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STATE REGULATION OF PUBLIC UTILITIES
REVIEW COMMITTEE

2018 Public Service Commission Screening
Seats 2, 4 and 6

DATE: April 24, 2018
TIME: 9:33 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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APPEARANCES :

Sen. Thomas C. Alexander, Chairman

Rep. William E. Sandifer, III, Vice Chairman

Margaret Bluestein, Esquire

Rep. P. Michael Forrester

Sen. C. Bradley Hutto

Dan Jones

Rep. David J. Mack, III

Sen. Luke A. Rankin, Sr.

John S. Simmons, Esquire

Heather Anderson, Committee Counsel

Steve Davidson, Committee Counsel

1 SENATOR ALEXANDER: Good morning. I
2 will call this meeting of the Public Utility Review
3 Committee meeting to order for the purpose of
4 continuing to screen candidates for Districts 2,
5 4 and 6. Districts 2 and 6 were screened
6 yesterday. And this is April 24th. I would
7 entertain a motion to go into executive session to
8 discuss potential employment pursuant to Section
9 30-4-78-1. Do I have a motion?

10 REPRESENTATIVE FORRESTER: Aye.

11 SENATOR RANKIN: Second.

12 SENATOR ALEXANDER: All in favor,
13 please say aye. Any opposition? Hearing none,
14 we'll go into executive session.

15 (Executive session proceeded).

16 SENATOR ALEXANDER: Good morning.
17 Again, this is April 24th, and the veil has been
18 lifted. There was no action taken in executive
19 session. If you will, I'm going to have some
20 opening remarks. Today is the public hearing for
21 the screening of candidates for the Public Service
22 Commission for seat 4. There are three candidates
23 to be screened today.

24 As mentioned yesterday, one of the
25 duties of the Review Committee is to screen

1 candidates to determine whether they meet statutory
2 qualifications. One, baccalaureate or more
3 advanced degree. And two, a background of
4 substantial duration and expertise in at least one
5 of the following areas: energy,
6 telecommunications, consumer protection and
7 advocacy, water and wastewater, finance, economics
8 and statistics, accounting, engineering, or law.

9 The Review Committee is also required
10 to consider, one, the ability, the dedication,
11 compassion, common sense, and integrity of the
12 candidates. And two, the race and gender of the
13 candidates and other demographic factors to assure
14 nondiscrimination to the greatest extent possible
15 to all segments of the population of the state.

16 The Review Committee requests that
17 substantive information during the screening not be
18 shared until after the final candidate has been
19 screened. The candidates are sequestered prior to
20 their screening in order to ensure fairness during
21 the process. However, the purpose of sequestration
22 is defeated if the candidates are contacted or read
23 about what questions are being asked and are being
24 read about earlier candidates' screening online.

25 A transcript of these screenings will

1 be posted online. We've requested that those
2 transcripts be provided as soon as possible. The
3 Review Committee will need to meet in executive
4 session with each candidate following their public
5 screening to discuss potential employment pursuant
6 to Section 30-4-70 and/or other matters of a
7 personal nature where public disclosure would
8 constitute an unreasonable invasion of privacy,
9 which were exempt from the public disclosure
10 pursuant to Section 30-4-48-2.

11 I would just like to go ahead and
12 ask -- would entertain a motion, a blanket motion
13 that we go in executive session with each candidate
14 at the -- at the time appropriate time. We have a
15 motion, is there a second? And I have a second.
16 Any discussion on that? If not, we'll go to a
17 vote. All in favor of executive session for each
18 candidate at the appropriate time, please say aye.
19 Any opposition? Hearing none, then at the
20 appropriate time we'll go into executive session
21 with each candidate and that way we won't have to
22 do it on an individual basis, as we did it
23 yesterday.

24 Is there any other business to come
25 before us before we get the first candidate?

EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 Hearing none, we'll proceed to screening. Our

2 first candidate for District 4 is Mr. Thomas J.
3 Ervin. Good morning.

4 MR. ERVIN: Mr. Chairman.

5 SENATOR ALEXANDER: Good to see you
6 this morning.

7 MR. ERVIN: Good to see you.

8 SENATOR ALEXANDER: If you'll be sworn
9 in by the court reporter prior to.

10 THOMAS J. ERVIN
11 being first duly sworn, testified as follows:

12 SENATOR ALEXANDER: Be seated. Thank
13 you for being with us this morning.

14 MR. ERVIN: Thank you, sir. It's good
15 to be with you.

16 SENATOR ALEXANDER: Ms. Anderson has
17 some comments and then some questions.

18 MS. ANDERSON: Good morning. I'm going
19 to begin by giving a very high level summary of
20 Mr. Ervin's educational background and experience.
21 Mr. Ervin obtained a Bachelor of Arts degree from
22 Erskine College and a Juris Doctor from the
23 University of South Carolina. He has served in the
24 legal practice since 1977, during that time he has
25 served as an assistant solicitor with Anderson

1 EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
2 County. As a commissioner on the Industrial
3 Commission, which is now known as the Workers'
4 Compensation Commission. From 1985 until 1998, he
5 served as circuit court judge for the Tenth
6 Judicial Circuit. And he has been in private
7 practice since he's retired from the bench. Mr.
8 Ervin also served as a member of the House of
9 Representatives for the Seventh District from 1980
10 to 1984. He has also served as the president of
11 Foothills Community Foundation and as the president
12 and CEO of Foothills United Way.

13 Mr. Ervin, do you have any changes that
14 you'd like to make to the Personal Data
15 Questionnaire you submitted with your application?

16 MR. ERVIN: No, ma'am.

17 MS. ANDERSON: Okay. Mr. Chairman, I
18 would request that Mr. Ervin's Personal Data
19 Questionnaire be entered into the record with any
20 confidential information being redacted.

21 SENATOR ALEXANDER: So ordered.

22 (ERVIN EXHIBIT 1, South Carolina Public
23 Service Commission edited Personal Data
24 Questionnaire for Mr. Thomas J. Ervin, was marked
25 for identification.)

MS. ANDERSON: Before we begin

1 EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
questioning, do you have a brief statement that
2 you'd like to make?

3 MR. ERVIN: Briefly. Let me thank the
4 committee for this opportunity to meet with you
5 this morning to discuss my sincere interest in
6 serving on the South Carolina Public Service
7 Commission. As you've heard from my resumé, my
8 life has been involved with some form of public
9 service and I -- I certainly take it very
10 seriously. And I feel that I bring to the table a
11 unique set of qualifications to serve.

12 I have been exposed to administrative
13 law, as both a commissioner on the South Carolina
14 Industrial Commission where we had to make findings
15 of fact and conclusions of law under the
16 Administrative Procedures Act. As a circuit judge,
17 I held court in Richland County on many occasions
18 and heard appeals from the Public Service
19 Commission. So I'm familiar with the Commission's
20 role. And I had an opportunity to hear oral
21 arguments and expert testimony as it related to the
22 Commission's orders.

23 I have also served in the General
24 Assembly, which gave me a better understanding
25 about public policy issues as it relates to our

1 EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
2 Public Service Commission and their role as
3 regulators for the utilities, the various other
4 entities that come before them. So I look forward
5 to discussing my qualifications with you this
6 morning.

EXAMINATION

BY MS. ANDERSON:

8 Q. Mr. Ervin, could you please state your
9 name and home address for the record?

10 A. Thomas J. Ervin. And I recently moved,
11 I used to live -- my wife Catherine and I lived
12 over in Club Forest Lane in Greenville, we
13 downsized to a condo. So I'm going to have to look
14 at my driver's license, I apologize, I'm not
15 completely familiar with this new address. But I'm
16 now living at 201 River Place in Greenville, 29601.

17 Q. Okay. Thank you. And in your Personal
18 Data Questionnaire you've reference a former and
19 current residence for your address. What is the
20 approximate address that you moved to your current
21 address?

22 A. We sold the Club Forest property in the
23 latter part of 2017. And so we had some
24 renovations to do at the -- when we downsized to
25 the condo. So we've been there now for about three

10
EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 or four months.

2 Q. Okay.

3 MS. ANDERSON: And for the record, each
4 candidate provides us with their driver's license
5 and voter registration card. And we have a copy of
6 that for the file and that does reflect the address
7 that is on Mr. Ervin's driver's license and his
8 voter registration.

9 BY MS. ANDERSON:

10 Q. So leading me to the next question, are
11 you a registered voter?

12 A. Yes, I am.

13 Q. And in which congressional district are
14 you registered to vote?

15 A. Fourth congressional district.

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

18 A. Well, as I mentioned earlier, I think
19 this is a critical time in the state's history that
20 we have a Commission that's willing to answer some
21 very important questions that will be coming before
22 it as relates to our state's future. I have many
23 questions and I haven't obviously made any kind of
24 preconceived notions or commitments about, you
25 know, how those questions should be answered

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EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018

1 because having been a judge, I understand that you
2 base decisions solely on the testimony and evidence
3 presented at the hearing. And then after weighing
4 all that testimony and evidence, then you make
5 findings of fact and conclusions of law in concert
6 with your colleagues.

7 One of the things that I'm very
8 interested in is learning more about where we are
9 as a state and how we -- how we find ourselves in
10 this situation. Obviously, we've all read a lot of
11 media reports, but a judge doesn't rely on news
12 accounts, you have to actually dig deep and ask
13 questions and that's what I'm prepared to do.

14 Q. If you were elected to serve, how would
15 you expect to get up to speed on the issues
16 confronting the Commission?

17 A. Well, I'm a quick study. I -- as a
18 circuit judge, I had to learn to be a quick study
19 because we were facing, in civil court, with all
20 kinds of cases, from medical malpractice cases all
21 the way down to personal injury cases, to contract
22 disputes. So I had to learn how to get up to speed
23 quickly and I believe I can do that with this
24 Public Service Commission work. I have been
25 exposed to some of it already, as I mentioned, when

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EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 I was a circuit judge, but with a background of the
2 law, I think I bring a unique set of skills that
3 perhaps are missing on the Commission now.

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

6 A. I have not personally attended
7 Commission hearings, I've read transcripts when I
8 was a circuit judge of the -- hearing record.

9 Q. Have you read any of their orders
10 recently?

11 A. I have read some of their orders, not
12 -- not this year, but I've read a number of them in
13 the past.

14 Q. What role does the PSC serve in regards
15 to regulation of utilities?

16 A. Well, investor-owned utilities, of
17 course, are subject to the authority of the
18 Commission. And that would include any time they
19 want to expand their service area or build a new
20 facility or raise rates, all these matters come
21 before the Commission.

22 Q. And what is the PSC's role in
23 establishing energy policy for South Carolina?

24 A. Well, as you know, the state has an
25 energy plan, and it's updated periodically by the

13
EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 staff at -- the public research staff and so we
2 have that plan in place, but the Commission really
3 has a more important role. And that is to see that
4 it's properly implemented. And so there are a
5 number of public policy concerns going forward that
6 the Commission needs to be mindful of as they make
7 policy decisions.

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

10 A. Well, in a rate case, obviously you
11 want to look at a number of different factors.
12 First and foremost, you want to see that there's
13 proper justification for -- for rate increase. And
14 that would include, you'd want to examine the
15 utilities rate of return that's being asked for
16 relative to other utilities in the -- in the area.
17 You'd also want to make sure that the ratepayers
18 are treated fairly because, of course, it has a
19 great impact on the residential customers.

20 We have many folks in our state, being
21 a relatively poor state, that are on fixed incomes,
22 or they may be disabled, or they may have other
23 special circumstances, so you want the rates to be
24 reasonable and take into consideration that people
25 have to pay those bills to keep the power on. You

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EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 also want to be sure that the rates are reasonable
2 for industrial customers as we continue to try and
3 grow the economy in South Carolina. As well as for
4 business customers, because many small businesses,
5 of course, are impacted by -- by rates. So those
6 are all considerations.

7 Q. Okay. And you just mentioned the
8 different types of customers that a utility may
9 have. What is cross-subsidization and one of the
10 concerns affiliated with that?

11 A. Well, this came up, the most recent
12 example would be the solar debate, where the
13 utilities are concerned about the fact that folks
14 that buy solar panels for their homes, residences,
15 are being subsidized by those who can't or don't
16 buy solar panels. And so there has to be a
17 balancing of interests in that regard. We
18 certainly want to see our solar industry grow in
19 the state, they're creating new jobs, they are
20 creating a green form of energy and we want to
21 encourage that.

22 Alternative forms of energy will
23 certainly diversify our resource base and that's
24 good for the state, and good for our future, it's
25 good for the environment. At the same time, if

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1 you're going to have a net metering law, as we do
2 in this state, you have to take into consideration
3 how that might affect the utilities ability to
4 subsidize, so to speak, the expansion of solar. So
5 it's a balancing of interest, and I know the
6 legislature has looked at that recently and they're
7 -- they're working through that and hopefully they
8 can resolve that soon.

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

13 A. Yes, ma'am.

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

17 A. No, ma'am.

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

23 A. Well, that would be an improper ex
24 parte communication, and that's prohibited by law.
25 Of course, as a judge, I was covered by the Code of

16
EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 Judicial Conduct. And as a commissioner, you're
2 also covered by the State Employee Ethics Act, so
3 this would be an improper contact. And so as a
4 commissioner, I would say, I'm sorry, but I can't
5 discuss the merits of a case that might come before
6 me.

7 Q. You just mentioned the Judicial Code of
8 Conduct, are you aware that commissioners are also
9 subject to the Judicial Code of Conduct as well as
10 state ethics laws?

11 A. Yes.

12 Q. Do you or a member of your immediate
13 family own stock or have any other financial
14 interests that is directly controlled by you or
15 your family member of a utility regulated by the
16 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 any -- are you a
23 member of or affiliated with any entity that would
24 need to be re-evaluated if you were nominated and
25 elected?

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1 A. No, ma'am.

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

4 A. No, ma'am.

5 Q. What was the appropriate demeanor for a
6 commissioner?

7 A. Appropriate demeanor for a commissioner
8 is a quasi-judicial in nature, would be essentially
9 to treat everyone who comes before them with
10 respect, with dignity, courtesy, and to be a good
11 listener. To take the job seriously, to treat the
12 witnesses and the parties, the litigants, the
13 attorneys, with the proper respect, not only during
14 the hearings, but outside the hearings. So that's
15 all very important.

16 Q. And you mentioned that it's a
17 quasi-judicial entity, is there any difference --
18 lessons that you may have learned from the bench
19 that may apply -- and from the bench, I mean as
20 your position as a former judge, circuit judge,
21 that would apply to the PSC or any differences in
22 those roles?

23 A. Not much really, it's very similar to
24 being a judge because you want to uphold the law.
25 You know, we live by the rule of law and you also

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1 want to have the respect of all concerned. And so
2 that requires that you conduct yourself in an
3 ethical manner. And that you conduct your business
4 with dignity and respect for all.

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

7 A. You know, I don't know that social
8 media is really appropriate for a quasi-judicial
9 member. I have concerns about it, not only from a
10 privacy standpoint, but by the fact that something
11 is said or commented on or liked, could be
12 misconstrued. So I -- if elected, I don't plan to
13 be on social media, I just don't think it's wise.
14 I would encourage my colleagues not to do that
15 either because of the potential for multiple issues
16 that could arise.

17 Q. In your Personal Data Questionnaire,
18 number 13, you provided some information regarding
19 formal employment opportunities in your profession
20 and you indicated that you've been in the legal
21 practice since 1977. Could you clarify what you've
22 done since you've retired as judge since 1998,
23 where you've practiced, the types of law that
24 you've been engaged in?

25 A. Sure. I was with a defense firm called

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1 Jackson Lewis for a brief time when I first moved
2 to Greenville, I think I was with them for almost
3 two years. And so I represented large corporations
4 mostly out of state, mostly in employment law
5 settings. And then I married Catherine Williams,
6 who's been my wife for 15 years, we just celebrated
7 our 15th wedding anniversary, and she asked me to
8 join her firm and assist with Social Security
9 disability appeals, which has been my primary area
10 of practice. I did handle some personal injury
11 cases, but the bulk of my work was handling Social
12 Security disability appeals before the Social
13 Security Administration.

14 Q. And you also indicated that you either
15 have been or currently are president of Foothills
16 Community Foundation, and president, CEO of
17 Foothills United Way.

18 A. Right. When I retired from the bench
19 in about '98, there was a challenge bequest and
20 wield by the late William Law Watkins, Bill Watkins
21 was a very distinguished attorney in Anderson. And
22 he wanted to start a community foundation, so he
23 said if my friends can form a nonprofit board and
24 raise five million dollars, then I will give a
25 million dollars as a matching gift to start a

20

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1 community foundation that would serve Pickens,
2 Oconee, and Anderson Counties. And so I was
3 approached by the group to start that nonprofit,
4 and so I agreed to be the first president. And
5 when we started we had no office, we had no staff,
6 we had no bank account, and we had no 501(c)(3), so
7 I had to do all that from scratch.

8 They gave us five years to raise the
9 five million and we did it in 18 months. So I was
10 very pleased with that response by the community,
11 we organized and trained a board of directors from
12 those three counties, and recently I attended their
13 anniversary celebration of 20 years and they've
14 given back hundreds of thousands of dollars to
15 nonprofit charity causes in those three counties,
16 so I'm very proud of that effort.

17 Once I reached the goal, I told them
18 they need to hire a permanent president and they
19 did. And they hired Robert Rainey, who some of you
20 may know from Anderson and he did a great job for
21 many years and he's since retired. United Way had
22 a vacancy and so they asked me if I would come and
23 lead their board, they had lost their director
24 unexpectedly. And I agreed to do that on an
25 interim basis. And so I began to work with that

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1 volunteer board and we set up a national goal for
2 leadership giving for a city the size of Anderson.
3 And so we really transitioned from the old way of
4 allocating funds to nonprofits to a community-based
5 model and it was a great success. And I really
6 enjoyed my time working with that volunteer board.

7 That's another thing that I think I can
8 bring to the Commission is leadership skills
9 because I have had to work in that setting in a
10 nonprofit arena. And that's -- that involves
11 building consensus and support and working with
12 others. And I'd like to think that I could make a
13 contribution in that regard as well.

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

17 A. No.

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

20 A. No.

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

24 A. No.

25 Q. Have you asked any third parties to

1 EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
2 contact members of the General Assembly on your
3 behalf before the final and formal screening report
4 has been released?

4 A. No.

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

8 A. No, ma'am.

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

13 A. I have made it clear to the members of
14 General Assembly that I've seen and talked to that
15 I was not seeking any kind of commitment directly
16 or indirectly, but that I had filed for the seat
17 and that at the appropriate time, I would like to
18 speak with them further after the screening report
19 has been issued and after we're given the go-ahead
20 to seek commitments.

21 Q. And that leads me to my next question.
22 Are you familiar with the 48-hour rule which
23 prohibits a candidate from seeking pledges for
24 48 hours after the report has been submitted to the
25 General Assembly?

EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018²³

1 A. Yes, ma'am.

2 Q. And since the submission of your
3 application, have you attended any political
4 gatherings?

5 A. No, ma'am.

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

8 A. Yes, ma'am.

9 MS. ANDERSON: Thank you, Mr. Ervin.

10 MR. ERVIN: Thank you.

11 MS. ANDERSON: Mr. Chairman, I have no
12 further questions. And for the record, Mr. Ervin's
13 test score was a 62.

14 SENATOR ALEXANDER: Okay. Thank you.
15 We've heard the screening to this point. We now
16 open it up to members of the committee for
17 questions. Representative Sandifer.

18 EXAMINATION

19 BY REPRESENTATIVE SANDIFER:

20 Q. Judge Ervin, good to see you today.

21 A. Thank you, sir.

22 Q. Thanks for being here. First question,
23 have you put your new home address into the GPS?

24 A. Not yet.

25 Q. I hope you have so you can get home.

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1 A. I need to do that, that's a good
2 suggestion.

3 Q. And you said that this is a critical
4 time in history, will you amplify on that just a
5 little bit, please?

6 A. Yes, sir. Well, I think clearly we're
7 all concerned about what happened with the
8 VC Summer plant and the fact that unit 1 and 2 were
9 abandoned. And so there's going to be a number of
10 important decisions to be made, by not just the
11 Public Service Commission, but the General Assembly
12 as well. I think it's fair to say that we all
13 would like to avoid seeing that ever happen again
14 because it's worked a hardship on a number of
15 levels. Worked a hardship on ratepayers. It's
16 worked a hardship on shareholders. Employees of
17 that entity. It's also affected Santee Cooper and
18 -- since they were in on the deal, and so it's
19 affected their future going forward.

20 So I think it's fair to say that we're
21 in kind of damage control in a sense that what's
22 the next best step going forward as a state. And
23 clearly the Public Service Commission will have
24 some say in that. There's -- they're pending a
25 petition before the Commission now that I

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1 EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
2 understand will be heard later this year as to
3 whether or not SCANA should be allowed to merge
4 with another -- an outside entity, who is
5 interested in purchasing it. There are going to be
6 other issues that clearly could affect how that
7 will all sort out.

8 Again, I don't have all the answers,
9 I'm willing to listen and learn. But I think it is
10 an important time for our state, and perhaps one of
11 the most important sets of decisions that a Public
12 Service Commission will face, as long as I can
13 recall.

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

16 SENATOR ALEXANDER: Any questions?
17 Representative Forrester.

18 EXAMINATION
19 BY REPRESENTATIVE FORRESTER:

20 Q. You obviously have been following the
21 solar issue discussion and do you have any thoughts
22 on what might be done for rate structure to
23 eliminate some of those issues?

24 A. Well, you know, of course, the General
25 Assembly has before it now some legislation passed
by the House and the Senate that deals with

EXAMINATION OF MR. THOMAS J. ERVIN - APRIL 24, 2018
1 temporary rate relief. And it remains to be seen
2 whether or not that will pass. But I'm more
3 concerned really about the long-term effects, and I
4 think the Commission should be, to see if we can
5 try and stabilize the situation so that we don't
6 make it worse.

7 By the same token, you know, it's --
8 there are no quick and easy fixes and so that's why
9 I'm saying I don't have all the answers, I'm just
10 here -- I want to learn as much as I can, I want to
11 listen and keep an open mind, because these are
12 decisions that we're going to have to live with for
13 decades and they'll have an impact for many, many
14 years to come.

15 Q. Yeah, I was speaking more specifically
16 to the issue of distributed generation and how that
17 affects the grid, you've got to maintain the grid
18 for --

19 A. Yes, sir.

20 Q. -- for instance, if there's no sun
21 shining, they've got to have power from the grid,
22 so the issue is a rate structure to protect
23 everyone?

24 A. Yes, sir, that's right. Well, you want
25 a diverse base, that's for sure. And, of course,

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1 we know that nuclear is a part of that, as is
2 natural gas, coal, and other sources. The grid is
3 old, it's over 100 years old, and it needs to be
4 upgraded. And we've got to see what we can do to
5 encourage that to happen. But it's -- I think
6 going forward, we have to encourage utilities to
7 continue to diversify their base, not put all their
8 eggs in one basket because things do change, the
9 price of natural gas fluctuates, as does other
10 sources of fuel.

11 And so while natural gas right now
12 seems to be a good option, you know, we could ten
13 years from now, we might be looking at a different
14 situation. So that's why diversification is always
15 so important.

16 REPRESENTATIVE SANDIFER: Thank you.

17 SENATOR ALEXANDER: Any questions?
18 Senator from Horry.

19 EXAMINATION

20 BY SENATOR RANKIN:

21 Q. I will call you Judge because you, for
22 the longest time in my life, you were a judge. And
23 I appreciate your willingness to offer your
24 services to this. I didn't know your past in terms
25 of your service. You are a journeyman servant or

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1 one that just likes to take spankings all for any
2 other different flavor of public abuse, so either
3 one I will assign benevolence in giving for that.
4 And kind of in that vein, just the basic question:
5 Why in the world would you want to do this?

6 A. Well, as I mentioned earlier, I love
7 public service and I'd like to think that I could
8 make a difference, I really do. As we discussed
9 here together, this is a critical time I think for
10 our state. While there are no easy answers, I
11 think there are some things that can be done to
12 help stabilize the situation moving forward and it
13 really comes down to fairness and accountability
14 and transparency and good decision-making. And so
15 I hope I can bring all those things to the table,
16 if I'm fortunate enough to pass screening and be
17 elected.

18 Q. Well, and depending on which side of
19 the aisle, I guess, House, Senate, and within, in
20 terms of stabilizing this, those decisions will be
21 largely taken and cured hopefully by the General
22 Assembly. And so the newsworthiness of interaction
23 and the ratemaking decisions, contested cases will
24 go by the wayside, and you'll be dealing with water
25 and sewer or broadband or whatever. In other

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1 words, the sex appeal will fade. Once this subject
2 has faded and off the headlines, do you see more
3 than just the nuclear situation --

4 A. Oh, certainly.

5 Q. -- compelling and interesting and --

6 A. Absolutely. I think there are a number
7 of long-term issues that need to be addressed as
8 well. We've talked mostly about short-term, but
9 there's some long-term issues that need to be
10 grappled with and I certainly see that as a
11 challenge. And there's the mundane too, there are
12 things that have to be done, you know, the contract
13 approval, some of them are not contested, but they
14 have to come before the Commission and get
15 appropriate approval. So I understand where you're
16 coming from.

17 Q. Is there something decision-wise,
18 order-wise, that you see that, again as a judge
19 it's hard for you to comment on another judge's
20 order, absent a jury trial's -- a jury verdict, but
21 is there something that you see a glaring example
22 of, wow, how did they get there, that has compelled
23 you to this or just the general subject?

24 A. General subject. Because, again, I'm
25 going to be one of seven commissioners, and so I

30
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1 don't pretend to have all the answers. I want to
2 have the benefit of their experience and judgment
3 as well. And this will be a learning process for
4 all of us, I believe, it should be.

5 SENATOR RANKIN: Thank you.

6 EXAMINATION

7 BY SENATOR ALEXANDER:

8 Q. Again, thank you for being here. A
9 couple of things or really I guess just down to
10 one. On question 8 where you marked, been
11 employed, held positions in the following areas,
12 and certainly law is what you mentioned here.

13 A. Yes, sir.

14 Q. Just looking over that category, it's
15 just interesting and certainly I think you've
16 testified earlier that most of your law practice
17 now has been in Social Security disability cases?

18 A. Right.

19 Q. But going back to your time on the
20 bench after the Tenth Circuit, were there any other
21 particular -- I know it's an array of cases on the
22 circuit court, but were there any specific issues
23 that maybe would have evolved in those other energy
24 issues, telecommunications, consumer protection,
25 water, wastewater, finance, engineering, that come

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1 to mind?

2 A. Of course, as I said, I heard a number
3 of appeals because I was assigned to Richland
4 County for the first two years of my judgeship and
5 so I heard a number of direct appeals from the
6 Public Service Commission during that period of
7 time.

8 Q. But none on the circuit bench, per se?

9 A. Well, I was on the circuit bench --

10 Q. Here?

11 A. -- here, yes, sir. Now, I don't know
12 if I answered your question, but --

13 Q. So you're familiar with those other --
14 I guess my point was you've had some background in
15 some of those issues --

16 A. Yes, sir.

17 Q. -- as part of your job as circuit
18 judge?

19 A. I have, that's correct.

20 Q. That's where I was going.

21 SENATOR ALEXANDER: Any other
22 questions? Okay. By previous motion then, I think
23 we're to that point that we would go into executive
24 session with the candidate being president --
25 present, I'm sorry, present, excludes everyone

1 else.

2 (Executive session)

3 SENATOR ALEXANDER: The veil has been
4 lifted. We are going back into regular session.
5 There was no action taken in executive session.
6 Mr. Ervin, we appreciate you being with us this
7 morning and being responsive to the questions. Is
8 there any brief closing statement you'd like to
9 make before we dismiss you?

10 MR. ERVIN: Thank you, Mr. Chairman,
11 members of the committee, I appreciate the
12 opportunity to come forward today and meet with you
13 and answer your questions. And I sincerely
14 appreciate the seriousness with which you take your
15 responsibilities as screening committee. I
16 appreciate your service.

17 SENATOR ALEXANDER: Thank you, have a
18 good day. That brings us to Mr. David R. McCraw,
19 again another candidate for district number 4. He
20 will be joining us momentarily. Good morning.
21 Before you're seated, I'll go ahead -- the court
22 reporter will swear you in, sir.

23 DAVID R. MCCRAW
24 being first duly sworn, testified as follows:

25 SENATOR ALEXANDER: Good morning. Good

1 to see you.

2 MR. MCCRAW: Good morning.

3 SENATOR ALEXANDER: Thank you for
4 working with our schedule and being with us this
5 morning.

6 MR. MCCRAW: Yes, sir.

7 SENATOR ALEXANDER: I think we're ready
8 to proceed. She'll have some brief overview and
9 then we'll have some questions for you. Thank you
10 again for being with us.

11 MR. MCCRAW: Thank you, sir.

12 MS. ANDERSON: I'm going to give a very
13 high level overview of Mr. McCraw's educational
14 background and work experience. He obtained a
15 Bachelor of Science degree in economics and finance
16 from the University of South Carolina, Spartanburg.
17 From 1985 to 1989, he served in the US Air Force.
18 And since 1993, he has worked as a financial
19 advisor in a number of capacities. He's also owned
20 a number of businesses. And we'll get into a
21 better description of those a little bit later on.

22 MR. MCCRAW: Sure.

23 MS. ANDERSON: Mr. McCraw, do you have
24 any changes that you'd like to make to your
25 Personal Data Questionnaire that you submitted with

1 your application?

2 MR. MCCRAW: No, ma'am.

3 MS. ANDERSON: Mr. Chairman, I would
4 request that Mr. McCraw's Personal Data
5 Questionnaire be entered into the record with any
6 confidential information being redacted.

7 SENATOR ALEXANDER: So ordered.

8 (MCCRAW EXHIBIT 1, South Carolina
9 Public Service Commission edited Personal Data
10 Questionnaire for Mr. David R. McCraw, 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 THE WITNESS: No, ma'am.

16 EXAMINATION

17 BY MS. ANDERSON:

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

20 A. David McCraw. 9 Baronne Court, Greer,
21 South Carolina, 29650.

22 Q. Are you a registered voter?

23 A. Yes, ma'am.

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

1 A. In the 4th District.

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

4 A. Well, I think I see it's an opportunity
5 to take my financial experience and apply it into
6 the -- into the government capacity. And watching
7 through what's going on in the public service and I
8 think that there was a need for fiduciary
9 responsibility that hopefully I can use my
10 expertise to help and assist other commissioners on
11 the panel.

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

14 A. No, ma'am.

15 Q. Have you read any of the Commission's
16 decisions?

17 A. No, ma'am.

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

20 A. I would spend as much time as I needed
21 to before the July 1st date. And I'm sure I'll be
22 able to get up to speed with whatever necessary
23 information is given to me, I will be able to get
24 up to speed.

25 Q. What role does the PSC serve in regards

1 to the regulation of utilities?

2 A. Well, it sets and fixes rates for all
3 public utilities. It sets guidelines for services
4 that have been rendered that is supposed to be
5 across a whole board of all public utilities. It
6 also acts as a non-biased form where people can
7 file their grievances they have either with the
8 utility or vice versa and settle contract disputes
9 and also look at the financial responsibilities to
10 make sure it's a fair and reasonable rate for the
11 ratepayer and it's a reasonable return for the
12 utility itself.

13 Q. And what is the Commission's role for
14 establishing energy policy for South Carolina?

15 A. Well, the energy policy, obviously, is
16 really looking at the Office of Regulatory Staff,
17 put together with a lot of different agencies
18 throughout the state to try to maximize the amount
19 of renewable energy and less demand for the
20 traditional coal or nuclear programs.

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

23 A. Well, if the rate question that they're
24 asking for is an increase, if the utility itself
25 has used proven decision-making, as far as using

1 the funds or needing the funds and is actually
2 applying to the necessary program that they need.
3 They need to look at the fuel costs and then the
4 actual profit for the utility that it's mandated
5 through, making sure they have enough money to
6 satisfy their investors. At the same time, we got
7 to make sure that the utility itself is hopefully
8 on the same side as the ratepayer to decrease the
9 costs as much as possible to not continually
10 increase the rates on the ratepayer.

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. Yes, ma'am.

16 Q. And have you attended any legislative
17 receptions or any legislative caucus meetings since
18 receiving those advisory opinions?

19 A. No, ma'am.

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

25 A. I would notify them first that, you

1 know, it's not appropriate. That it's ex parte
2 communication and it needs to be held in a venue
3 where both parties are present.

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. Yes, ma'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 a utility regulated by the
12 PSC?

13 A. No, ma'am.

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

17 A. No, ma'am.

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

21 A. No, ma'am.

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

24 A. No, ma'am.

25 Q. What is the appropriate demeanor for a

1 commissioner?

2 A. Well, you want -- a commissioner, as a
3 judge, should be beyond reproach -- approach(sic).
4 We should be able to see and the public to see
5 someone they can trust their opinion and their
6 actions. And should be, you know, a pillar of the
7 community, so to speak, that, you know, we would
8 like people to look upon us positively and not
9 bring disrespect to the position or the state.

10 Q. And would that demeanor only apply
11 while on the bench or would it apply at all times?

12 A. All times.

13 Q. What would you consider to be
14 appropriate use of social media for a commissioner?

15 A. Well, I would think social media as a
16 commission would only be -- zero in the capacity as
17 a commissioner. I've always -- you know, being a
18 financial advisor, we've always been in a regulated
19 industry as well. And although we've been able to
20 use social media, but it's all scripted and
21 approved prior to going out. But my personal
22 policy has always been to avoid anything
23 business-related in social media.

24 Q. And what about personal-related, if you
25 were elected?

1 A. Personal-related? I would see no issue
2 with using -- I only have Facebook, but it's just
3 events that happen in my life, but nothing, you
4 know, that would be relative to any type of
5 proceeding or Public Service Commission or even
6 identifying myself as a Public Service Commissioner
7 on my Facebook page.

8 Q. What is demand-side management?

9 A. On the demand side, is basically trying
10 to -- my understanding is you're trying to reduce
11 the amount of demand to keep the prices in check
12 with the other utilities by creating other ways of
13 generating the energy itself in the most least
14 expensive way of doing it.

15 Q. Okay. And what is cross-subsidization
16 of utility rates and a concern that may go along
17 with that?

18 A. Cross-subsidization, now, I don't know
19 the answer to that.

20 Q. Okay. When is it appropriate for a
21 commissioner to express a personal opinion on an
22 issue that is within the PSC's jurisdiction?

23 A. Personal, it would not be appropriate
24 to put a personal opinion into the public, other
25 than at a Commission -- at a hearing in front of

1 everyone.

2 Q. Would there be a time that's
3 appropriate to express a personal opinion in
4 another form that's a private forum?

5 A. No, ma'am.

6 Q. All right. I said we were going to get
7 back to your businesses --

8 A. Sure.

9 Q. -- and get some clarification.

10 A. Absolutely.

11 Q. So in your Personal Data Questionnaire,
12 number 13 and number 14, you identified a number of
13 businesses that you are affiliated with or that you
14 are the owner of. And with the Secretary of
15 State's website, there were also some additional
16 entities that came up, entities that were in good
17 standing for which you were an agent. So I'm going
18 to try to walk us through what you have listed in
19 your PDQ and also in conjunction with the filings
20 with the Secretary of State's Office, okay?

21 A. Absolutely.

22 Q. So the first one, Brew's Inc., where
23 your PDQ has you listed as the current president?

24 A. That is correct.

25 Q. Can you describe the business?

1 A. Brew's Inc., it's a holding company for
2 equipment. In addition, you will get to I own
3 restaurants -- a restaurant and all the equipment
4 is owned, in the restaurant is actually held in a
5 separate corporation. The operating corporation is
6 Palmetto Grill & Taproom, Incorporated, which only
7 does the food and beverage side of it. There's no
8 assets held in that particular corporation, just
9 for liability reasons.

10 Q. Okay. And what is your role with --
11 your current role with these entities?

12 A. I am 100 percent owner of Palmetto
13 Grill & Taproom, my role is owner only. It is
14 manager-ran and operated. I am financially
15 responsible for anything that happens in the
16 business and also responsible for hiring the
17 managers, which I have in place. My general
18 manager has been with me for 13 years, so someone I
19 trust and who handles the business for me.

20 Q. And from the Secretary of State's
21 website, there was listed a Croc's Sports & Wings,
22 which you're listed as the agent?

23 A. Well, that corporation was sold, I
24 think in 2011, and it is no longer an active
25 entity.

1 Q. Okay. And there's also a Croc's
2 Clemson for which you're listed as the registered
3 agent?

4 A. That was sold in 2012.

5 Q. And just so you know, they're both
6 listed as in good standing with the Secretary of
7 State's website. And on your PDQ in number 13, you
8 listed since 1999 to the present that you are
9 affiliated with the hospitality industry, is that
10 affiliated with the Brew's Inc. and Palmetto or is
11 it a separate industry?

12 A. It is affiliated. Over the years I've
13 had numerous restaurants that has been owned since
14 1999, Brew's Inc. has owned all the equipment in
15 all the restaurants. And from '99 to current it
16 operates on its own, but the only hospitality
17 business I have at this time is Palmetto Grill &
18 Taproom, Incorporated.

19 Q. And you have listed from 1993 to
20 present as a financial advisor. And you give some
21 specifics in your response to question number 8.
22 And it looks like Ameritas Investments is the most
23 recent employment that you had as far as the
24 financial advisor since 2005. Do you want to
25 expound on that --

1 A. Sure.

2 Q. -- what you currently do with them?

3 A. Well, from '93 to -- to today, I
4 started out with a small firm called Raymond James
5 & Associates in Greenville, did it a couple of
6 years and I moved -- it was a small account firm,
7 it dealt primarily with low-priced securities,
8 that's where the research was. So I moved from
9 small account to a wirehouse, which PaineWebber,
10 which I was a financial advisor recommending
11 individual securities, and then looking at
12 corporations to see what I thought was an
13 appropriate rate of return, possible for the
14 client, looking at the financials and making
15 recommendations to clients.

16 I moved from PaineWebber in the late
17 '90s, early 2000s to Prudential Securities, which
18 is basically the same capacity as a financial
19 advisor to individual customers and to a few
20 corporate clients. Prudential Securities was
21 bought out by Wachovia Securities and I found at
22 that point that I didn't enjoy working for a bank,
23 I always liked being with a real financial services
24 brokerage firm. And I found that Wachovia did not
25 seek to -- we didn't have the same views on which

1 direction the financial industry was going and what
2 was good for clients. So I decided to go
3 independent and being independent, I cleared
4 through Ameritas Investments. And I am a single
5 agent working for my customers who -- that I have
6 and I haven't added any new customers in the last
7 10 years, but I've had unfortunately through the
8 course of business, I have a lot of the same
9 clients I had in the early 2000s and even in the
10 '90s and basically they're dying off through age, I
11 mean, they're generally older.

12 So at this point, my position as a
13 financial advisor is minimal. And if I'm given the
14 position, I will make arrangements where the
15 clients are taken care of without my supervision.

16 Q. What experience would you bring to the
17 Public Service Commission that would be beneficial
18 if elected to serve as a commissioner?

19 A. Well, I think it's the financial side.
20 Being able to look at what the rates are, what
21 they're wanting to charge, and the reasoning behind
22 what they're wanting to charge. Whether it's
23 inflation or other reasons that they want to say
24 their costs are going up. Also I would like to
25 think the experience from looking at some of just

1 the general accounting principles that -- from
2 looking at some of the financial statements I've
3 seen, I have questions on depreciation, you know,
4 noncash expenses. You know, we as a ratepayer are
5 basically guaranteeing these public utilities a
6 profit and we're underwriting basically their
7 property and their cars through these expenses.

8 At the end of the day the ratepayer is
9 or should be recapitalizing what they have written
10 off through their depreciation. And I understand
11 we have a depreciation pool that you guys monitor,
12 but 100 percent of those assets that we underwrite
13 should be depreciated on a schedule and shown. And
14 if it's not, it should be shown to the people to be
15 able to recapitalize, even if you buy something as
16 small as a truck and you depreciate it over a
17 five-year period, all that depreciation should be
18 coming back to the ratepayer and the ratepayer
19 should be able to use that to reinvest in future
20 transactions at a lower cost basis because of the
21 depreciation capitalized.

22 I think that financial side in looking
23 and hopefully demanding an explanation for why your
24 rates are where they are and why you either -- why
25 you want to go up and why is it going to be

1 justified and reasonable, with still the same
2 understanding that they are guaranteed a rate of
3 return. But at the same time, we've got to make
4 sure that the ratepayer and the utility can somehow
5 be on the same side of the table, which is hard to
6 do with -- without any type of controls over the
7 utility itself as far as their spending.

8 And, you know, cost-plus jobs, not
9 fixed-dollar jobs, I think would put utilities in a
10 closer side of the table on a fixed-dollar position
11 versus a cost-plus position. So I just think that
12 I can bring that financial side to the table. You
13 know, I'm not an attorney, that's not going to be
14 my expertise, but I think I can give insight into
15 some of the financial side that's there.

16 Q. Have you made any contributions to
17 members of the General Assembly since filing your
18 application?

19 A. I have not.

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

22 A. No, ma'am.

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

1 A. No, ma'am.

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, ma'am.

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

10 A. No, ma'am.

11 Q. Since the submission of your
12 application for the Commission, have you contacted
13 any legislator regarding your candidacy, and if so,
14 please describe the contact or interaction?

15 A. I have not.

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

19 A. No, ma'am.

20 Q. Are you familiar with 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. Yes, ma'am.

25 Q. And do you plan to serve a full term if

1 elected?

2 A. Yes, ma'am.

3 MS. ANDERSON: Thank you, Mr. McCraw.
4 Mr. Chairman, I have no further questions. And for
5 the record, I'd like to state that Mr. McCraw's
6 test score is a 65.

7 SENATOR ALEXANDER: Thank you for being
8 responsive and now we'll go to questions from
9 members of committee. Senator of Orangeburg and
10 then I'll come to Representative.

11 EXAMINATION

12 BY SENATOR HUTTO:

13 Q. Good morning.

14 A. Good morning, sir.

15 Q. The various restaurants and bars that
16 you have owned were all public or were any of them
17 private clubs?

18 A. One was a private club.

19 Q. Okay. Which one was that?

20 A. That would have been the Croc's Sports
21 & Spirits.

22 Q. Is that still a viable operation?

23 A. No. No, sir.

24 Q. Okay. Have any of those ever been
25 cited by Department of Revenue or SLED for any

1 violations of the alcohol laws?

2 A. Yes, sir.

3 Q. What's -- just give us the nature of
4 that.

5 A. My policy has been through the years
6 and when you've been in it for, you know, 18,
7 19 years, you're at the -- you have to depend on
8 your employees to check IDs or check memberships.
9 So we did receive a citation for serving a
10 nonmember. And as in the past, had an employee
11 serve a person under the age of 21. That employee
12 was terminated immediately.

13 Q. All right. And whatever fines or
14 penalties have been paid?

15 A. Yes, sir.

16 Q. Okay. So your -- it sounds like you
17 started off in sort of financial planning and
18 migrated over to owning some businesses, including
19 a roofing company; is that right?

20 A. That was more or less an investor in a
21 roofing company. A guy was a roofer that I helped
22 him out to start his own business.

23 Q. So would it be fair to say that most of
24 your business background is related to the
25 ownership of the restaurants?

1 A. As in relation to being a financial
2 advisor?

3 Q. But you said you haven't done that
4 since when?

5 A. I still have clients today active.

6 Q. I understand that. But as I understood
7 it you basically were in that business and you
8 retained that book of business or those clients and
9 continue to advise them, sort of transitioned over
10 to --

11 A. No, sir. It's a compliment of each
12 other. It wasn't a transition to another industry,
13 I'm not active and never have been active in the
14 restaurant industry. I am an owner. My primary
15 business has always been a financial advisor. As
16 -- because you don't add clients doesn't mean you
17 don't have clients. And we're still servicing
18 those same clients, although there are a lower
19 number of clients relative to what it was in 2000.
20 But you guys can remember how the market conditions
21 in 2000, early 2001, as a financial advisor, you
22 know, we preached diversification and I took it to
23 heart myself and I diversified from being a
24 financial advisor to also owning other businesses
25 outside of the financial services market.

1 Q. Where is your financial advising office
2 located?

3 A. I'm an independent broker and I have a
4 home office.

5 SENATOR HUTTO: Okay. Thank you.

6 MR. MCCRAW: Yes, sir.

7 SENATOR ALEXANDER: Let me get
8 Representative Sandifer and then I'll come to the
9 Senator from Horry.

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

12 EXAMINATION

13 BY REPRESENTATIVE SANDIFER:

14 Q. Mr. McCraw, thank you for being here
15 with us today, we appreciate it. A couple of
16 things just about your testimony. First of all, in
17 your earlier testimony you said that the PSC sets
18 the rates for all public utilities. Will you tell
19 us what public utilities you mean?

20 A. Well, I was referring to Duke Energy,
21 South Carolina Natural Gas, which is now Duke
22 Energy and Piedmont Natural Gas, which is the same
23 entity at this point, but it is public-regulated
24 utilities.

25 Q. Okay. Which ones -- let's go to the

1 electric industry, if we might.

2 A. Sure.

3 Q. Which ones might not be regulated?

4 A. Obviously, the one -- the -- Santee
5 Cooper, South Carolina Public Service Authority,
6 any co-op that is not publicly-owned. Any utility
7 that's owned by a municipality and is governed by
8 its own board.

9 Q. And then one other thing that you said
10 was to maximize, and we're talking about the energy
11 plan, maximize the renewable energy. Would you
12 expound on that just a little bit?

13 A. Well, I think we're trying to get to
14 more clean energy. I know that the plan sets
15 forth, whether it's two percent over the five-year
16 period, trying as a goal to get there with one
17 percent being under a thousand kilowatts and the
18 other one percent above a thousand to ten thousand
19 kilowatt hours. We're trying to find better ways,
20 from what I'm understanding, to provide a reliable
21 clean source of energy and to move away from the
22 coal and nuclear generated.

23 Q. And you just said something to pique my
24 interest, is nuclear clean and reliable?

25 A. Relative to coal, I would think so.

1 And, of course, the liability would be the time
2 frame that is going to be viable for it.

3 Q. Would you be surprised to know that
4 Senator Alexander and I have one of those or three
5 of them in our backyard.

6 A. Do you?

7 REPRESENTATIVE SANDIFER: Thank you,
8 Mr. McCraw.

9 MR. MCCRAW: Thank you, sir.

10 EXAMINATION

11 BY SENATOR ALEXANDER:

12 Q. I wanted to follow up one more time on
13 -- just for the record to make sure I'm clear on
14 your business interests or your income. Because on
15 your statement of economic interests, Eyedea
16 Brands --

17 MS. ANDERSON: Eyedea Brand.

18 BY SENATOR ALEXANDER:

19 Q. I was trying to read your writing,
20 okay, that was sold?

21 A. That was sold, yes, sir.

22 Q. But you had it in -- so that was sold
23 in 2017?

24 A. Yes, sir.

25 Q. Okay. Good.

1 A. April of '17.

2 Q. We've -- I don't know if you've heard
3 about the Base Load Review Act?

4 A. Yes, sir.

5 Q. Any factors or any knowledge of that
6 Act?

7 A. A little, yes, sir. The Act itself
8 basically has guaranteed the utilities the rate
9 increases that they've been -- received, as long as
10 they can justify it being reasonable and fair,
11 which is basically -- I guess, that Act was
12 instituted to basically encourage more utilities or
13 the -- getting more utilities throughout the whole
14 state, but it's been a -- the Act itself I think
15 has provided the utility the basis to be able to
16 build and continue to build. And by charging the
17 ratepayer on a pro rata basis through the
18 construction or through the needs of the utility.

19 Q. And one final thing for me is -- and I
20 think I've heard in the different business
21 interests that you have and the work that you do,
22 and you referred to some aspects and I think you
23 said that you have managers in place for the
24 restaurant, you've never really been in that,
25 you've hired managers to do that. With the Public

1 Service Commission, that is a full-time job, would
2 you acknowledge that?

3 A. Yes, sir.

4 Q. And so I think you said earlier that
5 you didn't envision any need, outside of the
6 financial advisor aspect, to turn that over to
7 other folks, but if I heard you correct in your
8 earlier testimony, that you didn't see anything
9 else in your business interests to have to be
10 adjusted as a result if you were elected on the
11 Commission?

12 A. No, sir, there's nothing else that I
13 would need to revise.

14 Q. So if your managers left or things of
15 that nature, how would that --

16 A. Unless all of them left, but at the end
17 of the day my wife would assume those
18 responsibilities.

19 SENATOR ALEXANDER: Thank you. Any
20 other questions? Hearing none. Then by previous
21 motion, we'll go into executive session with the
22 candidate being with us. No, you get to stay,
23 everybody else gets to leave.

24 (Executive session)

25 SENATOR ALEXANDER: We're back in open

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 session and no action was taken in executive

2 session. And, Mr. McCraw, we appreciate you being
3 here with us this morning and being a candidate for
4 District 4, the Public Service Commission. Is
5 there any closing statement or any comment you'd
6 like to make briefly?

7 MR. MCCRAW: Yes, sir. I appreciate
8 each of you for your consideration. I do feel that
9 I can bring fiduciary responsibility hopefully to
10 the Commission and hopefully hold the utilities and
11 the ratepayer basically accountable for what we
12 need and not necessarily just giving an open
13 checkbook to a utility. But I'd like to serve our
14 community and the ratepayers. And I'd appreciate
15 your consideration and thank you for your time.

16 SENATOR ALEXANDER: Thank you for being
17 here today. Thank you for your time. Next we'll
18 have Mr. William "Kevin" Newman, last candidate
19 being screened this morning for District 4.
20 Good morning.

21 MR. NEWMAN: Good morning.

22 SENATOR ALEXANDER: I appreciate you
23 being here. If you would allow the court reporter
24 to swear you in for your testimony.

25 WILLIAM "KEVIN" NEWMAN

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
being first duly sworn, testified as follows:

2 SENATOR ALEXANDER: Mr. Davidson I
3 think has some comments and then we'll have some
4 questions for you.

5 MR. DAVIDSON: Good morning,
6 Mr. Newman. Is your microphone on?

7 MS. ANDERSON: It is.

8 MR. DAVIDSON: First, I'm going to
9 briefly describe your experience and background for
10 the committee. Mr. Newman obtained a Bachelor of
11 Science degree in hotel, restaurant and tourism
12 administration from the University of South
13 Carolina in 1994. Mr. Newman was employed as a
14 senior night auditor with the Hilton Resort in
15 Hilton Head from 1995 to 1996. From '96 to 2004,
16 he was employed by AAA Carolinas as a travel
17 consultant. Since 2004, Mr. Newman has been the
18 manager of the Frame House & Gallery. He has also
19 been employed as a certified pool operator with the
20 Cooper Creek HOA since 2012. In 2017, he became
21 the owner of Pool Guy Trainers, for which he is
22 also an instructor.

23 Additionally, Mr. Newman has served as
24 an Inman city council member since 2006 and has
25 served as the mayor pro tem from 2013 to 2014. He

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
is involved in a variety of organizations including
2 Inman First Baptist Church, Inman Downtown
3 Merchants Association, Greater Inman Chamber of
4 Commerce, chairman and event organizer for Music on
5 Mill and Light Up Inman, and event organizer for
6 Inman Ignites Cruise-In.

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

11 MR. NEWMAN: Not that I know of.

12 MR. DAVIDSON: Thank you.

13 Mr. Chairman, at this time I would request that
14 Mr. Newman's Personal Data Questionnaire be entered
15 into the record.

16 SENATOR ALEXANDER: So ordered.

17 (NEWMAN EXHIBIT 1, South Carolina
18 Public Service Commission edited Personal Data
19 Questionnaire for Mr. William "Kevin" Newman, was
20 marked for identification.)

21 MR. DAVIDSON: As part of our
22 background investigation of the candidate, we
23 obtained a credit check, driver's license, and SLED
24 check. For the record, I'd like to state that the
25 credit check, driver's license, and SLED check

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 revealed no negative results for Mr. Newman that
2 should be brought to the attention of the
3 committee. Before we beginning the questioning,
4 Mr. Newman, do you have a brief statement that
5 you'd like to provide to the committee?

6 MR. NEWMAN: I'd just like to say thank
7 you again, this is my second time going through
8 this process and I just thank you for the
9 opportunity to be here today. Thank you.

10 EXAMINATION

11 BY MR. DAVIDSON:

12 Q. Thank you. Could you state for the
13 record your name and home address?

14 A. William Kevin Newman. 362 Copper Creek
15 Circle, Inman, South Carolina.

16 Q. Thank you. And are you a registered
17 voter?

18 A. I am.

19 Q. In which congressional district?

20 A. Fourth Congressional District.

21 Q. Would you explain to the committee,
22 please, why you would like to serve on the Public
23 Service Commission?

24 A. Well, as you can see from my
25 background, I have a very varied background and my

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018

1 service with the Inman City Council, I've now
2 served a quarter of my life on there, I've served
3 almost 12 years. And I've always felt the need
4 for -- as a servant of my local citizens, I've just
5 always felt like at some point I would like to
6 serve at the state level. And I feel like I could
7 be an asset on the Public Service Commission.

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

10 A. I have in the past.

11 Q. Have you read any of the Commission's
12 decisions?

13 A. I've read some of the -- not complete
14 decisions, but I have read some of the things off
15 the dockets online.

16 Q. With those things in mind, if you were
17 to be elected, how would you expect to get up to
18 speed on the issues confronting the Commission?

19 A. I would continue to do what I've been
20 doing to prepare for the testing and for this
21 interviewing, just continue to study the
22 information that I have. If -- if elected to the
23 Public Service Commission, I would hope to attend
24 conferences and there's a regulatory school, you
25 know, at some point to get up to speed on

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
everything concerned.

2 Q. What role does the PSC serve regarding
3 the regulation of utilities in general?

4 A. In general, the Public Service
5 Commission regulates investor-owned utilities. So
6 basically anything that has to do -- I'm sorry,
7 which utilities do they serve, like the
8 electrical --

9 Q. No, just the role of the PSC in general
10 in regulating utilities?

11 A. Okay. Basically the PSC regulates
12 investor-owned utilities, the rates, various
13 other -- a broad jurisdiction when it comes to
14 investor-owned utilities as far as regulating.

15 Q. Thank you. Are you familiar with the
16 two advisory opinions issued by the
17 Review Committee dealing with attendance at
18 legislative receptions and at legislative caucus
19 meetings?

20 A. Yes, sir.

21 Q. Have you attended any legislative
22 receptions or any legislative caucus meetings since
23 receiving those opinions?

24 A. No, I have not.

25 Q. Assume that you're serving on the

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
Commission and you were approached by someone

2 wanting to discuss a matter that is or may become
3 an issue in a proceeding, how would you handle that
4 situation?

5 A. I would tell them that I'm not allowed
6 to speak on the issue that -- and if they tried to
7 continue, I would have to report that that had
8 happened. It's not allowed in general. I mean,
9 there are special circumstances where, you know --
10 where another party could potentially -- if it's
11 just like when a hearing is, that type of
12 information, basic information, where nobody would
13 gain an advantage by being informed of the
14 information.

15 Q. Thank you. Are you aware that the
16 commissioners are subject to the Judicial Code of
17 Conduct, as well as state ethics laws?

18 A. Yes, sir.

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

23 A. No.

24 Q. If elected, would there be any
25 potential conflicts of interest, financial or

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
otherwise?

2 A. No.

3 Q. What would you do if a conflict of
4 interest arose?

5 A. A conflict of interest pertaining to
6 the Public Service Commission?

7 Q. Yes, sir, in your role as commissioner
8 if you had a personal conflict?

9 A. I would have to -- I mean, if it had to
10 do with my job on the Public Service Commission, I
11 would have to disallow whatever that is. My role
12 would be as a Public Service Commissioner, so I
13 would have to disallow whatever that is going on.

14 Q. Are you affiliated with any political
15 parties, boards, or commissions that would need to
16 be re-evaluated if you are nominated and elected?

17 A. No, sir.

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

20 A. No, sir.

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

23 A. Appropriate demeanor for a
24 commissioner, generally speaking, would be you
25 always want to listen to what people have to say.

EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 Try to be fair to both sides. You want to listen

2 -- you know, try to be patient with everybody
3 commenting through the whole entire process. From
4 what I can tell, some of these processes can be
5 quite lengthy, so you just want to maintain a, you
6 know, fairness type of attitude and listen to both
7 sides.

8 Q. And would you maintain that demeanor
9 only while on the bench or would it apply 24/7?

10 A. It would apply 24/7.

11 Q. What do you consider to be appropriate
12 use of social media pursuant to the Judicial
13 Cannons?

14 A. Social media, as far as like your -- if
15 you have a Facebook page personally, type of thing?

16 Q. Correct, yes, sir.

17 A. If I was elected to the Public Service
18 Commission, I do have a personal Facebook page that
19 I would take offline. I don't think that it's
20 appropriate for a judge to have a personal Facebook
21 page. Even though it's personal and you limit who
22 can see it, still I don't think it would be
23 appropriate to have a personal page like that.

24 Q. Thank you. As you know, one of the
25 requirements for service is a background of

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018

1 substantial duration and expertise in at least one
2 of several categories. I'd like to explore your
3 background in a few of these, if that's okay.
4 First would be consumer advocacy. Do you have any
5 exposure or experience perhaps in your role as city
6 councilman?

7 A. Well, I feel like we're always an
8 advocate and that's -- one of the things I brought
9 up last time is, you know, we're an advocate for
10 our citizens. Any particular issue they may be
11 having, they can always come to us. I've always
12 kept a listed phone number and I'm located -- my
13 business is located in downtown. And so I'm always
14 available to my citizens to advocate for them,
15 whether it be getting limbs picked up, or, you
16 know, if there's a light on their road, just
17 whatever it may be, we try to make ourselves
18 available to our citizens. So that's one of my
19 biggest things I would say as far as the things
20 that you're supposed to have a background in, I'm
21 always available to my citizens.

22 Q. Thank you. Any experience or exposure
23 to water and wastewater issues?

24 A. We do have a sewer plant with the City
25 of Inman, so I am involved with the -- of course,

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 the reports from our sewer plant. We currently

2 just did a rate study with our sewer plant, we're
3 trying to determine if we're going to change our
4 rates. We're looking at a sewer project to run
5 sewer out to the interstate that will hopefully
6 create some economic development in our area, so I
7 am exposed to that. And like I said, the different
8 types of rates that potentially would be involved
9 with a sewer plant. Water is run by a different
10 company, we do not handle the water with the city.

11 Q. How about with finances or accounting?

12 A. Finances and accounting, once again, my
13 role in city council, we do -- I mean, I'm not an
14 accountant, I'm not a financial planner, but I did
15 take business classes in college. And we do have
16 our yearly budget experience that we have to go
17 through our budget for our city. We have a smaller
18 city, about 2,500 residents or so, so our general
19 budget is around 1.5 million. And you have to
20 maintain that budget, you know, so it's
21 appropriate, you're not having to raise taxes, but
22 you're maintaining all the proper services to your
23 citizens.

24 Q. Thank you for those responses. And
25 switching gears a little bit, could you describe

EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 three objectives the PSC should consider in setting

2 rates for public utilities?

3 A. Three objectives --

4 Q. In setting rates?

5 A. In setting rates?

6 Q. Yes, sir.

7 A. Some of the objections I would think
8 would be, number one, fairness to the consumer as
9 far as the rates being consumer, not friendly but
10 consumer acceptable. An acceptable rate of return
11 for an investor-owned utility would be another
12 thing that the Public Service Commission would have
13 to look at as well. As far as a third reason that
14 the Public Service Commission would need to look
15 at, I don't have a third one at this time, I'm
16 sorry.

17 Q. No worries, we can circle back if you'd
18 like. Could you describe the term
19 cross-subsidization? And you don't have to say it,
20 I know it's difficult to say.

21 A. Cross-subsidization, from what I
22 understand, it has to do with basically charging
23 one class of a customer a certain rate to pay for
24 another part of something you offer, a cross
25 subsidy. If you had a class of customers that

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 helped pay for another service that you offer, if

2 it was that type of service.

3 Q. Thank you. Describe what role the
4 Public Service Commission has in establishing an
5 energy policy for South Carolina, please.

6 A. In establishing an energy policy?

7 Q. Yes, sir, establishing an energy policy
8 for the state.

9 A. Well, I think you would work with the
10 Department of Energy and the ORS with what current
11 trends are. I read the energy report to see what
12 current things, issues that South Carolina has. So
13 I would think working with whatever the laws would
14 be pertaining to our energy policies, making sure
15 they're forthright and forward thinking as
16 possible. Just making sure you are aware of all
17 the current policies and upholding them would be
18 your role as a public service commissioner.

19 Q. Could you identify any other
20 governmental entities that may have a role in
21 setting or establishing energy policies for the
22 state, and briefly describe those roles of other
23 governmental entities?

24 A. Other governmental entities?

25 Q. Aside from the PSC, yes, sir.

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1 A. PSC. I'm sorry, can you repeat that
2 one more time?

3 Q. Yeah. So the first question dealt with
4 what role does the Public Service Commission play
5 in setting energy policy? And to follow up, I
6 wanted to ask could you identify other governmental
7 entities that may play a role in setting energy
8 policy for the state?

9 A. Well, I think obviously our legislative
10 branch would be directly responsible for helping
11 set the actual policy. I know from my city
12 council, we set policy to follow. So we would
13 follow -- the legislation would receive energy
14 reports, things that are upcoming within the state,
15 and then they would enact the policies for us to
16 follow as public service commissioners. That would
17 be the main one, I would say.

18 Q. Thank you. Again, switching gears a
19 bit. Since filing for this office, could you
20 describe any contact or interaction that you've had
21 with members of the General Assembly?

22 A. Since filing for this office, none.

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

EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018

1 A. No, sir.

2 Q. Have you attended any political
3 gatherings?

4 A. Just my city council meetings.

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

7 A. No, sir.

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

11 A. No, sir.

12 Q. Have you asked any third parties to
13 contact members of the General Assembly on your
14 behalf?

15 A. No, sir.

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.

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. Yes, sir.

25 Q. If elected, do you plan to serve a full

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 term?

2 A. I do.

3 MR. DAVIDSON: I would like the record
4 to reflect that Mr. Newman's test score came back
5 at a 76.5. Mr. Chairman, I have no further
6 questions at this time. Thank you, Mr. Newman.

7 MR. NEWMAN: Thank you.

8 SENATOR ALEXANDER: Okay. Thank you.
9 Questions for Mr. Newman. Representative
10 Forrester.

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

13 EXAMINATION

14 BY REPRESENTATIVE FORRESTER:

15 Q. Mr. Newman, since you checked none of
16 the blanks or the boxes stating your
17 qualifications, can you help us with something, I
18 mean, on your city council term, I believe you said
19 12 years, what's been issues that you might could
20 use as experience in the utility side?

21 A. Well, like I said, we do maintain a
22 sewer plant, so we've gone through numerous
23 upgrades over the years. So, of course, the
24 engineering reports that we've had to go through.
25 I'm not an engineer or an attorney, but we have had

EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 numerous upgrades with our sewer plant over the

2 years. I've also, of course, been privy to quite a

3 few other engineering reports. Of course,

4 attorney -- our attorney with legal reports that

5 we've had to go over, things like that. Basically

6 -- and just like right now, we're going through

7 this project, we have a million dollar grant that

8 the City of Inman has received, we're going through

9 a project with engineering as well. So I've had to

10 go through quite a few of those reports and things.

11 I just think I have a broad overview, none of these

12 particular items are my chosen profession, but I

13 think with my experience on city council and being

14 in a small town a lot of times you have to be more

15 involved than you would sometimes with a larger --

16 some of the smaller projects, especially before we

17 changed our form of government from a strong mayor

18 to council form of government, you were more

19 involved personally with certain projects. So I

20 would think that would be just a broad overview and

21 I think that that helps me have an understanding of

22 some of these items.

23 Like I said, I haven't worked for a

24 utility. My mom was a telephone operator for

25 30 years, but that's been my association with

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
Telecom. But I just feel like I have a broad
2 overview from being on city council for a quarter
3 of my life basically.

4 REPRESENTATIVE FORRESTER: Okay. Thank
5 you.

6 SENATOR ALEXANDER: Questions?
7 Representative Mack.

8 REPRESENTATIVE MACK: Mr. Chairman,
9 thank you.

10 EXAMINATION

11 BY REPRESENTATIVE MACK:

12 Q. And thank you for your willingness to
13 serve and to run again. Having run before and I
14 can tell you've prepared for this testimony, what
15 are some of your thoughts going forward as it
16 relates to the VC Summer fiasco and there's a lot
17 work that needs to be done with regards to all
18 sections, the legislature, the PSC, every entity
19 has to be totally focused, what are some of your
20 thoughts based on where you are going forward?

21 A. Well, I applied I guess back in -- last
22 July when this was first advertised and all of that
23 kind of came down the pike, you know, following --
24 at least it became public following that. And so
25 I've been following it all along, as far as what

EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 the Public Service Commission's role was in that,

2 there just seemed to be -- potentially there needed

3 to be maybe more oversight, I don't want to speak

4 for anybody, I'm not on the ground daily with this,

5 but just the oversight, something, I guess, was

6 missed. I think it was the actual law was a good

7 law, it was an opportunity for South Carolina,

8 opportunity for ratepayers. My thoughts going

9 forward is just maybe tightening up the --

10 potentially the legislation where, you know --

11 something slipped with the oversight potentially,

12 from what I've read and it led to the, you know,

13 debacle, like you said. And my thoughts would be,

14 you know, going forward if this law continues to

15 move forward is, you know, I guess potentially more

16 oversight, potentially more interaction with the

17 Public Service Commission. I know currently the

18 ORS does that interaction. So potentially some

19 more interaction from the Public Service

20 Commission, which is, you know, currently is not

21 allowed. That's my thoughts on it.

22 SENATOR ALEXANDER: Okay.

23 Representative Sandifer.

24 REPRESENTATIVE SANDIFER: Thank you,

25 Mr. Chairman.

EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018⁷⁶
EXAMINATION

BY REPRESENTATIVE SANDIFER:

Q. Mr. Newman, thank you for being here
and answering our questions.

A. Yes, sir.

Q. A couple of them. First to follow up
on what Mr. Mack said, the interaction, how would
you accomplish that?

A. Well, honestly, it would have to be a
change in the law, I mean, from what I've -- from
what I've read, that's not the Public Service
Commission's current, you know -- what they do. I
mean, you currently work with ORS for reports and
oversight. So it would involve some form of, I
guess, law change to be able --

Q. So you're advocating that that law be
changed to allow the Commission to do those --

A. I'm not necessarily advocating, you
asked how -- how -- how that would -- how I would
do that and -- and currently that -- I would have
no other recourse. I'm not saying that's what my
recourse would be, I'm just saying if that was to
happen, that's how it would have to happen, as far
as what I've read.

Q. Yeah. You're mayor pro tem or have

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EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
1 been?

2 A. I have been, yes, sir.

3 Q. How is the mayor pro tem selected in
4 Inman?

5 A. It's voted on by the other council
6 members.

7 Q. So it's elected by the council itself?

8 A. Yes, sir.

9 Q. Okay. And then one final question. In
10 your PDQ, you became owner of Pool Guy Trainers and
11 you're an instructor, as I understand it.

12 A. Yes, sir.

13 Q. Would you tell me what that is? I've
14 got no clue honestly.

15 A. All right. I've been a certified pool
16 operator when our -- this goes to my background,
17 our HOA just opened a pool and they sent me to
18 school to get a certification, so we could run the
19 pool without hiring a pool service, basically. So
20 after doing this for six or seven years, I decided
21 I wanted to become an instructor, so I could teach
22 the course. In South Carolina and other states,
23 you're required to have a certification to maintain
24 a commercial pool. So now that I'm an instructor
25 for the National Swimming Pool Foundation, you're

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1 all kind of an independent contractor for them. So
2 I started my own business as Pool Guy Trainers and
3 I was in Montgomery, Alabama, and Chattanooga,
4 Tennessee, last week teaching this course. I kind
5 of travel in South Carolina and all over the
6 Southeast because about 35 states require the
7 certification.

8 Q. And that's in addition to Frame House &
9 Gallery?

10 A. That's a family business, yes, sir. I
11 work with my family with that business.

12 REPRESENTATIVE SANDIFER: Thank you
13 very much.

14 MR. NEWMAN: Yes, sir.

15 SENATOR ALEXANDER: I've got a couple
16 of questions here.

17 EXAMINATION

18 BY SENATOR ALEXANDER:

19 Q. Maybe following up on that last one
20 first with the certification. Who certifies you
21 for that --

22 A. Who certified me to be an instructor?

23 Q. Yes.

24 A. The National Swimming Pool Foundation
25 in Colorado Springs, Colorado.

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1 Q. But you don't have to have any state
2 certification to operate, other than the national?

3 A. Right, once --

4 Q. Or is there a state agency --

5 A. The department of -- DHEC -- actually,
6 the National Swimming Pool Foundation qualifies --
7 DHEC qualifies the National Swimming Pool
8 Foundation as an instructor of this course, among
9 other groups in South Carolina.

10 Q. Getting back to Representative
11 Forrester's questions a little bit here, trying to
12 go through that. And one of your letters of
13 reference is from Stuart Curry who talks about
14 serving on council over a decade. Did Mr. Curry
15 serve with you on council?

16 A. He did. And he is a lifelong friend,
17 he's known me since I was probably 12 years old.
18 He is a librarian for Michelin.

19 Q. So it says you have helped oversee
20 improvements to sidewalks, parking lots, and the
21 city sewer system?

22 A. Yes, sir.

23 Q. So as far as overseeing that, could you
24 help me understand what that would have been?

25 A. Well, overseeing, as far as going

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1 through the process, acquiring the funds to do it.

2 Approving, you know, engineering reports that come
3 before council. Making sure that we're following
4 our budgets, all of those things that would have to
5 do with a project for a small city.

6 Q. So would y'all -- would it be fair to
7 say did y'all hire or was there some -- someone
8 that actually oversaw the day-to-day operation --

9 A. Oh, absolutely, yes, we have an onsite
10 engineer or whatever company may be --

11 Q. So that was with your official capacity
12 as a member of council approving or disapproving --

13 A. Yes, sir.

14 Q. -- various things from that standpoint?

15 A. Yes, sir.

16 Q. Also you've mentioned in your opening
17 comment that you felt like you would be an asset to
18 the Commission. Can you elaborate a little bit on
19 that for me?

20 A. I just think that my diverse
21 background, my capacity to learn. I know anybody
22 -- since the current commissioner is retiring,
23 anyone that's going to assume this position is
24 going to have a learning curve coming on. And I
25 feel like I have a propensity to do that. I feel

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1 like with my -- I know it's not related to this,
2 but the National Swimming Pool Foundation
3 instructor school is not any kind of joke. I mean,
4 I had to go through courses to do this and I feel
5 like that I have the propensity to be a good
6 commissioner. I've served the citizens of Inman
7 for 12 years and I just feel like I would be an
8 asset in that regard in moving forward.

9 Q. Where does the City of Inman get its
10 power?

11 A. Duke Energy.

12 Q. They're certified Duke Energy.

13 SENATOR ALEXANDER: Okay. Thank you.
14 Any other questions? Hearing none. Then by our
15 previous motion, we'll go into executive session
16 with the candidate staying with us, so we'll wait.

17 (Executive session)

18 SENATOR ALEXANDER: Okay, we're back in
19 open session. And no action was taken during
20 executive session. And we're completing our
21 testimony today with Mr. Newman. And I appreciate
22 you being here. Do you have a closing statement or
23 anything that you'd like to leave with the
24 committee?

25 Mr. Newman: Just thanks again for the

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
opportunity.

2 SENATOR ALEXANDER: We appreciate your
3 appearance with us and in working with our
4 schedule. We have a motion to go into executive
5 session, do I have --

6 SENATOR HUTTO: Second.

7 SENATOR ALEXANDER: We have a second.
8 And we're going into executive session to discuss
9 potential employment pursuant to Section 30-4-70.
10 All in favor say aye. Unanimous.

11 (Executive session)

12 SENATOR ALEXANDER: We're going back
13 into open session. No action was taken in
14 executive session. The chair would entertain a
15 motion.

16 SENATOR RANKIN: Mr. Chairman, I move
17 that Mr. Ervin, Mr. McCraw, and Mr. Newman be
18 deemed qualified.

19 SENATOR ALEXANDER: So I'm going to
20 take them one at a time. All in favor of finding
21 Mr. Ervin qualified, raise your hand.

22 (Vote taken)

23 SENATOR ALEXANDER: Let the record
24 reflect it's unanimous. All in favor of finding
25 Mr. McCraw qualified, raise your hand.

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(Vote taken)

2 SENATOR ALEXANDER: It passes all but
3 one has found unqualified. Mr. Newman, all in
4 favor of finding him qualified, please raise your
5 hand.

6 (Vote taken)

7 SENATOR ALEXANDER: All but one. So
8 all three are deemed qualified. Then we would go
9 to a motion of those being nominated. First I'll
10 call for those that would vote for -- actually,
11 I'll do it by individual. So Senator from Horry.

12 SENATOR RANKIN: Mr. Chairman, I would
13 vote for Mr. Ervin, Mr. McCraw, and Mr. Newman.

14 SENATOR ALEXANDER: Senator from Horry,
15 Mr. Rankin votes for Mr. Ervin, Mr. McCraw,
16 Mr. Newman. Mr. Simmons.

17 MR. SIMMONS: Mr. Chairman, I would
18 also vote for Mr. Ervin, Mr. McCraw, and
19 Mr. Newman.

20 SENATOR ALEXANDER: Mr. Simmons votes
21 Mr. Ervin, Mr. McCraw, Mr. Newman.
22 Representative Mack.

23 REPRESENTATIVE MACK: Mr. Chairman, I
24 would vote for Mr. Ervin, Mr. McCraw, and
25 Mr. Newman.

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1 SENATOR ALEXANDER: Okay. Mr. Mack

2 votes for Mr. Ervin, Mr. McCraw, Mr. Newman.

3 Representative Forrester.

4 REPRESENTATIVE FORRESTER:

5 Mr. Chairman, I would nominate Mr. Ervin,

6 Mr. McCraw, and Mr. Newman.

7 SENATOR ALEXANDER: Mr. Forrester votes
8 for Mr. Ervin, Mr. McCraw, Mr. Newman.

9 Representative Sandifer.

10 REPRESENTATIVE SANDIFER: Mr. Ervin.

11 SENATOR ALEXANDER: Mr. Sandifer votes
12 for Mr. Ervin. Alexander votes for Ervin, McCraw,
13 and Newman. Go to the Senator from Orangeburg.

14 SENATOR HUTTO: Ervin, McCraw, and
15 Newman.

16 SENATOR ALEXANDER: Senator from
17 Orangeburg, Senator Hutto votes for Ervin, McCraw
18 and Newman. Ms. Bluestein.

19 MS. BLUESTEIN: Mr. Chairman, I'd like
20 to vote for Mr. Ervin, Mr. McCraw, Mr. Newman.

21 SENATOR ALEXANDER: Okay. She votes
22 for Mr. Ervin, Mr. McCraw, and Mr. Newman.
23 Mr. Jones.

24 MR. JONES: Mr. Chairman, I vote for
25 Mr. Ervin, Mr. McCraw, Mr. Newman.

1 EXAMINATION OF MR. WILLIAM "KEVIN" NEWMAN- APRIL 24, 2018
SENATOR ALEXANDER: He votes for

2 Mr. Ervin, Mr. McCraw, and Mr. Newman. The chair
3 finds having sufficient numbers that all three of
4 those candidates, Mr. Ervin, Mr. McCraw, Mr. Newman
5 are being nominated for the 4th Congressional
6 District for the Public Service Commission by the
7 Public Utility Review Committee.

8 Is there any other business to come
9 before the committee? I think as far as our agenda
10 goes, that concludes. But before we adjourn,
11 staff -- well, we'll just post the future meetings.

12 MS. ANDERSON: When we have the
13 details.

14 SENATOR ALEXANDER: When we have the
15 details, so be on the lookout for other work to be
16 done by this committee again. Yes, sir.

17 REPRESENTATIVE MACK: I just want to
18 say that staff has done a phenomenal job, a
19 phenomenal job. And a lot of the questions I was
20 going to ask, they were asked in the preliminary
21 questionings.

22 SENATOR ALEXANDER: You -- thank you,
23 that was my next order of business. We certainly
24 appreciate the outstanding service of our staff.
25 We're very fortunate and grateful for their service

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1 to this committee. And I also personally want to
2 thank the members of the committee for your
3 diligence and dedication to your responsibilities
4 and duties of this job.

5 So with that, if there's no objection
6 we'll stand adjourned. Thank y'all. Thank you for
7 your attendance.

8 (The screening was adjourned at 12:04 PM.)
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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 26th 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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