service Commission's  
4 role in establishing energy policy for  
5 South Carolina?

6 A. I'd like to see that that role expands  
7 for the Public Service Commission. I think it is  
8 uniquely -- it should be a body of people that are  
9 uniquely capable of looking at the needs of the  
10 state, especially in the energy market, and  
11 determining what the future energy needs are going  
12 to be. And I think having that vision is going to  
13 help all the other policies that are in front of  
14 it. And, for example, the -- the name is escaping  
15 me, but it's the reports that the utilities have to  
16 provide to the Public Service Commission, that  
17 basically spells out, you know, how much power they  
18 generate, how much peak power is expected, what is  
19 the -- the Integrated Resource Plan.

20 So, for example, the Integrated  
21 Resource Plan, there isn't much -- there's not  
22 enough, I think, rigor in that program currently.  
23 And I understand that was part of the energy plan,  
24 that was one of the recommendations was to increase  
25 the rigor, but, you know, that's been given to a



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1 committee, but I think the Public Service

2 Commission itself might be the best.

3 Q. What are some of the other entities  
4 that help sell energy policy in South Carolina and  
5 describe those roles?

6 A. Mainly it's the Office of Regulatory  
7 Staff, their main responsibility is to the -- to be  
8 an advocate for the ratepayers.

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

13 A. I am.

14 Q. And have you attended any legislative  
15 receptions or any legislative caucus meetings since  
16 receiving those opinions?

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. So in that situation, it's  
24 inappropriate for a commissioner to be engaging in  
25 that discussion. You'd have to cut the -- cut that

1 EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
discussion short and any information that was  
2 provided would have to be provided to the legal  
3 counsel of the Public Service Commission.

4 Q. Are you aware that commissioners are  
5 subject to the Judicial Code of Conduct as well as  
6 state ethics laws?

7 A. I am.

8 Q. Do you or a member of your immediate  
9 family own stock or have any other financial  
10 interests that is directly controlled by you or  
11 your family member of any utility regulated by the  
12 PSC?

13 A. No.

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

17 A. No.

18 Q. Are you a member or otherwise  
19 affiliated with an entity that would need to be  
20 re-evaluated if you were nominated and elected?

21 A. I don't believe so.

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

24 A. I do not.

25 Q. What is the appropriate demeanor for a

EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 commissioner?

2 A. In my time as a regulator, I found that  
3 the best demeanor, especially for someone who would  
4 be on the Public Service Commission would be that  
5 of a respectful listener. You know, people come to  
6 you because they have an issue or a concern or an  
7 agenda, something that they need to get across.  
8 And so it's important that they feel comfortable to  
9 do that.

10 And in my time, you know, I think I've  
11 excelled at that. I know at the site that people  
12 would come to the office and ask for me, so that  
13 they could sit down and discuss issues that were of  
14 a concern of them. So in my experience, as the  
15 best demeanor for a commissioner.

16 Q. And would that apply only while you  
17 were on the bench or would that demeanor need to  
18 apply at all times?

19 A. That -- well, you know, certainly in a  
20 professional sense, that would be the demeanor of  
21 all times.

22 Q. What do you consider to be appropriate  
23 use of social media for a commissioner?

24 A. In my opinion, as limited as possible,  
25 specifically with anything that would be before the

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Commission.

1  
2 Q. Describe the process through which an  
3 investor-owned utility can alter its rates?

4 A. A investor-owned utility can petition  
5 the PSC to request a change in rates. And they  
6 would provide the information to the Commission  
7 based on the regulations that they would spell out,  
8 you know, where their costs are, where their profit  
9 margin would be, the number of customers projected  
10 to power up outputs, you know, specifically for  
11 electric. And then that would kind of fall into  
12 where they calculate their rate increase or  
13 decrease, whatever it may be, and they would bring  
14 that before the Commission.

15 Q. What jurisdiction does the PSC have  
16 over a utility owned by a municipality?

17 A. The Commission does not have any over a  
18 municipality.

19 Q. And is there any additional information  
20 that you would like to provide as to what  
21 experience you would bring to the Public Service  
22 Commission that would be beneficial if you were  
23 elected to serve as a commissioner?

24 A. Like I said, you know, I have about a  
25 decade of experience as a regulator and I think,

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1 you know, that is unique. And it's offered me the  
2 opportunity over many years to gain lessons learned  
3 and, you know, particularly in areas where there's  
4 unintended consequences of decisions that are made  
5 and things of that nature that, you know, really  
6 get you to think of the long term -- about the  
7 long-term effects of decisions that you make.

8 Q. And in your Personal Data  
9 Questionnaire, in your response to number 32, you  
10 had described yourself as an invested observer of  
11 all aspects of the VC Summer project. Can you  
12 clarify what you meant by an invested observer?

13 A. So, yeah, sure. So as a resident  
14 inspector that's essentially what you're doing is  
15 you're -- you're in the field observing or  
16 performing inspections. We can't direct work, we  
17 cannot stop work, we are not a hold point in any  
18 way and it's -- you know, we were an observer  
19 onsite and all in meetings and, you know, for  
20 example, in meetings we would sit to the outside,  
21 we don't sit at the table and engage because that's  
22 not our -- that's not our role, that would be the  
23 role of the constructor and the licensee.

24 And so at all times we were on the  
25 periphery and then we make decisions based on what

EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 we see in the field, if anything isn't meeting our  
2 regulatory basis requirements.

3 Q. And with your experience on the VC  
4 Summer site and the constraints of the Judicial  
5 Cannons, what role do you think it would be  
6 appropriate, if at all, to rule as someone on the  
7 Commission on the VC Summer site?

8 A. Well, you know, that's an interesting  
9 question. I think, you know, because I wasn't  
10 engaged in the site directly and just being an  
11 observer, I bring a unique perspective as to what  
12 we saw on the ground. Now, we didn't have direct  
13 access to, you know, financial information and  
14 things of that nature, so that would all be  
15 information that we would have to weight -- or that  
16 I would have to receive and review as a  
17 commissioner on deciding on future -- on the future  
18 of that project and the future of SCANA, I guess.

19 Q. And with your experience, do you think  
20 you can be impartial?

21 A. I do believe that I could.

22 Q. Have you made any contributions to  
23 members of the General Assembly since filing your  
24 application?

25 A. I have not.

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

3 A. I have not.

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

7 A. I have not.

8 Q. Have you asked any third parties to  
9 contact members of the General Assembly on your  
10 behalf before the final and formal screening report  
11 has been released?

12 A. I have not.

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

16 A. I have not.

17 Q. Since the submission of your  
18 application to the Commission, have you contacted  
19 any legislator regarding your candidacy, and if so,  
20 please describe the interaction?

21 A. I haven't -- I know of legislators that  
22 know that I am, you know, applying or I have  
23 applied, but I have not spoken with them directly  
24 about it.

25 Q. How would they know?

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1 A. How would they know?

2 Q. Uh-huh.

3 A. My wife has, you know, talked to people  
4 about the process in general, and so they are aware  
5 that I have applied, but they -- no one has been --  
6 we haven't asked for any endorsement.

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

11 A. I am aware.

12 Q. Have you attended any political  
13 gatherings since the submission of your  
14 application?

15 A. I have not.

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

18 A. I would.

19 MS. ANDERSON: All right. And for the  
20 record, Mr. Donnelly's test score was a 57. I have  
21 not further questions, Mr. Chairman.

22 SENATOR ALEXANDER: Thank you. Before  
23 I get to other questions, I want to ask you -- I  
24 want to follow up. And again, thank you for being  
25 here. Ms. Anderson, in your responses, I just want



EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 to make sure that I have clarity on that question  
2 32, where you say there I believe that my insight  
3 and experience as an invested observer, all aspects  
4 of the project.

## EXAMINATION

BY SENATOR ALEXANDER:

7 Q. Help me shed some light on the real  
8 underlying issues that plagued the site. Could you  
9 elaborate on the last part of that sentence there  
10 and how would that interact as a member if you were  
11 nominated, elected as a member of the Public  
12 Service Commission?

13 A. Well, I think there's a lot of  
14 questions out there about -- I think people have  
15 questions about -- and I guess ultimately the  
16 question is who is responsible and what costs were  
17 prudently incurred. And so being onsite and -- for  
18 the duration of the project, it gives me some  
19 insight as to what it looked like on the ground.

20 And so moving forward I think, you  
21 know, that would help me and it gives me -- it  
22 gives me some -- a point of view that nobody else  
23 has when making those decisions.

24 Q. Would that point of view come of -- I  
25 think is it an engineering degree --

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1 A. Yes, sir.

2 Q. -- that you have, from an engineering  
3 standpoint as well? I know in some of your  
4 comments you've certainly mentioned it would be an  
5 asset to be on the Commission with that background,  
6 so is it in that context as well?

7 A. Well, I think with my engineering  
8 background, the real benefit there is in forward  
9 looking. How are we going to solve the problems  
10 of, for example, the additional solar input onto  
11 the grid? How are we going to deal with grid  
12 stability? How are we going to deal with updates  
13 to the grid? Where is that going to be most --  
14 where is money spent on the grid going to be most  
15 useful? That kind -- those kinds of questions and  
16 the forward looking, how are we going to best serve  
17 the ratepayers of South Carolina in terms of if we  
18 are looking at an increase in electrical draw off  
19 the grid, where are we going to -- where's the best  
20 place to fill that need, I think my engineering  
21 background is going to be most useful there.

22 SENATOR ALEXANDER: Okay.  
23 Representative Mack.

24 REPRESENTATIVE MACK: Mr. Chairman,  
25 thank you.

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EXAMINATION

1  
2 BY REPRESENTATIVE MACK:

3 Q. Mr. Donnelly, thank you for your  
4 willingness to serve. A couple of questions and  
5 you sort of touched on that what I wanted to get to  
6 with your last answer. With a nuclear background,  
7 we wanted to get your viewpoint as to, from your  
8 standpoint, what went wrong with the VC Summer  
9 units?

10 A. You know, I think from my perspective  
11 especially still being employed by the Nuclear  
12 Regulatory Commission and being a regulator at an  
13 AP-1000 site, I think -- you know, what I can speak  
14 to is our process with the NRC and, you know, how  
15 we go about doing inspections and determining if  
16 the safety systems are installed correctly.

17 Outside of that, I think this body  
18 would probably be better at this point telling me  
19 what went wrong, you know, with the Bates Wyatt  
20 report, the Bechtel report, things of that nature  
21 that I haven't been privy to.

22 Q. Oh, yeah, we've read all that. I was  
23 interested in regards to your nuclear background,  
24 if there was some pieces that you may want to  
25 interject. And also, what should we have learned

EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 in terms of going forward?

2 A. In terms of going forward with  
3 deciding, you know, what types -- how do we meet  
4 the energy needs moving forward?

5 Q. The energy needs for the state, yes.

6 A. Sure. Well, I think the -- so looking  
7 forward there's going to be increasing energy  
8 needs. There's also going to be probably some  
9 plants that are going to be falling off the grid.  
10 So I think that we've learned with the VC Summer  
11 project is that to the extent practical, if you --  
12 if you know -- or if you have -- if there is  
13 industry experience out there that shows that  
14 you're going to be successful in the completion of  
15 a project then that -- that bears a lot of weight,  
16 you know, and not having built a nuclear power  
17 plant in this country for, you know, 20, 30 years,  
18 before getting into the AP-1000 project, I think  
19 that -- there wasn't any, I'll call it industry  
20 experience, that was relevant to the current time  
21 frame. So that introduced risk into the mix.

22 So when you're looking at, you know,  
23 like, you know, gas turbine or combine cycle,  
24 there's a lot of industry knowledge out there in  
25 building that type of plant. And, you know,

1 EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
there's also the question of how to add more solar  
2 onto the grid. And also the addition of battery  
3 power to kind of -- to help reduce your peak loads,  
4 particularly in the summer afternoons, you know,  
5 these are going to be available to us I think, you  
6 know, that's kind of where we should look in the  
7 future.

8 REPRESENTATIVE MACK: Thank you.

9 SENATOR ALEXANDER: Representative  
10 Forrester. And then Representative Sandifer.

11 REPRESENTATIVE FORRESTER: Thank you,  
12 Mr. Chairman.

13 EXAMINATION

14 BY REPRESENTATIVE FORRESTER:

15 Q. Mr. Donnelly, you stated in here that  
16 you worked five and a half years at the VC Summer  
17 plant. And you also state that I regularly  
18 reviewed engineering documents, including drawings  
19 and calculations to determine if the applicant code  
20 requirements were being met. We heard several  
21 testimonies that many of the drawings were not  
22 signed by a registered engineer. Did you find that  
23 to be true?

24 A. The -- that's actually not something  
25 that the NRC reviews, but there's -- there's no NRC

1 EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
2 regulation that says that a professional engineer  
3 from the state of South Carolina -- you know,  
4 that's not part of our regulatory purview, so it's  
5 not something that we would look for.

6 Q. It says you reviewed the engineering  
7 documents. So did you confirm that they were  
8 correct or --

9 A. Yes, we confirmed that they met the  
10 code requirements.

11 REPRESENTATIVE FORRESTER: Okay, thank  
12 you.

13 SENATOR ALEXANDER: Mr. Sandifer.

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

16 EXAMINATION

17 BY REPRESENTATIVE SANDIFER:

18 Q. And I'm going to follow up on  
19 Mr. Forrester's question a moment ago regarding the  
20 changes to the plans and the drawings. Were you  
21 alarmed by the number of changes that were required  
22 to those documents?

23 A. I wouldn't say I was alarmed, it's --  
24 given the fact that it's a complicated system and  
25 never having been built, you know, in many years, I  
don't know what you would -- I have no basis for

1 EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
understanding what an appropriate number of changes  
2 is for such a complicated undertaking.

3 Q. Okay. And yet you were involved in the  
4 design and so forth of that AP-1000 or the  
5 supervision of that?

6 A. Of the design certification, yes.

7 Q. Thank you, sir. All right. Moving on  
8 to the Base Load Review Act. What's your  
9 understanding of the Base Load Review Act or we  
10 call it the BLRA?

11 A. The Base Load Review Act, to my  
12 understanding, it was a bill that allowed utilities  
13 when they determined that a base load need was  
14 there, that they could charge for -- charge the  
15 ratepayers for the cost of borrowing the money it  
16 would take to build the plant while the plant was  
17 under construction. And ultimately to -- you know,  
18 if the plant had finished, it would ultimately be  
19 to reduce the amount of rates that they would pay  
20 over time.

21 Q. And then going to the role of the PCS,  
22 did you know that there are two types or more, at  
23 least two types, of rate cases that could be  
24 submitted by electric utilities?

25 A. I was not aware.

56  
EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 REPRESENTATIVE SANDIFER: That's all,

2 Mr. Chairman, thank you very much. Thank you,  
3 Mr. Donnelly.

4 SENATOR ALEXANDER: Senator Rankin.

5 EXAMINATION

6 BY SENATOR RANKIN:

7 Q. Mr. Donnelly, thank you for your  
8 willingness to offer for this position and to  
9 study, to take the test, to come today and answer  
10 these questions, and prepare for it. You are a  
11 unique candidate with the very unique hat that  
12 you've worn with regard to VC Summer. So the  
13 question asked earlier of you in response to  
14 question 32, a couple of hits on that.

15 The -- there is perhaps in this effort  
16 to blame the world, a false narrative offered that,  
17 if not NRC, FERC is somewhat to blame because of  
18 Huekashemia and the more restrictive tightening or  
19 judicious engineering that was required. Do you  
20 follow my point there that things changed and y'all  
21 -- or FERC was part of the changed landscape that  
22 led to Westinghouse's failure? You've heard that  
23 before?

24 A. I haven't heard that FERC had any --  
25 this is the first time hearing that FERC had --



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1 Q. Or NRC, and I'm just trying to make it  
2 all federal, not state.

3 A. Sure. So I have heard that narrative.  
4 And from our perspective, our sole responsibility  
5 is ensuring the safety of the public in the use of  
6 radioactive material, I mean, that's our only goal.  
7 And to my knowledge, I don't think there was any  
8 change during -- that happened during construction,  
9 any change in regulation that happened during  
10 construction that would have affected the project.  
11 So I don't see that as --

12 Q. Not valid?

13 A. As valid, yeah.

14 Q. And again there's a lot of, it wasn't  
15 me. And again, I don't know who specifically  
16 has -- what entity would have offered that, but it  
17 has been mentioned before. And again, kind of in  
18 the vein of you are the only guy of any candidate  
19 that we will have this opportunity to ask who was  
20 literally onsite, what did we miss? What, from  
21 your vantage point, did you see as an obvious, this  
22 is not good?

23 A. Well, I think if -- when I go back and  
24 I read the reports from the Office of Regulatory  
25 Staff, what I see is the information that they

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1 provided, I don't believe that I saw an independent  
2 assessment of the project from their vantage point.

3 I see information that was provided to them from  
4 the licensee and, you know, from Westinghouse and  
5 the other entities onsite, I'm not exactly sure  
6 where they got the information from. But whatever  
7 that may be, what I found missing was their  
8 independent assessment, I think, you know, that --  
9 and I don't know why that is, perhaps they're not  
10 able to give that or, you know -- but that's what I  
11 think was missing when I see those reports.

12 Q. All right. And you've got to help me,  
13 independent assessment, that would have come from a  
14 project coordinator or a separate entity hired  
15 by --

16 A. Sure. So during our time there, we saw  
17 people from the Office of Regulatory Staff there  
18 attending meetings onsite. And so they were the  
19 boots on the ground for the Office of Regulatory  
20 Staff, you know, so they saw what we saw. And, you  
21 know, my job there was not to report back in the  
22 best interest of the ratepayers, it was to make  
23 sure that the safety of plant was assured. So  
24 that's why I say, I found that if their job was to  
25 be the eyes and ears for the ratepayers, I missed

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1 their independent assessment of the project.

2 Q. So are you blaming the ORS for missing  
3 things that were obvious?

4 A. No, I don't -- I don't know what they  
5 saw, that's just from an outsider's perspective or  
6 from an insider's perspective from reviewing the  
7 ORS's reports, I noticed that they -- an  
8 independent assessment wasn't there. Perhaps  
9 they -- and I don't know why that was, perhaps they  
10 didn't have the information, maybe they thought  
11 that the information provided was accurate in their  
12 assessment. There's no way for me to know.

13 Q. And again, I'm not quibbling here with  
14 you, but an independent assessment, you're not  
15 talking about Bechtel-like report from an  
16 independent somebody?

17 A. No, from --

18 Q. From ORS?

19 A. Yeah, from them.

20 Q. So ORS boots on the ground, they're not  
21 there day in and day out or were they?

22 A. I don't believe they were. You know, I  
23 saw them upon occasion, but what their schedule was  
24 on the site particularly early on, we saw them more  
25 later in the project, you know, perhaps the last

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1 year.

2 Q. Did you see them more than you saw  
3 SCANA representatives?

4 A. No, SCANA was onsite every day, I  
5 interacted with them on a regular basis. I don't  
6 recall seeing ORS early in the project honestly.

7 Q. Do you have any sense with, again, what  
8 you saw for -- and it was five years?

9 A. Five and a half years.

10 Q. Do you have any sense with what you saw  
11 and what you read, either wearing the hat squarely  
12 as an NRC field person -- again, forgive me for not  
13 giving proper credit or whatever naming it --  
14 versus you as a candidate, any difference in what  
15 has been reported, again, what you saw then that  
16 you talked about earlier? If you understand my  
17 question.

18 A. No, what report, when you're saying  
19 what reports?

20 Q. Well, the narrative line again?

21 A. Sure.

22 Q. There's a narrative that we in the  
23 General Assembly have heard from SCANA that is,  
24 perhaps supported by fact, supported by documents,  
25 that is a false narrative. And so what we heard,

1 EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
2 what was reported to ORS, to us, as PURC members,  
3 and to the world was a totally different report  
4 than what existed in fact. So my question to you  
5 is: If you've read anything, again, wearing the  
6 hat as inspector now versus wearing the hat as the  
7 candidate, do you see any difference in what was  
8 reported then versus what we are hearing and seeing  
9 now?

10 A. Sure. Well, I mean, anything that I  
11 would provide now would just be in hindsight, you  
12 know, I think --

13 Q. And I'm interrupting you. Back to the  
14 point of ORS and no independent assessment?

15 A. Right. And that's also in hindsight.  
16 I mean, this is me reading reports from 2012. And  
17 so it's hard for me -- I don't know -- it's hard  
18 for me to put myself in their shoes back at that  
19 time to know -- I don't know how much time they  
20 spent onsite. I don't know what they saw. I don't  
21 know who they talked to. I don't know how much  
22 information they had. That was just my assessment  
23 of reading very few of the reports back from in the  
24 day.

25 And my point is not to blame Office of  
Regulatory Staff. My point is as a commissioner

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1 that would be my question to the Office of  
2 Regulatory Staff during that time period, you know,  
3 what was their assessment -- you know, in hearings,  
4 that would have been my question to them.

5 Q. All right. Finally, were you aware of  
6 the fixed price of contract agreement that was  
7 negotiated with PSC, have you read any of those  
8 orders or agreements?

9 A. The -- you mean after Westinghouse took  
10 over the project; is that what you're referring to?

11 Q. Correct.

12 A. Yes, I'm aware of the fixed price.

13 Q. Do you have anything in hindsight -- we  
14 all have 20/20 vision -- again, kind of back to the  
15 earlier point that you would have said, had you  
16 been charged with speaking with the ratepayer back  
17 then, that it would have been an obvious, guys,  
18 there's trouble, ORS, you missed, blank?

19 A. No, I don't think so at that time, you  
20 know, with the -- yeah, I'm not sure I would have  
21 seen a problem with the fixed price contract. The  
22 only thing I could offer is something to that point  
23 would be the NRC put together a document after the  
24 boom of -- I'll call it the boom of construction in  
25 the '60s and '70s of nuclear power plants, Congress

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1 requested the NRC put together a document of  
2 lessons learned.

3           It's in new reg 1055 is the document.  
4 And in that document it advises against fixed price  
5 contracts because it has the tendency to have an  
6 effect on quality because if you start pushing up  
7 against your -- if you start going longer, spending  
8 more money than anticipated and you have a fixed  
9 contract, you're going to look to cut -- in  
10 different areas. And in the history of nuclear  
11 power, it had -- you know, it had the potential of  
12 having negative consequences for quality, so -- but  
13 I mean, that's -- there's no way to know if that  
14 would have been the case for this project,  
15 particularly with such an NRC -- a strong NRC  
16 presence on the site, very unlikely that would have  
17 been an issue.

18           SENATOR RANKIN: Okay.

19           SENATOR ALEXANDER: Senator Hutto.

20           EXAMINATION

21 BY SENATOR HUTTO:

22           Q. So what are you doing now?

23           A. Now I'm a resident inspector at the  
24 Vogtle project down in Waynesboro for units 3 and  
25 4.

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1 Q. Okay. That's the Southern project?

2 A. That's correct.

3 Q. Are they able to make their welds down  
4 there?

5 A. Make their --

6 Q. Welds?

7 A. -- welds?

8 Q. Aren't you a welder?

9 A. No, I'm not a welder, but I do observe  
10 a lot of the welds.

11 Q. Well, isn't that a part of the problem  
12 is that we just couldn't get the welds right here?

13 A. Not to my knowledge. In fact, most of  
14 the interactions that I had with the welders  
15 onsite, they were of very high quality.

16 Q. Well, I thought there was an issue with  
17 the welding that was coming out of Louisiana or  
18 wherever that --

19 A. So that's a different issue, that was  
20 with fabricators that they had contracted with and  
21 we were -- me, myself, I was not a part of that.

22 Q. Okay. All right. So there's a lot  
23 more to being a commissioner than just this one  
24 issue --

25 A. Absolutely.



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1 Q. -- of -- okay. But to the point of if  
2 this issue comes back before the PSC, given your  
3 onsite knowledge of the people and the witness and  
4 what was going on, do you think you'll have to  
5 recuse yourself from hearing this or where would  
6 you draw that line?

7 A. No, I don't think I would have to  
8 recuse myself from hearing this. I mean, really at  
9 this point it's making the decision about where do  
10 we go forward and what's the best decision for the  
11 ratepayers. Obviously, you know, that needs to be  
12 our focus at this point, not blaming anybody, not  
13 pointing fingers. And like I said, my experience  
14 was limited to the, you know, overview of the  
15 safety-related systems and things of that nature.  
16 So it was a much bigger project than just that and  
17 I didn't have access to any of the financial  
18 information.

19 And so, you know, that's -- I really  
20 just have a -- you know, what I gained from that  
21 was a perspective as to how complicated that  
22 project can be. And while it's unfortunate that it  
23 didn't get completed, you know, now we have to deal  
24 with it. And so I don't think that I -- I would be  
25 unable to deal with that and make the best decision

EXAMINATION OF MR. PATRICK DONNELLY - APRIL 23, 2018  
1 for the ratepayers moving forward.

2 Q. I appreciate that. Let me go back to  
3 Georgia where you are on. Are they on schedule for  
4 whatever their last schedule was?

5 A. According to Southern -- and I mean, I  
6 don't -- you know, we don't obviously -- we're  
7 looking at what's available in the next eight  
8 weeks. What the entire project looks like, we  
9 don't have that information. At this point, it's  
10 whatever Southern is putting in the public domain,  
11 that's what we go with.

12 SENATOR HUTTO: No more questions.

13 SENATOR ALEXANDER: Any other questions  
14 before we go into -- if not, I'd entertain a motion  
15 that we go into --

16 SENATOR HUTTO: Go into executive  
17 session with the candidate staying.

18 SENATOR ALEXANDER: I have a motion for  
19 going into executive session for the purposes  
20 outlined in my opening remarks with the candidate  
21 staying.

22 (Executive session).

23 SENATOR ALEXANDER: I'm going to go  
24 ahead and call us back to order. I lifted the  
25 veil. There was no action taken in executive

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 session. We appreciate your time, Mr. Donnelly,

2 being here today. Is there any closing statement  
3 briefly you'd like to make?

4 MR. DONNELLY: I think that I'd just  
5 like to state that I truly appreciate your time.  
6 And, you know, I hope I didn't lead anybody astray  
7 with my comments today, you know, I -- particularly  
8 with the Office of Regulatory Staff, I want to make  
9 it clear that, you know, I don't have any insider  
10 knowledge about what they knew or didn't know, I  
11 think it was just, like I said, it was just a  
12 question that I would have asked had I been a  
13 chairman at that time.

14 SENATOR ALEXANDER: We appreciate,  
15 again, your willingness to serve and offering  
16 yourself and for being with us here this morning.

17 MR. DONNELLY: Sure. Thank you very  
18 much.

19 SENATOR ALEXANDER: Thank you.  
20 We now have Mr. Elliott F. Elam, Jr.

21 MR. ELAM: Morning.

22 SENATOR ALEXANDER: Good morning, we  
23 appreciate you being here. And we'll ask that you  
24 be sworn in.

25 ELLIOTT F. ELAM, Jr.

1 EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
being first duly sworn, testified as follows:

2 SENATOR ALEXANDER: Staff, ready to  
3 proceed?

4 MR. DAVIDSON: Yes, sir. Thank you,  
5 Mr. Chairman. Good morning, Mr. Elam.

6 MR. ELAM: Good morning.

7 MR. DAVIDSON: I'm going to briefly  
8 summarize for the committee your educational  
9 background and experience. Mr. Elam is a graduate  
10 of the University of South Carolina where he  
11 received a bachelor of arts degree in political  
12 science in 1984. He received a master's in public  
13 administration and a law degree from University of  
14 South Carolina in 1988.

15 Mr. Elam was employed by the Department  
16 of Consumer Affairs from 1987 through 2014, during  
17 which he served in various capacities. His  
18 employment with the department began as a law clerk  
19 in 1987. In 1990, he was promoted to staff  
20 attorney where he represented utility and insurance  
21 ratepayers before the PSC, the Department of  
22 Insurance, and the Administrative Law Court, the  
23 FCC, the FERC, and state and federal courts.

24 While a staff attorney, he testified  
25 numerous times before committees of the General

1 EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
Assembly on utility regulation issues. From 2002

2 to 2014, he served as the deputy consumer  
3 advocate/consumer advocate. In this role, he  
4 directed the representation of utility and  
5 insurance ratepayers before the South Carolina PSC,  
6 the Federal Communications Commission, the Federal  
7 Energy Regulatory Commission, the South Carolina  
8 Department of Insurance, and the Administrative Law  
9 Court.

10 He also represented consumer appeals  
11 before the state circuit courts, the South Carolina  
12 Court of Appeals, and the South Carolina Supreme  
13 Court. Mr. Elam has served as the Public Service  
14 Commissioner for the 2nd Congressional District  
15 since July 1st of 2014. He is a member of the  
16 South Carolina Bar Association and a member of its  
17 Administrative Law and Regulatory Law Committee.  
18 He is a member of the National Association of  
19 Regulatory Utility Commissioners. And is a member  
20 of its committee on Telecommunications and  
21 Telecommunications Act Modernization Task Force.

22 He's also a member of the Federal  
23 Communications Commissions, Federal/State Joint  
24 Conference on Advanced Telecommunications Services.  
25 Lastly, he's a member of the Southeastern

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EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 Association of Regulatory Utility Commissioners.

2 Mr. Elam, do you have any changes you  
3 would like to make to the Personal Data  
4 Questionnaire you submitted with your application?

5 MR. ELAM: Not that I can think of.

6 MR. DAVIDSON: Thank you.

7 Mr. Chairman, at this time I would request that  
8 Mr. Elam's Personal Data Questionnaire, including  
9 recent performance evaluation by the FERC be  
10 entered into the record.

11 SENATOR ALEXANDER: So ordered.

12 (ELAM EXHIBIT 1, South Carolina Public  
13 Service Commission edited Personal Data  
14 Questionnaire for Elliott Fuqua Elam, Jr, was  
15 marked for identification.)

16 (ELAM EXHIBIT 2, Elliott Elam  
17 continuing education list, was marked for  
18 identification.)

19 (ELAM EXHIBIT 3, State Regulations of  
20 Public Utilities Review Committee performance  
21 evaluation for Elliott Elam, dated July 1, 2015  
22 through June 30, 2016, was marked for  
23 identification.)

24 (ELAM EXHIBIT 4, State Regulations of  
25 Public Utilities Review Committee performance

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EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 evaluation for Elliott Elam, dated July 1, 2014

2 through June 30, 2015, was marked for  
3 identification.)

4 MR. DAVIDSON: As part of our  
5 background investigation of the candidate, we have  
6 obtained a credit check, driver's license, and SLED  
7 check. For the record, I would like to state that  
8 the credit check, the driver's license and SLED  
9 check revealed no negative results for Mr. Elam  
10 that should be brought to the attention of the  
11 committee.

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

15 MR. ELAM: Just that I'm honored to be  
16 here this morning. I'm looking forward to running  
17 and hopefully getting another term on the  
18 Commission. I've made a career of regulatory law  
19 and a lot of it -- the majority of it has been  
20 utility law, which I have enjoyed and missed for  
21 the ten years that I was away from it, that's why I  
22 ran for the Commission when I had the opportunity.  
23 This is what I love to do.

24 MR. DAVIDSON: Thank you.

25 EXAMINATION

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
BY MR. DAVIDSON:

1  
2 Q. Could you please state your full name  
3 and address for the record?

4 A. Elliott Fuqua Elam, Jr. 142  
5 Mossborough Drive, Lexington, South Carolina.

6 Q. And are you a registered voter?

7 A. Yes, I am.

8 Q. In which Congressional district?

9 A. The 2nd.

10 Q. Thank you. Could you please explain to  
11 the Committee why you are interested in continuing  
12 to serve on the PSC? I know you briefly went over  
13 that, but if there's anything further that you'd  
14 like to add.

15 A. I don't really know that there is. I  
16 mean, this is what I have made a career of, I enjoy  
17 it and I want to keep doing it. I'm not quite  
18 young enough to retire. I have a child that  
19 theoretically could go to college, but this has  
20 been my career and I want to continue.

21 Q. Thank you. How do you prepare for a  
22 hearing?

23 A. I read the testimony as it comes in.  
24 I'm notified every day of what comes in through the  
25 Commission's e-mail notification system, that



EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018

1 anyone can sign up for, anything that comes in that  
2 day is scanned in and it's available right away. I  
3 try to read testimony for hearings that I know are  
4 coming up, as soon as I can get it in. But I read  
5 testimony, if there's something that I think is  
6 unique or something that I don't understand, I talk  
7 to staff about it. And just write notes on  
8 testimony and see if there's questions that I may  
9 have that -- to check and make sure I'm not asking  
10 stupid questions to the staff. And hopefully most  
11 of the time they've told me it's not a stupid  
12 question, either that or they're lying to me a lot.

13 Q. How long does it typically take to  
14 prepare for a hearing?

15 A. It just depends on how much is involved  
16 in it. I mean, we have cases where there's one  
17 company witness and maybe one or two witnesses for  
18 the ORS. And then we have cases like the case that  
19 shall remain nameless right now, it's more  
20 testimony and witnesses than you can -- it's  
21 difficult to even sort it out in your head how  
22 many. I mean, that can take weeks or it can take  
23 just, you know, a couple of three hours, a simple  
24 little water case.

25 BY SENATOR HUTTO:

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018

1 Q. Can you describe an ordinary workday  
2 for you at the Commission?

3 A. That really is just about it, getting  
4 in and try to go through e-mails. If there's  
5 anything there to add anything from staff, looking  
6 at testimony. Maybe just looking at some online  
7 journal-type stuff that I may get e-mail  
8 notifications of, things like that.

9 Q. And you've briefly covered this, but  
10 what type of contact do you have with the  
11 Commission staff?

12 A. Daily, I talk with them -- my suite is  
13 kind of separated from the rest of the staff, so I  
14 have to go in search of them, but I usually find  
15 them there.

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

20 A. I would shut them down and leaving to  
21 the point of walking away and tell them I can't  
22 discuss that or I can't listen to it.

23 Q. Are you familiar with the 2006 and 2013  
24 advisory opinions issued by the PURC dealing with  
25 attendance at legislative receptions?

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018

1 A. Yes, I am.

2 Q. Have you attended any legislative  
3 receptions since declaring your candidacy?

4 A. I have not.

5 Q. What role does the PSC serve regarding  
6 the regulation of utilities?

7 A. It's just essentially a substitute for  
8 a competitive environment where you have a natural  
9 monopoly. It attempts to replicate the conditions  
10 that a company in a competitive market would face  
11 when it's not a competitive market where there's a  
12 natural monopoly. And the basic reason is for  
13 regulation of utilities.

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

16 A. Well, there's a fair rate of return.  
17 There's fair rate design among classes. There's  
18 just generally how effective the witnesses are at  
19 explaining things, which are usually fairly  
20 complicated, make them easier to understand so the  
21 public, who may be sitting there, can even see why  
22 their rates are going up.

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

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018

1 A. Yes, I am.

2 Q. Do you or an immediate member of your  
3 family have stock or other financial interests that  
4 is directly controlled by you or your family member  
5 of a utility regulated by the PSC?

6 A. No.

7 Q. What would you do if a conflict of  
8 interest did arise?

9 A. I would recuse myself as soon as I  
10 found out there was some conflict.

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

13 A. No.

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

16 A. Even temperament, treating all parties  
17 with respect and impartiality on the case.

18 Q. Does that apply only while you're  
19 serving as a commissioner or --

20 A. No, it does not, in everything you do.

21 Q. Thank you. What do you consider to be  
22 the appropriate use of social media pursuant to the  
23 Judicial Cannons?

24 A. I don't use it at all. I've been  
25 through enough CLE seminars basically with lawyers

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EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 warning get off Facebook while you still can. I

2 don't know if it was a fear of privacy or a fear of  
3 having pictures at the beach while the judge's law  
4 clerk is looking for you.

5 Q. Since the submission of your  
6 application to the Commission, can you please  
7 describe any contact or interaction you've had with  
8 members of the General Assembly?

9 A. I have come over here just in the last  
10 week and just walking into offices introducing  
11 myself. I sent an introduction letter last Monday,  
12 I guess it was, and just telling people that they  
13 had a letter from me and just putting a face with  
14 the name on the letter.

15 Q. Thank you. Describe what role, if any,  
16 the PSC has in establishing an energy policy for  
17 South Carolina.

18 A. Well, primarily energy policy is the  
19 energy office and the General Assembly. The PSC  
20 would have whatever proceedings it needs to, to  
21 fill in details of the energy policy developed by  
22 the energy office and the General Assembly.

23 Q. Who determines the amount of the  
24 telecommunication companies' contribution to the  
25 Universal Service Fund?

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018

1 A. Statute determines that.

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

5 A. I have not.

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

8 A. I have not.

9 Q. Have you sought or been offered a  
10 conditional pledge of support by any legislator  
11 depending the outcome of your screening?

12 A. I have not.

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

17 A. I have not.

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

21 A. I am not aware of any.

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

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018

1 A. I am aware of that.

2 Q. If elected, do you plan to serve a full  
3 term?

4 A. I do.

5 MR. DAVIDSON: Mr. Chairman, lastly,  
6 I'd like to let the record reflect that Mr. Elam  
7 scored an 81 on his test. I have no further  
8 questions.

9 SENATOR ALEXANDER: Thank you. Also, I  
10 would like to acknowledge information that we have  
11 retained is that Commissioner Elam has attended  
12 meetings and all hearings, total of 330 out of 331.  
13 I think you had maybe one absence for sickness,  
14 so...

15 MR. ELAM: I do not recall any absence.

16 SENATOR ALEXANDER: But anyway, that's  
17 330 out of 331. And that's since you began serving  
18 in 2013. Any questions? Representative Mack?

19 REPRESENTATIVE MACK: Chairman, thank  
20 you.

21 EXAMINATION

22 BY REPRESENTATIVE MACK:

23 Q. Thank you for your willingness to to  
24 continue serve. I wanted to ask you a question as  
25 a sitting commissioner, of course, the VC Summer

1 EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
catastrophe has sort of sucked all the air out of  
2 the room as it relates to this legislative  
3 session --

4 A. I had not noticed.

5 Q. -- and all the focus, and rightfully  
6 so, has been working to help the ratepayer. With  
7 all this happening, I've taken a position we  
8 cannot, quote, unquote, make them whole, but going  
9 forward from the Commission's standpoint,  
10 individually and collectively as Commission, how do  
11 you see the Commission moving forward with a focus  
12 on helping the ratepayers?

13 A. Well, I don't know that it's  
14 appropriate for me to really comment on that case,  
15 which is most certainly before us, and to give any  
16 indication how I feel about any --

17 Q. No, not particularly on the case, but  
18 just generally going forward, because the question  
19 was asked about your -- energy and the state moving  
20 forward. Just generally, given this has happened,  
21 which is a reality, how do you see us moving  
22 forward as a Commission, the changes from the past  
23 to now?

24 A. I don't know that I really see changes.  
25 It's certainly policy of the General Assembly how



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1 it wants to organize the Commission. If you're  
2 talking about how many members, whether we're  
3 subject to the Code of Judicial Conduct, things  
4 like that, those are certainly policy  
5 considerations for the General Assembly. The  
6 Commission, as sitting as a quasi (unintelligible)  
7 carries those out. Certainly we have to give all  
8 parties who are interested full and fair  
9 opportunity to present their case.

10 I think I can say, without fear of  
11 crossing a line, that that case is incredibly  
12 complicated. Senator Hutto, I heard you saying --  
13 talking about this being the biggest issue that the  
14 General Assembly has faced in ten years. In terms  
15 of a regulator, this is probably the biggest case a  
16 regulator will face in his entire career and  
17 beyond.

18 So it's -- it's not something I take  
19 lightly at all, but at the same time I like this  
20 stuff. I'm interested in it intellectually. And  
21 I'm very much looking forward to getting into the  
22 case. I don't know if that answers your question  
23 or not.

24 REPRESENTATIVE MACK: Okay.

25 SENATOR ALEXANDER: Representative

1 EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
Sandifer.

2 REPRESENTATIVE SANDIFER: Thank you,  
3 Mr. Chairman.

4 EXAMINATION

5 BY REPRESENTATIVE SANDIFER:

6 Q. Thank you for being here, Mr. Elam.  
7 Always good to see you.

8 A. Likewise.

9 Q. I want to, first of all, ask you about  
10 dinners, lodging, travel, et cetera. Have you ever  
11 received those things since the time you've been on  
12 the Commission from groups that might include  
13 regulated folks that would be before you?

14 A. It would -- my first understanding was,  
15 no, and then when we were in the process of going  
16 back and reviewing how things were reported, as far  
17 as on our statement of economic interests, et  
18 cetera, there was a single meeting where I went,  
19 drove my own car or rode with someone, it was that  
20 emerging issues policy form where apparently, I  
21 didn't know in advance, they paid for the hotel and  
22 stuff. It wasn't a reimbursement kind of a thing  
23 with the Commission and I have updated my 2015  
24 statement of economic interests to reflect that.

25 Q. Okay. And so it is now reported on

1 EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
your SEI?

2 A. Yes, it is. Other than that,  
3 everything else has just been reimbursements from  
4 the Commission for NARUC meetings, SEARUC.

5 Q. Thank you. Let me go back to the BRLA  
6 for a moment or two, if I may. You've been on the  
7 Commission for four years and in that time frame,  
8 how many rate increases have you sat on for SCE&G,  
9 and whether or not they were granted?

10 A. Two or three. And, yes, they were.

11 Q. Okay. And I want to ask you a question  
12 that I don't know that has been asked before, but  
13 in those rate cases, as I understand the plain  
14 reading of BLRA is that they would recover the cost  
15 of capital. But in the rate cases, I think y'all  
16 allowed the rate -- the cost of capital plus their  
17 normal rate of return.

18 And the first thing is: Does that  
19 actually help them to determine to have the higher  
20 cost of capital? And let me explain if I may --

21 A. Let me just say cost of capital, if  
22 you're talking in rate of return, is kind of  
23 synonymous to me, I don't know if you're --

24 Q. I'm sorry, I -- cost of capital is, to  
25 boil it down is basically interest on the money

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 they borrowed, okay. And the rate of return is

2 their rate of return on utility plant and wires and  
3 the electricity that they provide.

4 A. Right.

5 Q. But I don't know what their rate of  
6 return is figured to be, it doesn't matter, I'm  
7 going to use 10 percent for a moment, if I may.

8 A. Okay.

9 Q. If the cost of capital is \$100,000 and  
10 their rate of return is 10 percent, then that would  
11 be, what, \$10,000, thereabout --

12 A. Thereabout.

13 Q. -- for the cost -- for what their cost  
14 of capital would be?

15 A. Thereabout.

16 Q. Okay. But if they're recovering  
17 10 percent of that as a rate of return, that would  
18 be \$1,000. But if that figure were doubled on the  
19 cost of capital, would that not double the amount  
20 of their rate of return?

21 A. You mean what their reported return  
22 would be?

23 Q. Yeah.

24 A. I suppose it could, yeah.

25 Q. So there's no incentive to reduce the

EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 cost of the money that they're utilizing, according

2 to the way y'all have looked at it, as I

3 understand, I'm giving you an opportunity to --

4 A. There's nothing that I'm aware of built  
5 in to the BLRA that would talk about any kind of  
6 incentive for over-earning.

7 Q. Okay. All right. That's the question  
8 I had, it just occurred to me over the last few  
9 days that that was something that no one had  
10 discussed. So I wanted to ask you about it and so  
11 thank you very much for your very straightforward  
12 response.

13 A. Thank you.

14 SENATOR ALEXANDER: Thank you, Vice  
15 Chairman.

16 EXAMINATION

17 BY SENATOR ALEXANDER:

18 Q. Question for you, and again, thank you  
19 for being here this morning. In your -- in your  
20 previous role with the Department of Consumer  
21 Affairs, you had direct representation of the  
22 utility and insurance ratepayers before the  
23 Commission. What value or how would you subscribe  
24 to us the impact or the value of having had that  
25 past experience on how it's impacted you as being a

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EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 commissioner?

2 A. I think what it allows me to bring is  
3 -- and sometimes people think, oh, you're bringing  
4 a consumer perspective to it, and that's not really  
5 what I think I bring to it. I think I bring to it  
6 someone who has practiced in front of the  
7 Commission, who has been on the other side of the  
8 bench and used what they do from the outside, and  
9 maybe doesn't see things or, you know, inside an  
10 organization, they don't necessarily see the  
11 outside world, as the outside world does.

12 I think I've been able to help if  
13 there's a decision that wants to do a certain thing  
14 or a decision that needs to be phrased a certain  
15 way, that I just bring an outsiders' perspective to  
16 it. And I think that can help make for better  
17 decisions and better work.

18 SENATOR ALEXANDER: Okay, bear with me  
19 for just a second. If there are no further  
20 questions, I would entertain a motion that we go  
21 into executive session with the candidate staying  
22 with us, please.

23 SENATOR HUTTO: Second.

24 SENATOR ALEXANDER: I appreciate you  
25 folks bearing with us and understanding from that

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EXAMINATION OF MR. ELLIOTT F. ELAM, Jr. - APRIL 23, 2018  
1 standpoint.

2 (Executive session).

3 SENATOR ALEXANDER: We're back in  
4 regular session and there was no action taken in  
5 the executive session. And Mr. Elam, we appreciate  
6 your attendance here this morning. Is there any  
7 closing statement or any closing comment that you  
8 have for us?

9 MR. ELAM: I don't believe there is.  
10 Thank you, Mr. Chairman, Vice Chairman, and  
11 committee.

12 SENATOR ALEXANDER: Thank you very  
13 much. We'll proceed in just a minute to our next  
14 candidate, but I had some opening remarks that I  
15 made earlier and I want to reiterate because we've  
16 had other members of the audience join us since  
17 then and just out of due caution, one, is we're  
18 going into executive session on all candidates,  
19 that motion is made and will be made.

20 Also, in these comments the  
21 Review Committee requests that standard information  
22 during the screening not be shared until after the  
23 final candidate has been screened. The candidates  
24 are sequestered prior to their screening in order  
25 to ensure fairness during the process. However,

1 EXAMINATION OF MR. JOHN A. MCALLISTER - APRIL 23, 2018  
the purpose of sequestration is defeated if the  
2 candidates are read about what questions are being  
3 asked or read about earlier candidates screenings  
4 online. A transcript of this screening will be  
5 posted online. And certainly, we've requested that  
6 that transcript be provided just as soon as  
7 possible as well.

8 So with that we will proceed with  
9 Mr. John Andrew McAllister.

10 MR. MCALLISTER: Good morning.

11 SENATOR ALEXANDER: Good morning. If  
12 you'll be sworn in, please.

13 JOHN A. MCALLISTER  
14 being first duly sworn, testified as follows:

15 SENATOR ALEXANDER: Please be seated.

16 And again, we have with us, Mr. John Andrew  
17 McAllister, Jr. So I will turn it over to  
18 Ms. Anderson and ask her to proceed. And I request  
19 that you provide answers to those questions.

20 MS. ANDERSON: First, I'm going to  
21 provide a very high level summary of  
22 Mr. McAllister's educational background and his  
23 experience. He obtained a bachelor of science in  
24 business administration from the Citadel. He has  
25 experience working as a financial consultant and in



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real estate from 1989 to 1995. He served as a  
2 Southeastern Power Administrator, during which he  
3 marketed and sold electric power generated by 23  
4 Army Corps of Engineer hydroelectric projects in 11  
5 states. The focus has been in real estate  
6 consulting since 1995. He has been the owner of  
7 John McAllister Realty Consulting since 2001. And  
8 I do want to add in 2006, he provided assistance as  
9 a consultant to the City of Abbeville regarding the  
10 sale of surplus property on the Lake Succession and  
11 the sale of Lake Succession's hydroelectric plant.

12 In addition, Mr. McAllister served in  
13 the US Army Reserve and the South Carolina National  
14 Guard and he retired in 2005.

15 Mr. Chairman, I would -- I'm sorry,  
16 Mr. McAllister, do you have any changes that you  
17 would like to make to the Personal Data  
18 Questionnaire since you submitted your application?

19 MR. MCALLISTER: No, I do not.

20 MS. ANDERSON: Thank you.

21 Mr. Chairman, I would request that Mr. McAllister's  
22 Personal Data Questionnaire be entered into the  
23 record with any confidential information being  
24 redacted.

25 SENATOR ALEXANDER: So ordered.

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(MCALLISTER EXHIBIT 1, South Carolina

1  
2 Public Service Commission edited Personal Data  
3 Questionnaire for Mr. John Andrew McAllister, was  
4 marked for identification.)

5 MS. ANDERSON: Before we begin  
6 questioning, do you have a brief statement that  
7 you'd like to make, Mr. McAllister?

8 MR. MCALLISTER: I would. It's an  
9 honor and pleasure to appear before the Committee  
10 this morning. And I appreciate your promptness in  
11 this, many of these committees run late, but this  
12 one is running on time. Thank you so much for  
13 that.

14 Mr. Chairman, ladies and gentlemen of  
15 the Committee, I believe I have the ability, the  
16 dedication, the compassion, the common sense, and  
17 the integrity that is called for in a  
18 South Carolina public service commissioner. My  
19 academic, military, business and government  
20 background make me well-qualified for this  
21 position.

22 In the areas where we're asked to state  
23 experience of substantive duration and expertise,  
24 I'm very fortunate and Ms. Anderson has gone over  
25 several of those. In energy, I was the Federal

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Power Administrator. I was the youngest Federal  
2 Power Administrator ever appointed by George H.W.  
3 Bush. Telecommunications, I grew up in a family  
4 involved in telecommunications. My father started  
5 his own telephone company when he was 21 years old  
6 in 1951, so I grew up in an environment, he later  
7 converted that to a telephone cooperative.

8 Consumer protection, as a Realtor, I  
9 ensured that buyers and sellers, customers and  
10 clients, that they were always protected.

11 Water and wastewater, as the Federal  
12 Power Administrator, I helped facilitate and  
13 mediate the tri-state water wars that took place in  
14 the late 1980s going into the 1990s.

15 Finance, economics, and statistics, I  
16 do that every day with my business partners across  
17 the United States.

18 Accounting, one of the key functions as  
19 the Federal Power Administrator was the accounting  
20 of the project maintenance and operations costs.  
21 While I was at Southeastern Power Administration, a  
22 new accounting system was implemented and a new way  
23 to fund those hydroelectric projects was  
24 implemented.

25 Engineering, being commissioned in the

1 EXAMINATION OF MR. JOHN A. MCALLISTER - APRIL 23, 2018  
Army Corps of Engineers, that speaks for itself. I

2 was a commissioned officer in the United States  
3 Army, Army Reserve, and Corps of Engineers.

4 And in law, well, I've been married to  
5 a judge for 19 years, and that gives me a unique  
6 perspective in the law and judicial conduct.

7 And Mr. Chairman, if you find me to be  
8 qualified and nominate me to run for this important  
9 position, it would be a great honor and privilege  
10 to continue my service to the state of  
11 South Carolina. Thank you.

12 MS. ANDERSON: Thank you,  
13 Mr. McAllister.

14 EXAMINATION

15 BY MS. ANDERSON:

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

18 A. My name is John Andrew McAllister, Jr.  
19 My home of record is 420 Aiken, I spell Aiken,  
20 A-I-K-E-N, Hunt, H-U-N-T, Circle, Columbia,  
21 South Carolina.

22 Q. Are you a registered voter?

23 A. Yes, I am.

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

EXAMINATION OF MR. JOHN A. MCALLISTER - APRIL 23, 2018

1           A.    I am registered to vote in the 2nd  
2 Congressional district.

3           Q.    Why are you interested in serving on  
4 the Public Service Commission?

5           A.    Well, quite honestly, I've been reading  
6 the newspapers here recently, South Carolina is at  
7 a turning point with its energy strategy, its  
8 energy composition. And I have been asked by my  
9 friends and neighbors that remember my time as the  
10 Federal Power Administrator to come forward and to  
11 offer for this important position, not for me, for  
12 them, for my children, and for my grandchildren.

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

15          A.    No, I have not.

16          Q.    Have you read any Commission decisions?

17          A.    Yes, I have.

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

20          A.    Well, reading and watching videos of  
21 the Commission in action, becoming more familiar  
22 with their area of jurisdiction, of adjudication,  
23 and regulation.

24          Q.    What role does the PSC serve in regards  
25 to the regulation of utilities?

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1 A. Well, it is primarily to adjudicate and  
2 regulate, to set tariffs, to set rates, and to  
3 approve service in a number of areas that impact  
4 South Carolinians every day.

5 Q. And what is its role in establishing  
6 energy policy for South Carolina?

7 A. Again, it's a role of adjudication and  
8 regulation.

9 Q. What are some of the other governmental  
10 entities that have a role in energy policy?

11 A. Well, certainly, would be the Office of  
12 Regulatory Staff reorganized in 2004, that has the  
13 responsibility of fair and reasonable rates to not  
14 only private customers, commercial customers.  
15 Keeping in mind the economic development, job  
16 creation, job retention of the state. And we also  
17 have -- they have an interest in maintaining the  
18 financial integrity of utilities serving this  
19 state, so we have reliable utility services.

20 Q. What are key factors that a  
21 commissioner should consider in a rate case?

22 A. Well, the key factors are is the rate  
23 reasonable and is the rate fair to those concerned.

24 Q. Reasonable and fair to whom?

25 A. Well, they need to be reasonable and

1 EXAMINATION OF MR. JOHN A. MCALLISTER - APRIL 23, 2018  
fair to the consumer, the commercial consumer, the  
2 private consumer to industry, to -- and to also  
3 make sure that the rate is, under the current law,  
4 is enough to maintain reliable -- in the case of  
5 electricity, electric power, water service or waste  
6 water service.

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

11 A. Yes, I am.

12 Q. And have you attended any legislative  
13 receptions or any legislative caucus meetings since  
14 receiving those advisory opinions?

15 A. No, I have not.

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

21 A. I would try to stop the conversation,  
22 the communication as soon as possible. If it's  
23 something that would subsequently impact the  
24 decision of that particular rate, then I would be  
25 compelled to take that and put it on the record to

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1 make it open, public, and notorious. And for any

2 other person that may have an interest in that

3 particular matter, to comment on it, rebut it, and

4 to do that in the appropriate manner and to do it

5 in the way that it was transmitted. If it was a

6 conversation, then a memo to the record would have

7 to be created. If it was an e-mail, the e-mail

8 would have to be provided. If it was a letter, the

9 letter would have to be provided. But again, my

10 watch word is it has to be open, public, and

11 notorious.

12 Q. Are you aware that commissioners are  
13 subject to the Judicial Code of Conduct, as well as  
14 state ethics laws?

15 A. Yes, I am.

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

21 A. No, we do not.

22 Q. If elected, would there be any  
23 potential conflicts of interest, financial or  
24 otherwise?

25 A. No.



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1 Q. What would you do -- I'm sorry, are you  
2 a member of or affiliated with any entity that  
3 would need to be re-evaluated if you are nominated  
4 and elected?

5 A. None other than what has been provided  
6 on the Personal Data Questionnaire.

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

9 A. No, I do not.

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

12 A. A commissioner at all times should  
13 uphold and -- and display the highest qualities of  
14 a judge in the state of South Carolina, as outlined  
15 in Rule 501 of the Code of Judicial Conduct and the  
16 Judicial Cannons.

17 Q. Can you summarize that, just a  
18 general --

19 A. Yes. Polite, professional, dignified,  
20 and reserved.

21 Q. And would this demeanor apply only  
22 while you were on the bench or would it apply all  
23 the time?

24 A. 24 hours a day, seven days a week.

25 Q. What do you consider to be appropriate

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1 use of social media for a commissioner?

2 A. Appropriate use for a commissioner  
3 would be certainly family and friends, social  
4 familial obligations, but certainly not making  
5 political statements, not engaging in any partisan  
6 activity. In my mind, the judge should be above  
7 that.

8 Q. Please describe the process through  
9 which an investor-owned utility can alter its  
10 rates.

11 A. And investor-owned utility would have  
12 to -- they would have to come to the Commission and  
13 ask for a rate increase. And the Commission would  
14 then go through its internal process, would set a  
15 day and a time for a public hearing and also have  
16 time for written comments. And offer those that  
17 would be impacted, not only the utility, but the  
18 consumers of the various classes, the opportunity  
19 to be heard and to go on the record.

20 Then the commissioners would come  
21 together and they would either -- either grant the  
22 increase, they would deny the increase, or they  
23 could even write an order to modify the particular  
24 rate.

25 Q. What is an Integrated Resource Plan and

EXAMINATION OF MR. JOHN A. MCALLISTER - APRIL 23, 2018  
1 describe its contents and the process?

2 A. Certainly. I had the honor and  
3 pleasure of implementing the first Integrated  
4 Resource Plan at the Southeastern Power  
5 Administration. An Integrated Resource Plan  
6 includes all types, and we're speaking of  
7 electrical utilities now in an Integrated Resource  
8 Plan, because they can be used for any utility  
9 and/or commodity. So what would be included would  
10 be all sources of generation capability. It would  
11 be the transmission, it would be the distribution.  
12 It would be the relationships between the various  
13 classes of generation, types of generation, whether  
14 they be nuclear, whether they be coal, gas, solar,  
15 and, of course, hydroelectric.

16 Q. What experience would you bring to the  
17 Public Service Commission that would be beneficial  
18 if you were elected to serve as a commissioner, in  
19 addition to the statements you made in your opening  
20 statement?

21 A. Thank you. I think I summarized my  
22 qualifications, but the most important  
23 characteristic I believe that I would bring would  
24 be that of a leader. I've had the honor and  
25 privilege in the organizations that I have served

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1 in from the student body president to Eagle Scout

2 to the United States Army having the opportunity to  
3 serve at every level from the squad level of the  
4 122nd Engineer Root Grubber Platoon in McCormick,  
5 South Carolina, to consult with the deputy and  
6 chief engineer of the United States Army, and to  
7 the former chief of staff of the Army.

8 So I believe leadership would be the  
9 one characteristic that I could say that I could  
10 bring the Commission, if I'm so given the  
11 opportunity.

12 Q. Have you made any contributions to  
13 members of the General Assembly since filing your  
14 application?

15 A. No, I have not.

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

18 A. No, I have not.

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

22 A. No, I have not.

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

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1 has been released?

2 A. No, I have not.

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

6 A. I am not aware.

7 Q. Since the submission of your  
8 application for the Commission, have you contacted  
9 any legislator regarding your candidacy, and if so,  
10 please describe that contact or interaction?

11 A. Well, certainly I have announced my  
12 candidacy and I have shared the qualifications that  
13 I have with you, former Federal Power  
14 Administrator, retired United States Army engineer,  
15 and trusted advisor to landowners and business  
16 owners, so yes, I have.

17 Q. And since the submission of your  
18 application, have you attended any political  
19 gatherings?

20 A. No, I have not.

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

25 A. Yes, I am.

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1 Q. And if elected, would you plan to serve  
2 a full term?

3 A. Yes, I would.

4 MS. ANDERSON: Thank you,  
5 Mr. McAllister. For the record, I'd like to state  
6 that the test score was a 62. I have no further  
7 questions.

8 SENATOR ALEXANDER: Thank you,  
9 Ms. Anderson. Questions of Mr. McAllister?  
10 Representative Sandifer.

11 REPRESENTATIVE SANDIFER: Thank you,  
12 Mr. Chairman.

13 EXAMINATION

14 BY REPRESENTATIVE SANDIFER:

15 Q. Just a couple of questions,  
16 Mr. McAllister. In the Integrated Resource Plan,  
17 the IRP that you just described --

18 A. Yes.

19 Q. -- would this include rooftop solar on  
20 a residence?

21 A. Yes, it would.

22 Q. Okay. So that needs to be figured into  
23 the overall mix of the utilities figuring of what  
24 they have available?

25 A. All -- yes, it should be.

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1 Q. Okay. Going back to social media for a  
2 moment. And I understand the family and friends,  
3 but what happens if there's a post that you just  
4 happen to see that does have comments about a case?

5 A. Well, interesting you should bring that  
6 up, the only -- the only evidence that I'm going to  
7 take into consideration as a commissioner is the  
8 evidence that is presented in the format. We all  
9 read newspapers, we all watch TV or some TV, and  
10 that is what it is. I don't consider those  
11 necessarily comments on a case. So I would not  
12 consider just a broad statement made on social  
13 media, a billboard, or a newspaper ad where some  
14 entity is -- is making a statement, whatever that  
15 may be. That would not being something that I  
16 would consider. I would only consider the evidence  
17 that comes before the Commission to make my  
18 decision.

19 Q. And on the Base Load Review Act --

20 A. Yes.

21 Q. -- what may the utility recover under  
22 BLRA?

23 A. They can recover -- it's an accounting  
24 term, but they can recover the actual -- the costs  
25 of the interest that they're being charged up to

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1 that point in time. And they can include that,

2 under the current law, they can include that in  
3 their rate until they recover that cost.

4 Q. Are they allowed to recover a rate of  
5 return on that?

6 A. Yes, they are allowed a rate of return  
7 on that also.

8 Q. And I'm going to ask an opinion, do you  
9 think that's appropriate?

10 A. That is a matter that's coming before  
11 the Commission. And in my reading of Rule 501 that  
12 if -- again, if I'm so honored to be put on this  
13 Commission, I would not be able to comment on it at  
14 this point in time.

15 REPRESENTATIVE SANDIFER: Thank you,  
16 sir, I appreciate it. Thank you, Mr. Chairman.

17 SENATOR ALEXANDER: Thank you.

18 EXAMINATION

19 BY SENATOR ALEXANDER:

20 Q. Mr. McAllister, you mentioned your role  
21 as the Federal Power Administrator.

22 A. Yes.

23 Q. What would you say is your most  
24 significant involvement there during your time  
25 as -- in that position?



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1           A.    Thank you, Mr. Chairman.  I ask that  
2 two documents be submitted for the record, if we  
3 may and you have --

4           Q.    No, we can't -- if you can just  
5 verbally, not read the record, but I think we have  
6 to go with what we have.  But if you just answer --

7           A.    Thank you, certainly.  The most -- the  
8 biggest contribution I made while I was there, I  
9 had to completely reorganize the agency.  It was --  
10 I was told that it was a dysfunctional agency and  
11 when I arrived that was, in fact, what had  
12 happened.  The preference customers, and let me  
13 define preference customers, that would be the  
14 municipalities, cooperatives, the joint action  
15 agencies, like Santee Cooper, were suing the US  
16 Army Corps of Engineers, as a result of a 10-year  
17 drought.

18                   And so it was -- we has various users  
19 of the various reservoirs, the 23 reservoirs in the  
20 11 southern states, so I had to go in and I had to  
21 immediately mediate that, bring that group  
22 together.  And I founded two ongoing partnerships,  
23 one is the Southeastern Federal Power Alliance,  
24 this medal was struck in honor of that,  
25 (Indicating), where the customers of the Georgia,

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1 Alabama, South Carolina system would work together

2 to fund the upgrades and the maintenance of the  
3 hydroelectric powers in that particular system.

4 And then Team Cumberland in the Great Lakes, Ohio  
5 River division of the US Army Corps of Engineers  
6 and the Cumberland system. So these were two  
7 strategic alliances that I formed that were the  
8 basis to move forward where we stopped doing two  
9 things and started doing two other things.

10 We stopped litigating and we stopped  
11 legislating and we started negotiating and  
12 cooperating. That built a basis of trust by which  
13 we were able to move forward with other  
14 initiatives, like self-funding for the agency.  
15 Southeastern Power Administration now funds with --  
16 in synchronization and cooperation with the  
17 preference customers, the Corps of Engineers'  
18 projects, these 23 projects that have been  
19 mentioned.

20 Q. Since you left the agency or that  
21 position, have you seen changes in that agency as a  
22 result of that --

23 A. Well, they have implemented a -- the  
24 IRP, that I talked about briefly. One of the  
25 things in the National Performance Review under

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1 President Clinton, we were asked to put in, now

2 it's called something else, but total quality  
3 management, where we flattened the agency at  
4 Southeastern Power Administration, and we  
5 essentially gave all of our team members there an  
6 equal voice.

7 Our budget at Southeastern Power was  
8 nine million dollars and it was very much of a  
9 stovepipe organization. So when I came in, I  
10 reorganized it around functional teams, where it is  
11 a more open, honest communication between the team  
12 members and the -- these two alliances that I've  
13 mentioned to you here today, are still in  
14 existence. And if you go on the Southeastern  
15 website, you will see these two logos up there  
16 today. So it's been successful, I'm very proud of  
17 my association with the Federal Power  
18 Administration and what they've managed to  
19 accomplish.

20 Q. Okay. If I could, a couple of other  
21 questions and I may have some other folks. But you  
22 are the owner of the John McAllister Realty?

23 A. John McAllister Realty Consulting, not  
24 named for me, but for my great grandfather, that  
25 essentially started doing what it is I do in 1888.

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1 Q. Wow, so what is your role with that  
2 entity?

3 A. I'm a trusted advisor to folks who have  
4 real property, they either want to buy more, they  
5 don't know what to do, they usually want to sell  
6 what they've got. And if they want to sell what  
7 they've got, they want to get the most money for  
8 it. So I have a process and I have a program to do  
9 that. The process looks eerily like the Army  
10 decision-making process that I learned at the  
11 Citadel, but that's what I use today.

12 Q. So if you were elected or are elected  
13 to the Commission, would you have to re-evaluate  
14 your role with that consulting?

15 A. My plan if I'm elected to the  
16 Commission, I will maintain my professional  
17 licenses in the various states of which I am  
18 licensed, but I plan to essentially stop consulting  
19 at John McAllister Realty Consulting, manage my own  
20 affairs, but I would no longer be a real estate  
21 consultant.

22 Q. So you realize that the job at the  
23 Public Service Commission is a full-time job?

24 A. Absolutely, yes.

25 Q. So would there be -- so I'll leave it

EXAMINATION OF MR. JOHN A. MCALLISTER - APRIL 23, 2018  
1 at that. You mentioned something earlier in your  
2 comments about political statements.

3 A. Yes.

4 Q. Would you elaborate, I mean --

5 A. Well, certainly --

6 Q. -- as a -- if you were elected to the  
7 Commission, it's just something that caught my ear,  
8 some comment that you made, I just wanted you to  
9 clarify.

10 A. Well, under the Code of Judicial  
11 Conduct, which I've essentially been living under  
12 for 19 years with my wife being a judge because if  
13 you read the code, well, your family is under it  
14 too, so there you go. So I'm familiar with that.  
15 So I have not been active politically. I have not  
16 given campaign contributions or been part of  
17 political parties over the last 19 years.

18 Q. But you understand that cannon?

19 A. Yes, I do.

20 SENATOR ALEXANDER: Thank you. Other  
21 questions? Senator from Horry, Senator Rankin.

22 EXAMINATION

23 BY SENATOR RANKIN:

24 Q. John, I know you well. I know your  
25 sister better. John Simmons and I know your sister

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1 better through her marriage.

2 A. There you go.

3 Q. And you are doubly blessed, I'm  
4 throwing John under the bus, but we both love  
5 Cal Watson.

6 A. Thank you very much.

7 Q. I'm curious, your statement at the  
8 outset, what piqued your interest in running is  
9 what's been in the papers?

10 A. Yes.

11 Q. And without a doubt, this is not a new  
12 subject to you. You've never run for the PSC, to  
13 my knowledge?

14 A. No.

15 Q. And you are coming in a very crowded  
16 field --

17 A. Yes.

18 Q. -- with lots of good, qualified  
19 candidates. What uniquely that you have within  
20 your experience, in your personal repertory, that  
21 will add to a different or to an improved Public  
22 Service Commission?

23 A. Well, that's an excellent question.  
24 When I was -- when I was -- at the end of my tenure  
25 as the Federal Power Administrator, I was being

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1 flown around the country by electric utilities,

2 joint action agencies, electric associations, and  
3 after I'd been on, oh, quite a few of those trips,  
4 I called the dean of the school of business in  
5 Charleston and I said, Dr. Bedency, what is up with  
6 this, I've been on all these interviews and I  
7 always end up in the top three, but I'm never  
8 selected. And he said, Johnny, you need to talk to  
9 Dr. Mascon. Dr. Mascon had founded the school of  
10 business at Georgia State University, his son  
11 founded the school of business at Kennesaw State.

12 So I hosted him for lunch and he sat  
13 there and after his second drink said, Johnny,  
14 they're never going to hire you. And it was just  
15 like he pulled a pistol out and shot me in the  
16 chest. And I said, Dr. Mascon, what do you mean  
17 they're not going to hire me? And he says, you're  
18 not going to lie, you're not going to cheat, and  
19 you're not going to steal, and you're not going to  
20 go along to get along. If you see something,  
21 you're going to say something.

22 So I've done that throughout my career.  
23 I've done it when I was a cadet at the Citadel when  
24 I saw hazing going on, I said something, it caused  
25 a change. When I was a senior cadet on the

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1 regimental staff and I saw something that was being  
2 done that wasn't right, I organized an impromptu  
3 parade that led in one president being terminated  
4 and another one hired. In my business career, I  
5 have had to go into situations within families,  
6 within businesses, a division of partners and  
7 divorces and quell the waters and be fair to all  
8 concerned.

9 And so I've made it a career out of  
10 doing that, no matter what the role or what the  
11 responsibility has been. I've been a problem  
12 solver. And I think the Public Service Commission  
13 has a lot of problems to solve. I'm ready, I'm  
14 willing, and I'm able to use my knowledge, my skill  
15 and my ability to do the right thing for the people  
16 of South Carolina. Thank you.

17 Q. Yes, sir. And finally, you're running  
18 against an incumbent --

19 A. Yes.

20 Q. -- not personally, but from either  
21 specifically as to him or to any order that you've  
22 seen that would be attributed to him, again whether  
23 it's unanimous or he's dissented, whatever, is  
24 there something specifically that you would call  
25 into question about a past ruling on that --



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1           A.     Well, I certainly have concerns. I  
2 have concerns and deep reservations. They would  
3 happen to all impact on decisions that are going to  
4 have to be made here pretty quickly. And so I  
5 would be reluctant to answer that particular  
6 question, as they may impact questions before the  
7 court at that time. And I hope I'm not evading  
8 your question, but I'm just giving the reason why,  
9 I would be uncomfortable based on Rule 501 from  
10 commenting on just what you asked about.

11           SENATOR RANKIN: That's all.

12           SENATOR ALEXANDER: Any other  
13 questions? If not I'll entertain the motion to go  
14 into executive session.

15           SENATOR HUTTO: Go to executive session  
16 with the candidate.

17           SENATOR ALEXANDER: With the candidate  
18 remaining. So we'll go into executive session with  
19 the candidate remaining.

20           (Executive session)

21           SENATOR ALEXANDER: Lift the veil.

22           MS. ANDERSON: You can stay for a  
23 minute, Mr. McAllister. It won't be much longer.

24           MR. MCALLISTER: No, no, I'm good.

25 Thank you.

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1 SENATOR ALEXANDER: Okay. We're back  
2 in open session and no action was taken during the  
3 executive session. Again, Mr. McAllister, we  
4 appreciate you being with us this morning. Any  
5 final brief comment that you would like to make to  
6 the committee?

7 MR. MCALLISTER: Mr. Chairman, it would  
8 be an honor, it would be a privilege to serve the  
9 people of the state of South Carolina as a  
10 commissioner on the Public Service Commission, if  
11 I'm given that honor. Thank you.

12 SENATOR ALEXANDER: Thank you for your  
13 time this morning. Members of committee, I would  
14 entertain a motion that we go back into executive  
15 session for potential employment pursuant to  
16 Section 30-4-70.

17 SENATOR HUTTO: Motion in second.

18 SENATOR ALEXANDER: Motion in second.  
19 All in favor please say aye.

20 (Unanimous)

21 SENATOR ALEXANDER: Any opposed?

22 (No opposition)

23 (Executive session)

24 SENATOR ALEXANDER: Okay. We're back  
25 in open session. There was no -- no action was

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1 taken in executive session. So Senator from Horry.

2 SENATOR RANKIN: Mr. Chairman, I make a  
3 motion that we find all candidates in district 2 as  
4 qualified.

5 SENATOR ALEXANDER: So I hear that  
6 motion, but I'm going to ask that we do a show of  
7 hands on individual. I have the motion, do I have  
8 a second?

9 SENATOR HUTTO: Second.

10 SENATOR ALEXANDER: So Mr. Cole to be  
11 found qualified? Unanimous. Mr. Donnelly,  
12 qualified? Unanimous. Mr. Elam, qualified?  
13 Unanimous. And Mr. McAllister, qualified?  
14 Unanimous.

15 So it would appear that all four have  
16 been found qualified. So we would proceed to vote,  
17 we're limited to three candidates. So what I'd  
18 like to do is to call on individual members and to  
19 vote for the -- up to three individuals and I'd  
20 like to start with Mr. Simmons, please.

21 MR. SIMMONS: Mr. Chairman, I vote for  
22 Mr. Cole and Mr. Elam and Mr. McAllister.

23 SENATOR ALEXANDER: Okay. Mr. Simmons'  
24 vote: Mr. Cole, Mr. Elam, and Mr. McAllister.  
25 Representative Mack.

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REPRESENTATIVE MACK: Mr. Chairman, I

1  
2 would like to vote for Mr. Cole, Mr. Elam, and  
3 Mr. McAllister.

4 SENATOR ALEXANDER: Mr. Mack votes for  
5 Mr. Cole, Mr. Elam, and Mr. McAllister.  
6 Representative Forrester.

7 REPRESENTATIVE FORRESTER:  
8 Mr. Chairman, I vote for Mr. Cole, Mr. Elam,  
9 Mr. McAllister.

10 SENATOR ALEXANDER: Mr. Forrester votes  
11 for Mr. Cole, Mr. Elam, and Mr. McAllister.  
12 Representative Sandifer.

13 REPRESENTATIVE SANDIFER: I vote for  
14 Mr. Cole and Mr. McAllister.

15 SENATOR ALEXANDER: Okay.  
16 Mr. Sandifer votes for Mr. Cole and Mr. McAllister.  
17 I'll go ahead and vote, Senator Alexander votes for  
18 Mr. Cole, Mr. Elam and Mr. McAllister.

19 SENATOR RANKIN: Mr. Chairman, I vote  
20 for Mr. Cole, Mr. Elam, and Mr. McAllister.

21 SENATOR ALEXANDER: Senator from Horry  
22 votes for Mr. Cole, Mr. Elam, and Mr. McAllister.  
23 Senator from Orangeburg.

24 SENATOR HUTTO: Mr. Chairman, I vote  
25 for Mr. Cole, Mr. Elam, and Mr. McAllister.

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1 SENATOR ALEXANDER: Senator from

2 Orangeburg votes for Mr. Cole, Mr. Elam, and  
3 Mr. McAllister.  
4 Ms. Bluestein.

5 MS. BLUESTEIN: Mr. Chairman, I'd like  
6 to vote for Mr. Cole, Mr. Elam and Mr. McAllister.

7 SENATOR ALEXANDER: Votes for Mr. Cole,  
8 Mr. Elam and Mr. McAllister.  
9 Mr. Jones.

10 MR. JONES: Mr. Chairman, I'd like to  
11 vote for Mr. Cole, Mr. Elam and Mr. McAllister.

12 SENATOR ALEXANDER: Mr. Jones votes for  
13 Mr. Cole, Mr. Elam, and Mr. McAllister. So it  
14 would appear to the Chair then that being duly  
15 found qualified and nominated are Mr. Bruce Cole,  
16 Mr. Elliott F. Elam, Jr., and Mr. John A.  
17 McAllister.

18 Okay. Is there any other business  
19 before we break for lunch? According to our  
20 agenda, that concludes our selection of those being  
21 screened and found qualified and nominated for  
22 district number 2. So we are going -- I would  
23 like, if it's okay with the Committee, we're at  
24 12:30, we're scheduled to come back at 1:30, trying  
25 to be sensitive to time, is there any objection to

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 coming back at 1:15, we could have a candidate  
2 available at 1:15?

3 SENATOR HUTTO: Why don't we just say  
4 1:00?

5 SENATOR ALEXANDER: Is there a problem  
6 with 1:00? I'm good with 1:00. The candidate  
7 should be available and so we'll stand in recess  
8 until 1:00 PM. I thank everybody for your  
9 attendance and work this morning.

10 (A luncheon recess transpired.)

11 SENATOR ALEXANDER: I'll reconvene us  
12 at 1:18 this afternoon. This is Monday,  
13 April 23rd. We now go to the 6th Congressional  
14 district. And we have before us -- we have the  
15 members of the Committee back with us. And we have  
16 Mr. Gerald W. Addison to be screened for the 6th  
17 Congressional district. Good afternoon, sir.

18 MR. ADDISON: Good afternoon, sir.

19 SENATOR ALEXANDER: And if you would,  
20 please be sworn in.

21 GERALD W. ADDISON  
22 being first duly sworn, testified as follows:

23 SENATOR ALEXANDER: And I'm going to  
24 recognize Ms. Anderson for staff that will have  
25 some questions and comments for us as well. Thank

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 you.

2 MS. ANDERSON: Good afternoon,  
3 Mr. Addison. I'm going to briefly summarize  
4 Mr. Addison's educational and work experience at a  
5 very high level. He attended Charleston Southern  
6 University and obtained a bachelor of science  
7 degree in physics. And he is currently enrolled in  
8 the master's program in organizational management.

9 He was employed at the Department of  
10 Navy at the Charleston Naval Shipyard from 1967 to  
11 1996, as an engineer and senior manager. Since  
12 then he has been part owner of AJT Enterprises,  
13 where he performed research and development work to  
14 recycle hazardous waste in concert with Clemson  
15 University and the Department of Energy. As a  
16 result of that work, he became a co-owner of a  
17 patent that essentially deals with, and he could  
18 better explain it than I could, it deals with  
19 recycling hazardous waste from the aluminum  
20 industry. And he also served in a partial  
21 ownership capacity for AJT Services.

22 He was employed with the Department of  
23 Navy as a consultant. And since 2000, he's been a  
24 managing partner of Terra Clean, an environmental  
25 engineering and business consulting firm. And he's

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 also owned Addison Consulting, which does contract  
2 work. And he's -- during a brief period, he was  
3 also part owner and manager of 3AL and he  
4 previously served in the US Army and the  
5 South Carolina Army National Guard.

6 Mr. Addison, do you have any changes  
7 that you would like to make to the Personal Data  
8 Questionnaire that you submitted with your  
9 application?

10 MR. ADDISON: No, ma'am.

11 MS. ANDERSON: Mr. Chairman, I would  
12 request that Mr. Addison's Personal Data  
13 Questionnaire be entered into the record with any  
14 confidential information being redacted.

15 SENATOR ALEXANDER: So ordered.

16 (ADDISON EXHIBIT 1, South Carolina  
17 Public Service Commission edited Personal Data  
18 Questionnaire for Mr. Gerald W. Addison, was marked  
19 for identification.)

20 MS. ANDERSON: Before we begin  
21 questioning, do you have a brief statement that  
22 you'd like to make?

23 MR. ADDISON: Yes, ma'am.

24 Chairman Alexander, members of the committee, my  
25 preparation for this screening and evaluation has



EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 been an enlightening, rewarding experience.

2 Although I'm new to the complex, yet intriguing

3 world or regulating and the Public Service

4 Commission, I feel I am capable of mastering the

5 required protocol and I am sufficiently competent

6 to become a contributed, dedicated member of the

7 Commission. To that end, I will endeavor

8 to answer your questions to the best of my ability

9 and trust that my answers will be acceptable to the

10 extent you will judge me qualified to serve as a

11 commissioner on the South Carolina Public Service

12 Commission. I will now welcome the opportunity to

13 answer your questions.

14 SENATOR ALEXANDER: Thank you, sir.

15 EXAMINATION

16 BY MS. ANDERSON:

17 Q. Mr. Addison, please state your name and  
18 home address for the record.

19 A. Gerald W. Addison. 2419 Santee River  
20 Road, St. Stephen, South Carolina.

21 Q. Are you a registered voter?

22 A. I am.

23 Q. And which Congressional district are  
24 you registered in?

25 A. District 6.

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018

1 Q. Why are you interested in serving on  
2 the Public Service Commission?

3 A. The Public Service Commission is facing  
4 what might prove to be the most challenging period  
5 in their existence. The decisions they render in  
6 the coming months will be unprecedented in their  
7 history and will have far-reaching and long-term  
8 effects on a large part of the South Carolina  
9 population. I would welcome the opportunity to be  
10 a part of that decision-making process and be able  
11 to contribute to fair and equitable judgments.

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

14 A. I have not.

15 Q. Have you read any Commission decisions?

16 A. No, ma'am.

17 Q. Okay. How would you expect to get up  
18 to speed on the issues confronting the Commission?

19 A. There was a 1700s English writer named  
20 Samuel Johnson that once said, knowledge is of two  
21 kinds, we know a subject ourselves or we know where  
22 we can find information on it. Commissioners have  
23 access to a wealth of information and to counsel  
24 with expertise in interpreting that information.

25 To capitalize on those resources, I

1 EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
would spend time reviewing Commission documents on  
2 issues currently before the Commission, as well as  
3 those that might be pending, along with pertinent  
4 legal documents and parallel consulting with fellow  
5 commissioners and the PSC staff as well as the  
6 Office of Regulatory Staff. In short, I would read  
7 a lot and ask a lot of questions.

8 Q. What role does the PSC serve in regards  
9 to the regulation of utilities?

10 A. The Public Service Commission in  
11 regards to regulation of -- they regulate the  
12 rates, in some cases, the areas of operation, and  
13 that's it in general.

14 Q. Okay. What is its role in establishing  
15 energy policy for South Carolina?

16 A. The Public Service Commission's role?

17 Q. Yes, sir.

18 A. The Public Service Commission would  
19 establish the policies as in, I guess you would  
20 say, following the guidelines of Chapter 27 of  
21 Title 58. Is that what you're referring to, the  
22 policies and procedures?

23 Q. Well, just the general policy. Let me  
24 try it this way: What role would the PSC play in  
25 setting policies or are there other governmental

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 entities that would set policies for the state?

2 A. The other government entities would  
3 prescribe the legal aspects of it. And then my  
4 interpretation of the Commission is that they would  
5 see that those regulations are conducted in a fair  
6 and equitable manner in concert with the  
7 organization of the ORS.

8 Q. Okay. What are the key factors that a  
9 commissioner should consider in a rate case?

10 A. I think they would have to consider  
11 what may be brought before them by the ORS from the  
12 public standpoint. And then they would have to  
13 consider what's fair and equitable for the utility,  
14 as far as, I guess you could say profit margin.  
15 But in general, they would have to weigh between  
16 the public interest and what's fair for the utility  
17 from a business standpoint.

18 Q. Are you familiar with the two advisory  
19 opinions issued by the Review Committee dealing  
20 with attendance at legislative sessions and at  
21 legislative caucus meetings?

22 A. Yes, ma'am.

23 Q. And have you attended any legislative  
24 receptions or any legislative caucus meetings since  
25 receiving the advisory opinions?

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1 A. I have not.

2 Q. Assume you were serving on the  
3 Commission and you are approached by someone  
4 wanting to discuss a matter that is or may become  
5 an issue in a proceeding, how would you handle the  
6 situation?

7 A. Basically there should be no  
8 discussions or any communications concerning issues  
9 before the Commission or that are pending or that  
10 might reasonably be expected to come before the  
11 Commission. And that would also include  
12 communications by social media, such as texts,  
13 Tweets or Facebook. There are exceptions to that  
14 though, I would add, in Title 58, Chapter 3,  
15 Section 58 through 60.

16 Q. And along that same line, what is the  
17 appropriate use of social media for a commissioner?

18 A. You know, I wouldn't -- I wouldn't be  
19 sure of that. I would assume though based on what  
20 I just said, that it would be restricted to  
21 communication amongst the commissioners, maybe with  
22 the staff, perhaps with the ORS, but certainly not  
23 much outside of that.

24 Q. Okay. Are you aware that commissioners  
25 are subject to the Judicial Code of Conduct, as

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 well as state ethics laws?

2 A. Yes, ma'am.

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

8 A. No, ma'am.

9 Q. If elected, would you have any  
10 potential conflicts of interest, financial or  
11 otherwise?

12 A. No.

13 Q. Are you a member of or affiliated with  
14 any entity that would need to be re-evaluated if  
15 you are nominated and elected?

16 A. No, I'm not.

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

19 A. I am not.

20 Q. What is the appropriate demeanor for a  
21 commissioner?

22 A. I would say that of a judicial  
23 professional, while discharging the duties of a  
24 commissioner.

25 Q. What do you mean by that?

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1           A.    I mean, someone that's competent,  
2 confident, calm, and even-tempered.

3           Q.    Okay.  And would that apply just while  
4 on the bench or would it apply at all times?

5           A.    I would say that judicial professional  
6 needs to be applied while you're on the bench  
7 because it would be my feelings that if you were to  
8 try and act in that capacity in your community or  
9 dealing with people on non-Commission issues, you  
10 might be seen as somewhat haughty or aloof.  So I  
11 would say that when you're not acting in the  
12 capacity of a commissioner, then he or she should  
13 act with dignity and integrity, should avoid  
14 impropriety and the appearance of impropriety and  
15 should refrain from anything that might demean him  
16 or her and by extension the Commission.

17          Q.    What is demand side management?

18          A.    I'm sorry?

19          Q.    Demand side management?

20          A.    Demand side management would be  
21 management of the supply of energy or electricity.

22          Q.    And can you name one concern associated  
23 with cross-subsidization of utility rates?

24          A.    I would say probably getting that cross  
25 correctly.  I mean, again it's charging one group

1 EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
of folks maybe less and charging another group a  
2 little more to make up for that. So I would say  
3 getting that balance right would be the tricky part  
4 of that.

5 Q. What experience would you bring to the  
6 Public Service Commission that would be beneficial  
7 if you were elected to serve as a commissioner?

8 A. I would say the biggest thing would be  
9 my well-developed, analytical approach to thinking  
10 that allows me to break down complex problems into  
11 single, manageable components. I've become adept  
12 at comparing sets of data from different sources,  
13 identifying possible cause and effect patterns, and  
14 then drawing appropriate conclusions.

15 I employ an intellectual discipline  
16 that results in methodical step-by-step approach to  
17 decision making, and I have skill sets in regards  
18 to decision making that would benefit the  
19 Commission.

20 Q. Have you made any contributions to  
21 members of the General Assembly since filing your  
22 application?

23 A. I have not.

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



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1 A. No, ma'am.

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

5 A. I have not.

6 Q. Have you asked any third parties to  
7 contact members of the General Assembly on your  
8 behalf before the final and formal screening report  
9 has been released?

10 A. I have not.

11 Q. Are you aware of any friends or  
12 colleagues contacting members of the General  
13 Assembly on your behalf?

14 A. I am not aware.

15 Q. Since the submission of your  
16 application for the Commission, have you contacted  
17 any legislator concerning your candidacy, and if  
18 so, please describe the contact or interaction?

19 A. I have not.

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

24 A. I am.

25 Q. And have you attended any political

1 EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
gatherings since the submission of your  
2 application?

3 A. No.

4 Q. And if elected, would you plan to serve  
5 a full term?

6 A. I would.

7 MS. ANDERSON: All right. Thank you,  
8 Mr. Addison. For the record, Mr. Addison's test  
9 score was a 56. And Mr. Chair, I have no further  
10 questions.

11 SENATOR ALEXANDER: Thank you,  
12 Ms. Anderson. Questions by members of the  
13 Committee? Representative Sandifer.

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

16 EXAMINATION

17 BY REPRESENTATIVE SANDIFER:

18 Q. Mr. Addison, just a few questions if I  
19 may. What is the Commission's role in setting  
20 rates for the electric cooperatives, the municipal  
21 power agencies, and Santee Cooper?

22 A. Well, the last party in the question,  
23 they don't have anything to do with saving rates  
24 for Santee Cooper, since that's kind of a public  
25 operation. But the rest of them or any other

1 EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
privately-owned utility company, then they are  
2 responsible for setting those rates.

3 Q. But when you say a private-owned  
4 utility company, would you explain, please, sir?

5 A. That would be an investor-owned utility  
6 company, one that's primarily supported from  
7 investor standpoint.

8 Q. Okay. And you're saying that they are  
9 or are not subject to PSC for rate making?

10 A. The publicly -- the investor-owned  
11 utilities are subject to the PSC regulations.

12 Q. All right. And on the demeanor that  
13 Ms. Anderson asked you a moment ago about --

14 A. Yes, sir.

15 Q. -- when you answered it while you're on  
16 the bench, if you will, does it apply anywhere  
17 else?

18 A. I would say taking my two parts of that  
19 answer, the judicial professional needs to be when  
20 they're on the bench. But again, I would not think  
21 that would be exactly appropriate when you're not  
22 on the bench.

23 Q. And if I can recite part of your  
24 earlier answer, you said if you did, you would seem  
25 to be haughty and aloof; is that correct?

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1           A.     Quite possibly.  And I meter that  
2 statement by saying it would entirely depend on the  
3 individual person.  And I'm not saying that in a  
4 demeaning way for anyone else, but what I mean is  
5 if some people carry their job away from the  
6 Commission and deal with the public in a manner  
7 that's in a judgmental manner, I would say, that's  
8 what I'm trying to say.  You don't really need to  
9 be the judge or a judgmental professional when  
10 you're away from the bench, but you do need to do  
11 everything you can to cast yourself as a  
12 professional in a good light.

13                   REPRESENTATIVE SANDIFER:  One final  
14 question, if I may, Mr. Chairman.

15 BY REPRESENTATIVE SANDIFER:

16           Q.     The question was cross-subsidization  
17 and you answered that to find a balance in that.  
18 And to me that suggests that people who are not  
19 utilizing the availability of a resource would be  
20 paying for it nevertheless.  And I want you to  
21 expound on your answer just a little bit, if you  
22 will, please, sir.

23           A.     No, sir, I didn't mean to infer that.  
24 The cross-subsidization --

25           Q.     I can't say it either, you're not

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
1 alone.

2 A. -- okay, it's basically the practice of  
3 charging higher prices to one group of customers to  
4 subsidize lower prices for another group. I want  
5 to admit, I'm not pretending to be an authority on  
6 it and there's much more information I could find  
7 out about it, but on the surface, it would appear  
8 that it's a process to try to provide service for  
9 everybody in a fair and equitable manner, realizing  
10 that maybe there are groups of people that could  
11 afford higher prices than other groups of people.  
12 And I don't think the intent is to have someone  
13 that does not subscribe to a service have to pay  
14 for it though. If that was your question.

15 Q. I think you've talked around it, yes,  
16 sir. Thank you very much.

17 A. I did not intend to.

18 Q. No, I understand. I understand.

19 A. Okay, thank you.

20 REPRESENTATIVE SANDIFER: Thank you,  
21 Mr. Chairman, and Mr. Addison.

22 SENATOR ALEXANDER: Mr. Forrester.

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

25 EXAMINATION

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
BY REPRESENTATIVE FORRESTER:

1  
2 Q. Mr. Addison, I see you retired from the  
3 National Guard. And your rank was what?

4 A. Chief 1 officer 4.

5 Q. Okay. We've got six applicants here  
6 today, so what makes you stand out from all the  
7 other five or six -- actually, we've got seven,  
8 what makes you stand out from everybody else to  
9 pick you as the most --

10 A. Well, if I could go back to part of my  
11 answer that I gave Ms. Anderson, you know, I don't  
12 know what the other qualifications of the other  
13 folks are, of the other candidates, so it would  
14 probably to me be a little speculative for me to  
15 suggest that I may be more qualified than they are.  
16 But I can tell you that I feel I meet the basic  
17 qualifications found in Chapter 3 of Title 58.

18 And then again, I would like to point  
19 out what I told Ms. Anderson that my analytical  
20 approach to thinking, the way I have to critical  
21 thinking has been developed over time. And again  
22 those skill sets that I have in regards to decision  
23 making, I think would benefit the Commission and I  
24 don't think it -- and I believe it would certainly  
25 place me among the most qualified.

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1 Q. Were you to be elected to the  
2 Commission, how do you see your role balancing your  
3 decisions between the utility, the ratepayer, can  
4 you share some thoughts on that?

5 A. I guess that's where the definition  
6 that I gave for a professional would be a part of  
7 that was somewhat fair-minded, so you've got to  
8 take on the role as the quasi judge and listen to  
9 the public interest, perhaps via the ORS, and then  
10 listen to what the utility company may say, as far  
11 as their reasons for rate increases or rate  
12 changes. And you just have to balance that out, I  
13 would think, conferring with the rest of the  
14 commissioners. And for me, it would be bringing in  
15 to play all those things that I elaborated on as  
16 far as my ability to make decisions.

17 REPRESENTATIVE FORRESTER: Thank you.

18 SENATOR ALEXANDER: Again, thank you  
19 for being here. I just had a couple of questions  
20 for you.

21 EXAMINATION

22 BY SENATOR ALEXANDER:

23 Q. And I think dealing with your current  
24 employment, you're the owner of Addison Consulting;  
25 is that right? And managing partner for Terra

EXAMINATION OF MR. GERALD W. ADDISON - APRIL 23, 2018  
Clean?

1

2

A. Yes, sir, that's correct.

3

4

5

Q. Could you just kind of tell me what each of those are briefly and then also your role with those companies?

6

7

8

9

A. Addison Consulting on my -- as Ms. Anderson said, at one time I did some work with the Navy as a consultant, so I started Addison Consulting to mainly fulfill that role.

10

11

Q. So you do a lot of that still with the Navy?

12

13

A. No, sir. Actually the truth is, I helped work myself out of a job with that.

14

Q. You did a good job.

15

16

17

18

19

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21

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23

24

25

A. Well, yeah, I was part and parcel to applying, again using the word skill sets I had, on certifying high pressure air and gas, we called them flasks in the Navy on submarines. I did that in the shipyard and I was good enough that I was part of a Navy study team. We decided that those particular things were robust enough that we did not need to recertify them every 20 years, which coincided with the re-fuelings of the submarines, so now they last the life of the platform, as we like to say, we don't have to do that anymore. So



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1 Addison Consulting is with that.

2           The Terra Clean, we started that -- I  
3 started that going all the way back to the  
4 AJT Enterprises and the work with Clemson in  
5 developing the vitrification to recycle hazardous  
6 waste. AJT was intended to be the owner, the part  
7 owner of the patent with Clemson, which it was, and  
8 Terra Clean was established as the operating arm  
9 and AJT licensed the technology to Terra Clean.  
10 And if I could clarify one thing.

11           Q.    Yes, sir.

12           A.    That particular patent dealt with  
13 vitrification that is applied to hazardous waste  
14 and I was -- my company was co-owner of that.  
15 There was another patent that I developed in  
16 concert with the Department of Energy, strictly for  
17 the aluminum industry and a substance called spent  
18 potliner, which I was co-inventor on that one.

19           Q.    So your current role with those  
20 companies, do you --

21           A.    No, sir, actually, they're kind of --

22           Q.    Off to the side.

23           A.    -- off to the side and to be quite  
24 forthright with you, any type of recycling of  
25 hazardous waste now, companies look at it in the

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1 way of costs. But I might add, the recycling in my  
2 particular case is strictly a regulatory recycling  
3 and not a commercial recycling, meaning that both  
4 of those and especially the one developed with  
5 Clemson meets the RCRA or Recovery and Resource Act  
6 of -- it's exempt, we do not need to have RCRA  
7 permitting for that vitrification.

8 Q. And if you were elected to the  
9 Commission, you understand it's a full-time job?

10 A. That's a full-time job.

11 SENATOR ALEXANDER: Anybody got any  
12 questions? Okay. If you'll stay there, I'm going  
13 to entertain a motion that we go into executive  
14 session.

15 SENATOR RANKIN: Second.

16 SENATOR ALEXANDER: A second for that  
17 and with the candidate present. So all in favor  
18 please say aye. So it's unanimous. So we'll go  
19 into executive session, if you'll just stay there.  
20 And we'll ask the folks in the audience to excuse  
21 themselves.

22 (Executive session)

23 SENATOR ALEXANDER: We'll lift the  
24 veil. We're out of executive session and no action  
25 was taken in executive session. Mr. Addison, we

1 appreciate you being here with us this afternoon,  
2 for your time and your testimony answering the  
3 questions. Is there any brief final statement  
4 you'd like to make to the committee?

5 THE WITNESS: No, sir, none other than,  
6 again, thank you for the opportunity. And as I  
7 said earlier, I truly want to be a part of the  
8 Commission. I truly want to be a part of trying to  
9 help them not only get through the coming months,  
10 but to be a part of it long term. And I really do  
11 believe that I can contribute to making some good  
12 decisions on that.

13 SENATOR ALEXANDER: Thank you, sir.  
14 Thanks again for being here this afternoon.

15 MS. BELSER: Good afternoon.

16 SENATOR ALEXANDER: Good to have you  
17 this afternoon. We have before us Ms. Florence  
18 Plowden Belser.

19 MS. BELSER: Yes, sir.

20 SENATOR ALEXANDER: Good to see you  
21 this afternoon. And if you would be sworn in  
22 before you sit down.

23 FLORENCE PLOWDEN BELSER  
24 being first duly sworn, testified as follows:

25 SENATOR ALEXANDER: You can be seated.

1 Good to see you this afternoon. And I'll recognize  
2 Ms. Anderson for some comments and some questions  
3 for you to get us started. Thank you.

4 MS. ANDERSON: Good afternoon,  
5 Ms. Belser.

6 MS. BELSER: Hi.

7 MS. ANDERSON: I'm going to give a very  
8 high level educational background, work experience  
9 for Ms. Belser. She earned her bachelor of science  
10 degree in biology from the College of Charleston  
11 and she has a juris doctor from the University of  
12 South Carolina.

13 She began her legal profession as a  
14 judicial law clerk for the Honorable James  
15 McMorris. She served as an associate with John E.  
16 Miles, Esquire. She's worked as an assistant  
17 solicitor for the third judicial circuit. She  
18 worked as staff attorney and deputy general counsel  
19 for the Public Service Commission from 1993 to  
20 2003. And from 2003 to 2004, she served as an  
21 executive assistant for the PSC. Since 2004,  
22 Ms. Belser has served as general counsel in the  
23 Office of Regulatory Staff, where she provides  
24 legal assistance to the agency, represents the ORS  
25 in proceedings before all courts in South Carolina

1 and assists in developing ORS's position in  
2 administrative matters.

3 Ms. Belser, do you have any changes  
4 that you would like to make to your Personal Data  
5 Questionnaire that you submitted with your  
6 application?

7 MS. BELSER: No.

8 MS. ANDERSON: Okay. Mr. Chairman, I'd  
9 like to request that Ms. Belser's Personal Data  
10 Questionnaire be entered into the record with any  
11 confidential information being redacted.

12 SENATOR ALEXANDER: So ordered.

13 (BELSER EXHIBIT 1, South Carolina  
14 Public Service Commission edited Personal Data  
15 Questionnaire for Ms. Florence P. Belser, was  
16 marked for identification.)

17 MS. ANDERSON: Before we begin  
18 questioning, do you have a brief statement that  
19 you'd like to make?

20 MS. BELSER: I'd just like to thank the  
21 committee for this opportunity to be here. As my  
22 experience, as read by Ms. Anderson indicates, I've  
23 been working in the utility regulatory field for  
24 25 years now. And it still amazes me when I say  
25 that because it's gone by pretty quickly, it's been

1 a learning experience, one that I've enjoyed,  
2 working with the Commission and in front of the  
3 Commission and the industry. I just appreciate the  
4 opportunity.

## EXAMINATION

6 BY MS. ANDERSON:

7 Q. Ms. Belser, please state your name and  
8 home address for the record.

9 A. My full name is Florence Plowden  
10 Belser. My home address, physical address, 20  
11 North Dukes Street in Summerton, South Carolina. I  
12 use a mailing -- sometimes use a P.O. Box, P.O.  
13 Box 97 in Summerton, South Carolina, 29148.

14 Q. Are you a registered voter?

15 A. I am.

16 Q. And which Congressional district are  
17 you registered --

18 A. The 6th district.

19 Q. Why are you interested in serving on  
20 the PSC?

21 A. Well, I have been working in this area,  
22 as I said, for 25 years now and I've kind of become  
23 -- I reckon when you say your life's work, it's  
24 been the majority of my professional career. These  
25 seats don't become open seats too often. And when

1 this one was an open seat without an incumbent  
2 running, I started looking at what I might  
3 contribute and thought that I could add some value  
4 to the Commission and to the industry. There are a  
5 lot of, as y'all are keenly aware, a lot of issues  
6 facing the state and the industries right now.  
7 Electricity is probably the biggest on the  
8 forefront, but there's also a lot of work that  
9 needs to be done with water and sewer and other  
10 areas as well.

11 Natural gas, we're kind of limited, but  
12 hopefully with some of the expanded pipeline coming  
13 into North Carolina, there's always a hope that  
14 South Carolina may benefit from some of that. So I  
15 just really want to continue to serve and just  
16 think that I have a background and voice that I can  
17 add to the Commission.

18 Q. If elected as commissioner, how would  
19 you expect to get up to speed on the issues in the  
20 role as a commissioner?

21 A. There's a lot of study involved and it  
22 has been throughout this entire career. As an  
23 attorney, I'm used to researching and reading  
24 opinions and reading briefs and other materials.  
25 There's a lot of dedication, even just as a

1 practicing attorney, it's not a 9:00 to 5:00 job, I  
2 take stuff home to read at night, I read on the  
3 weekends. There's not a lot of time during the day  
4 to educate yourself on the advance sheets or things  
5 like that, so you've got to find time elsewhere.  
6 So I do that.

7 I've always been proud of the fact that  
8 even when I was working at the Commission and now,  
9 that I would go out and seek information. I have  
10 quite an extensive library on regulatory books  
11 because I was interested and I purchased them  
12 myself, so that I could keep abreast. There are a  
13 number of wonderful trade journals that are out  
14 there in the various industries, whether it's  
15 electricity, gas, not so much telecommunications  
16 anymore, but there still is that aspect, water and  
17 sewer.

18 And then the legislature had a  
19 wonderful foresight to put in the ex parte  
20 briefings when the PSC was restructured in 2004.  
21 So that's afforded the PSC and ORS, because ORS has  
22 to attend those as well, has afforded some  
23 wonderful educational opportunities. There are  
24 also meetings that you can attend, where it's  
25 SEARUC or NARUC, where you can attend those and



1 discuss certain issues or get briefed on issues  
2 that have happened all over the country.

3 I tend to visit the EEI, Edison  
4 Electric Institute, and the NRRI, the National  
5 Regulatory Research Institute, which is an arm of  
6 NARUC because they put out a lot of good papers and  
7 information on those, that you can -- it's good  
8 ideas, it's not telling you what to do, but at  
9 least it gets you thinking and seeing what's  
10 happening elsewhere.

11 Q. What role does the PSC serve in regards  
12 to the regulation of utilities?

13 A. The PSC regulates the economic  
14 regulation or the rate regulation of the utilities  
15 and services that they provide.

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

18 A. Well, generally in a rate case when the  
19 utility makes its application, they've done a cost  
20 of service or other study to indicate what their  
21 expenses are for the test period, test year, that  
22 is going to be the basis of the rate case. They'll  
23 come in and ask for revenues to -- or design a set  
24 of rates that will produce revenues to cover the  
25 cost of that cost period. The parties, ORS or

1 other interveners and the company will then make  
2 adjustments and recommendations whether certain of  
3 those costs should not be included in the rate  
4 case, and it's up to the commissioners on the  
5 Commission to review the evidence of the record and  
6 decide whether those costs should be born by the  
7 ratepayer or born by the shareholder.

8 In some of the larger -- in the larger  
9 industries where there is a significant rate base  
10 of plant or investment by the utilities that is  
11 used in producing the service, there would need to  
12 be consideration of an appropriate return for the  
13 invested portion by the company and the  
14 shareholders. So it's a matter of setting a rate  
15 of return, at that point that is based on the  
16 evidence presented during a hearing or the case  
17 before the Commission, and then coming up with the  
18 appropriate revenues to cover the expenses of the  
19 utility and providing the services.

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

24 A. Yes, I am.

25 Q. Have you attended any legislative

1     receptions or any legislative caucus meetings since  
2     receiving those opinions?

3             A.     No.

4             Q.     Assume you are serving on the  
5     Commission and you are approached by someone  
6     wanting to discuss a matter that is or may become  
7     an issue in a proceeding, how would you handle the  
8     situation?

9             A.     I would respectfully advise them that I  
10    would not be able to discuss a matter with them.  
11    Such a discussion would be considered an ex parte  
12    discussion. Hopefully that would be the end of it,  
13    if it is not, I would be duty bound to report it  
14    the Commission and to any parties in the  
15    proceeding. And if it came up later as an issue  
16    later, it might not be a pending issue, but if it  
17    came up later, I would be bound to report it at  
18    that time.

19            Q.     Are you aware that commissioners are  
20    subject to the Judicial Code of Conduct as well as  
21    state ethics laws?

22            A.     Yes.

23            Q.     Do you or a member of your immediate  
24    family own stock or have any other financial  
25    interests that is directly controlled by you or

1 your family member of a utility regulated by the  
2 PCS?

3 A. I do not. When my mother passed away,  
4 there was some Duke Energy stock that she held and  
5 that I inherited and I gave it to the -- or  
6 instructed my broker to please get rid of that and  
7 put it elsewhere. That I could not own any Duke  
8 Energy stock.

9 Q. If elected, would there be any  
10 potential conflicts of interest, financial or  
11 otherwise?

12 A. Not that I'm aware of.

13 Q. Are you a member of or affiliated with  
14 any entity that would need to be re-evaluated if  
15 you are nominated and elected?

16 A. No.

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

19 A. Not that I'm aware of. I am a member  
20 of the American Legion Auxiliary and it is a  
21 veteran service organization that was chartered by  
22 Congress. The American Legion is the -- for  
23 membership of the veterans. The American Legion  
24 Auxiliary was formed, when it was formed it was the  
25 wives, mothers, daughters, sisters. There have

1 been requests of Congress who actually chartered  
2 both organizations to allow the male members of a  
3 female veteran, the spouse, a child, to join the  
4 Auxiliary and Congress has not seen fit to expand  
5 the membership. So at this point, it's still  
6 limited to women. But it doesn't -- the  
7 organization we have women of all faiths, creeds,  
8 nationalities, religious, and other, it doesn't  
9 discriminate on that, it's just it's a women-based  
10 organization.

11 Q. Understood. Thank you. What is the  
12 appropriate demeanor for a commissioner?

13 A. Respectful and thoughtful and to  
14 contemplate, to give all parties appearing before  
15 the Commission a chance to be heard fairly. It's  
16 important to remain impartial, not to make any  
17 decisions until all the evidence is before the body  
18 and discussions can begin.

19 Q. And would that apply while you were on  
20 the bench or would that apply all the time?

21 A. It's all the time, the Code of Judicial  
22 Conduct is 24/7.

23 Q. What do you consider to be appropriate  
24 use of social media for a commissioner?

25 A. I think you have to be very careful

1 about friends that you may have or people that you  
2 follow. It can't appear that you are befriending  
3 people that are appearing before you. And you  
4 certainly have to be careful about what you post on  
5 there and you shouldn't post any -- any matters  
6 regarding decisions. I'm on social media now. I  
7 don't put anything out there about my work. I do  
8 put work stuff up there about my volunteer work  
9 with Girls State, but nothing on there about my  
10 work.

11 Q. When can a commissioner express a  
12 personal opinion on an issue that is within the  
13 PSC's jurisdiction?

14 A. That was on the test and that one gave  
15 me trouble and I'll tell you why, that question.  
16 It stated a personal opinion at an educational  
17 briefing, and someone bound by a Code of Judicial  
18 Conduct can certainly participate in an educational  
19 forum and provide a talk. It should not be a  
20 personal opinion about an issue that would appear  
21 before the Commission or any body subject to the  
22 Code of Judicial Conduct because you shouldn't  
23 intimate how you would rule on a matter until you  
24 have all the evidence in front of you and can hear  
25 all points of view related to that issue.

1 Q. Other than the information you provided  
2 in your opening statement, what experience would  
3 you bring to the Public Service Commission that  
4 would be beneficial if you were elected to serve as  
5 a commissioner?

6 A. I think that my -- I'm going to take  
7 this in a couple of parts, if it's okay. I think  
8 that my experience working with the Commission and  
9 in front of the Commission provides me with a solid  
10 background to serve on the Public Service  
11 Commission. In that regard, I feel that I am  
12 qualified for the position.

13 I think that I would be a good fit for  
14 the Commission because I bring that background with  
15 me and know how to approach a case from preparing  
16 the case to be heard by the Commission, and as well  
17 as what needs to go into a decision of a case. My  
18 legal training has taught to me to be disciplined  
19 and to look at -- try to look at issues from more  
20 than one side, and I think that's what you have to  
21 do.

22 I think that it is incumbent to not  
23 only afford the parties, and this is paramount,  
24 afford the parties a fair hearing, to be fair in  
25 discussions with the other commissioners in

1 listening to other points of view and giving due  
2 regard to other persons in the discussion from the  
3 Commission side, so that the decisions are  
4 reflective of the body and are well-reasoned and  
5 based on the evidence of record before the  
6 Commission.

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

10 A. No.

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

13 A. No.

14 Q. Have you sought or been offered a  
15 conditional pledge of support by any legislator  
16 pending the outcome of your screening?

17 A. No.

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

22 A. No.

23 Q. Are you aware of any friends or  
24 colleagues contacting members of the General  
25 Assembly on your behalf?



1 A. I am not.

2 Q. Since the submission of your  
3 application for the Commission, have you contacted  
4 any legislator regarding your candidacy, and if so,  
5 please describe the contact or interaction?

6 A. I sent a letter to all members of the  
7 House and Senate announcing my candidacy and  
8 briefly providing a description of my experience.  
9 I have met a few. I've stood in the lobby,  
10 wandered around the buildings and just introduced  
11 myself to be able to put a name with a face.

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

16 A. Yes, I am.

17 Q. And since the submission of your  
18 application, have you attended any political  
19 gatherings?

20 A. No.

21 Q. If elected, do you plan to serve a full  
22 term?

23 A. Yes.

24 MS. ANDERSON: Thank you, Mr. Chairman.  
25 For the record, Ms. Belser made an 87 on the test.

1 I have no further questions.

2 MS. BELSER: Thank you.

3 SENATOR ALEXANDER: Thank you,  
4 Ms. Anderson. Members of the Committee?  
5 Representative Mack.

6 REPRESENTATIVE MACK: Mr. Chairman,  
7 thank you.

8 EXAMINATION

9 BY REPRESENTATIVE MACK:

10 Q. Ms. Belser, thank you for your  
11 willingness to serve in this capacity. You know,  
12 it's very interesting because you worked as a staff  
13 member, you're as close to an incumbent as I can  
14 imagine. And having served in this body I can tell  
15 you, and you know, you'll probably be too modest to  
16 say, but in most cases, staff is smarter than those  
17 of us that serve.

18 I wanted ask you about -- with your  
19 experience in serving, we're at a critical point  
20 right now in the state of South Carolina with  
21 VC Summer and all that's going on, just generally  
22 how do you see the Public Service Commission  
23 changing from here going forward, what are some of  
24 the things that you could share with us that you  
25 think is significant?

1           A.     Representative, I'm not sure what you  
2 mean by changing, I think that it is important and  
3 necessary for the Public Service Commission or any  
4 other executive branch agency that has the  
5 responsibility of making decisions to do, to the  
6 best of their ability, to follow the law as passed  
7 by the General Assembly and to provide a fair,  
8 structured arena for any parties coming before it.

9           There are a number of issues that are  
10 facing the Public Service Commission, everybody is  
11 looking for funding these days, not the PSC. But  
12 there are a lot of areas where, of course, and this  
13 is private utilities, but the nuclear issue is one,  
14 just infrastructure in general for so many of the  
15 water and sewer utilities, it's an important and  
16 needed area that is going to be, and I think it's  
17 been facing the Commission, because the Commission  
18 needs to provide decisions that encourage these  
19 private companies to continue the investment that  
20 they need to make to be able to provide reliable,  
21 efficient services, but at the same time  
22 affordable. It's not doing any good to provide  
23 these services if the customers can't afford the  
24 services they need.

25           So to that regard, I think that we just

1 need to continue to work and provide those forums  
2 that these utilities can continue to make  
3 investment in their infrastructures here in  
4 South Carolina to provide these critical services  
5 for the customers.

6 REPRESENTATIVE MACK: Okay.

7 SENATOR ALEXANDER: Mr. Sandifer.

8 EXAMINATION

9 BY REPRESENTATIVE SANDIFER:

10 Q. Ms. Belser, thank you very much for  
11 being here today and shedding some light on a lot  
12 of subjects that we need to hear about. I am  
13 particularly pleased to hear your involvement with  
14 Palmetto Girls State.

15 A. Thank you, sir.

16 Q. That's a tremendous opportunity. And I  
17 wanted to ask if you knew that the national  
18 commander of the American Legion is a female --

19 A. Yes, sir.

20 Q. -- and spoke to our assembly together  
21 recently and made an excellent talk. Just wanted  
22 to know if you were aware.

23 A. Yes, sir, I had the chance to meet her  
24 in Indianapolis when I attended the Girls State  
25 directors conference.

1 REPRESENTATIVE SANDIFER: Very good.

2 Thank you.

3 MS. BELSER: Thank you, sir.

4 SENATOR ALEXANDER: I've got a couple  
5 of things for you.

6 EXAMINATION

7 BY SENATOR ALEXANDER:

8 Q. In your information you provided to us  
9 during your tenures of the Public Service  
10 Commission, Office of Regulatory Staff, working  
11 with cases and matters involving regulated public  
12 utilities. Is there any particular case that's  
13 kind of stood out or area in all the different  
14 areas that you've worked in those two?

15 A. I think the -- when you ask if a case  
16 stood out, it would be one of the first cases that  
17 I got to argue on or work on and go all the way to  
18 the Supreme Court. And it was when BellSouth first  
19 came in for alternative regulation. And that was  
20 an interesting case because it was my first time to  
21 argue before the Supreme Court and it was certainly  
22 monumental in my career.

23 The BellSouth 271 case was certainly  
24 another big case that I was fortunate enough to  
25 work on that was when BellSouth asked under federal

1 law to be able to offer long distance services  
2 again. And it was kind of moving things away from  
3 after the breakup of the Bell companies and  
4 allowing them back into some of the long distance  
5 area.

6 I particularly enjoy the water and  
7 sewer cases. They are difficult at times, but  
8 there's just a working through the process and  
9 working through the applications and the discovery,  
10 it's just trying to come up with recommendations  
11 from where I've been on my side, either  
12 representing Commission staff or ORS  
13 recommendations the Commission to -- how to balance  
14 the interests of the consumers with the interests  
15 of the utilities because it comes down to that to  
16 be able to provide consumers with affordable rates,  
17 but allow the utilities the opportunity to earn  
18 their investment on their own -- or opportunity to  
19 earn their return on their investment.

20 Q. One final question from me and then  
21 I'll recognize the others. Looking also on your  
22 information and forms, where it says: Have you  
23 been employed or held any positions in the  
24 following areas, you've marked them all, energy  
25 issues, telecom, consumer, water, wastewater,

1 finance, economics, accounting, law, everything but  
2 engineering. So I guess there's no interest in  
3 doing something in that arena?

4 A. Well, we deal with it, I just don't  
5 feel like it's my big forte with those areas that  
6 were listed. I rely -- now I rely upon the ORS  
7 engineers when I have questions and need  
8 information on that. Previously, when I was with  
9 the PSC staff, I relied on those experts over there  
10 to help me with those questions when I had them.

11 SENATOR ALEXANDER: Senator from  
12 Orangeburg.

13 EXAMINATION

14 BY SENATOR HUTTO:

15 Q. If the Base Load Review Act had been  
16 challenged before the Commission, do you believe  
17 the Commission had jurisdiction to determine the  
18 constitutionality of that or is that for another  
19 forum?

20 A. Administrative agencies in South  
21 Carolina cannot rule a statute unconstitutional.  
22 They can, I believe, make a ruling that, as  
23 implied, that something is unconstitutional, but to  
24 determine that, they do not have the authority to  
25 determine that the statute itself is

1 unconstitutional.

2 Q. So an agency like this has to accept,  
3 if we pass -- if the General Assembly passes a law,  
4 they have to pretty much assume it is  
5 constitutional unless it's challenged in some other  
6 forum?

7 A. That's my understanding, Senator.

8 SENATOR ALEXANDER: Last question, the  
9 Senator from Horry.

10 SENATOR RANKIN: Thank you,  
11 Mr. Chairman.

12 EXAMINATION

13 BY SENATOR RANKIN:

14 Q. Flo, as I know you, I welcome you to  
15 this. I can't help but to draw from the Judicial  
16 Merits Selection Committee, which spent far more  
17 time than you've spent here and will spend here  
18 interviewing candidates, we had the pleasure of  
19 interviewing a senior judge, senior status by the  
20 name of Thomas W. Cooper, Jr., and I will tell you  
21 for the members of this committee, look at the  
22 letter that has been written by Judge Cooper on  
23 behalf of Flo, and tell you that that judge was  
24 held up by nearly every judicial candidate as the  
25 way that they would want to be known as a judge.



1 So I say that to build up or lead into the comment,  
2 less a question, but more a comment to the members  
3 of this committee, this third paragraph wherein he  
4 cites not only her heritage of service from her  
5 parents, in the second paragraph, but particularly  
6 her efforts on the Public Service Commission  
7 judicial ethics. And apparently you conduct and  
8 have organized folks to come speak, Judge Cooper  
9 included, to address the Public Service  
10 Commissioners on the subject of ethics; is that  
11 correct?

12 A. That's correct, Senator. A few years  
13 ago, ORS held their own ethics and APA class and  
14 the PSC held a separate one. Judge Cooper has been  
15 very kind to come and speak to both groups. And  
16 about three years ago, I think it was, we received  
17 permission from the PURC to hold the classes  
18 jointly and Judge Cooper continues to come and  
19 address those.

20 And I've been fortunate to -- I've  
21 known Judge Cooper, got to appear before him when I  
22 was with the Solicitor's Office down there in the  
23 third circuit Clarendon County, home as I call it,  
24 but I've known him forever, my entire life. And he  
25 certainly has been a role model to a lot of us

1 coming out of Clarendon County in the third circuit  
2 because he does exhibit just wonderful temperament  
3 and knowledge and dedication to the bench.

4 But with regard to the classes, I have  
5 actually taught some sessions on the Administrative  
6 Procedures Act and helped arrange. I've been  
7 fortunate enough to work with Jocelyn Boyd in  
8 putting together those classes for the PSC and the  
9 ORS employees.

10 Q. And I guess the more current  
11 environment in which some hold the Public Service  
12 Commission in low esteem and particularly public  
13 confidence. There's been some stories about  
14 perhaps members should have disclosed, should have  
15 accounted for, or should have recused themselves  
16 and not participated in things, which is a small  
17 sideline to perhaps a bigger question of the  
18 public's confidence.

19 Tell me what you think can be done in  
20 the general concept of restoring, if you believe  
21 that it's lacking, the confidence, the state's  
22 confidence in the Public Service Commission.

23 A. I think that -- and even if it's  
24 lacking now or not lacking, I think that the -- you  
25 have to maintain the impartiality and fairness

1 required under the Code of Judicial Conduct. And  
2 that has to be evident to not only litigants, but  
3 to the public at large. It needs to be evident to  
4 the Public Utilities Review Committee and the  
5 members of the General Assembly. We have a job to  
6 do and we have guidelines and we need to stick to  
7 those.

8 I've been very -- since I've been at  
9 the ORS, we're not under the Code of Judicial  
10 Conduct at ORS, but we are under the State Ethics  
11 Act, and we have followed a no cup of coffee rule.  
12 And I'll tell you, it makes life real simple when  
13 it comes time to talking about -- talking to  
14 people, you know, I may go -- if I'm at a SEARUC  
15 meeting and we go out to dinner, I just pay my own  
16 way and it makes life very simple. And I would be  
17 willing to continue that because it just takes any  
18 hint of any impropriety. And, you know, to some  
19 degree you kind of might think or one might think,  
20 wow, do you really think my vote could be bought  
21 over a dinner? But, you know, if that's what it  
22 takes to restore confidence, then that's what we  
23 need to do.

24 I think that unfortunately when  
25 negative things get out like that, a lot of it is

1 misunderstanding of the process. It is important  
2 to be able to share ideas, but they have to be  
3 within the parameters of what is proper. And I  
4 learned this from Judge Morris, gosh, when I was a  
5 judicial law clerk, things not only have to be  
6 right, they have to look right. And it's incumbent  
7 upon those of us that are working in the system,  
8 working in the area to make sure that that's up  
9 there.

10 Q. And that applies to us no less, don't  
11 think that I'm suggesting it's a one-way street.  
12 We are held perhaps in lower regard, we as a  
13 General Assembly. And again, it's -- you do what  
14 you can and hopefully you do it right and you lay  
15 your head down on your pillow at night and sleep  
16 well. Confidence is good, you and your maker are  
17 on the right path. So I commend you for wanting to  
18 do this and having the endorsement of people who  
19 are held in high regard is exactly what you want to  
20 be known for and which I hope likewise to be known  
21 for.

22 MS. BELSER: Thank you, Senator.

23 SENATOR ALEXANDER: If there are no  
24 other questions. I would entertain a motion that  
25 we go into executive session.

1 SENATOR HUTTO: Second.

2 SENATOR ALEXANDER: With the candidate  
3 present. So noted with motion and a second. All  
4 in favor please say aye. So we'll go into  
5 executive session.

6 (Executive session)

7 SENATOR ALEXANDER: We're back in  
8 session and no action was taken in executive  
9 session. Ms. Belser, we appreciate your  
10 willingness to serve and your time today. Is there  
11 any closing comment that you would have for the  
12 Committee?

13 MS. BELSER: Thank you, Senator. I  
14 would just like to thank the committee for your  
15 time this afternoon. And I know you have a full  
16 schedule, so I'm not going to take any more of your  
17 time, but I do thank you for your attention today.

18 SENATOR ALEXANDER: Thank you, have a  
19 good afternoon.

20 Members of the Committee then this  
21 brings us to tab 10, I believe, in our notebook.  
22 Mr. James H. Clarkson. Good afternoon.

23 MR. CLARKSON: Good afternoon.

24 SENATOR ALEXANDER: Good to have you  
25 with us this afternoon and I appreciate you working

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 with our schedule to be here. And I ask you to be  
2 sworn in.

3 JAMES H. CLARKSON

4 being first duly sworn, testified as follows:

5 MR. DAVIDSON: Good afternoon,  
6 Mr. Clarkson. I'm going to briefly describe your  
7 educational and work experience to the committee.  
8 Mr. Clarkson obtained a bachelor of science degree  
9 in industrial engineering from Clemson University  
10 in 1986. He obtained a master's degree in business  
11 administration from West Georgia College in 1984.

12 He worked at Atlanta Gas Light from  
13 1968 to 1978 as a commercial representative, later  
14 serving as division industrial engineer from 1978  
15 to 1981. He worked at North Georgia Equipment as a  
16 sales engineer from 1981 to 1996. Mr. Clarkson was  
17 a corporate energy manager at Southwire Company and  
18 during this time, he acquired a professional  
19 engineer license and state licenses for electrical  
20 contractor and heating and air conditioner  
21 contractor, as well as becoming a certified energy  
22 manager. From 1996 to 1998, Mr. Clarkson was a  
23 sales representative at El Paso Energy. From '98  
24 to 2000, Mr. Clarkson worked as vice president of  
25 energy services at Service Resources Incorporated,

1 EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
2 where he managed the company's energy offerings and  
3 services to multi-state customers. In 2000,  
4 Mr. Clarkson became the owner of Resource Supply  
5 Chain Management, in which he handles all aspects  
6 of energy procurement and utilization. And he has  
7 intervened in a number of regulatory cases before  
8 the Georgia Public Service Commission, including  
9 matters related to the local nuclear units.

10 Mr. Clarkson served in the US Marine  
11 Corps Reserves from 1963 to '69 and received an  
12 honorable discharge. He has also served on the  
13 Board of Directors for the Institute for Energy  
14 Research and the board of directors for the  
15 American Energy Alliance.

16 Mr. Clarkson, do you have any changes  
17 that you would like to make to your Personal Data  
18 Questionnaire at this time?

19 MR. CLARKSON: Yes. Since I filled  
20 that out, I received an appointment to the  
21 Department of Energy advisory board, it's the  
22 advisory board for state energy efficiency and  
23 renewable programs.

24 MR. DAVIDSON: Thank you, the record  
25 will reflect those changes. At this time,  
Mr. Chairman, I'd like to ask that Mr. Clarkson's

1 EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
Personal Data Questionnaire be entered into the  
2 record.

3 SENATOR ALEXANDER: So ordered.

4 (CLARKSON EXHIBIT 1, South Carolina  
5 Public Service Commission edited Personal Data  
6 Questionnaire for Mr. James H. Clarkson, was marked  
7 for identification.)

8 MR. DAVIDSON: As part of our  
9 background investigation of the candidate, we  
10 obtained credit check, drivers license and SLED  
11 check. For the record, I'd like to state that the  
12 credit check, drivers license and SLED check  
13 revealed no negative results for Mr. Clarkson that  
14 should be brought to the attention of the  
15 Committee.

16 Before we continue with the  
17 questioning, do you have a brief statement that you  
18 would like to make? Do you have a brief statement  
19 that you would like to make for the Committee?

20 MR. CLARKSON: Well, yes, I would like  
21 to be on this agency. I see our state facing big  
22 problems with the nuclear problems. My approach,  
23 while I don't have all the details in mind, would  
24 be to take the free market approach, not to use the  
25 state to bail out a company, instead remove some of



EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 the protections and let them work it out in the  
2 marketplace like most companies do when they have  
3 problems.

## EXAMINATION

BY MR. DAVIDSON:

6 Q. Could you state for the record your  
7 name and home address, please?

8 A. I'm James H. Clarkson. 135 Emerald  
9 Lake Road.

10 Q. Are you a registered voter?

11 A. Yes.

12 Q. In which Congressional district?

13 A. The 6th.

14 Q. Have you attended any hearings at the  
15 Commission?

16 A. No.

17 Q. Have you read any Commission decisions?

18 A. Yes.

19 Q. Could you describe briefly how you  
20 would expect to get up to speed on the issues  
21 confronting the Commission?

22 A. Well, do a lot of reading, of course,  
23 and listen. Well, talk to the staff, the other  
24 commissioners.

25 Q. What role does the PSC serve regarding

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 the regulation of utilities in general?

2 A. In general, setting the rates and other  
3 policies and approving the finances.

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

6 A. Well, being fair to all, being  
7 impartial and appearing impartial. And just trying  
8 to act like a judge, listen a lot, and try to reach  
9 a decision that is best for all parties.

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

15 A. Yes.

16 Q. Have you attended any legislative  
17 receptions or legislative caucus meetings since  
18 receiving these opinions?

19 A. No.

20 Q. Have you attended any political  
21 gatherings?

22 A. No.

23 Q. Assume you are serving on the  
24 Commission and you're approached by someone wanting  
25 to discuss a matter that is or may become an issue

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 at a proceeding, how would you handle that

2 situation?

3 A. I would immediately tell them due to  
4 the ex parte rules, I could not discuss it. And if  
5 they're a party, I'd probably want to see the deal  
6 and that the parties were informed that the attempt  
7 was made.

8 Q. Are you aware that commissioners are  
9 subject to the Judicial Code of Conduct, as well as  
10 the state ethics laws?

11 A. Yes, sir.

12 Q. Do you or a member of your immediate  
13 family have stock or other financial interests that  
14 is directly controlled by you or your family member  
15 of a utility regulated by the PSC?

16 A. No.

17 Q. If elected, would there be any  
18 potential conflicts of interest, financial or  
19 otherwise?

20 A. I don't think so.

21 Q. What would you do if a conflict of  
22 interest were to arise?

23 A. I would deal with it, address it, stop  
24 it. I mean, I see this as a priority over other  
25 matters.

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

4 A. No.

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

7 A. No.

8 Q. Could you describe the appropriate  
9 demeanor for a commissioner?

10 A. As I mentioned, should listen, be  
11 impartial and appear to be impartial. My  
12 experience with Commission hearings, everyone is  
13 very polite, even overly polite. Again, I think  
14 it's a matter of listening rather than expressing  
15 opinions.

16 Q. Thank you. And would that practice  
17 only apply while serving on the bench or would it  
18 be 24/7?

19 A. I think it should be 24/7 for these  
20 matters.

21 Q. What do you consider to be the  
22 appropriate use of social media pursuant to the  
23 Judicial Canons?

24 A. I'd minimize it. I don't see much use  
25 for that.

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1 Q. Thank you. Could you please briefly  
2 describe your company, Resource Supply Management  
3 Company, and the services that it provides?

4 A. Yes. We help large users, nationwide,  
5 with their procurement of energy and also  
6 utilization and management of energy, such as  
7 energy efficiency and the contracts they have with  
8 the utilities.

9 Q. Are any of your customers regulated by  
10 the PSC?

11 A. No.

12 Q. You mentioned in your PDQ that you were  
13 involved in the pending matter before the Georgia  
14 Public Service Commission regarding the Vogtle  
15 plant?

16 A. Yes.

17 Q. Could you please describe your  
18 involvement in that matter?

19 A. I'm an intervenor in their six month  
20 cases that they have. And I've been an intervenor  
21 in rate cases. In Georgia you don't have to be an  
22 attorney to participate and file briefs, do  
23 cross-examination, sponsor witnesses, that sort of  
24 thing.

25 Q. May I ask in what capacity have you

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 intervened, is that as a citizen or on behalf of a  
2 business?

3 A. On behalf of my business.

4 Q. So you've intervened on behalf of your  
5 business?

6 A. In essence, it's as a pro se. I'm not  
7 representing anyone else except by company.

8 Q. You've also mentioned that you've been  
9 involved in several, up to 30 matters before the  
10 Georgia Public Service Commission. Could you  
11 briefly describe your involvement in other matters  
12 before the Georgia Public Service Commission?

13 A. I've been involved one way or another  
14 in the Georgia power rate cases since 1984. I've  
15 been involved in Atlanta Gas Light cases, about a  
16 dozen of them. Fuel cases, rate cases, IPR,  
17 Integrated Resource Planning cases, usually two or  
18 three each year for about the last 10 or 15 years.

19 Q. Thank you. Question number 8 of your  
20 PDQ asks have you been employed or held any  
21 position in the following areas and it lists  
22 several. I would like to dig into those a little  
23 bit and get you to describe your experience in a  
24 few of these. One of them is accounting, could you  
25 describe your experience in accounting issues or

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 matters?

2 A. Yes, I have an MBA with an emphasis in  
3 finance. And in order to participate in utility  
4 rate cases, there's a good deal of accounting to go  
5 through about rate base and the cost of service  
6 analysis. And also, in my own company, of course,  
7 I do my own books and have in other companies I've  
8 worked for beside my present.

9 Q. Thank you. And water and wastewater  
10 issues?

11 A. Yes. We help our customers with that,  
12 as I mentioned, we help large users with utilities  
13 and we seek sewer credits and making arrangements  
14 for water to minimize the customer's deposit and  
15 front-end contribution to get water service.

16 Q. Thank you. Could you describe what  
17 role the Public Service Commission has in  
18 establishing energy policy for the state of  
19 South Carolina?

20 A. Well, in carrying them out primarily,  
21 that would be the primary role as I see it.

22 Q. And could you identify other  
23 governmental -- state governmental entities that  
24 may have a role in energy policy, and briefly  
25 describe those roles?

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1 A. Well, the Office of Regulatory Staff is  
2 charged with carrying out such things as the energy  
3 efficiency plans and the state energy plans.

4 Q. Any other governmental entities?

5 A. Well, there are a number of other  
6 participants, I can't name them all right now that  
7 participate in the state energy planning.

8 Q. Sure. Could you describe the term  
9 distributed energy resources, please?

10 A. I'm sorry, say the first word again?

11 Q. Distributed energy resources.

12 A. Distributed energy resources.

13 Q. Yes, sir.

14 A. Well, it's primarily talking about when  
15 customers are going to do their own generating and  
16 it's distributed. And primarily solar and wind  
17 would be self-generators and they would be  
18 distributed, of course.

19 Q. Thank you. Does the PSC set rates for  
20 investor-owned broadband companies?

21 A. Yes.

22 Q. Since the filing of your candidacy,  
23 could you please describe any interaction or  
24 contact you've had with members of the General  
25 Assembly?



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1 A. None whatsoever, except today.

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

5 A. No.

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

8 A. No.

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

12 A. No.

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

17 A. No.

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

21 A. I'm not aware of any.

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

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1 A. Yes.

2 Q. If elected, would you plan to serve a  
3 full term?

4 A. Yes, sir.

5 MR. DAVIDSON: Thank you. Lastly,  
6 Mr. Chairman, I note for the record that  
7 Mr. Clarkson's test score came out to a 57.5. I  
8 have no questions at this time. Thank you,  
9 Mr. Clarkson.

10 SENATOR ALEXANDER: Thank you. Thank  
11 you for that. I'll go to members of the Committee.  
12 Senator from Horry.

13 EXAMINATION

14 BY SENATOR RANKIN:

15 Q. Thank you, Mr. Clarkson. You are a  
16 prolific writer, it appears, and/or many articles  
17 have been attributed to you in terms of all things  
18 energy; is that a fair statement?

19 A. Well, thank you. Yes, I hope so.

20 Q. And it seems to be Georgia directed  
21 more so than South Carolina; is that fair as well?

22 A. Yes.

23 Q. And you have taken Georgia Power,  
24 Southern Company to task, it appears for your view  
25 that that should not be -- should never have been

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 an approved project for their Vogtle plant?

2 A. Yes, I was in the initial hearings when  
3 they were seeking -- the very early stages, I  
4 opposed it at that time, yes, sir.

5 Q. And time has proven you're right on the  
6 finances at least. But I'm curious, do you have  
7 a -- my term, not yours, but would there be a bias  
8 that you would have against a regulated energy  
9 system in South Carolina, would you be against  
10 regulation?

11 A. Well, what I mentioned earlier is I'd  
12 like to see this go as far as we can with the  
13 market. I realize we'll never be entirely in the  
14 market, but we should go as far as we can in  
15 trusting the market instead of governmental  
16 direction, if we can.

17 Q. There was an article, again, Georgia's  
18 Nuclear Fiasco, the Stipulated Settlements Should  
19 Be Rejected, and it's attributed to you that you  
20 are a classic liberal and active voice for  
21 free-market energy policy in the Southeastern US.  
22 Can South Carolina be a totally free market?

23 A. Probably not.

24 Q. Should it be?

25 A. Well, as far as we can it should be, I

1 EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
would say, that would be my approach, yes.

2 SENATOR RANKIN: Thank you.

3 SENATOR ALEXANDER: Any questions?  
4 Representative Sandifer.

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

7 EXAMINATION

8 BY REPRESENTATIVE SANDIFER:

9 Q. And following up, if I may, on the  
10 Senator's question about the free market. What  
11 role does a PSC have in determining whether or not  
12 it is a free market?

13 A. Well, as I mentioned, let's go as far  
14 as we can. There's still some problems, such as  
15 the transmission system and things like that. So  
16 the Commission would have to take some actions, of  
17 course, it would be legislative actions too, to  
18 move more towards the free market, but they  
19 couldn't do it unilaterally. So I see it as sort  
20 of a piecemeal thing and perhaps even a retreat if  
21 something doesn't work.

22 Q. Mr. Clarkson, I'm curious about the  
23 order in which you've put the parties to this,  
24 apparently, and you correct me if I'm wrong, you  
25 would think this action starts at the Commission?

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1 A. No, the other way around.

2 Q. Okay. So where does it start?

3 A. The General Assembly.

4 Q. Okay. And does the PSC then have the  
5 authority, in your opinion, to go in contradiction  
6 to what the General Assembly and the governor sign  
7 into law?

8 A. I don't think that would be  
9 appropriate, no.

10 Q. Now, I wanted to make sure that we had  
11 that. Under Distributed Energy Resources, what we  
12 call DER, is it just wind and solar or what else  
13 could it be?

14 A. It could be a balance of ash and  
15 wood --

16 Q. Could it be hydro?

17 A. Yes, that's another one.

18 Q. So it could be any number of different  
19 types of energy resources?

20 A. Yes.

21 Q. And is it restricted to one class of  
22 customer?

23 A. No. No, it could be residential, and  
24 industrial, cogeneration, there's a number of them.

25 REPRESENTATIVE SANDIFER: Thank you,

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
1 sir. I appreciate it.

2 SENATOR ALEXANDER: Any questions?  
3 I've got a couple for you here.

4 EXAMINATION

5 BY SENATOR ALEXANDER:

6 Q. I think it's my understanding that  
7 you're the owner of Resource Management?

8 A. Resource Supply Management, yes, sir.

9 Q. And so that entity, I think you've  
10 explained a little bit earlier what it does. And  
11 how about your role with the company?

12 A. Well, I do all parts it of from hedging  
13 energy prices to conservation programs to utility  
14 negotiation. A whole list of things that can be  
15 done in the energy area.

16 Q. And so in seeking to be a member of the  
17 Public Service Commission, it's a full-time job, so  
18 how would you re-evaluate -- how would that -- your  
19 business be dealt with?

20 A. Well, I've already begun phasing down  
21 and giving certain customers to my partners. And  
22 I'll just speed that up. I was going to phase out  
23 anyway over the next couple of years.

24 Q. And certainly congratulations to your  
25 appointment on the Department of Energy Advisory

EXAMINATION OF MR. JAMES H. CLARKSON - APRIL 23, 2018  
Board for the state energy efficiency renewal

1 energy programs, I believe that was the title you  
2 gave us there?

3  
4 A. Yes. Yes.

5 Q. Is that something else -- how would you  
6 -- is that something else that would have to be  
7 re-evaluated if you became a member or would that  
8 be something that you would continue to serve a  
9 part of?

10 A. Well, I'm told it involves three or  
11 four meetings a year. So I don't think that would  
12 interfere with the job.

13 Q. If it's a conflict, would you be  
14 willing to do what was necessary if that's the  
15 case?

16 A. Yes. Yes, I would.

17 Q. And looking over your letters of  
18 reference, it says that one from Mr. Funderburk  
19 here says you've testified -- when we talk about  
20 Georgia, but it says you've testified and  
21 intervened in numerous cases before Public Service  
22 Commissions around the country. So is it  
23 throughout the Southeast or how far have you gone  
24 with your efforts and what --

25 A. Kentucky, West Virginia, there's been

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1 some -- those will do. I'm not always a witness,

2 sometimes I've been the client of the lawyers.

3 SENATOR ALEXANDER: Thank you so much.

4 Are there any other questions? Hearing none. I  
5 would entertain a motion that we go into executive  
6 session with the applicant being present.

7 REPRESENTATIVE SANDIFER: So moved.

8 SENATOR ALEXANDER: I hear a second.

9 All in favor say aye. So if you'd just stay seated  
10 and we will go into executive session.

11 (Executive session)

12 SENATOR ALEXANDER: We're back in  
13 session. Continuing with district number 6 -- and  
14 we took no action in executive session.

15 Mr. Clarkson, we appreciate you being here this  
16 afternoon and making yourself available to us and  
17 your time. Is there any closing comment that you  
18 would like to make to the committee before we  
19 conclude the interview?

20 MR. CLARKSON: No, just thank you for  
21 letting me get this far anyway.

22 SENATOR ALEXANDER: Yes, sir, it's a  
23 pleasure to have you here. Thank you so much.

24 Good afternoon. We have with us now  
25 for the 6th district James H. -- Gene Gartman, Jr.,



EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 and we're delighted to have you here this

2 afternoon. And you'll be sworn in, please, sir.

3 GENE GARTMAN, Jr.

4 being first duly sworn, testified as follows:

5 SENATOR ALEXANDER: Mr. Gartman, we --  
6 staff has a few questions, they'll give an overview  
7 and a few questions. And then we'll go into  
8 others. I appreciate again you being here this  
9 afternoon.

10 MR. GARTMAN: Thank you, Mr. Chairman.

11 MR. DAVIDSON: Good afternoon,  
12 Mr. Gartman, I'm going to briefly describe your  
13 educational and work experience with the committee  
14 based on -- do you have a question?

15 MR. GARTMAN: Question number 11 on the  
16 PDQ, just to know, I believe the application  
17 process was back in August, it said: Have you ever  
18 run unsuccessfully as a candidate? The answer -- I  
19 did not have the results from the campaign in  
20 October/November. Just to know the answer should  
21 be changed from no to yes.

22 MR. DAVIDSON: And for the record, you  
23 ran for city and county council?

24 MR. GARTMAN: That's correct,  
25 Mr. Davidson.

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
MR. DAVIDSON: The record will reflect

1 those changes. Thank you for clarifying that.

2 Mr. Gartman Excelsior College in 2007 with a  
3 bachelor of science degree in liberal studies. He  
4 served in the US Army from 1986 through 2006 in  
5 which he retired and received an honorable  
6 discharge.  
7

8 Upon leaving the military, Mr. Gartman  
9 found employment in 2007 with All Medical  
10 Personnel, a healthcare staffing agency. Later in  
11 2007, Mr. Gartman started a healthcare staffing,  
12 GCG Staffing, Incorporated, which operated until  
13 December 31st, 2010. In 2012, Mr. Gartman began  
14 working with the South Carolina Department of  
15 Employment and Work Force as a disabled veterans  
16 outreach coordinator. In 2014, Mr. Gartman left  
17 due to accept employment with the Social Security  
18 Administration as a service representative where he  
19 remained employed through 2016. 2017, Mr. Gartman  
20 began working for Dalton House for veterans and  
21 non-veterans transitional housing, permanent  
22 housing where he served as a marketing and outreach  
23 coordinator. He also founded and serves as the  
24 executive director of the Help U Project in  
25 Orangeburg, a non-profit organization providing

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 assistance to burn out victims.

2 Mr. Gartman, you previously mentioned  
3 one change you had to your PDQ, are there any other  
4 amendments, I'm assuming not or else you would have  
5 mentioned them?

6 MR. GARTMAN: (Shakes head side to  
7 side).

8 MR. DAVIDSON: Thank you. At this  
9 time, Mr. Chairman, I would ask that Mr. Gartman's  
10 Personal Data Questionnaire be entered into the  
11 record.

12 SENATOR ALEXANDER: So ordered.

13 (GARTMAN EXHIBIT 1, South Carolina  
14 Public Service Commission edited Personal Data  
15 Questionnaire for Mr. Gene Gartman, Jr., was marked  
16 for identification.)

17 MR. DAVIDSON: As part of our  
18 background investigation of each candidate, we  
19 obtained a credit check, a driver's license and  
20 SLED check. And I would like to state for the  
21 record, the credit check, driver's license and SLED  
22 check revealed no negative results for Mr. Gartman  
23 that should be brought to the attention of the  
24 Committee.

25 Before we continue with the

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
questioning, Mr. Gartman, do you have a brief

statement that you would like to make?

MR. GARTMAN: I just want to say to everyone that I'm honored to be here and thank you for hearing me.

BY MR. DAVIDSON:

Q. Thank you. And I know I've said your name several times, but could you please state your name and home address, for the record?

A. Yes. It's Gene Gartman, Jr., and the address is 1439 Park Street, P-A-R-K, Street, Orangeburg, South Carolina, 29115.

Q. And are you a registered voter?

A. Yes, I am. Yes, sir.

Q. And which Congressional district?

A. It's house district 95.

Q. And I'm sorry, let me clarify that, the Congressional district?

A. At the moment, I'm at a loss, I'm sorry.

Q. It should be the 6th, perhaps?

A. Right. Correct. I'm so sorry.

Q. No problem. Could you explain to the Commission or to this committee why you're interested in serving on the Public Service

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
Commission, please?

1  
2           A.     Yes, sir. Mr. Davidson, I have been up  
3 here in South Carolina, as you stated earlier, I  
4 was originally in Florida. I retired out of  
5 Florida. However, I worked at a healthcare  
6 staffing agency there as a staffing manager and  
7 they had a layoff and I moved up here and started  
8 my own healthcare staffing agency.

9                     And just to know, I started working in  
10 September of 2007 in Orangeburg and I was able to  
11 follow the media quite a bit. Running a staffing  
12 agency as a branch manager, one, is able to surf  
13 the Internet, so to speak, able to keep up with  
14 current events while the rest of the personnel are  
15 out in the field working. And I have watched the  
16 uptick over those years, starting in 2007, with the  
17 nuclear power plant being built and I have seen the  
18 constituents or read about the constituents  
19 concerns over those years, several years as time  
20 went by. And each year it appeared that there was  
21 an increase in the rates for the ratepayers.

22                     And so I'm very concerned and it's not  
23 just a public utility, but a municipal utility,  
24 like our DPU in Orangeburg, South Carolina, we also  
25 see rate increases, not quite every year, but they

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 tick up. Having been a former member of the Social  
2 Security Administration, a service representative,  
3 I understand that people are on fixed incomes and I  
4 do realize that -- that the Public Service  
5 Commission, I'm sure has done a great job, there's  
6 a lot that we can all learn from this incident with  
7 -- with SCANA, South Carolina Electric & Gas.

8 So I just think it's a good idea. I  
9 don't see cost of living allowances going up for  
10 seniors. We have a very distressed community in  
11 Orangeburg, but I know it goes throughout the  
12 state. People are burdened financially, we have a  
13 high unemployment rate, even though real results  
14 don't show that. We have a lot of people  
15 unemployed. We have a lot of disabled people in  
16 our state. We have a growing population. So I  
17 think it's very important to keep an eye on utility  
18 rates. Thank you, Mr. Davidson.

19 Q. Thank you. Have you attended any  
20 hearings at the Public Service Commission?

21 A. No, sir, I have not.

22 Q. Have you read any Commission decisions?

23 A. Only what I've read in the paper.

24 Q. Thank you. And to follow up on that,  
25 if you were to be elected, how would you get up to

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 speed on the issues confronting the Commission?

2 A. Well, one of my jobs when I worked with  
3 the Social Security Administration was to  
4 adjudicate claims as people applied. And I would  
5 be fair, but firm, and firm, but fair with both the  
6 utility regulators and with people of South  
7 Carolina.

8 Q. Okay. What role does the PSC serve  
9 regarding the regulation of utilities in general?

10 A. To look out for the consumers.

11 Q. Do they serve any role regarding  
12 policy?

13 A. They establish policy. They approve  
14 rates.

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

17 A. They should look at the need to  
18 increase rates, and also look at the consumers that  
19 receive those rates.

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

24 A. Are you talking about an ethics  
25 question?

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1 Q. No, sir. The advisory opinions  
2 released by this committee detailing whether a  
3 candidate could or could not attend caucus meetings  
4 and receptions?

5 MS. ANDERSON: It was in the  
6 application packet.

7 BY MR. DAVIDSON:

8 Q. It should have been provided in the  
9 application packet.

10 A. Okay. I believe to answer that, that  
11 we're supposed to be there 100 percent of the time.

12 Q. My follow-up question on that, and I'm  
13 not advocating that that answer was correct, but  
14 have you attended any legislative receptions or  
15 legislative caucus meetings since receiving the  
16 application packet?

17 A. No, sir, I have not.

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

23 A. I would tell them they have to bring it  
24 before the Commission.

25 Q. Are you aware that commissioners are



1 EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
subject to the Judicial Code of Conduct as well as  
2 state ethics laws?

3 A. Yes, sir.

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

8 A. No, sir.

9 Q. If elected, would there be any  
10 potential conflicts of interest, financial or  
11 otherwise?

12 A. No, sir.

13 Q. What would you do if a conflict arose?

14 A. I would not entertain a conflict of  
15 interest.

16 Q. Are you affiliated with any political  
17 parties, boards, or commissions that would need to  
18 be re-evaluated if you're nominated and elected?

19 A. No, sir.

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

22 A. No, sir.

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

25 A. Demeanor should be in conduct with

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 everything expected of a Public Service

2 commissioner, publicly and privately.

3 Q. What do you consider to be the  
4 appropriate use of social media pursuant to the  
5 Judicial Canons?

6 A. I wouldn't use that as an outlet, I  
7 would be morally and ethically bound not to discuss  
8 Public Service Commission policies or procedures on  
9 social media.

10 Q. Could you describe net metering?

11 A. That -- that is the metering that  
12 determines the rates.

13 Q. Could you describe cross-subsidization  
14 and how this could impact net metering?

15 A. A combination of energies.

16 Q. Thank you. Have you made any  
17 contributions to a member of the General Assembly  
18 since filing your application?

19 A. No, sir.

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

22 A. No, sir.

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

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018

1 A. No, sir.

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

6 A. No, sir.

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

10 A. No, sir.

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

15 A. Yes, sir.

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

18 A. Yes, sir.

19 MR. DAVIDSON: Thank you, Mr. Gartman.  
20 Mr. Chairman, let the record reflect that  
21 Mr. Gartman's test score came in at 38.5. At this  
22 time, I have no further questions.

23 SENATOR ALEXANDER: Thank you,  
24 Mr. Davidson. And thank you for being responsive  
25 to those questions. Do members have questions?

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 I've got a couple for you.

2 EXAMINATION

3 BY SENATOR ALEXANDER:

4 Q. Your current employment is Help U  
5 Project as executive director; is that correct?

6 A. Actually, it's Dalton and Dalton  
7 Enterprise, they're a 501(c)(3). I'm the executive  
8 director of Help U Project. I have not received  
9 any salary, just to know.

10 Q. So --

11 A. It's a newly-organized non-profit back  
12 in October of 2016.

13 Q. And you have here listed under question  
14 number 8, have you been employed or held any  
15 position in any of the following areas. And you  
16 mentioned consumer protection and advocacy issues.  
17 Could you expound a little bit on that for me?

18 A. That would be the Help U Project and  
19 also Dalton and Dalton Enterprise, homelessness,  
20 their focus is homelessness for veterans and  
21 non-veterans.

22 Q. That's consumer protection for those  
23 that are in need or is there anything from  
24 consumer --

25 A. I know now what you're talking about,

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 Mr. Chairman, I'm very sorry. Social Security

2 Administration. I worked for the Social Security  
3 Administration, consumer and advocacy issues,  
4 disabilities, limited and low income people. And  
5 also the South Carolina Department of Employment  
6 and Workforce, I also helped people with their  
7 unemployment, along with their job searches.

8 Q. So have you had anything in the  
9 consumer protection advocacy issues dealing in the  
10 regulated environment that would be before the  
11 Commission?

12 A. Not in the regulated environment.

13 SENATOR ALEXANDER: Okay. Further  
14 questions? Yes, sir, Senator Hutto.

15 EXAMINATION

16 BY SENATOR HUTTO:

17 Q. Mr. Gartman, you're also running for  
18 the board of South Carolina State?

19 A. Yes, sir, that's correct.

20 Q. So if that election occurs first and  
21 you're elected to that, will you drop out of this?

22 A. I think this takes precedence over  
23 that, so I would have to remove myself.

24 Q. Okay. And it was reported in the paper  
25 that you're also running for the House; is that

EXAMINATION OF MR. GENE GARTMAN, Jr. - APRIL 23, 2018  
1 true too?

2 A. Right, I applied back in, I think it  
3 was back in August of 2017, I was one of the  
4 original people to apply. And this process got  
5 kind of postponed and then they had a new wave of  
6 applicants. But regarding that, I would withdraw.

7 Q. From the House race?

8 A. Right.

9 Q. I'm just trying to get your  
10 priorities --

11 A. Right.

12 Q. -- I mean, this would be your highest  
13 priority?

14 A. Exactly. Yes, sir.

15 SENATOR ALEXANDER: Other questions?  
16 If not, I would entertain a motion that we go into  
17 executive session. We have that and a second. All  
18 in favor please say aye. So we'll go in executive  
19 session with you being present. So we'll just ask  
20 the other folks to...

21 (Executive session)

22 SENATOR ALEXANDER: We're back in open  
23 session and no action was taken in executive  
24 session. And we're completing the screening of  
25 Mr. Gene Gartman. I appreciate you being here this

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 afternoon. Is there any final comment that you  
2 would like to make to the committee, please?

3 MR. GARTMAN: Well, I'm very grateful  
4 for being here and being screened. And just to  
5 know, it means a great deal to me and I think that  
6 I would make a positive impact. Thank you.

7 SENATOR ALEXANDER: Thanks again for  
8 being here this afternoon. Thank you so much.  
9 We're scheduled to take a break at this point and  
10 so we will proceed with that. We'll try to do  
11 maybe a 15-minute break, does that get us to  
12 3:30-ish?

13 (A recess transpired.)

14 SENATOR ALEXANDER: Okay. We're back  
15 in session, regular session. This is Mr. John D.  
16 McNeill. We're delighted to have you with us this  
17 afternoon.

18 MR. MCNEILL: Thank you for having me.

19 SENATOR ALEXANDER: Thank you for  
20 making yourself available. I'm going to have you  
21 be sworn in, she'll swear you in.

22 JOHN MCNEILL  
23 being first duly sworn, testified as follows:

24 SENATOR ALEXANDER: Thank you. We have  
25 a few questions. She'll have some overall

1 EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
information and then a few questions for you and  
2 then we'll get into the rest of the interview.

3 MS. ANDERSON: First, I want to give a  
4 very high level overview of Mr. McNeill's  
5 educational background and employment experience.  
6 He obtained a bachelor of science degree in systems  
7 engineering from West Point. And attended Troy  
8 State University and obtained his master's degree  
9 in management science.

10 Mr. McNeill served in the US Army from  
11 1993 to '98 and received an honorable discharge.  
12 He was previously employed by  
13 PricewaterhouseCoopers in New York as management  
14 consultant. He has also been employed by  
15 Parametric Technology Corp., as senior business  
16 consultant and project manager. From 2010 to 2013,  
17 he was employed by Boeing in Charleston as a  
18 manufacturing engineering manager. From 2014 to  
19 '15, he was employed by CR Bard where he redesigned  
20 production systems at a latex manufacturing  
21 facility. From 2015 to 2016, he was employed by  
22 GKN Aerospace in Orangeburg as a senior program  
23 manager. In 2016, he became an independent  
24 consultant and is currently consulting as senior  
25 project manager for TL Construction and Independent



1 EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
Real Estate Property Development.

2 Mr. McNeill, do you have any changes  
3 that you would like to make to your Personal Data  
4 Questionnaire that you submitted with your  
5 application?

6 MR. MCNEILL: No, ma'am.

7 MS. ANDERSON: Mr. Chairman, I would  
8 request that Mr. McNeill's personal data  
9 questionnaire be entered into the record with any  
10 confidential information being redacted.

11 SENATOR ALEXANDER: So ordered.

12 (MCNEILL EXHIBIT 1, South Carolina  
13 Public Service Commission edited Personal Data  
14 Questionnaire for Mr. John McNeill, was marked for  
15 identification.)

16 MS. ANDERSON: Before we begin  
17 questioning, do you have a brief statement that  
18 you'd like to make?

19 MR. MCNEILL: Well, my only statement  
20 is that I'm a selfless service -- selfless servant,  
21 I've served in many positions in Fortune 100  
22 companies on a consulting capacity, having P&L  
23 responsibility, and multi-unit management  
24 experience as well. I'm a proven leader in the  
25 industry. And since -- since 18 months ago, I'm an

1 EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
2 ordained minister, licensed minister and working on  
3 many community initiatives and so forth. And I'm  
4 looking forward to becoming a public commissioner.

## EXAMINATION

BY MS. ANDERSON:

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

8 A. John McNeill. My home address is  
9 295 Hastings Drive, Goose Creek, South Carolina.

10 Q. Are you a registered voter?

11 A. Yes, I am.

12 Q. And in which Congressional district are  
13 you registered to vote?

14 A. I am registered in district 6 right --  
15 I mean, district 1.

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

18 A. Well, I've got a -- I've gotten  
19 experience as a -- I guess, as a shareholder with a  
20 company called Sun Edison. Sun Edison, probably  
21 the largest renewable energy company out there that  
22 went bankrupt. I held extensive shares in the  
23 company and I was disappointed by the fact that my  
24 -- my major investment was lost as a result of the  
25 bankruptcy of that company. I -- I had a tough

1 EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
time understanding how my investment can be lost  
2 due to the failure of accountability of Sun Edison,  
3 and I saw the same thing happening in terms of the  
4 SCE&G and the nuclear power plant and decided to  
5 take action.

6 And use my technical skills that I've  
7 helped a lot of companies from GE, Ademco, GKN,  
8 Boeing, used my skill sets to serve a role instead  
9 of just sitting back and being upset about what  
10 happened.

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

13 A. No, I haven't.

14 Q. Have you read any Commission decisions?

15 A. Yes, I have.

16 Q. How would you expect to get up to speed  
17 on issues confronting the Public Service  
18 Commission?

19 A. Well, I pride myself in being a fast  
20 learner. And serving as a consultant, I have found  
21 myself in many organizations where I've had to come  
22 up to speed rather quickly. So my consulting  
23 experience is one that lends me to understand the  
24 core competency of an operation. I am a systems  
25 engineer and I've worked as a systems engineer

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 for -- as a systems engineer, you learn very  
2 quickly of understanding of how systems work.

3 In addition to that, I am a certified  
4 project management, program management  
5 professional, I've gotten my PMI certification. So  
6 I understand the framework and the methodologies  
7 that are utilized with new organizations. I have a  
8 great deal of technical competence. I am well-read  
9 and I had a lot of experience with my stint with  
10 Sun Edison as well.

11 Q. What role does the Public Service  
12 Commission serve in regards of the regulation of  
13 utilities?

14 A. Adjudication of rates. Ensuring that  
15 the utilities are performing accordingly. Making  
16 sure that there are approvals for proceedings on  
17 terms of investment. And ensuring that if there  
18 are any issues, such as court-related issues, if  
19 you will, that it will be adjudicated by the Public  
20 Service Commission.

21 Q. And what are the industries and  
22 businesses that are regulated by the PSC?

23 A. The industries are the energy  
24 suppliers, Duke Energy, Duke Energy Progress, South  
25 Carolina Electric & Gas. The water municipalities.

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 The suppliers of gas, the gas line suppliers. None  
2 of the gas comes out of this state is natural gas,  
3 so the gas industries. Resource industries.

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

6 A. Ex par(sic) communication has to be  
7 approved, it has to be justified reasoning for  
8 having the proceedings brought to the attention of  
9 the Public Service Commission, so that you're not  
10 deliberating, you're hearing only one side, of  
11 course, but there has to be a reason and a  
12 rationale and justification.

13 Q. What is the purpose of utility  
14 regulation?

15 A. The purpose of utility regulation is to  
16 ensure that consumers are all able to receive  
17 equitable resources at an affordable rate,  
18 something that's fair. Also -- can you repeat the  
19 question again, I'm sorry?

20 Q. Yes, sir. What is the purpose of  
21 utility regulation?

22 A. Okay. Ensuring that consumers are  
23 treated fairly, even, and opportunity for an  
24 organization to still generate revenue. Consumer  
25 rights are protected, ensuring that it's done in

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 compliance as well.

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

4 A. Key factors that should be considered  
5 would be the expenses incurred, the impact to the  
6 consumer, the impact to the environment. Does it  
7 agree with the long-term plans and goal of our  
8 state energy plan. Is it in compliance with the  
9 laws that we have set forth, that have been set  
10 forth by the -- by the Assembly.

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

15 A. I am -- I am familiar, but I do not  
16 recall exactly, I know I've gone through a lot of  
17 information.

18 Q. It's okay. But you remember at least  
19 receiving documentation or having access to it?

20 A. Yeah. Yes. I know that there's --  
21 there are instances where, you know, like there are  
22 excused absences and so forth, but the intent is  
23 for -- to have a quorum, whereas at least four  
24 commissioners are present for making decisions and  
25 so forth.

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1 Q. Okay. Have you attended any  
2 legislative receptions or any legislative caucus  
3 meetings since receiving the advisory opinions?

4 A. No, ma'am.

5 Q. Assume that you're serving on the  
6 Commission and you are approached by someone  
7 wanting to discuss a matter that is or may become  
8 an issue in a proceeding, how would you handle the  
9 situation?

10 A. Well, I would -- I would indicate that  
11 there may be a conflict of interest and I would  
12 defer from that discussion or the potential of  
13 having it being heard or adjudicated by myself or  
14 being in that role where I can play -- have some  
15 type of impact or so forth.

16 Q. Are you aware that commissioners are  
17 subject to the Judicial Code of Conduct, as well as  
18 state ethic laws?

19 A. Yes, I am.

20 Q. Do you or a member of your immediate  
21 family own stock or have any other financial  
22 interests that is directly controlled by you or a  
23 family member of a utility regulated by the PSC?

24 A. No.

25 Q. If elected, would there be any

1 EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
2 potential conflicts of interest, financial or  
3 otherwise?

4 A. No conflict of interest.

5 Q. Are you a member of or affiliated with  
6 any entity that would need to be re-evaluated if  
7 you were nominated and elected?

8 A. No, I'm not.

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

11 A. No.

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

14 A. I would guess it would be more like a  
15 West Point cadet, it's a matter of just  
16 professional decorum. Having a disposition where  
17 it's inclusive. Establishing rapport with people  
18 in relationships. Being -- being respectful of  
19 folks, even though they might not necessarily have  
20 the same thought processes or value system as you  
21 may have.

22 Q. And would this demeanor, would that  
23 apply only while on the bench or would it apply at  
24 all times?

25 A. It applies at all times.

Q. What do you consider to be appropriate



EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 use of social media for a commissioner?

2 A. I think appropriate use of social media  
3 would be utilizing it as tool to relay information  
4 to the public, to the general public, in a  
5 professional fashion, not to be abused or, you  
6 know, abstaining from personal -- personal  
7 information or anything like that. Just staying  
8 within the framework of professional,  
9 professional-related items.

10 Q. When could a commissioner express --  
11 I'm sorry, let me start over. When can a  
12 commissioner express a personal opinion on an issue  
13 that is within the PSC's jurisdiction?

14 A. I would refrain from expressing  
15 personal, you know, personal opinions. You can  
16 express your personal opinion if it's -- if you're  
17 going to identify that it's your personal opinion.  
18 That would be any time you're not acting in an  
19 official capacity, but the rule of thumb is that  
20 you're always acting in an official capacity.

21 Q. What experience would you bring to the  
22 Public Service Commission that would be beneficial  
23 if you were elected to serve as a commissioner?

24 A. I think my strength is my leadership in  
25 the military, serving as a commissioned officer.

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 Working in senior management roles, like I said,  
2 within Fortune 100 companies. Understanding P&L  
3 responsibility, understanding management, and  
4 leadership. My -- my experience is -- is pretty  
5 multifaceted. I've served as a consumer,  
6 understanding what is fair, because I know what it  
7 means to generate revenue. I know what it means to  
8 -- to run a profitable business and operate to a  
9 P&L statement. And I think a huge piece of it is  
10 my maturity as far as spiritual growth goes and  
11 serving in the community as a minister as well.

12 Q. Have you made any contributions to  
13 members of the General Assembly since filing your  
14 application?

15 A. No.

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

18 A. No.

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

22 A. No.

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

1 EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
has been released?

2 A. No.

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

6 A. No.

7 Q. Since this admission of your  
8 application for the Commission, have you contacted  
9 any legislator regarding your candidacy, and if  
10 yes, please describe the contact or interaction?

11 A. No.

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

16 A. Yes.

17 Q. And since the submission of your  
18 application to the Commission, have you attended  
19 any political gatherings?

20 A. No.

21 Q. And if elected, would you plan to serve  
22 a full term?

23 A. Yes.

24 MS. ANDERSON: Thank you, Mr. McNeill.  
25 Mr. Chairman, I have no further questions.

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018

1                   SENATOR ALEXANDER: Thank you,  
2 Ms. Anderson, and members of the Committee. I've  
3 got a couple of questions for you, if I could.

4                   EXAMINATION

5 BY SENATOR ALEXANDER:

6                   Q. In your work that I understand you're  
7 doing now is independent consulting work?

8                   A. Yes.

9                   Q. So could you just kind of give me  
10 briefly an idea of what kind of work that is in the  
11 consulting?

12                  A. Basically what I'm doing is helping in  
13 terms of re-gentrification of neighborhoods in  
14 Charleston, South Carolina, this means if it's a  
15 matter of going before the city council for  
16 rezoning ensuring that permits are submitted  
17 accordingly. The financial acquisition for -- for  
18 real estate investment. Ensuring the closure and  
19 sale of property.

20                  Q. And also -- thank you for that. And  
21 also in your form that you've submitted to us where  
22 it has: Have you been employed or held any  
23 position in any of the following areas, you've  
24 marked water and wastewater issues, and  
25 engineering. Any further comment you want to make

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 on either two of those that you --

2 A. I was a -- my career started as a water  
3 purification platoon leader. I was responsible for  
4 establishing reverse osmosis water purification  
5 units in field locations and abroad. And also for  
6 supporting what they call a distribution/logistic  
7 support agency for the Asia network, I served in  
8 Korea. And came back to the US and served as a  
9 water platoon leader, water executive officer as  
10 well.

11 SENATOR ALEXANDER: Thank you for your  
12 service.

13 MR. MCNEILL: Thank you.

14 SENATOR ALEXANDER: Other questions by  
15 members of the committee, if not -- yes, sir,  
16 Senator from Horry.

17 EXAMINATION

18 BY SENATOR RANKIN:

19 Q. Mr. McNeill, thank you for being here  
20 and your willingness to offer for service in this  
21 instance. I know there was some snafu, some  
22 miscommunication apparently or misapprehension of  
23 the test that every other candidate has taken.  
24 What happened, why did you not take the test?

25 A. Well, the -- I received e-mails that

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 were actually quarantined and went to my junk  
2 e-mail, so I didn't have access to it or I didn't  
3 see it. And after being contacted on, I think, it  
4 was Thursday, April 5th, I was contacted by the  
5 office saying that my PSC application -- I mean,  
6 the application had to be modified or something.  
7 During that conversation on Thursday, I didn't have  
8 any idea that there would be a test even during the  
9 conversation. While -- I went out of town and when  
10 I was out of town, I received an e-mail on Friday  
11 as a reminder.

12 And my intent wasn't to return until  
13 Tuesday because of previous commitments. And  
14 Monday after -- on my way back and reviewing the  
15 quarantined files or understanding that there was  
16 some documentation out there, I realized that --

17 Q. Go ahead.

18 A. -- oh, I realized that there was  
19 information and I responded to the information.  
20 The e-mails that had been sent out was asking for a  
21 response, I never responded to the e-mail. So when  
22 I had the conversation with Ms. Anderson on Monday  
23 morning letting her know that I was on my way back,  
24 I explained, well, why wasn't it mentioned to me on  
25 Thursday when we had the conversation. And she

EXAMINATION OF MR. JOHN MCNEILL - APRIL 23, 2018  
1 said she had thought that it was mentioned and I  
2 was like, no, we didn't mention it, otherwise I  
3 would have probably made some adjustments, but I  
4 was already out of town at that time. And I think  
5 it was just a matter of breakdown in communication.

6 SENATOR RANKIN: Thank you.

7 SENATOR ALEXANDER: Other questions?  
8 Okay. I would entertain a motion that we go into  
9 executive session.

10 REPRESENTATIVE FORRESTER: Second.

11 SENATOR ALEXANDER: All in favor, aye.  
12 We ask you to stay with us and we'll go into  
13 executive session.

14 (Executive session)

15 SENATOR ALEXANDER: Okay. We're back  
16 in open session. No action was taken in executive  
17 session. And we appreciate you coming to be with  
18 us this afternoon. And Mr. McNeill, if there's any  
19 brief statement to wrap up the interview, that's  
20 great, we afford you that opportunity.

21 MR. MCNEILL: Just like I said, I'm  
22 looking forward. I'm a very -- very astute, very  
23 diligent. I know sometimes I stand my ground  
24 probably more often than I should. But I think I  
25 can make a tremendous contribution in terms of my

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EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 technical competence, working in the Fortune 100

2 arena, serving as a consultant with  
3 PricewaterhouseCoopers, working with Boeing, so  
4 forth. I think I have a multifaceted skill set  
5 that can serve the public very well here. And I'm  
6 looking forward to doing that.

7 SENATOR ALEXANDER: Thank you for your  
8 attention this afternoon and being with us. We  
9 appreciate that so much.

10 MR. MCNEILL: Yes, sir, you're welcome.

11 SENATOR ALEXANDER: That concludes the  
12 interview.

13 MR. MCNEILL: Yes, sir.

14 SENATOR ALEXANDER: We're delighted to  
15 see you. This is Ms. Brenda Williams, district  
16 number 6. If you would, the reporter will swear  
17 you in.

18 BRENDA WILLIAMS  
19 being first duly sworn, testified as follows:

20 SENATOR ALEXANDER: Okay. Ms. Anderson  
21 has some communication and some information,  
22 questions, and observations. So we'll proceed,  
23 thank you.

24 MS. ANDERSON: First, I'm going to give  
25 a very high level of Ms. Williams' educational



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EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018

1 background and work experience. She obtained a  
2 bachelor of science degree in biology from South  
3 Carolina State University and has also obtained a  
4 master's degree in hospital administration from  
5 Virginia Commonwealth University. She has served  
6 as the assistant director at Palmetto Low Country  
7 Health Systems from -- in the late 1970's. And  
8 then from 1979 to 2017, she worked at the Regional  
9 Medical Center beginning as an administrative  
10 assistant, then assistant administrator, and  
11 finally as the vice president.

12 Ms. Williams, do you have any changes  
13 that you would like to make to the Personal Data  
14 Questionnaire you submitted with your application?

15 MS. WILLIAMS: Ms. Anderson, only the  
16 one that we discussed yesterday.

17 MS. ANDERSON: And which one was that?

18 MS. WILLIAMS: That I failed to mention  
19 that I was appointed to the Denmark Tech.

20 MS. ANDERSON: Yes, ma'am.

21 MS. WILLIAMS: Technical School.

22 MS. ANDERSON: And that was around  
23 2015?

24 MS. WILLIAMS: Right. I served about a  
25 year and at the time, the Denmark -- the state tech

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 took over the role of the board.

2 MS. ANDERSON: Thank you, Ms. Williams,  
3 we have that in the record now. Mr. Chairman, I  
4 would like to request that Ms. Williams' Personal  
5 Data Questionnaire be entered into the record with  
6 any confidential information being redacted.

7 SENATOR ALEXANDER: So ordered.

8 (B. WILLIAMS EXHIBIT 1, South Carolina  
9 Public Service Commission edited Personal Data  
10 Questionnaire for Ms. Brenda Williams, was marked  
11 for identification.)

12 MS. ANDERSON: Before we begin  
13 questioning, do you have a brief statement that  
14 you'd like to make?

15 MS. WILLIAMS: Well, I would like to  
16 thank the Committee and you and your staff for  
17 allowing me to be heard and to be considered for  
18 this position.

19 EXAMINATION

20 BY MS. ANDERSON:

21 Q. Ms. Williams, please state your name  
22 and home address for the record.

23 A. My name is Brenda Lillian Williams.  
24 1233 Lake Circle Drive, Orangeburg, South Carolina,  
25 29115.

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018

1 Q. Are you registered a voter?

2 A. I am.

3 Q. And in which Congressional district are  
4 you registered to vote?

5 A. 6th, I guess.

6 Q. Why are you interested in serving on  
7 the Public Service Commission?

8 A. I had a life changing event in 2017  
9 after 38 years at the Regional Medical Center and  
10 three previous years with Palmetto Low Country  
11 Health Systems Agency, I -- and they were  
12 challenging and rewarding years, I retired. And I  
13 retired not to go home to sit, but I want to  
14 continue to work for the benefit for my community  
15 and my state. And so I felt that this would be a  
16 challenging and interesting opportunity for me to  
17 learn new things and also to put to use my  
18 leadership management, financial planning  
19 experience that I've acquired over the last  
20 41 years.

21 Q. Have you attended any hearings at the  
22 Commission?

23 A. I have not.

24 Q. Have you read any Commission decisions?

25 A. I read a little bit about the Summer

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 plant situation, but not specifically.

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

4 A. Well, I've been studying the last  
5 month, I guess, the last couple of weeks and I  
6 would continue to do my due diligence in studying  
7 and reading. And hopefully if I am selected, that  
8 I would hope that there would be assistance from  
9 the staff and other commissioners. And also I  
10 noticed that some of the commissioners serve and  
11 attend national and state education seminars, et  
12 cetera, and I would hope to take advantage of those  
13 things. But I would continue to read and study and  
14 do due diligence and work hard to get up to speed  
15 so that I could be a very effective member of the  
16 Commission.

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

20 A. The Public Service Commission's goal is  
21 to make sure that there's a fair, equitable,  
22 objective process that -- to regulate utilities  
23 within the state and to serve as an arbiter to hear  
24 and make decisions to the public interests where  
25 there are disputes. Also the Commission sets

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1 rates, utilities, and also is responsible for  
2 compliance through the staff to make sure that  
3 utilities and others are complying to all state and  
4 federal regulations.

5 Q. And what are some of the key factors  
6 that a commissioner should consider in a rate case?

7 A. Fairness and equity, consistency --  
8 fairness, equity, consistency, that it's based  
9 on -- not arbitrary, that it's based on -- I guess  
10 that's fair, that is based on expenses, revenue,  
11 and doesn't have undue profit margin.

12 Q. When you say fairness, fairness to  
13 whom?

14 A. To the consumer.

15 Q. What role does the Public Service  
16 Commission serve in regards to energy policy in  
17 South Carolina?

18 A. The Public Service Commission is  
19 charged with participating in the development of  
20 South Carolina's energy plan. And in that regard,  
21 works with staff, as well as other entities to  
22 develop that plan.

23 Q. And what are some of those other  
24 entities, and if you could describe their roles?

25 A. DHEC is one, Department of Health &

1 EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
Environmental Control, their role being to make  
2 sure that things are done in compliance with health  
3 and environmental issues. Consumer Protective  
4 Agency, who is there to look at impact on citizens  
5 of South Carolina. There's a whole long list and I  
6 don't remember all of it.

7 Q. Okay. If you think of some others  
8 later, we can come back to that. Can you explain  
9 the general rule regarding ex parte communications,  
10 including the enforcement and appeals process?

11 A. Generally ex parte communication is not  
12 allowed. It's one-sided communication. But if --  
13 there are certain exceptions and one is that if it  
14 does not have a direct impact on the proceedings,  
15 that if it's a -- something for -- in terms of the  
16 process, procedures, then it can be allowed. If  
17 there is ex parte communication, it has to be  
18 disclosed. There are grievances that have to be  
19 filed and it must shared with the other  
20 commissioners, so that everybody knows what  
21 occurred and when it occurred.

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

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018

1 A. I did read them.

2 Q. And have you attended any legislative  
3 receptions or any legislative caucus meetings since  
4 receiving those opinions?

5 A. I have not.

6 Q. Assume that you're serving on the  
7 Commission and you're approached by someone wanting  
8 to discuss a matter that is or may become an issue  
9 in a proceeding, how would you handle the  
10 situation?

11 A. I would tell the individual that I'm  
12 not privy to discuss that with them and I would  
13 refer them to staff.

14 Q. Are you aware that commissioners are  
15 subject to the Judicial Code of Conduct, as well as  
16 state ethics laws?

17 A. Yes, I am.

18 Q. Do you or a member of your immediate  
19 family own stock or have any other financial  
20 interests that is directly controlled by you or  
21 your family member of a utility regulated by the  
22 PSC?

23 A. I do not. And nobody in my family.

24 Q. If elected, would there be any  
25 potential conflicts of interest, financial or

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 otherwise?

2 A. No.

3 Q. Are you a member of or affiliated with  
4 any entity that would need to be re-evaluated if  
5 you are nominated and elected?

6 A. No, I am not.

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

9 A. No, I do not.

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

12 A. I think you have to have consistent  
13 temperament that is open, that you're not volatile,  
14 you don't show hostility. And that you can be fair  
15 and objective in your daily life.

16 Q. And would that apply only while you  
17 were on the bench or would it apply seven days a  
18 week, 24 hours a day?

19 A. Seven days a week, 24 hours a day.

20 Q. What do you consider to be appropriate  
21 use of social media for a commissioner?

22 A. I think that in purview of what's done  
23 of behalf of the Public Service Commission, I can  
24 see no real appropriate use for social media.

25 Q. Have you made any contributions to



1 EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
members of the General Assembly since filing your  
2 application?

3 A. I have not.

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

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 has been released?

15 A. I have not.

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

19 A. I am not aware.

20 Q. Have -- since the submission of your  
21 application for the Commission, have you contacted  
22 any legislator regarding your candidacy, and if  
23 yes, please describe the interaction?

24 A. I have not.

25 Q. And since the submission of your

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 application, have you attended any political

2 gatherings?

3 A. I have not.

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

8 A. No.

9 Q. And if elected, do you plan to serve  
10 the full term?

11 A. I do.

12 Q. All right. And I have but one final  
13 question and this from your Personal Data  
14 Questionnaire. In response to number 8, have you  
15 been employed or held any position in any of the  
16 following areas. And one of the areas -- well, you  
17 had checked off finance, economics, statistics,  
18 engineering, and law. Can you give -- you gave a  
19 little bit of description in your PDQ, but could  
20 you elaborate a little bit on your work in those  
21 areas?

22 A. Sure. And I checked law because when I  
23 started working at the Regional Medical Center in  
24 1979, I worked with the administrator to develop  
25 the first risk management program. As a result of

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 that, I administered that program through my

2 duration, even though I hired a risk manager. And  
3 I worked with legal counsel, the hospital's legal  
4 counsel, I'm not a lawyer, but I worked with legal  
5 counsel in managing all litigation for the  
6 hospital. So that's why I said law.

7 Q. And for the engineering?

8 A. Engineering, one of my areas of  
9 responsibility I had a number of departments that  
10 reported to me. Engineering was just one  
11 department. And under that responsibility, I also  
12 had -- I was also the hospital planner and I was  
13 responsible for all construction projects as well.  
14 And, of course, I worked with architects and  
15 companies to implement to do those projects.

16 MS. ANDERSON: Okay, Mr. Chairman, I  
17 have no further questions. I do need to state for  
18 the record that Ms. Williams' test score was a 61.

19 SENATOR ALEXANDER: Thank you. Thank  
20 you for being here. Do we have members of the  
21 Committee that have questions?

22 SENATOR RANKIN: Chairman.

23 SENATOR ALEXANDER: Yes, sir, Senator  
24 from Horry.

25 EXAMINATION

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
BY SENATOR RANKIN:

1  
2 Q. Ms. Williams, I appreciate your  
3 epiphany of sorts in your life-altering change that  
4 would otherwise be known as retirement, right?

5 A. Right.

6 Q. You have described that in a beautiful  
7 way that you want to continue to give, so I applaud  
8 your efforts in doing that. You have certainly  
9 been in the deep throws of a very complex issue,  
10 that being healthcare, for your life, it looks like  
11 your work life. So can you make an analogy to a  
12 triage patient to a triage utility service or  
13 issue, is there something that you can draw from,  
14 and I say that lightly, but really that you can  
15 apply that you would carry over, do you think?

16 A. Well, I think one of the areas -- well,  
17 two areas I'll comment on. One area was I handled,  
18 with others, the complaint management and grievance  
19 process for the hospital. So hospitals, as you  
20 know, we often have folks that are not always  
21 satisfied, similar to folks that are not always  
22 satisfied with utility rates and other things. And  
23 folks that have issues with how the service is  
24 delivered. I think that's very similar with  
25 sometimes when people have issues with the way

EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
1 utilities are delivered and the costs, et cetera.

2 So it was my responsibility to see that  
3 once we had a grievance or a complaint, that we  
4 received it and responded to it in a timely manner.  
5 That we gave the individuals an opportunity to be  
6 heard and to listen objectively to what they had to  
7 say. To -- then we would research the facts and we  
8 would, you know, share those facts and come to some  
9 decision.

10 I think that that's pretty similar in  
11 my mind of what I see the Commission, through the  
12 staff, also doing. That would be one example.

13 SENATOR RANKIN: Thank you very much.

14 SENATOR ALEXANDER: Any other  
15 questions? Yes, sir, Representative Mack.

16 REPRESENTATIVE MACK: And thank you,  
17 Mr. Chairman.

18 EXAMINATION

19 BY REPRESENTATIVE MACK:

20 Q. I just wanted to make a comment that  
21 I've known Ms. Williams for many years. And just  
22 wanted to say on the record, she's done a  
23 phenomenal job at Orangeburg Regional Hospital.  
24 And I think it should be noted that she knows  
25 myself, my wife very well. She never called and

1 EXAMINATION OF Ms. BRENDA WILLIAMS - APRIL 23, 2018  
said she was gonna -- said she was doing this. I  
2 saw it, of course, some weeks ago when you were  
3 going through the process, but I just wanted to say  
4 that for the record that she has done a phenomenal  
5 job. And I can tell by your answers that you have  
6 been studying and getting yourself equipped.

7 MS. WILLIAMS: Trying to. Thank you.  
8 Give my regards to your wife.

9 SENATOR ALEXANDER: If there are no  
10 questions, then I'll entertain a motion that we go  
11 into executive session. We have a motion.

12 SENATOR HUTTO: Second.

13 SENATOR ALEXANDER: All in favor please  
14 say aye. All opposed. No. Ayes have it. If  
15 you'll stay seated and then we'll excuse everyone  
16 else and we'll have a little time together.

17 (Executive session)

18 SENATOR ALEXANDER: We're back in open  
19 session with Ms. Brenda Williams, 6th Congressional  
20 district. No action was taken in executive  
21 session. We appreciate your being with us this  
22 afternoon, taking the time to come. Is there any  
23 closing comment that you'd like to make before we  
24 excuse you?

25 MS. WILLIAMS: Well, I'll only say that

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
1 I will do my very best and I will work very hard

2 for the people of South Carolina. And again, I  
3 thank you-all for your time.

4 SENATOR ALEXANDER: Thank you, ma'am,  
5 appreciate it. Be safe going back.  
6 Good afternoon.

7 MR. WILLIAMS: Good afternoon, sir.

8 SENATOR ALEXANDER: We have before us  
9 Mr. Justin Williams to be screened for that  
10 Congressional district. And I'm going to ask the  
11 court reporter to swear you in before you're  
12 screened.

13 JUSTIN T. WILLIAMS

14 being first duly sworn, testified as follows:

15 SENATOR ALEXANDER: Thank you so much  
16 again, and please be seated. Ms. Anderson has some  
17 comments and then some questions for you.

18 MS. ANDERSON: I'm going to start off  
19 with a very high level overall summary of  
20 Mr. Williams' educational background and work  
21 experience. Mr. Williams attended the University  
22 of South Carolina and obtained a bachelor of arts  
23 degree in public relations, he also obtained a  
24 juris doctorate. And he has completed the Judge  
25 Advocate Officer's Basic Course. Mr. Williams

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1 worked for the Fifth Judicial Circuit Solicitor's

2 Office from 2011 to 2013, and then from 2015 to

3 '16. From 2013 to '15, he was an associate at

4 Willson, Jones, Carter and Baxley where he

5 specialized in workers' compensation litigation.

6 He's been employed by the Moore Taylor Law Firm

7 since 2017, where he represents plaintiffs in

8 general litigation cases. He is also a judge

9 advocate in the United States Army Reserve with a

10 service beginning in 2014.

11 Mr. Williams, do you have any changes  
12 that you would like to make to your Personal Data  
13 Questionnaire that you submitted with your  
14 application?

15 MR. WILLIAMS: I would like to add two  
16 things, something that I neglected to put on there.  
17 I don't know if now would be an appropriate time or  
18 in executive session?

19 MS. ANDERSON: If it's of public  
20 record, you can go ahead and put it on there now.

21 MR. WILLIAMS: I believe it's a lawsuit  
22 that I was named in by a defendant when I was a  
23 solicitor.

24 MS. ANDERSON: And we can discuss that  
25 later. There was the item of the entity with the



1 EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
Secretary of State's office, Justin Thomas Williams  
2 Foundation.

3 MR. WILLIAMS: Oh, in 2006, I started a  
4 nonprofit that really didn't get off the ground.  
5 And I completely forgot about it.

6 MS. ANDERSON: Mr. Chairman, I would  
7 request that Mr. Williams' Personal Data  
8 Questionnaire be entered into the record with any  
9 confidential information being redacted.

10 SENATOR ALEXANDER: So ordered.

11 (J. WILLIAMS EXHIBIT 1, South Carolina  
12 Public Service Commission edited Personal Data  
13 Questionnaire for Mr. Justin T. Williams, was  
14 marked for identification.)

15 MS. ANDERSON: Before we begin  
16 questioning, do you have a brief statement that  
17 you'd like to make?

18 MR. WILLIAMS: Very brief. First of  
19 all, I'd like to thank the members of the Committee  
20 for the opportunity to appear before you, it's a  
21 privilege, pleasure, and an honor. I'd also like  
22 to thank my father for supporting me here today, my  
23 father-in-law is on the way, my mother would have  
24 made it as well, but the timing sort of messed  
25 things up for her. So I'm thankful for the

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
1 opportunity, I'm happy to be here, and I look

2 forward to answering all your questions.

3 EXAMINATION

4 BY MS. ANDERSON:

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

7 A. My name is Justin Thomas Williams. I  
8 live at 122 Emerald Lake Road, Columbia, South  
9 Carolina, 29209.

10 Q. Are you a registered voter?

11 A. I am.

12 Q. And in which Congressional district are  
13 you registered to vote?

14 A. I am registered to vote in the 6th  
15 judicial district, or I should say Congressional  
16 district.

17 Q. And why are you interested in serving  
18 on the Public Service Commission?

19 A. My interest in energy started back in  
20 2001 when I was elected by the Aiken Electric  
21 Cooperative to attend a summer experience in  
22 Washington where we learned how energy was  
23 delivered to rural areas. Since that time, I've  
24 always sort of kept my eye on current energy  
25 issues. I've never really had the opportunity to

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1 serve in that capacity. And when this opportunity  
2 became available, I became interested and conducted  
3 research about what the Public Service Commission  
4 does, how they impact South Carolina and its  
5 citizens and the economy and I became interested  
6 and decided to apply.

7 Q. Have you attended any hearings at the  
8 Commission?

9 A. Not in person, but I have viewed the  
10 hearing online through YouTube.

11 Q. And have you read any Commission  
12 decisions?

13 A. Several.

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

16 A. I read the law. There are a lot of  
17 opinions that are out there, even up to the Supreme  
18 Court, about the matters that come before the  
19 Commission, Commission powers, and any other  
20 issues. And what I will say is there's a  
21 difference between the legal issues and then some  
22 of the technical issues in terms of the specific  
23 areas, such as energy from electric, gas,  
24 telecommunications. So one thing I noticed in my  
25 studies there is there's the law and then there's

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1 the technical issues for the different industries.

2 For the industry-related information, I  
3 would do a lot of reading regarding regulations,  
4 specific to investor-owned utilities. I found a  
5 lot of resources online. There's actually a lot of  
6 resources on this committee's website. So there's  
7 a wealth of information available that I would take  
8 the time to thoroughly review to make sure that I'm  
9 prepared to address the issues that come before the  
10 Commission, in addition to just the procedural and  
11 legal issues.

12 Q. And what role does the PSC serve in  
13 regards to the regulation of utilities?

14 A. The PSC serves the role of regulating  
15 investor-owned utilities. They have to balance the  
16 public interests to make sure that the ratepayer is  
17 receiving reliable, safe, efficient energy, balance  
18 that interest with the interests of the utility to  
19 receive a fair rate of return.

20 Q. And with that balance, are there any  
21 other factors that the Commission should consider  
22 in a rate case?

23 A. Wow, in a rate case, there are a lot of  
24 factors to consider in a rate case. Setting the  
25 rate is a very complicated decision and I'm going

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
1 to tell you now I don't know or fully understand

2 all aspects --

3 Q. What are the key factors, some of the  
4 primary ones?

5 A. -- but I will say -- the key factors  
6 when setting a rate is looking at the rate base,  
7 understanding the revenue requirement, how much it  
8 takes the utility to make to recover all the costs  
9 for used and useful facility. Making a  
10 determination as to reasonable price, I'm going to  
11 use the word, price, for the actual bill, if you  
12 will, and how that is spread over the customer  
13 class. Consider -- consider the need for the  
14 energy that's being requested or the increased  
15 rate. I think better stated, considering the --  
16 considering the cost apportionment, for example,  
17 how the cost of that energy is going to be spread  
18 over the customer class.

19 Consider the investments made by the  
20 utility to keep the grid updated to make sure the  
21 energy is reliable, among other issues.

22 Q. And you referred to customer class,  
23 what is one of the concerns in regards to  
24 cross-subsidization of utility rates?

25 A. Well, I'm going to use my terms and --

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018

1 because I know there are a lot of industry-specific  
2 terms, but from what I researched, one of the  
3 issues is whether or not someone who has the  
4 ability to get some solar panels on top of their  
5 house and not pay the same energy bill as someone  
6 who does not have solar panels, whether or not that  
7 person is adequately being charged by the  
8 investor-own utility. For example, if I decide to  
9 spend X-amount of dollars to put solar panels on my  
10 house and now I have energy that I'm producing that  
11 I'm not paying a utility for and that utility is  
12 dependent on that ratepayer to -- or say the  
13 revenue requirement, there's a possibility that the  
14 utility could suffer in that they're not receiving  
15 the revenue that they expected to receive whenever  
16 they completed a plan or requested a rate some, you  
17 know, maybe two, three years prior to me installing  
18 solar panels on my house.

19 So essentially what happens is there's  
20 a possibility that their consumers are paying more  
21 than what could be considered their fair share for  
22 the energy, not just the energy produced, but the  
23 grid to take care of the transmission lines and the  
24 costs associated with producing energy.

25 Q. Are you familiar with the two advisory

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
1 opinions issued by the Review Committee dealing

2 with attendance at legislative receptions and at  
3 legislative caucus meetings?

4 A. Yes, ma'am.

5 Q. Have you attended any legislative  
6 receptions or any legislative caucus meetings since  
7 receiving those opinions?

8 A. No, ma'am.

9 Q. Assume that you're serving on the  
10 Commission and you were approached by someone  
11 wanting to discuss a matter that is or may become  
12 an issue in a proceeding, how would you handle the  
13 situation?

14 A. First I would say -- I would thank them  
15 for their interest and let them know immediately  
16 that due to the rules regarding ex parte  
17 communication that I am not able to discuss any  
18 matter that's currently before or may come before  
19 the Public Service Commission. I would direct them  
20 to the office of ORS, depending on who they are.  
21 If it's a private citizen, I would tell them to go  
22 to the office of ORS. If it's an investor-owned  
23 utility or some other special interest group, I  
24 would tell them that they should contact a lawyer  
25 and make sure a lawyer would be able to explain to

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
1 them the rules on what ex parte communications are.

2 Then after that, I would report the  
3 interaction to the clerk at the PSC, put it on the  
4 record to make sure that anything that was  
5 discussed is clearly reflected in the record and  
6 give anyone who may have any interaction or any  
7 concern regarding what was discussed opportunity to  
8 respond.

9 Q. Are you aware that commissioners are  
10 subject to the Judicial Code of Conduct, as well as  
11 state ethics laws?

12 A. Yes, ma'am, I am.

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

17 A. No, ma'am.

18 Q. If elected, would there be any  
19 potential conflicts of interest, financial or  
20 otherwise?

21 A. No, ma'am.

22 Q. Are you a member of or affiliated with  
23 any entity that would need to be re-evaluated if  
24 you are nominated and elected?

25 A. No, ma'am.



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

3 A. No, ma'am.

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

6 A. Fair, impartial, balanced. And treat  
7 every party that comes before the Commission with  
8 dignity and respect.

9 Q. And would this demeanor only apply  
10 while on the bench or would it apply at all times?

11 A. It would apply at all times.

12 Q. What do you consider to be appropriate  
13 use of social media for a commissioner?

14 A. Well, that's an interesting question, I  
15 started -- this is sort of a long answer because  
16 I'm not on social media right now. I started with  
17 social media back in 2005 when Mark Zuckerberg  
18 first started Facebook. At that time it was a  
19 college-only platform and it was all the rave. And  
20 over time, I became inundated with social media,  
21 Instagram to Facebook and other social media  
22 platforms and I did not like how easy or accessible  
23 it became just to rant and rave about anything that  
24 crosses your mind. So personally, I decided to  
25 step away for a little while, I don't know if it

1 EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
will be permanent, but I decided to step away from  
2 social media because it seemed to generate a lot of  
3 vitreal, in my opinion. So when it comes to  
4 commissioner, I would not have a personal Facebook  
5 account. I would -- I know if the Commission had a  
6 Facebook, a public Facebook ran by the Commission,  
7 I may participate in that in some way, shape or  
8 form, say, with a video or some type of educational  
9 program delivered through that social media  
10 platform.

11 I think whenever you are, I'm going to  
12 use judge or commissioner, whenever you have the  
13 public trust at stake and you have to remain fair  
14 and neutral and impartial, you have to never give  
15 the appearance of impropriety. And I think that's  
16 very easy to do through social media if you're not  
17 careful. So I would advise a commissioner to  
18 maintain the same level of professionalism that  
19 they would maintain on the bench in public and at  
20 work, use that same level of professionalism in  
21 their social media platforms, which means no  
22 political speech, no offensive or obscene postings.  
23 And really just use it probably as a method of  
24 communicating with family and friends, if they were  
25 to use it at all.

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1 Q. What experience would you bring to the  
2 Public Service Commission that would be beneficial  
3 if you were elected to serve as a commissioner?

4 A. Well, there's several things. One of  
5 the things I will say is right now in my career I'm  
6 at the high-energy phase, I'm at what I would call  
7 the workhorse phase. As an associate at Moore  
8 Taylor Law Firm, it's a fairly high, operational  
9 tempo environment, we have a lot of cases, we have  
10 a lot of places to be. And the same goes in my  
11 Army career as a captain, the captains are the  
12 workhorse of the JAG Corps, which means we're  
13 working a lot advising commanders. I'm working a  
14 lot as an associate ensuring that the cases are  
15 properly addressed.

16 One of the biggest things I would bring  
17 the Commission is my work ethic. I believe that  
18 through the reading that's required, even with me  
19 practicing law for the past seven years, there's  
20 going to be a lot of research and reading necessary  
21 in order for me to be effective as a commissioner.  
22 So number one, I would say work ethic. I think  
23 that's been demonstrated in my past career.

24 Number two, I would say my experience  
25 as a lawyer. As I said, I don't want to pretend to

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1 be something that I'm not and I'm not an energy  
2 expert or utility expert, but what I do have  
3 substantial experience in is the practice of law,  
4 starting as a prosecutor where I tried several  
5 cases. I counted up the other day, I've tried  
6 about 17 cases. And anyone who practices law,  
7 especially in a trial court environment understands  
8 that you have to be very prepared for any and all  
9 issues that may arise. You have to have a firm  
10 understanding of the rules of evidence and  
11 procedure, whether that's criminal or civil.

12 I understand how to enter evidence and  
13 I understand how to keep a clean record just in  
14 case you have to appeal a ruling by the judge. I  
15 also have experience in workers' compensation law,  
16 which is more akin to the Commission in that it's  
17 governed by the Administrative Procedures Act, so  
18 I'm familiar with that environment.

19 And then again, in the Army, I haven't  
20 had an opportunity for a court marshal yet, it's  
21 been more administrative law. And again, that's  
22 applying facts to whatever governing law exists in  
23 a particular case and trying to get to the right  
24 outcome. So those are the two biggest  
25 contributions that I think I can make, work ethic

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and legal experience.

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

5 A. No, ma'am.

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

8 A. No, ma'am.

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

12 A. No, ma'am.

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

17 A. No, ma'am.

18 Q. Have you asked any third -- I just  
19 covered that one. Are you aware of any friends or  
20 colleagues contacting members of General Assembly  
21 on your behalf?

22 A. No, ma'am, I'm not aware.

23 Q. Okay. Since the submission of your  
24 application for the Commission, have you contacted  
25 any legislator regarding your candidacy, and if so,

1 EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
please describe the contact or interaction?

2 A. Several times in the past couple of  
3 weeks, I stand at the ramp with a name tag on and  
4 wave as the legislators go by.

5 Q. And since the submission of your  
6 application, have you attended any political  
7 gatherings?

8 A. No, ma'am, I have not.

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

13 A. Yes, ma'am, I am.

14 Q. And if elected, do you plan to serve a  
15 full term?

16 A. Yes, ma'am, I do.

17 MS. ANDERSON: Thank you, Mr. Williams.  
18 Mr. Chair, I have no further questions. I do want  
19 to state for the record that Mr. Williams made an  
20 88 on the test, he was the highest scorer.

21 SENATOR ALEXANDER: The record will so  
22 note. Do we have questions from members of the  
23 Committee?

24 SENATOR HUTTO: Mr. Chairman.

25 SENATOR ALEXANDER: Yes, sir, Senator

1 EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
from Orangeburg, Senator Hutto.

2 EXAMINATION

3 BY SENATOR HUTTO:

4 Q. This is the question that all of us  
5 want to know: So how did you do it? You got no  
6 energy experience and you take an exam full of  
7 substantive questions and so all the other  
8 candidates want to know what you studied that they  
9 didn't study?

10 A. Well, thank you, Senator, for the  
11 question. What I will say to you is this, first of  
12 all, Heather Anderson and her staff has done a  
13 great job in preparing us as much as possible for  
14 this process. So first we received an e-mail with  
15 suggestions. So I looked at everything that was  
16 offered there. And I got a bit depressed, to be  
17 honest with you when I saw that because it's a  
18 wealth of information. So I had to figure out a  
19 way to sort of drill down. And the transcripts  
20 that are on the Public Utility Review Committee  
21 website are very, very, very informative. There  
22 are a lot of questions that came through  
23 proceedings like this that prepared me for the  
24 test. There are also a lot of reports, energy  
25 reports, I can't think of all of them by name, but

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1 if you go to the Public Utility Review Committee

2 website the information is there. And it just took  
3 a lot of time for me to go through it and just try  
4 to make sure I was prepared as possible.

5 I will say, I will say this, there was  
6 a question on there that I thought would be worth a  
7 whole lot more points than it was, and I'll just  
8 leave it at that. That was a little bit -- you  
9 know, I had to chuckle a little bit when I saw  
10 that. And I will say one of the reasons I invited  
11 my family to this -- my wife couldn't be here,  
12 she's traveling for work in DC -- is because I was  
13 a bit absent, it takes time to prepare, there's no  
14 replacement for time.

15 So I would say, Senator, just to answer  
16 your question in full, time preparation and taking  
17 advantage of the materials that you-all make  
18 publicly available.

19 EXAMINATION

20 BY SENATOR RANKIN:

21 Q. Who is your family, introduce them, if  
22 you will?

23 A. My father, Mr. Shawn Williams, is here.  
24 My mother, Ms. Judy Williams, I think she may be on  
25 her way. And my father-in-law, Dr. Donald Ayers is



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1 on his way. They may not be able to make it.

2 SENATOR RANKIN: Very good.

3 MR. WILLIAMS: If you want my father to  
4 stand, my father is back there.

5 BY SENATOR RANKIN:

6 Q. And I want to compliment you on your  
7 grade as well. And perhaps your father was a great  
8 teacher, who taught you how to drill down and learn  
9 this, but you think you're depressed or got  
10 depressed, imagine being on this committee and  
11 learning it and learning it and not ever mastering  
12 it. Thank God we don't have to take the test that  
13 you took.

14 A. I understand, sir.

15 Q. Shannon Poteet, I know well. She's one  
16 of your letters of endorsement, I have not read it,  
17 but you list her as one of your recommendations.  
18 She has a good work ethic, I think seems to have a  
19 good grasp -- well, I know she's got a good grasp  
20 on the facts, but she doesn't ever seem to be too  
21 heavy-handed in the way she's practiced law with  
22 me. You worked with her for how long?

23 A. I believe it was about two years. She  
24 was my, I guess, mentor, if you will, when I went  
25 to work for Willson, Jones, Carter and Baxley, and

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1 we sort of bonded in that she was from Orangeburg

2 and my grandparents and mother, they're from

3 Orangeburg County. She grew up on a farm, I grew

4 up on a farm. And she's just a great teacher. So

5 she taught me workers' compensation.

6 Q. Very good. Now Jake Moore is who you  
7 work with now?

8 A. Yes, sir.

9 Q. And I don't say any of what I said  
10 about Shannon to discredit him, but knowing him as  
11 I do, I don't -- I know he's got a firm grasp of  
12 the law, but does he travel as lightly and have as  
13 light of a hand as Shannon does?

14 Don't answer that question. And the  
15 substantive part of this, again, why would you want  
16 to do this? You're young, as you say, I'm  
17 paraphrasing, the productive years ahead of you,  
18 why would you want to do this job?

19 A. Well, I've never backed down from a  
20 challenge. And I know right now this is probably  
21 one of the most challenging times the Public  
22 Service Commission has ever seen, maybe one of the  
23 most challenging times the state has ever seen in  
24 regards to energy. For me, there's no time like  
25 the present and the time is now. As I've seen in

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1 my career, just looking at my -- I looked at my  
2 column the other day, if I don't do this now, then  
3 there may be a time where I can't afford to do it,  
4 to be quite frank with you. Public service is  
5 something -- even though I know this is an  
6 industry-specific job and is a very niche area,  
7 it's public service. And if I didn't take the  
8 opportunity to do something like this now, I don't  
9 know if the timing will be right for me. I'm very  
10 interested in the industry and I think it's an  
11 opportunity to fulfill some of the things that I  
12 wanted to do by way of serving in a legal capacity,  
13 in the energy industry, there's an opportunity for  
14 that.

15 And I have the support of my family and  
16 my law firm because before I decided to apply for  
17 this, I sat down and talked to everyone in my law  
18 firm and everyone in my family because I had -- I  
19 got to be honest with you, an opportunity like  
20 this, I don't think you can expect to come at a  
21 certain particular time, it just sort of came. And  
22 when it came, I had to decide whether or not -- ask  
23 myself the same question that you just asked me,  
24 why do I want to do this? And number one was the  
25 timing was right. I'm in a phase of my career

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1 where I have learned a lot and my practice is

2 building, but I'm not at a point where I can't step  
3 away from it.

4 The timing is right in that I have a  
5 lot of energy to give and at this time I think high  
6 energy is important for a job like this because  
7 there are large issues ahead. And I think the  
8 timing is right because the opportunity to enter,  
9 if elected, into an industry that I've always  
10 admired from afar.

11 SENATOR RANKIN: Thank you.

12 SENATOR ALEXANDER: Mr. Sandifer,  
13 representative Sandifer.

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

16 EXAMINATION

17 BY REPRESENTATIVE SANDIFER:

18 Q. Mr. Williams, I'm quite impressed with  
19 your test score, I'm going to tell you. I don't  
20 think any of us sitting at this table would be so  
21 fortunate as to make that kind of score. And some  
22 of us have been doing this awhile.

23 A. Thank you, sir.

24 Q. A couple of things I wanted to just ask  
25 about. In your opening portion you said to

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1 regulate the IOUs, the investor-owned utilities.

2 Are there other electric utilities that are not  
3 regulated?

4 A. Yes, sir, the electric cooperative and  
5 the public service authority, also known as Santee  
6 Cooper.

7 Q. Who else, are there others?

8 A. There --

9 Q. How about the municipals?

10 A. There are some municipalities, but I  
11 don't know them by name.

12 Q. Okay. None of us do, I can promise you  
13 that. And on the energy side, you stated a moment  
14 ago to one of the questions that you had a  
15 tremendous interest in the energy. What else falls  
16 under the purview or some of the other things that  
17 fall under the purview of the PSC?

18 A. Movers of household goods, taxi cabs,  
19 waste, wastewater, and water, and  
20 telecommunications.

21 REPRESENTATIVE SANDIFER: Thank you  
22 very much, sir. I appreciate it.

23 SENATOR ALEXANDER: Representative  
24 Forrester.

25 REPRESENTATIVE FORRESTER: My curiosity

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1 has gotten the best of me, Mr. Chairman.

2 EXAMINATION

3 BY REPRESENTATIVE FORRESTER:

4 Q. You were appointed special counsel for  
5 dogfighting and arson in the Fifth Circuit, can you  
6 elaborate on that?

7 A. So arson and dogfighting are crimes  
8 that are not seen very often in the Fifth Circuit.  
9 So when I first started working for the Fifth  
10 Circuit there was an arson case that another lawyer  
11 needed a second seat. And that lawyer was probably  
12 about 20 to 25 years my senior. And so what they  
13 allowed me to do, sir, was to qualify the expert,  
14 do all the -- I don't want to say grunt work  
15 because that has a negative connotation, but really  
16 work the case up under their supervision. And once  
17 that lawyer left, I went to a different office, my  
18 boss asked me whether or not I would be the go-to  
19 person in arson in the Fifth Circuit because I was  
20 the only one that tried that type of case.

21 And then the same for dogfighting.  
22 There was a large dogfighting ring that was taken  
23 down several years ago. And it came along with a  
24 lot of extra meetings with Animal Protection  
25 Agencies, we had to identify an expert as well to

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testify as to whether or not the dogs were actually  
2 victims of dogfighting by the markings and  
3 lacerations that they have on their paws, their  
4 neck, and their ears compared to just dogs getting  
5 into an organic, I guess, dispute. So after that,  
6 I was appointed special counsel for dogfighting in  
7 the Fifth Circuit.

8 Q. I saw you also qualified a Lexington  
9 County firefighter in cause of fire origination?

10 A. Right. Yes, sir.

11 REPRESENTATIVE FORRESTER: You've had  
12 quite a background. Thank you.

13 MR. WILLIAMS: Yes, sir. Thank you.

14 EXAMINATION

15 BY SENATOR ALEXANDER:

16 Q. A couple of questions. What would you  
17 envision as probably a couple of the biggest  
18 challenges that you would be addressing or having  
19 to deal with when you went on the Commission?

20 A. I think number one, depending on what  
21 happens in the legislature is the possibility of a  
22 merger between two energy companies or a buyout, I  
23 guess, would be a better way to describe it. If  
24 that happens, obviously there's issues with rates  
25 and the Base Load Review Act, I guess would be a

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hot topic issue right now. And quite honestly,  
2 from my perspective, when there's a fire burning  
3 somewhere else, a big fire, it takes a lot of  
4 attention away from other issues, so if I was  
5 elected commissioner, one of the things I would  
6 look at is to see, you know, to make sure that  
7 there are no other issues that I need to be aware  
8 of and be prepared for just in case another fire  
9 presents itself the same way this most recent fire  
10 presented itself and manifested in the issues that  
11 we're dealing with now with SCE&G and SCANA.

12 Q. And I just wanted to on your  
13 questionnaire number 8, you certainly marked law,  
14 understandably, and consumer protection and  
15 advocacy issues. And then under further  
16 explanation down here as a prosecutor and judge  
17 advocate and civilian attorney address consumer law  
18 issues and include, but are not limited to cable  
19 bill disputes, healthcare bill disputes, homeowner  
20 association disputes, landlord/tenant disputes,  
21 student loan disputes, and timeshare disputes. Can  
22 you give me a little bit of flavor of the -- of  
23 where you say not limited to the cable bill  
24 disputes, could you just give me a little bit more,  
25 is there more in the arena that would be a part of



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1 the -- before the Public Service Commission

2 standpoint?

3 A. No, sir, I've never an issue before the  
4 Public Service Commission. And there were some  
5 interests -- about two weeks ago, I was sort of  
6 concerned, to be honest with you, someone came to  
7 me, a potential client regarding some water issues  
8 that they were having, but they were able to  
9 resolve them with their --

10 Q. Let me ask the question a different  
11 way. It says addressed consumer law issues, but  
12 not limited to cable bill disputes, so are there  
13 other things in that arena or is that -- not with  
14 the Commission, but other issues that you've helped  
15 get resolved that maybe -- I was just curious.

16 A. So I think I know why I put not just  
17 cable bills, so there was a lady who came to me  
18 regarding hearing aids that she purchased for her  
19 husband. She is about 85 and her husband was about  
20 90. And she didn't know -- and this is resolved,  
21 I'm not telling anything that's violating  
22 attorney/client privilege. But she bought these  
23 things after seeing a television ad, went into the  
24 store and left with \$7,500 hearing aids. And she  
25 came to me because the hearing aids didn't work and

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1 the store refused to take them back.

2 And once I researched the law and  
3 actually dug into the facts as to what happened,  
4 some way or another they got her to sign -- or at  
5 least they said that she signed a credit card  
6 application for the hearing aids and that they  
7 didn't have to give the money back because she  
8 didn't return them at the appropriate time and so  
9 forth and so on.

10 Well, I called the credit card company  
11 and asked whether or not they received the  
12 application and they never received the application  
13 for credit. And so by law because they didn't have  
14 the application for credit on file, they had to  
15 reverse those charges, and so she was able to get  
16 her money back.

17 SENATOR ALEXANDER: Thank you. Other  
18 questions? Yes, sir, Representative Sandifer.

19 REPRESENTATIVE SANDIFER: Thank you,  
20 Mr. Chairman.

21 BY REPRESENTATIVE SANDIFER:

22 Q. I think this is important to us sitting  
23 here, as much as anything else, Mr. Williams, and I  
24 appreciate your indulgence. How would you decipher  
25 the legislative intent when you're actually

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1 applying legislation in the Commission?

2 A. Okay. So one of the cardinal rules of  
3 statutory construction is to ascertain the  
4 legislative attempt. The way that I would do that  
5 is first review the case law to see what the courts  
6 have said about the statutes that have been  
7 legislated by the legislature. If there are any  
8 committee notes or transcripts to determine whether  
9 or not there's any information to glean from the  
10 debate regarding the legislative intent. And then,  
11 you know, obviously plain language meaning. I have  
12 two matters that come to mind regarding legislative  
13 intent and statutory construction that I've had in  
14 cases now. One was involving employment law and  
15 the other one was involving the South Carolina Tort  
16 Claim Act, and they were both motions for summary  
17 judgment where the defense wanted to dismiss the  
18 case based on their construction of the statute.

19 So in order to do that, obviously you  
20 look at the statute, you look at any case law where  
21 that statute had been cited or referenced. And  
22 then you dig into the Committee notes. You dig  
23 into the debate. You dig into the Cannons of  
24 Statutory Construction, just to glean from the  
25 words as written and then also supporting documents

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1 out there. Again, as I said case law, committee

2 notes, to try to get an understanding of what the  
3 legislature intended. Now, I will say this,  
4 sometimes if you have to work too hard at  
5 interpreting the statute, you might be putting the  
6 cart before the horse. Usually the words mean what  
7 they mean, but sometimes there's no case law to  
8 interpret those words and you have to really, you  
9 know, deconstruct the statute, even using, you  
10 know, plain English literature and dictionaries and  
11 so forth and so on.

12 Q. And Mr. Williams, I think I understood  
13 what you were saying, but I want to make sure. If  
14 we incorporated a preamble or an explanation to the  
15 wise, prior to the plain language of a bill, then  
16 you feel that you would take that into  
17 consideration?

18 A. Oh, absolutely, that would make it  
19 easy, sir.

20 REPRESENTATIVE SANDIFER: Very good.  
21 Thank you, sir.

22 SENATOR ALEXANDER: If there are no  
23 other questions, then I would entertain a motion --  
24 I have motion from the Senator from Orangeburg. I  
25 have a second to that motion. Any opposition here?

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1 None. We'll go into executive session with you

2 staying with us.

3 (Executive session)

4 SENATOR ALEXANDER: Okay. We're back  
5 in open session. And no action was taken in  
6 executive session. We're delighted that  
7 Mr. Williams is here with us this afternoon. Is  
8 there any closing comment that you have before we  
9 complete the screening?

10 MR. WILLIAMS: Sir, I would just like  
11 to again thank the committee for the opportunity  
12 and thank my family for their support.

13 SENATOR ALEXANDER: I appreciate your  
14 time this afternoon. I don't think there's  
15 anything further from the Committee, so you're  
16 excused.

17 MR. WILLIAMS: Thank you so much.

18 SENATOR ALEXANDER: Thank you. I'll  
19 entertain a motion to go into executive session to  
20 discuss potential employment pursuant to Section  
21 30-4-70.

22 REPRESENTATIVE SANDIFER: Strike to  
23 move.

24 SENATOR ALEXANDER: I have a motion.  
25 Do I have a second?

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1 REPRESENTATIVE MACK: Second.

2 SENATOR ALEXANDER: All in favor please  
3 say aye. It's unanimous. So we'll go in executive  
4 session.

5 (Executive session)

6 SENATOR ALEXANDER: We're back in open  
7 session. There was no action taken in the  
8 executive session. Chair is available for --

9 SENATOR RANKIN: Mr. Chairman, I make a  
10 motion to find as qualified Justin Williams,  
11 Brenda Williams, James Clarkson, Florence Belser,  
12 and Gerald Addison.

13 SENATOR ALEXANDER: And I'm going to  
14 take those in reverse order.

15 SENATOR RANKIN: Well, the Williams  
16 family is all here, so I wanted to start with them.

17 SENATOR ALEXANDER: So Gerald W.  
18 Addison is being found as qualified, raise your  
19 hand. Vote on Mr. Addison was unanimous as being  
20 qualified. Next we'll go to Ms. Florence P.  
21 Belser, as being found qualified? Unanimous for  
22 Ms. Belser. Next is Mr. James H. Clarkson found  
23 qualified? Raise your hand. Unanimous. Mr. Gene  
24 Gartman Jr.? (No response) okay. Mr. John  
25 McNeill? (No response) okay. Ms. Brenda Williams,

EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
1 qualified? Okay, unanimous. Mr. Justin T.

2 Williams, qualified? Unanimous.

3 So for the record, we have the vote

4 Mr. Gerald W. Addison, found qualified.

5 Ms. Florence P. Belser, found qualified. Mr. James

6 H. Clarkson, qualified. Ms. Brenda Williams, found

7 qualified. And Justin T. Williams, found

8 qualified.

9 Their names were called, but failed for

10 lack of sufficient votes on Mr. Gene Gartman, Jr.,

11 and Mr. John McNeill.

12 So at this time, if there's no

13 objection then, our next order of business is to

14 nominate up to three individuals be nominated for

15 the 6th Congressional district. So as our

16 precedent from this morning, we will poll each

17 member and we'll start with Mr. Simmons.

18 MR. SIMMONS: Thank you. Mr. Chairman,

19 I would vote to nominate Ms. Belser, Ms. Brenda

20 Williams and Mr. Justin Williams.

21 SENATOR ALEXANDER: Okay. Thank you.

22 Mr. Simmons votes for Ms. Belser, and Ms. Brenda

23 Williams, and Mr. Justin Williams.

24 Representative Mack.

25 REPRESENTATIVE MACK: Thank you,

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1 Mr. Chairman. I would cast my votes for

2 Ms. Florence Belser, Ms. Brenda Williams, and  
3 Mr. Justin T. Williams.

4 SENATOR ALEXANDER: Thank you,  
5 Mr. Mack, he votes for Ms. Belser, Ms. Brenda  
6 Williams, and Mr. Justin T. Williams.  
7 Mr. Forrester.

8 REPRESENTATIVE FORRESTER: Thank you,  
9 Mr. Chairman. I vote for Mr. Addison, Ms. Belser,  
10 and Justin T. Williams.

11 SENATOR ALEXANDER: Okay.  
12 Mr. Forrester, Mr. Addison, Ms. Belser, and Mr.  
13 Justin T. Williams. Thank you, sir.  
14 Mr. Sandifer.

15 REPRESENTATIVE SANDIFER: Thank you,  
16 Mr. Chairman. I would vote for Mr. Addison,  
17 Ms. Brenda Williams, and Mr. Justin Williams.

18 SENATOR ALEXANDER: Mr. Sandifer votes  
19 for Mr. Addison, Ms. Brenda Williams, Mr. Justin T.  
20 Williams.

21 Senator Alexander votes for Ms. Belser,  
22 Mr. Brenda Williams, and Mr. Justin T. Williams.  
23 Senator from Horry.

24 SENATOR RANKIN: Thank you,  
25 Ms. Chairman. I vote for Ms. Florence Belser,



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Ms. Brenda Williams, and Mr. Justin T., son of a  
2 beautiful mother, Williams. Do put that in the  
3 record.

4 SENATOR ALEXANDER: So Senator Rankin,  
5 Mr. Belser, Ms. Brenda Williams, Mr. Justin T.  
6 Williams.  
7 Senator from Orangeburg.

8 SENATOR HUTTO: Florence Belser, Brenda  
9 Williams, Justin T. Williams.

10 SENATOR ALEXANDER: Senator Hutto votes  
11 for Ms. Belser, Brenda Williams, and Mr. Justin T.  
12 Williams.  
13 Ms. Bluestein.

14 MS. BLUESTEIN: Mr. Chairman, thank  
15 you. I'd like to vote for Florence Belser,  
16 Ms. Brenda Williams, and Mr. Justin Williams.

17 SENATOR ALEXANDER: Okay.  
18 Ms. Bluestein, Ms. Belser, Ms. Brenda Williams, and  
19 Mr. Justin T. Williams.  
20 Mr. Jones.

21 MR. JONES: Mr. Jones, Mr. Florence  
22 Belser, Justin T. Williams, and Brenda Williams.

23 SENATOR ALEXANDER: Mr. Jones votes for  
24 Ms. Florence Belser, Mr. Justin T. Williams, and  
25 Ms. Brenda Williams.

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EXAMINATION OF MR. JUSTIN T. WILLIAMS - APRIL 23, 2018  
REPRESENTATIVE SANDIFER: Mr. Chairman,

1  
2 if I may with unanimous consent change my vote, I  
3 failed to put Ms. Belser in there instead of  
4 Ms. Addison. It will be Ms. Belser, Ms. Williams  
5 and Mr. Williams.

6 SENATOR ALEXANDER: And consent is  
7 granted, the polls are not closed. Any other  
8 additions or changes? So given that, it would be  
9 the ruling of the Chair that being found and  
10 qualified are Ms. Belser, Ms. Brenda Williams, and  
11 Mr. Justin T. Williams will be nominated or found  
12 nominated by this screening committee to be put in  
13 a nomination for the 6th Congressional district.

14 That concludes our business today. I  
15 would ask the members rather than come at 9:00  
16 tomorrow, if it would be okay, I would like for it  
17 to be called at 9:30. Unless there's opposition to  
18 coming at 9:30 rather than 9:00?

19 SENATOR HUTTO: Just let the Senator  
20 from Horry think we're coming at 9:00.

21 SENATOR ALEXANDER: So we'll stand  
22 adjourned for the day. Thank y'all again for your  
23 participation.

24 (The screening was adjourned at 6:37 PM.)  
25

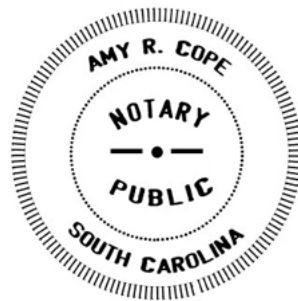
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CERTIFICATE OF REPORTER

I, Amy R. Cope, 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 25th day of April,  
2018 at Columbia, Richland County, South Carolina.



*Amy R. Cope*

Amy R. Cope, Court Reporter  
My Commission expires  
May 12, 2018

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