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PUBLIC SERVICE COMMISSION SCREENING HEARING

December 09, 2025

State Regulation of Public Utilities Review Committee

REPORTER: Kathryn Bostrom

1 STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE

2
3 PUBLIC SERVICE COMMISSION

4 SCREENING HEARINGS

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8 The within hearings, before the Public Utilities
9 Review Committee, reported by Kathryn B Bostrom, Court
10 Reporter and Notary Public in and for the State of South
11 Carolina; said hearings were taken at the Gressette
12 Building, Room 207, Columbia, South Carolina, on Tuesday,
13 the 9th day of December, 2025, commencing at the hour of
14 9:17 a.m.

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APPEARANCES:

Senator Thomas C. Alexander, Chairman

Representative William Herbkersman, Vice Chairman

Floyd Nicholson

Senator Luke Rankin

Representative Gil Gatch

Senator C. Bradley Hutto

Representative Todd Rutherford

T. Graham Edwards

Committee Counsel

Breeden John, Esquire

Bryan Triplett, Esquire

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1 Court Reporter's Legend:

2 dashes [--] Intentional or purposeful]

3 interruption

4 [ph] Denotes phonetically written

5 [sic] Written as said

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1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIRMAN ALEXANDER: Good morning on this December 9,
3 2025. I call the meeting of the Public Utilities
4 Review Committee to order. The purpose of this
5 meeting is to screen candidates for the Public
6 Service Commission for the 1st, 3rd, 5th, and the
7 7th congressional districts. Just a brief
8 overview that I'll say from the beginning, and
9 for the record, the screening process began on
10 October 1, 2025, with the review committee
11 announcing the opening of the application period
12 for these four commission seats. The review
13 committee received a total of 11 applications.
14 No candidate has withdrawn at this stage. The
15 review committee is charged with screening
16 candidates for the Public Service Commission to
17 determine whether they meet the statutory
18 qualifications set forth in South Carolina Code
19 Section 58-3-20, which provides that candidates
20 must have a baccalaureate or more advanced degree
21 and two, a background of substantial duration and
22 expertise in at least one of the following areas:
23 Energy, telecommunications, consumer protection
24 and advocacy, water and wastewater, finance,
25 economics, statistics, accounting, engineering,

1 or law. The review committee is also required to
2 consider the ability, the dedication, the
3 compassion, common sense, and integrity of the
4 candidate, and the race and gender of the
5 candidates and other demographic factors to
6 assure nondiscrimination to the greatest extent
7 possible of all segments of the population of the
8 state of South Carolina. We have conducted
9 background investigations of each candidate,
10 including credit, law enforcement, and driver
11 license checks. In accordance with previous
12 screenings by the review committee, the
13 candidates took a written examination to assist
14 us in determining the level of knowledge that
15 each candidate has with respect to substantial
16 public utility issues, ethical constraints
17 applicable to the commission, and the operation
18 of the commission. We are here today to further
19 question the candidates and give them an
20 opportunity to make any statement with respect to
21 their qualifications and desire to serve on the
22 commission. Your committee plans to issue this
23 report regarding the screening to the General
24 Assembly in January of 2026. Candidates may not
25 seek pledges until 48 hours after the review

1 committee has issued its official -- I emphasize
2 official report. Candidates will be notified at
3 that time that the report is officially issued.
4 At this time, I would note that it has been the
5 review committee's practice to meet with all
6 candidates in executive session pursuant to
7 Section 30-4-70. Therefore, I would entertain a
8 motion that we adopt that procedure for our
9 purposes today and agree to go into executive
10 session with each candidate.

11 REPRESENTATIVE HERBKERSMAN: So moved.

12 CHAIRMAN ALEXANDER: I have a motion from the vice
13 chair. Is there a second?

14 SENATOR NICHOLSON: Second.

15 CHAIRMAN ALEXANDER: Second from Mr. Nicholson. Any
16 discussion? Hearing none, all in favor say aye.

17 ALL: Aye.

18 CHAIRMAN ALEXANDER: Opposed, no. The ayes have it.
19 And Chairman Rankin is joining us virtually and
20 is recorded as aye as well. Before we call our
21 first candidate, I would entertain a motion that
22 the committee go into executive session for a
23 legal briefing pursuant to section 30-4-70A.

24 REPRESENTATIVE HERBKERSMAN: So moved.

25 REPRESENTATIVE RUTHERFORD: Second.

1 CHAIRMAN ALEXANDER: Motion by vice chair. Seconded
2 by Representative Rutherford. All those in favor
3 of that motion, please say aye.

4 ALL: Aye.

5 CHAIRMAN ALEXANDER: Any opposed?

6 SENATOR RANKIN: Aye.

7 CHAIRMAN ALEXANDER: And aye from the chairman.

8 Unanimous. We will go into executive session
9 pursuant to section 30-4-70.

10 (executive session was held from 9:21 - 9:39 am)

11 (Off the record)

12 CHAIRMAN ALEXANDER: We're now back in session of the
13 record. And for the record, no action was taken
14 during the executive session. Therefore, that moves
15 us into the process for today. We'll now call our
16 first candidate for the Public Service Commission,
17 seat one, Mr. Eugene Hennelly.

18 MR. HENNELLY: Hello. Good morning.

19 CHAIRMAN ALEXANDER: Good morning, sir. How are you?

20 MR. HENNELLY: Doing well.

21 CHAIRMAN ALEXANDER: Good. Please -- we're delighted
22 to have you here. If you'd please raise your
23 right hand for the oath.

24 WHEREUPON:

25 EUGENE HENNELLY, being duly sworn and

1 and economics, from the University of South Carolina
2 in 2008. Mr. Hennelly co-founded Nebula Energy and
3 Orion Digital Infrastructure in January 2023, where he
4 currently works as Vice President of Investments. He
5 previously worked for Schonfeld Strategic Advisors as
6 an investment analyst, Millennium Management, and
7 Fifth Sec Capital as an investment analyst from 2019
8 to 2020. Previous position he was in from 2020 to
9 2022. You'll have to perhaps help me with the name of
10 this one. Balyasny --

11 A Balyasny.

12 Q Balyasny Asset Management as an investment analyst
13 from '18 to '19. Guggenheim as Vice President of
14 Power and Utilities Equity Research from 2015 to '18.
15 And his career began as a management associate at
16 Consolidated Edison before being promoted to Senior
17 Analyst of Strategic Planning. And he was with Con Ed
18 from 2008 to 2015. A background investigation
19 indicated no criminal record, and a review of Mr.
20 Hennelly's credit report indicated no negative
21 information. Mr. Hennelly's score on the written exam
22 was a 72. Mr. Hennelly, are you a registered voter?

23 A I am.

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

1 A District 1.

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

4 A So well, thank you all for having me. It's an honor
5 to be in consideration for it. You know, I've worked
6 in and around power and utilities for the entirety of
7 my 15-plus year career. You know, at utilities in the
8 capital markets that fund them. So I've had many
9 seats at many different tables. You know, I think
10 I've seen how commission orders flow through system
11 planning, through capital plans, through capital
12 structure, and ultimately customer bills. You know, I
13 have a lot of experience interrogating these complex
14 proceedings, financial models that regularly come
15 before the commission. So I think, you know, I have a
16 solid understanding of what comes before the
17 commission. And, you know, I think really, you know,
18 I bring -- I bring a breadth of experience, really,
19 that I hope that, you know, I think is relevant. I
20 hope that you guys would agree. And I wish to apply
21 it.

22 **Q Very good, thank you. If you were elected to serve as**
23 **a commissioner, how do you envision your work**
24 **schedule, say, on a weekly basis?**

25 A You know, I imagine probably heavier at first at

1 getting up to speed with things. But, you know, it's
2 a full-time job, obviously there's a minimum to start,
3 right? And probably more than that when you're, you
4 know, coming in fresh.

5 **Q And if you were elected, how do you expect to get up**
6 **to speed on the issues confronting the commission?**

7 A The same way that I currently do and have been, which
8 is, you know, following -- following the record. So
9 reading, you know, what's been filed, what's been, you
10 know, put into briefings, all between ORS or, you
11 know, TSC briefings. Yeah.

12 **Q Have you attended any hearings at the commission since**
13 **the screening process began?**

14 A No.

15 **Q Have you read any commission decisions since the**
16 **screening process began?**

17 A Yes. I think, yes. I'm not sure -- probably
18 something around Dominion or Duke Rate case, sure.

19 **Q If you were elected, would there be any potential**
20 **conflicts of interest, financial or otherwise?**

21 A No.

22 **Q What would you do if a conflict arose?**

23 A If a conflict arose, I would recuse myself for it. If
24 the perception, you know, of a conflict arose, I would
25 recuse myself.

1 Q Are you or a member of your immediate family employed
2 by a utility regulated by the PSC --

3 A No.

4 Q -- either currently or within the past two years?

5 A No.

6 Q Do you or a member of your immediate family own stock
7 or have other financial interests directly controlled
8 by you or your family member of a utility regulated by
9 the PSC or other company that appears before the PSC?

10 A No.

11 Q Are you affiliated with any political parties, boards
12 or commissions that would need to be re-evaluated if
13 you were elected?

14 A No.

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

17 A No.

18 Q Can you describe what the appropriate -- what you
19 think the appropriate temperament is for a
20 commissioner?

21 A Probably much like a judge. So, you know, in a
22 leadership position in the hearing room, you know,
23 keeping order, but I think generally --

24 REPRESENTATIVE RUTHERFORD: I can't hear. Pull the
25 mic down.

1 A. Oh, Sorry. So I said much like a judge, you know, a
2 leadership position in the hearing room to keep order,
3 and then I think more broadly in general, you know,
4 treating people with respect and dignity.

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

7 A I am.

8 **Q Could you briefly describe the five canons in the Code**
9 **of Judicial Conduct?**

10 A Sure. I think the spirit of the five canons is
11 essentially, you know, how a judge should behave at
12 all times, in his personal and professional life to
13 avoid even the perception of impartial attitude or
14 behavior. So, you know, avoiding any activity, or
15 including extracurricular activities that could give
16 any reasonable person a reasonable cause to believe,
17 you know, he had a bias in a proceeding. You know,
18 not participating and engaging in -- oh, that kicked
19 in there. Not participating or engaging in political
20 activities, you know, including sort of fund raising,
21 stuff like that.

22 **Q Please explain the general rule regarding ex parte**
23 **communications as it relates to the commission.**

24 A Sure. So generally not supposed to speak about
25 matters that are before or could come before the

1 commission with anyone really. I have experience in
2 multiple jurisdictions with ex parte processes and
3 rules, you know, having gone through the appropriate
4 channels in some cases. I think as a commissioner, you
5 generally, you know, avoid the situation. You shut it
6 down or, you know, redirect it through the appropriate
7 channels to put it on the record.

8 **Q What are the industries or businesses that are**
9 **regulated by the commission?**

10 A The investor-owned utilities. As well as, you know,
11 some others. I think taxis, so electric, gas, and
12 water, wastewater utilities are included in that. I'm
13 missing some.

14 **Q Thank you. What role does the PSC serve in regards to**
15 **the regulation of those utilities? General**
16 **description, please.**

17 A Sure, general description. So it's a quasi-judicial
18 role. It's not policymaking. It's not operational.
19 It sort of respects legislative primacy and judicial
20 review. So I think the PSC's, you know, role is
21 essentially adjudicating the cases that come before
22 it, which is usually for the investor-owned utilities
23 in the state. I think I missed telecom before in my
24 previous answer, by the way.

25 **Q What is the role of the Office of Regulatory Staff in**

1 **matters before the commission?**

2 A The role of ORS is advocating on behalf of the public
3 interest, or consumer interest, I should say, in the
4 public interest. So I think in one word, an advocate
5 for the consumer.

6 **Q What is an integrated resource plan?**

7 A An integrated resource plan is a longer-term plan
8 where you are projecting the demand needs and how
9 you're going to meet those demand needs based on sort
10 of where your capacity constraints arise. So there's
11 a lot that goes into it. You know, the credibility
12 and depth of your demand forecasts are essentially
13 what you're underwriting when you're planning to build
14 infrastructure to support that. And then, you know,
15 how you meet -- how you support that with which sort
16 of generation technologies, or whether you're
17 considering transmission or non-wires alternatives,
18 or, you know, DSM programs, et cetera.

19 **Q What are the key factors that a commissioner should**
20 **consider in a rate case?**

21 A So I think it starts with, you know, the need. So,
22 you know, they're often proposing cost recovery for
23 investments they have made or wish to make. So, you
24 know, evaluating the need, and, you know, I think the
25 prime point that comes up is their ability to access

1 the capital needed to make those investments. And,
2 you know, in that, they're arguing, you know, what the
3 appropriate return should be, what their capital
4 structure should be. And I think, you know, -- I
5 think it's also important to think through ultimately
6 their ability to actually earn the authorized return,
7 which, you know, is ultimately kind of a function of,
8 you know, the mechanisms they have been raised. But
9 those translate to essentially customer protections as
10 well. So, you know, can you give the utility what
11 they need to access the capital that they need to make
12 the investments? And can you do that while putting
13 protections in place for customers so that you're not
14 over-insuring the utility's return?

15 **Q Please generally describe how cross-subsidization may**
16 **occur in utility -- you know, in utility investments,**
17 **say, in energy efficiency programs or distributed**
18 **energy resource programs.**

19 **A** So cross-subsidization occurs when you have a mismatch
20 in the volume effects and the dollar effects of these
21 programs. So, you know, the energy efficiency
22 programs are targeting volumetric reductions, and they
23 spend some money to do that. And that will happen
24 within different rate classes. So to the extent that
25 there is a mismatch between where the money is spent

1 and where those volumes show up between rate classes,
2 now the revenue requirement stays the same in this
3 theory. And you're ultimately kind of making up for
4 it from other rate classes. So a shortfall in volume
5 here results in other customers paying for it could be
6 like a cross-subsidization. You know, in a solar
7 context, for example, where, you know, a customer that
8 puts solar on the roof is using less electricity, but
9 the utility's already put the infrastructure in place
10 for that customer. Now, you know, other customers
11 have to, you know, pick up the tab, essentially, would
12 be the cross-subsidization issue.

13 **Q What are some challenges facing regulated water or**
14 **wastewater companies?**

15 A Aging infrastructure and finding the -- you know, many
16 of these companies are municipal. So how they -- how
17 they kind of -- their capital formation works
18 differently to the extent, you know, they're not
19 investor-owned or public. So one of the trends is
20 actually them going to -- getting bought out by
21 investor-owned utilities. But, you know, that being -
22 - the root issue being the capital formation for them
23 and the amount that they need to invest. And, you
24 know, it's -- you don't have the volume sort of growth
25 that you do potentially to support it. So, you know,

1 high fixed cost business.

2 **Q And what are some challenges facing regulated**
3 **telecommunications companies?**

4 A You know, I think my general kind of understanding
5 would be sort of the rollout of, you know, next-gen
6 broadband infrastructure. A similar kind of wave of
7 investment that comes. You know, how they're going to
8 install 5G, when -- the timing of it, how that gets
9 charged, and, you know, who you roll it out to,
10 probably. So it's probably similar to kind of
11 thinking through the, you know, socialization and kind
12 of the cost and where it goes.

13 **Q Great, thank you. And just a few other housekeeping**
14 **items. Are you familiar with the advisory opinions**
15 **issued by the review committee dealing with the**
16 **tenants at legislative receptions, legislative caucus**
17 **meetings, and political gatherings?**

18 A I am, yes.

19 **Q Have you attended any of these events?**

20 A No.

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

23 A No.

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

1 hours after the screening report has been submitted to
2 the General Assembly?

3 A Yes.

4 Q Have you sought or received a pledge of support from
5 any legislator?

6 A No.

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

9 A No.

10 Q Are you aware of any third parties doing so?

11 A No.

12 Q If you're elected, do you plan to serve a full term?

13 A Yes.

14 MR. JOHN: Mr. Chairman, I have no further questions.

15 At this time, I would request that we go into
16 executive session, pursuant to the committee's
17 prior motion.

18 CHAIRMAN ALEXANDER: Without objection, we'll go into
19 executive session with the candidate present and
20 ask that the room be cleared for the executive
21 session.

22 (Executive session was held from 9:54 to 10:01 am)

23 (Off the record)

24 CHAIRMAN ALEXANDER: We're out of executive session,
25 and no action was taken in the executive session.

1 We'll continue with our candidate, Mr. Eugene
2 Hennelly. Now we'll entertain with their
3 questions from members of the committee. Vice
4 Chair Herbkersman.

5 REPRESENTATIVE HERBKERSMAN: Thank you, Mr. Chairman.
6 Mr. Hennelly, considering most of your career was
7 in industry or Wall Street, how do you ensure
8 that you serve as an impartial decision maker on
9 the commission?

10 MR. HENNELLY: Yeah. So I think it ultimately just
11 comes out to making decisions that are based on
12 the record. You know, how you do that and carry
13 yourself is, you know, to the spirit of the five
14 canons, obviously, but, you know, following
15 strict adherence to the ex parte rules and
16 really, you know, don't give anybody the
17 perception of impartiality. I have experience --
18 you know, as an investor, others aren't supposed
19 to know your position, so you don't know theirs.
20 You're going to have to maintain -- you know, you
21 still talk to everyone. You're talking to
22 companies. You're talking to regulators. But
23 you have to sort of respect the confidentiality
24 piece.

25 REPRESENTATIVE HERBKERSMAN: Okay. A follow up

1 question, if I may?

2 CHAIRMAN ALEXANDER: Yes, sir, of course.

3 REPRESENTATIVE HERBKERSMAN: Okay. As everyone, I
4 think, in here knows, the data center has been on
5 the radar here in South Carolina. So given your
6 recent experience, particularly developing data
7 center power solutions, how do you think South
8 Carolina's growth opportunities in these areas,
9 how would you deal with that while guarding
10 against asset and risk to the customers?

11 MR. HENNELLY: Yeah, I know. I appreciate that
12 question. I've been thinking about that a lot
13 lately. I think, you know, welcome growth,
14 obviously, but you want to sort of make sure you
15 have the right risk protections and awareness of
16 risk and customer protection. So, you know, as a
17 commissioner, I'd be wanting to make sure, you
18 know, so who's underwriting the demand? Who's on
19 the hook if the demand doesn't materialize? You
20 know, I think I have a lot of experience in sort
21 of structuring and evaluating contracts and rate
22 tariffs for, you know, essentially to align
23 incentives. But, you know, from a commissioner's
24 perspective, you know, I think right off the bat,
25 a data center is an example you gave. There's an

1 asset liability mismatch. You know, the life of
2 a -- the economical life of a data center is much
3 shorter than the life of the electrical equipment
4 and power generation equipment that's being
5 installed. So, you know, when I say making sure,
6 you know, you're aware of the risk and that you
7 have the customer protections, you know, there
8 are mechanisms you can sort of install or you can
9 require in large load tariffs, for example, that
10 essentially requires sort of exit fees. Or, you
11 know, addressing essentially that mismatch. So
12 what happens if the demand doesn't show up? Can
13 it transfer? Are there minimum fees? You know,
14 making sure they're dollar based, not volume
15 based if it's like a take-or-pay type structure.
16 But you essentially just want to make sure that
17 the incremental load is paying its fair share
18 when you're in the commissioner's seat, I think.

19 REPRESENTATIVE HERBKERSMAN: Thank you, sir. That's
20 it.

21 CHAIRMAN ALEXANDER: Representative Gatch.

22 REPRESENTATIVE GATCH: Thank you, Mr. Chairman. Good
23 morning, sir. Good morning. Thank you for being
24 here. How do you consider cost of capital,
25 financial risk, and impact of commission

1 decisions on rates and investment?

2 MR. HENNELLY: Yeah, so, you know, having done that for
3 -- for few years, I think, you know, as a
4 commissioner, the methodology isn't the mandate,
5 right? So the methods you choose, the tools you
6 use to come up with what an appropriate return
7 is, for one, you know, your DCFs, your discounted
8 cash flows, your capital asset pricing models.
9 But the standard that you're aspiring for or
10 trying to hit is setting a return that can
11 attract an appropriate amount of capital at an
12 appropriate cost commensurate with the risk seen
13 elsewhere. So that's the standard you want and
14 how you get there, you know, you have a number of
15 tools. But, you know, I think how you kind of
16 wrap around it is sort of a check on, you know,
17 how does this actually compare to what others are
18 getting? How does it compare to the risk
19 relative to others, you know? And that goes to
20 the point I was making about, you know,
21 utilities' actual ability to earn their return.
22 So when there's mechanisms in place that -- when
23 there's mechanisms in place that de-risk the
24 utility's ability to earn their return, like
25 decoupling, whether normalization, things like

1 that, then, you know, you don't need to
2 over-insure the return as much.

3 REPRESENTATIVE GATCH: May I have a follow-up?

4 CHAIRMAN ALEXANDER: Of course, yes.

5 REPRESENTATIVE GATCH: Thank you, Mr. Chairman. How
6 do you think about just and reasonable rates in
7 the public interest? You know, how do you
8 balance that on the record?

9 MR. HENNELLY: Yeah, so building the robust record up
10 is where you start. And then you want to
11 demonstrate that it's -- you know, what you're
12 balancing is reliability and affordability and
13 least cost risk. And, you know, the way I think
14 of it is not for any one stakeholder, but really
15 in the spirit of balancing those factors. Yeah.

16 REPRESENTATIVE GATCH: Thank you, Mr. Chairman.

17 CHAIRMAN ALEXANDER: Thank you. Other questions?

18 SENATOR HUTTO: Sir.

19 CHAIRMAN ALEXANDER: Senator Hutto.

20 SENATOR HUTTO: So back to the issue of data centers
21 for a minute. Some of the discussion that I have
22 heard about impending data centers being
23 developed in South Carolina is that they may be
24 looking to small modular reactors as a future
25 generation source. Do you have an opinion on

1 that?

2 MR. HENNELLY: On data centers using SMRs to power
3 themselves? Still, I think more broadly, you're
4 seeing data centers bring their own power to
5 wherever they go.

6 SENATOR HUTTO: That was going to be my next question.
7 Go ahead.

8 MR. HENNELLY: You know, I think for them, what I've -
9 - what I've noticed is most important is time to
10 power before cost of power, typically. And, you
11 know, so I don't know where -- I don't know that
12 they can get an SMR faster than a gas turbine.

13 SENATOR HUTTO: No, they can't right now.

14 MR. HENNELLY: Yeah.

15 SENATOR HUTTO: But that may well be five years from
16 now, and you may -- if you are elected to this,
17 you may still be here when these start to come to
18 South Carolina. Or, you know, there aren't any
19 in the U.S. I mean, they're on the aircraft
20 carriers now, but we don't really have them
21 land-based yet. But there has been a lot of
22 discussion about maybe because of the difficulty
23 of building the big nuclear power plants that we
24 all know too well about, the small nuclear
25 reactors can be made wherever they're made and

1 just shipped here. And almost like a solar farm,
2 maybe you put four or five of them together and
3 generate power enough for a data center. And the
4 concern has been, as I -- or my concern has been
5 that we don't want people on fixed incomes to
6 have to finance new generation facilities for
7 data centers. I mean, if we -- we need more
8 power because more people are moving to South
9 Carolina, and y'all can stop now, everybody.
10 But, you know, we are going to need more electric
11 generation, all right? We just are going to need
12 it for our own growth. Data centers bring a new
13 set of electric consumption that's bigger than
14 normal. And you mentioned earlier that there are
15 -- there is a trend now that the data centers
16 actually help finance the generation for the
17 power that they're going to consume, which is
18 great because it doesn't put it on the person on
19 fixed income or the person who's got a power bill
20 to pay every month. Has any of your work
21 experience been related to that?

22 MR. HENNELLY: Yes. Developing co-located data center
23 and power infrastructure is what I've been doing
24 for the last year or so.

25 SENATOR HUTTO: Is most of that gas fired?

1 MR. HENNELLY: All of it's gas fired, yeah.

2 SENATOR HUTTO: All of it is gas fired.

3 MR. HENNELLY: So I haven't personally done many, you
4 know, nuclear projects like that. And the one
5 that comes to mind, semi-recently, I think there
6 was an Amazon-Dominion sort of agreement or
7 partnership going forward toward that end. But I
8 think it was -- and I think the utility
9 ultimately operates the power plant for the data
10 center. I think there were some others in the
11 Midwest, maybe with Xcel Energy or Wisconsin
12 Energy. But in those cases as well, the
13 utility's operating the nuclear facility for
14 whoever the customer is. You know, if -- I don't
15 want to prejudge, you know, something
16 hypothetical that hasn't been proposed. But to
17 the extent it's, you know, they're bringing their
18 own generation, I think that's at least
19 encouraging.

20 SENATOR HUTTO: Thank you.

21 CHAIRMAN ALEXANDER: Other questions? Mr. Edwards.

22 MR. EDWARDS: Thank you, Mr. Chairman. Just a quick
23 question for you. This is a full-time job. Are
24 you committed to being here full-time?

25 MR. HENNELLY: Oh, yeah.

1 MR. EDWARDS: Because it's a five day a week job.

2 Some folks think they can do it virtually, and
3 some may be able to. But I just want to make
4 sure that you're committed to the job.

5 MR. HENNELLY: Oh, yeah, 100 percent.

6 CHAIRMAN ALEXANDER: Other questions? Just briefly, I
7 was looking over your letters of recommendations
8 and things. And just talking about being able to
9 navigate the change in financial markets with
10 great attention to detail. What got you
11 interested in the line of work with utilities,
12 that aspect of your financial background?

13 MR. HENNELLY: It's an interesting question. You
14 know, to be honest, I think it probably -- it
15 starts coming out of where I graduated. So I
16 graduated in 2008 from USC, and my interest was -
17 - I think my internship was actually banking, and
18 I was --

19 CHAIRMAN ALEXANDER: Who was your internship with?

20 MR. HENNELLY: Ernst & Young.

21 CHAIRMAN ALEXANDER: Okay.

22 MR. HENNELLY: And then I was pursuing -- so I had an
23 offer from, I think it was Wachovia at the time,
24 Bank of America, et cetera. Those offers were
25 being rescinded. You know, even my internship to

1 switch to full employment was being rescinded,
2 and utilities were the only ones hiring at the
3 time. It was kind of my experience. And, you
4 know, talking to some folks about kind of what
5 they were doing, they were hiring
6 opportunistically as well. So, you know, Con Ed,
7 the company I went to go work for, they had --
8 you know, they brought in a new CFO who was the
9 head of M&A at Citibank. My boss, Lori, was a
10 banker for Merrill Lynch for a long time. Her
11 boss, Huru (ph), was a McKinsey consultant. So,
12 you know, I kind of got pulled in
13 opportunistically, and, you know, luckily.

14 CHAIRMAN ALEXANDER: And here you are.

15 MR. HENNELLY: Here I am.

16 CHAIRMAN ALEXANDER: Okay. And no other questions?

17 Okay. This will conclude this portion of our
18 screening process for you as a candidate. But I
19 want to remind you of our evaluation criteria,
20 and pursuant to that, we expect you as a
21 candidate to follow the spirit as well as the
22 letter of the state's ethics law. And any
23 violation or appearance of impropriety on your
24 part would be deemed very serious by this review
25 committee and potentially warranting us calling

EXAMINATION

1
2 MR. JOHN:

3 Q Good morning.

4 A Good morning.

5 Q All right, I'll give a brief background of you. Ms.
6 Williams earned her Bachelor of Arts degree in History
7 from Wake Forest University in 1979 and a Master's
8 degree in Urban and Environmental Planning from the
9 University of Virginia in 1982. She is the current
10 Commissioner for District 1 on the Public Service
11 Commission. She was first elected in 2020, and her
12 current term expired June 30th of 2024. Ms. Williams'
13 career began in 1982 working as a planner for the
14 Department of Planning and Urban Development for the
15 City of Charleston until 1985. She was in a similar
16 role in Cincinnati, Ohio, from '85 to '86, before
17 returning to Charleston with the -- she was Project
18 Manager for the Department of Planning, Preservation,
19 and Sustainability from 1986 to essentially 2017.
20 Following that, she worked as the Low Country Field
21 Director and Land and Water Program Director for the
22 Conservation Voters of South Carolina from 2017 to
23 '19, before joining the Commission. She is a member
24 of the American Planning Association, South Carolina
25 Planning Association, American Institute of Certified

1 Planners, National Association of Regulatory Utility
2 Commissioners, and the Southeastern Association of
3 Regulatory Utility Commissioners. She has currently
4 or has recently been a member of the Metanoia Circle,
5 Providence Baptist Church, Leadership South Carolina,
6 and the Riley Institute. She volunteers with Habitat
7 for Humanity, American Red Cross, Charleston
8 Waterkeeper, and the Old Windermere Neighborhood
9 Association Council. She also, since 2015, works
10 part-time as the House Manager for the Spoleto
11 Festival. The background investigation of Ms.
12 Williams indicated no criminal record, and a review of
13 her credit report indicated no negative information.
14 Her written exam score was an 82. Ms. Williams, is
15 that an accurate summary of your background?

16 A It's a good summary.

17 Q Any other comment you would like to make, opening
18 statement or anything?

19 A I would like to. Do it at this point?

20 Q Yes.

21 MS. WILLIAMS: Okay. Mr. President, Vice Chair
22 Herbkersman, and Chairman Rankin, and other
23 members of PURC, it is an extreme honor and
24 responsibility to serve as the Public Service
25 Commissioner for South Carolina for Congressional

1 District 1. And I want to tell you a little bit
2 about that -- how I see that responsibility.
3 When we were at our orientation initially, the
4 chair of the commission walked into the room with
5 a two-story tiered cart with materials laden on
6 it. And the point he made that day was that no
7 one person could do it all, and that we had to
8 really rely on the professional expertise of our
9 technical and legal staff as well as our own
10 independent analysis. And I wanted to give you a
11 visual example of that today. When we started, I
12 don't know who can see it, and I can probably not
13 lift it, but we were all given carts like this.
14 And unfortunately, I am still a paper gal. You
15 know, I wish I could do it digitally, but I need
16 to be able to see the page, see the graph, and go
17 back to it and point to it. And so these are
18 incredibly important. What I lifted is one
19 docket's amount of information. It's over 3,000
20 sheets of paper, and that's double-sided. And it
21 includes all of the testimony, all of the
22 technical studies, all of the modeling, all of
23 the special studies that are attached as exhibits
24 and referenced in the materials. Staff provides
25 really good legal and technical briefings on the

1 materials and summaries, which we use. And they
2 also define how the applications meet the statute
3 and suggested questions that they as staff have.
4 For me, this overview that they give us is like
5 an impressionistic painting, but in words. And
6 then it's my job to fill in the gaps and to dig
7 deeper and to kind of use that to see where I
8 have my own questions and how the application
9 relates to the statute, and ultimately to help me
10 in making a decision. In sum, this is a near
11 constant dedication that I bring. It's more than
12 a full-time job, and that's the commitment that I
13 give it and the responsibility that I take. At
14 the start, I mentioned what an honor it was for
15 me to be a commissioner. Part of that for me is
16 I'm a lifelong public servant, and I value this
17 experience personally, but I also value what I
18 hope that I bring to this position and give to
19 the state. When I was selected as a
20 commissioner, there was a deep need for greater
21 confidence in the Public Service Commission by
22 way of diligent questions in order to get all
23 material on the record. And my desire to learn
24 and understand has coupled well with that need
25 for more questions from the bench and more

1 thorough hearing. South Carolina has been and
2 continues to be at a crossroads economically, and
3 I understand the importance of that. The impact
4 of economic development is seen in the IRPs that
5 we receive from various utilities as well as in
6 the many, many Citing Act applications that we
7 are now getting. Over my career, I have often
8 wished to be the economic development officer who
9 is proud of what we brought to the state or the
10 county or the city, but that is not my nerdy
11 introvert nature. My nature is more suited to
12 the Public Service Commission as a dedicated
13 public servant who relishes learning new
14 materials and applying what is fair for all of
15 South Carolina. In preparation for today, I
16 looked over my promises to you in 2020. They
17 were to be impartial and fair, to be dedicated to
18 the work, and to consider both the needs of the
19 consuming public as well as the utility
20 providers. I continue to bring that same
21 commitment to balancing the need for reasonable
22 rates for customers, for consumers, with the
23 reliability, the stability, and the resilience
24 for the utility. Thank you. I know that was a
25 long opening, but this is really important to me,

1 and I wanted to share those opening remarks, and
2 I look forward to your questions.

3 **Q Thank you. Are you a registered voter?**

4 A Yes, sir.

5 **Q In which congressional district are you registered?**

6 A Congressional District 1.

7 **Q Could you describe an ordinary work day for you at the
8 Commission offices or otherwise?**

9 A I'm going to describe an ordinary week, but do it
10 quickly. I tend to start my Monday mornings in
11 Charleston. I'm getting on the road and in the office
12 by about 9:00 in the morning, and then working through
13 the Thursday business meeting, and Friday should we
14 have additional in-person meetings. I review the
15 daily activity reports in the morning, if not during
16 the day, to try to keep up with what is evolving. I
17 prioritize what's coming next, what I need to read,
18 what I need to ask questions of, and maybe this is a
19 long-winded way of saying there's not a typical day,
20 but some days it's solid reading. Some days it's
21 following up on questions that I have, whether it's a
22 lawyer, or a technical advice person, or a fellow
23 commissioner who I know has a strong feeling or a
24 strong background in an element that we're looking at.

25 **Q Thank you. You told us a good bit about this in your**

1 opening statement, but briefly how do you prepare for
2 a hearing, about how long does it take for, you know,
3 say, a typical electric rate case, which I know is not
4 typical?

5 A Okay. Okay. Well, just to reference the cart I
6 brought in, what's in there are the materials from one
7 rate case, and we actually had two rate cases within
8 the month that we were reviewing those. You know, it
9 really depends. If it is something on the business
10 meeting agenda, like a telephone related item, it's a
11 quick review of a letter, of a contract.

12 Transportation similarly is rarely complicated
13 anymore, thanks to the General Assembly's leadership
14 there. So a rate case, which is what you asked me for
15 -- And these are all pre-filed, so that's part of why
16 we've got this well in advance. I currently start
17 perhaps a month out. It really depends. If it's a
18 controversial item, then I may be looking at it before
19 that. What has happened lately is that our staff is
20 able to provide materials as much as a month out,
21 which, given my process, really helps me to delve
22 deeper after getting those materials. So give or take
23 a, you know, cursory look early, but a deeper look
24 from a month out in. And, of course, customer public
25 hearings also impact that, because those often happen

1 before that month, and so there's more to be focused
2 on at that point.

3 **Q Thank you. What type of contact or interaction do you**
4 **have with staff, with commission staff?**

5 A I have contact with them as any question arises,
6 whether it's by phone or in their office. There's a
7 lot of conversation as we get closer to the hearing,
8 and maybe they've recommended a question that isn't so
9 important to me, but I feel like I'm missing
10 something, so I want to delve a little deeper to
11 understand that question. So I go to them for
12 details, for background. That's also really important
13 when we're working on motions. I often have an idea
14 that I'd like to weave into the motion, and then
15 there's working on the orders and reviewing them.
16 This year I've been a part of, authored a number of
17 concurring opinions, and so that also involves a lot
18 of work with staff.

19 **Q If you were reelected, would there be any potential**
20 **conflicts of interest, financial or otherwise?**

21 A I'm not aware of any.

22 **Q What would you do if one arose?**

23 A I would talk to our general counsel, because she is
24 sort of our guru for those kind of things, and she
25 advises me when I have offered to recuse myself, and

1 so I would basically follow whatever she advised that
2 I do. But I also think it's my responsibility to live
3 my life in such a way to avoid those.

4 Q Are you or a member of your immediate family employed
5 by a utility regulated by the PSC, either currently or
6 in the past two years?

7 A No, sir.

8 Q Do you or a member of your immediate family own stock
9 or have other financial interests that you directly
10 control in a regulated utility?

11 A No, sir.

12 Q Are you affiliated with any political parties, boards,
13 or commissions that would need to be reevaluated if
14 you were reelected?

15 A No, sir.

16 Q Do you belong to any organization that discriminates
17 based on race, religion, or gender?

18 A I do not.

19 Q Could you describe the appropriate temperament for a
20 commissioner?

21 A Temperament. Thoughtful, respectful, deliberate,
22 diligent, careful. I can elaborate, but that's what
23 came to my mind initially.

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

1 **state ethics laws?**

2 A Yes, sir.

3 **Q Could you briefly describe the five canons in the**
4 **Judicial Code of Conduct?**

5 A I think of them as two dos and three avoids, and that
6 helps me when I talk about them. So the dos are to
7 conduct my judicial work with independence and
8 integrity and with impartiality, and that's all a part
9 of avoiding any question of thought about how a judge
10 is approaching a particular docket. And then the
11 avoids are inappropriate political activity,
12 discrimination. There's another one about avoiding
13 even the risk of, in your outside life, something that
14 then becomes an issue. And the fifth one is half of
15 it is the toughest one. Impropriety is not so tough,
16 but the appearance of impropriety is a judgment call.

17 **Q Please explain the general rule regarding ex parte**
18 **communications as it relates to commissioners.**

19 A Commissioners, going back to the Code of Judicial
20 Conduct, it is essential that our work from the bench
21 and off the bench not be questioned. And the ex parte
22 is a particular statute that says, you know, we don't
23 have conversations that are off the record, that are
24 the only opportunity is just for administrative
25 matters, and only staff has those kind of

1 conversations, and those are mentioned in the docket.
2 I mean, every party has to have the ability to be a
3 part of those administrative ones. And, you know, you
4 can be imprisoned, there's a fine if you do
5 participate in ex parte. And the part I missed on the
6 test, is it's appealable to the Administrative Law
7 Court. And I've left a number of things out that I
8 could go back and cover, so if you want me to do that,
9 I will.

10 **Q No, that's great. Thank you. What are the industries**
11 **and businesses that are regulated by the PSC?**

12 A Energy, which includes electric and gas, telephone,
13 transportation, water, wastewater.

14 **Q And what role does the PSC serve in the regulation of**
15 **those industries?**

16 A Well, you all define the statutes. We have a very
17 public process for defining the regulations, and we
18 implement both.

19 **Q Do you think the role of the commission in regulating**
20 **utilities, do you think that should be modified as it**
21 **stands on the current law?**

22 A Well, when you say regulation, I think of our
23 regulatory requirements. And those, of course, are
24 reviewed every five years. So that process is ongoing
25 in a very public process. Do you mean something other

1 than that?

2 **Q The role of the commission in overseeing the operation**
3 **of regulated utilities. The structure that we have in**
4 **place should be modified.**

5 A That is your job. There may be tweaks that we
6 experience, but that is your job.

7 **Q What's the role of the Office of Regulatory Staff in**
8 **matters before the commission?**

9 A They represent the consuming public and they also --
10 you know, they are a party. They're a party to every
11 docket that we have. They are looking at, as I
12 started to say, the consuming public, but also the
13 stability of the utility. And they dig deeply. They
14 are able to have information that we don't see that is
15 part of what is requested as part of a docket, but
16 then they file a report or they file testimony, and
17 our job is to take the utility's testimony, their
18 testimony, as well as other parties' testimony, and
19 find what is fair amongst all of that.

20 **Q What is an integrated resource plan?**

21 A It is something that's been ongoing for quite a long
22 time, but you all gave the authority to the Public
23 Service Commission to approve or reject or modify an
24 integrated resource plan in 2019, Energy Freedom Act,
25 I think. And it is a 15-year plan. It is looking to

1 the future of what the state needs, what the utility
2 needs. There's a lot of modeling involved with it.
3 There's a lot of cost determination of the different
4 classes. And then it -- that's not true. I was -- I
5 switched, sorry. I was thinking IRP and went to rate
6 cases. So it's 15 years looking in the future. It's
7 a long-term look, but then there's also a short-term
8 action plan as part of it. And the commission reviews
9 it, and it is a thread amongst all that we do because
10 that information informs the utility in future
11 applications.

12 **Q What are some of the key factors a commissioner should**
13 **consider in a rate case?**

14 **A** The witness's material from all parties. Key factors.
15 You know, part of what happens is that various experts
16 look at what other utilities are experiencing in terms
17 of an ROE or ROI. We don't base our decision on that,
18 but that is -- it does give you a comfort zone to
19 understand what is comparable and is out there. We
20 want to make sure that the cost that the company is
21 requesting to be able to recover is all within the
22 IRP. It makes -- it connects with the IRP, as I
23 mentioned earlier, in terms of the needs for what is
24 upcoming. But we also want to make sure that it
25 supports safety and reliability and the ability for

1 the utility to be able to earn a good return on
2 investment.

3 **Q In analyzing utilities programs for customers, whether**
4 **it be distributed energy resource programs, energy**
5 **efficiency, how do you look at the potential impact of**
6 **cross-subsidization in determining whether these are**
7 **good programs?**

8 A I looked at the statute, and you all gave us some real
9 specific guidance related to energy efficiency, and
10 that -- in terms of the two-cost test and not those
11 programs for energy efficiency or demand-side
12 management that are for low-income households, not
13 having to meet those, that is really helpful. But so
14 there is some inherent cost subsidization there, to
15 get back to your question. But there's also
16 legislation that talks about minimizing
17 cross-subsidization to the greatest extent practical,
18 possible -- probably practical is what the word is in
19 there. And that ultimately becomes a judgment call
20 where you look to see that the intention is there to
21 avoid and that it's minimized.

22 **Q What are some challenges facing water and wastewater**
23 **companies?**

24 A So there's some new environmental legislation that
25 might be coming down. It also seems that -- and this

1 is less true in terms of what the commission sees, but
2 I know from reading the paper there are a lot of
3 smaller water and wastewater companies that have
4 infrastructure they invested in years ago. I mean,
5 I've never managed one of those, but I can imagine
6 that pipes underground are a little bit like out of
7 sight, out of mind, or they're working until they're
8 not working, so paying for upgrading water and sewer
9 with a state that's developing, looking at ways to
10 enhance clean water capabilities, but balancing that
11 with what a water and sewer company is able to do.

12 **Q And same question for regulated telecommunications**
13 **companies. What challenges are they facing?**

14 **A** I'll be blunt and say I'm less sure about that. My
15 instinct is that it's going to be an interesting
16 situation as the state urbanizes. Will the carriers
17 of last resort become minimized? Is it something that
18 we can fund long term because the state is growing?
19 So carriers of last resort -- I might learn how to not
20 talk with my hands. But carriers of last resort are
21 those that just there's no way for them to make money
22 and provide telephonic services to them. And my
23 question is really whether that becomes easier over
24 time to fund or more difficult, and I don't know the
25 answer.

1 Q Thank you.

2 A I think cyber security is another one that could be
3 answered for both water and wastewater as well as the
4 telephone industry.

5 Q Sure. Are you familiar with the review committee's
6 advisory opinions regarding attendance at legislative
7 receptions, legislative caucus meetings, and political
8 gatherings?

9 A Yes, sir.

10 Q Have you attended any of these functions since
11 submitting your application?

12 A No, sir.

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

15 A No, sir.

16 Q Are you familiar with the 48-hour rule, which
17 prohibits a candidate from seeking pledges for 48
18 hours after the report has been submitted to the
19 General Assembly?

20 A Yes, sir.

21 Q Have you sought or received a pledge of support from
22 any legislator prior to this date?

23 A No, sir.

24 Q Have you asked any third parties to contact members of
25 the General Assembly on your behalf?

1 A Absolutely not.

2 Q **Are you aware of any third parties doing so?**

3 A No, I'm not.

4 Q **And if you're re-elected, do you plan to serve a full**
5 **term?**

6 A Yes, sir, God willing.

7 Q **Thank you.**

8 MR. JOHN: Mr. Chairman, I have no further questions.
9 At this time. I will request that we now go into
10 executive session pursuant to the committee's
11 prior motion under Section 34-70.

12 CHAIRMAN ALEXANDER: We'll go into executive session.
13 I ask that the room be cleared.

14 (Executive session was held from 10:39 to 10:46 am)

15 (Off the record)

16 CHAIRMAN ALEXANDER: We're back in regular session.
17 No action was taken in executive session. We
18 continue to have Ms. Carolee Williams, candidate
19 for District No. 1, before us for the Public
20 Service Commission. Questions from members of
21 the committee?

22 SENATOR HUTTO: Mr. Chairman.

23 CHAIRMAN ALEXANDER: Senator Hutto.

24 SENATOR HUTTO: In your answers to staff earlier about
25 the preparation for a hearing, you made mention

1 of the fact that you approached some cases, and I
2 heard this differently, but differently if the
3 case is controversial. And my question is, how
4 do you decide if a case is controversial or not?

5 MS. WILLIAMS: Well, I think that some cases just are
6 less controversial like telecommunications and
7 transportation, and I think that's the way I
8 meant to reference it. But to answer your
9 question, one of the ways you tell is by how many
10 parties there are. You know, who is
11 participating in the docket system? Who is
12 filing testimony? If it is just ORS and the
13 utility company, then that tells you something.

14 SENATOR HUTTO: So, I mean, in essence, in some cases
15 just appear routine because they have to file
16 with you, they've got to come before you, but
17 there doesn't seem to be anybody opposing it.
18 It's a normal matter. And in other cases, there
19 are people that are saying, don't do this, do
20 this, and that makes it controversial.

21 MS. WILLIAMS: In my opinion, yes.

22 SENATOR HUTTO: Okay.

23 MS. WILLIAMS: And you can get some indication based
24 on how thick the application is and the
25 testimony. And sometimes, you know, items that

1 are that slim are controversial, particularly in
2 a complaint case, but most times they are not.

3 SENATOR HUTTO: Well, I appreciate that answer because
4 I was hoping you weren't going to tell me because
5 whether the newspaper said it was controversial
6 or not.

7 CHAIRMAN ALEXANDER: Mr. Nicholson.

8 SENATOR NICHOLSON: Ms. Williams, just a quick
9 question. I know when you asked the question
10 about the factors that you consider when rate
11 increases. Do you all take into consideration
12 the impact that it has on the customers and
13 everything? And the reason why I ask this, me
14 and my wife were just talking last night of a
15 case that happened the other night up in
16 Anderson. A couple died from carbon monoxide
17 poisoning because they did not have power in the
18 house and they had a generator running to operate
19 a little space heater, you know. And I was just
20 wondering, do you take into consideration the
21 impact it will have upon the customers when the
22 rate increases come about?

23 MS. WILLIAMS: I'm going to -- my answer is easy, but
24 I'm going to build up to it. You all -- we have
25 the Department of Consumer Affairs that

1 participates in most dockets. They are, along
2 with the Office of Regulatory Staff, they are --
3 that is their focus. And so the other time is
4 when we're doing customer public hearings, we
5 hear stories that are not quite that life or
6 death, but that are life or death to these
7 people. And we listen to them seriously and
8 diligently and then follow the testimony in terms
9 of making our decision. So looking out for the
10 consumer is part of what you ask us to do. We
11 balance that with the utility's ability to
12 provide reliable and safe and be able to make
13 money, as they should. So my quick answer is
14 absolutely, but with all that as background.

15 SENATOR NICHOLSON: Okay, thank you.

16 REPRESENTATIVE HERBKERSMAN: Question.

17 CHAIRMAN ALEXANDER: Yes, sir.

18 REPRESENTATIVE HERBKERSMAN: Thank you, Mr. Chairman.

19 CHAIRMAN ALEXANDER: Chairman Herbkersman, yes.

20 REPRESENTATIVE HERBKERSMAN: Thank you, sir. Ms.

21 Williams, what impact does a concurring or
22 dissenting opinion have on the timing of the
23 issuance of a PSC order?

24 MS. WILLIAMS: Rarely does it have any impact. The
25 intent is to be doing them in parallel. You

1 would look at the order, but you would have a
2 draft. In fact, one particular case, I knew I
3 wanted to concur or perhaps dissent, I think it's
4 in this current year, and I drafted a dissent the
5 day that we ended the case because I wanted to
6 make it as easy as possible. So in theory, it
7 should not have an impact. It should just -- if
8 it has an impact, it's a day at the end.

9 REPRESENTATIVE HERBKERSMAN: Okay, thank you.

10 CHAIRMAN ALEXANDER: I want to follow up on that. How
11 long have you been doing -- the Commission been
12 doing dissent orders?

13 MS. WILLIAMS: I think you'd have to ask that of
14 someone like Commissioner Pelzer.

15 CHAIRMAN ALEXANDER: Is that a long time?

16 MS. WILLIAMS: I believe it is, but I really -- I am
17 not able to answer you with the kind of
18 confidence I'd like to have.

19 CHAIRMAN ALEXANDER: Okay. I'll follow up on that.
20 That's fine.

21 MS. WILLIAMS: President Alexander, just to build on
22 that, you might remember that one year I was
23 abstaining and we had a conversation in the PURC
24 evaluation, and it is -- the concurring opinion
25 especially has given me the ability to vote yes,

1 but then to offer a tweak of why I'm able to vote
2 yes. So the dissenting opinions are a different
3 category, but it does fall out of my desire to
4 vote with my conscience, with what --
5 understanding that you don't necessarily get all
6 that you think is right in that vote, but
7 sometimes it rises to the level of a concurrence,
8 and sometimes you're not able to vote for it, and
9 you're writing a dissent to explain it.

10 CHAIRMAN ALEXANDER: Thank you.

11 MS. WILLIAMS: I'll ask when I get back to the office.

12 CHAIRMAN ALEXANDER: No, that's fine. We'll get staff
13 to find out. Representative Gatch.

14 REPRESENTATIVE GATCH: Thank you, Mr. Chairman. Good
15 morning still. Ms. Williams, you said a moment
16 ago prior to the executive session, and you were
17 answering the question regarding water. You said
18 something, and I kind of missed it. You said
19 something about there's environmental, I think
20 you may have said law that may be coming down.
21 What did you mean by that?

22 MS. WILLIAMS: Now, I'm not going to be able to tell
23 you what it stands for, but it's called PFAS, and
24 it has to do with, and this is a federal law, and
25 there's a lot of water and authorities that are

1 looking at that and evaluating, you know, how
2 that's going to impact them. And honestly, you
3 know, has that happened? It's federal, so that's
4 what I meant.

5 REPRESENTATIVE GATCH: Okay. How did you come to have
6 knowledge about PFAS?

7 MS. WILLIAMS: NAWRC and CWRC meetings, so the
8 National and the Southeastern Regional Utility
9 Commissioner meetings. I mean, that's a regular
10 conversation.

11 REPRESENTATIVE GATCH: Begging the Court's indulgence.
12 How do you consider cost of capital, financial
13 risk, and impact of commission decisions on rate
14 and investment?

15 MS. WILLIAMS: I think that's the half of the equation
16 that you charge us with. The utility has to be
17 able to do their work, and if our decision is
18 putting them at financial risk, we have to find
19 that sweet spot between what the consumer needs
20 and what the utility needs.

21 REPRESENTATIVE GATCH: One more question.

22 CHAIRMAN ALEXANDER: Of course, yes, sir.

23 REPRESENTATIVE GATCH: So given, you know, recent
24 developments and experience, and particularly as
25 we're talking about data-centered power

1 solutions, how do you think about South
2 Carolina's growth opportunities in these areas
3 while guarding against stranded assets and risks
4 to customers?

5 MS. WILLIAMS: I think that Act 41 gave us some tools
6 that are helpful, and the ten year requirement
7 that there must be a reimbursement if they are
8 not here in ten years. The look at
9 transformational and the other kind of economic
10 development right now, it escapes me what it's
11 called, but it's kind of less of a level. You
12 know, those also give us standards to implement,
13 allowing more flexibility for the
14 transformational ones. I think that one of the -
15 - I guess this comes up with if the industry is
16 offering their own power, that's kind of a level
17 that the statute hasn't quite dealt with yet. I
18 might not have answered your question, so please
19 pitch it to me again.

20 REPRESENTATIVE GATCH: No, that's okay.

21 MS. WILLIAMS: I mean, --

22 REPRESENTATIVE GATCH: No, that's fine. I think that
23 was adequate. Thank you.

24 MS. WILLIAMS: Okay. I want to do more than adequate.

25 CHAIRMAN ALEXANDER: I got a couple here for you. As

1 a commissioner, speaking from that role,
2 certainly you're under the ex parte rules,
3 correct?

4 MS. WILLIAMS: Correct.

5 CHAIRMAN ALEXANDER: How do you ensure that the staff
6 comply with the ex parte rules?

7 MS. WILLIAMS: I think that's a personal
8 responsibility that you all have given each of
9 us, and so that's my first answer. My second
10 answer is that they are daily in a position where
11 they are looking at emails and phone calls that
12 come in to us, so they are reminded regularly of
13 their role as they protect us from inappropriate
14 conversations. Also, this may be true with all
15 state departments, we have a -- you know, there's
16 training that's required, and so annually, I
17 believe, we do ex parte training, and then
18 there's a test at the end of that, and it's also
19 part of our annual ethics training.

20 CHAIRMAN ALEXANDER: Thank you. What degree of
21 deference should the commissioners give to the
22 testimony or arguments presented by the Office of
23 Regulatory Staff as opposed to other parties of
24 record?

25 MS. WILLIAMS: I've wondered that, too. I think that

1 you have to look at it all holistically, and
2 there's probably not a judgment call. I don't
3 think you tell us to look at theirs more closely,
4 more importantly, but given their role, it feels
5 there's a feeling that we should, but how I look
6 at it is more holistically, and it depends on
7 what other parties are saying. If it is the
8 utility and ORS, ORS is really, really critical
9 in making a decision. If it is the utility, ORS,
10 and seven other parties, then that's where it's a
11 lot harder to give you an easy answer.

12 CHAIRMAN ALEXANDER: Okay, thank you. You first,
13 certainly, when you joined the commission at a
14 time of, I think you would agree, a great change
15 in the energy policy for our state. Briefly, how
16 are things different today compared to your first
17 couple of years on the commission?

18 MS. WILLIAMS: This is one where I wish I had like two
19 minutes to really think through and take your
20 time. Ask the last part again. What do you
21 specifically want me to address?

22 CHAIRMAN ALEXANDER: How are things different today
23 compared to when you first joined the commission?

24 MS. WILLIAMS: You know, I think the federal policy
25 has more impact than anything else, but clearly,

1 you know, Energy Freedom Act had just been
2 passed. There was -- I've already spoken about
3 the need to diligently ask more questions, have
4 more information on the record. It feels like --
5 I mean, I'm going to ask about anything that I am
6 curious about and feel like it's important, but I
7 also think that as we -- as more time has gone
8 by, we perhaps over -- I perhaps over asked on
9 questions in the first couple of years, so that
10 is -- I'm going to ask on what is critical to
11 know, but I have to ask less to expand my
12 knowledge than I did in those years. So my own
13 learning curve is part of what's changed. So
14 federal law, state law, my learning curve.

15 CHAIRMAN ALEXANDER: Okay. One final, I don't know if
16 it's a question as much as a comment, one of your
17 letters of recommendation from Mr. Mark Nix,
18 Executive Director of the Home Builders
19 Association of South Carolina, says that what
20 distinguishes Carolee most clearly is her
21 temperament. We talked about temperament
22 earlier. She listens before speaking, seeks to
23 understand before judging, and works to build
24 consensus without sacrificing principle. She
25 treats everyone with civility and respect,

1 CHAIRMAN ALEXANDER: Good morning.

2 MR. BROOKS: Good morning.

3 CHAIRMAN ALEXANDER: We'll now go to the third
4 congressional district. And we have, as our next
5 candidate for the Public Service Commission, seat
6 three, Mr. Bjorn Brooks. If you would please
7 raise your right hand for the oath.

8 WHEREUPON:

9 BJORN BROOKS, being duly sworn and cautioned
10 to speak the truth, the whole truth and nothing
11 but the truth, testifies as follows:

12 CHAIRMAN ALEXANDER: Please state your full name and
13 current address for the record, please.

14 MR. BROOKS: Bjorn Gustaf James Brooks. 101 Sycamore -
15 -

16 CHAIRMAN ALEXANDER: Come a little closer to that
17 microphone there.

18 MR. BROOKS: Bjorn Gustaf James Brooks. 101 Sycamore
19 Drive, Clemson, South Carolina.

20 CHAIRMAN ALEXANDER: Thank you, sir. Okay. We have
21 some questions for you that Mr. John will provide
22 as background information and go over with you.

23 MR. BROOKS: Thank you.

24 (EXHIBIT NO. 3 ENTERED INTO THE
25 RECORD (9 pages) PDQ - Bjorn

1 Brooks)

2 EXAMINATION

3 MR. JOHN:

4 Q Hello, Mr. Brooks. Mr. Brooks earned his Bachelor of
5 Science in Biology from Iowa State University in 2000,
6 earned a Master's of Science degree in Paleobiology
7 from the University of Bristol in 2002, and a Ph.D. in
8 Geology back at Iowa State in 2009. Mr. Brooks
9 currently works for Carbon Solutions, LLC, as a
10 research scientist, where since 2023 he has led data
11 and software analyses for decarbonization, supporting
12 utilities and regulators on reliability,
13 affordability, and emissions by translating technical
14 results into actionable energy planning. He
15 previously worked as a postdoctoral researcher at the
16 University of Wisconsin-Madison from 2009 to 2011,
17 same role at the University of Illinois from 2011 to
18 '13, before going to work for the USDA Forest Service
19 as a research fellow from 2014 to 2020. He then
20 worked at the North Carolina Institute for Climate
21 Studies at NC State University as a research associate
22 and then as a data scientist for Living Carbon. Mr.
23 Brooks volunteers with Baby Read, an infant education
24 and reading program in Oconee County, and he is a
25 volunteer scientist at the Clemson University Science

1 **Outreach Center. Mr. Brooks, at the risk of not**
2 **properly explaining the technical aspects of what you**
3 **do, could you briefly tell us what it is you do at**
4 **Carbon Solutions?**

5 A Sure. Yes, and thank you all and good morning. So
6 for the past five years I've worked in private
7 industry. I work at a company called Carbon
8 Solutions, and we do a lot of work with greenhouse gas
9 emissions and what's called decarbonization. So we
10 handle everything from capture, transport, and storage
11 of gases. So this is largely planning. We do a lot
12 of modeling and measurement of these things. We work
13 with partners in the energy industry and oil and gas.

14 Q **Thank you. A background investigation indicated no**
15 **criminal record and a review of Mr. Brooks' credit**
16 **report indicated no negative financial information.**
17 **His written exam score was a 57. Mr. Brooks, are you**
18 **a registered voter?**

19 A Yes, I am. I'm registered in Oconee County.

20 Q **And in what congressional district?**

21 A Excuse me, Pickens County, yeah. In District 3.

22 Q **Thank you. Why are you interested in serving on the**
23 **Public Service Commission?**

24 A Yeah, thanks for that question. So my interests with
25 the Public Service Commission are essentially to bring

1 to PURC an option for someone who has two main
2 advantages, I would say. So a lot of the work that I
3 do involves very technical modeling. So I've worked
4 for about ten years now adjacent to the oil and gas
5 industry, particularly with detection of fugitive
6 emissions from oil and gas, also with planning and
7 siting of facilities that are involved with renewable
8 energy and decarbonization, removing gases from the
9 atmosphere. And so we do a lot of technical work.
10 And so that includes both the aspects of where to site
11 these facilities, how much they cost, what would be
12 the impact of these facilities on the local community.
13 So these are the sorts of things that I do day in and
14 day out. And so having that sort of technical
15 expertise is an advantage. It gives me insight into
16 some of the assumptions that go into models, into
17 reports that are generated, for example, associated
18 with changes in utilities. So proposals that might
19 come before the committee and things that would affect
20 rate payers. Those are the kinds of things that
21 involve assumptions and very technical aspects. And
22 so I have quite a bit of insight into how those models
23 are developed and what kinds of questions to ask. The
24 second thing is I have worked a lot with multiple
25 stakeholders, so stakeholders including land managers,

1 landowners, foresters, and folks in the state and
2 federal government. And so that requires a skill set
3 in itself, translating these complex topics and being
4 able to have conversation about how it will affect
5 laypersons. So I have a lot of experience in engaging
6 multiple different brands of stakeholders.

7 **Q If you were elected to serve as a commissioner, how do**
8 **you envision your weekly work schedule?**

9 A Yeah, so I've spent some time reviewing what I can
10 through some of the recordings of the Public Service
11 Commission, and I've noticed a couple of things. So
12 commissioners spend a lot of time asking clarifying
13 questions. The second thing is they also spend a lot
14 of time formulating opinions and decisions and then
15 also defending them. And so there's quite a bit of
16 research that goes into those meetings before -- or
17 quite a bit of research that happens before they
18 attend those meetings. And so I can imagine a lot of
19 the time will be focused around understanding the meat
20 and potatoes of what's in those dockets, looking into
21 and perhaps requesting expert opinions on those. And
22 so I imagine quite a bit of time will be spent in the
23 office sort of understanding and getting prepared for
24 those events.

25 **Q And you kind of got to what my next question was going**

1 to be how you, if you were elected, how you expect to
2 get up to speed. If you were elected, how would you
3 get up to speed on issues facing the commission?

4 A Well, aside from that, there's quite a number of
5 regulations. So the legislature -- the regulations
6 that form the sort of rule set that the Public Service
7 Commission has to operate on is quite extensive. So
8 I've spent, I would say, the past two months or so,
9 quite a number of hours, reviewing and understanding
10 those laws and those rules and regulations and also
11 understanding the history of how the Public Service
12 Commission has developed. So that's one part of it,
13 understanding sort of the playing field and the rules.
14 So the second part of it is involving some of the
15 players involved, so the South Carolina authorities,
16 so the Santee Cooper, that aspect of things, as well
17 as some of the IOUs and also some of the cooperative
18 agencies. So there's a lot to learn there from the
19 energy utility side who's involved, the players, I
20 guess you could say, that will be on the field, and,
21 you know, as well as other aspects of waste water, you
22 have telecommunications, and then also natural gas.
23 And so I feel like a lot of my time would be spent
24 initially, I would sort of form a plan that involved
25 understanding and really getting to know the other

1 committee members and asking where best to spend my
2 time to understand some of the regulations involved.
3 Second, beyond that, I would want to understand from
4 those other commissioners where best to go to really
5 understand South Carolina's utilities in a better way.
6 That might involve site visits to some of our
7 hydroelectric dams or see some of our interstate
8 pipelines, see how gas comes into the state and how
9 it's distributed. Also having phone calls and
10 meetings wherever possible to really understand how
11 business is conducted. So those would be kind of the
12 first two steps. And I would really lean on current
13 commissioners to help guide me through that process.

14 **Q Thank you. If you were elected, would there be any**
15 **potential conflicts of interest with your service on**
16 **the commission, financial or otherwise?**

17 **A** No. I don't currently have any conflicts of interest.
18 So while I do work for a company that does a lot of
19 consulting and research and development with midstream
20 oil and gas companies, for example, they do not
21 operate in the eastern U.S. So there's no conflict of
22 interest now. I don't anticipate any.

23 **Q Another one that you just answered, but I'll ask you.**
24 **Are you or a member of your immediate family employed**
25 **by a utility regulated by the PSC now or within the**

1 **last two years?**

2 A No.

3 **Q Do you or a member of your immediate family own stock**
4 **or have other financial interests directly controlled**
5 **by you, those interests being in a utility regulated**
6 **by the PSC?**

7 A My answer is no, but I would have to -- if I proceeded
8 further, I would have to go through and vet because I
9 -- vet some of my investments. I do have index
10 stocks, and I would want to make sure that none of
11 those, for example, were invested in Duke or Dominion
12 or anything like that. So I would have to do some
13 more investigation to make absolutely sure of that.
14 But in short, no.

15 **Q Are those self-directed or are you just --**

16 A It's through -- not self-directed. It's through a
17 retirement fund that I do not manage.

18 **Q Thank you. Are you affiliated with any political**
19 **parties, boards, or commissions that would need to be**
20 **reevaluated if you were elected?**

21 A I'm not affiliated with any boards. I'm not an active
22 member in a political party, though I have attended
23 political events, Pickens County Democratic Party, for
24 example. I have attended events for Conservation
25 Voters of South Carolina. But I'm not an active

1 participant in anything.

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

4 A No, I do not.

5 **Q How would you describe the appropriate temperament for**
6 **a commissioner?**

7 A Yeah, so anyone that's a commissioner on the board has
8 a responsibility, I would say, to a certain standard
9 of behavior on and off the dias. So that's not just
10 behavior, you know, at work, but that's also behavior
11 outside of that. And so I worked for seven or eight
12 years -- six years for the federal government, and I
13 was subject to a lot of training, a lot of scrutiny,
14 you know, things like the Hatch Act and how do you
15 handle sort of political interests and that sort of
16 thing. So I'm quite familiar with aspects from a
17 civil servant point of view about behavior and
18 conflicts of interest, those kinds of things. And at
19 the Public Service Commission, I would say it brings
20 it to the next level. So everything that you do, you
21 are a public representative. Even if you think that
22 things may be off the record, they certainly can end
23 up being broadcast through unintended channels, I'd
24 say. And so that puts the burden on commissioners to
25 really, I would say, watch themselves and be sure that

1 everything that you do would reflect positively upon
2 the Public Service Commission. The commission, after
3 all, has to engage both -- has to represent positively
4 the rate payers and then also all the utilities and
5 those that are regulated. So, yeah, it's a very high
6 standard.

7 **Q Are you aware that commissioners are subject to the**
8 **Judicial Code of Conduct as well as state ethics laws?**

9 A Yes. Yes. I am somewhat familiar with that, yes.

10 **Q Could you briefly describe the five canons in the**
11 **Judicial Code of Conduct?**

12 A No, I actually cannot recite those five canons.

13 **Q Could you tell us what you think the spirit of those**
14 **canons are?**

15 A Yeah. I did review this. It was one of the first
16 things that I looked into, but it's slipped my memory
17 since then. And what I recall, there are a lot of
18 elements that are focused specifically on how you
19 handle situations. So one of them, as I recall, is ex
20 parte communications, I believe. And so if you are
21 contacted, for example, -- or that was a prominent one
22 that I recall. If you are contacted by any outside
23 agency that wishes to communicate with you about
24 matters that deal with PSC matters, there are specific
25 ways that you handle those communications. So there's

1 a process. If you are aware of this from the beginning
2 and you are contacted by them, then there's a way to
3 handle those communications that involves, you know,
4 it has to be public, there has to be oversight,
5 someone else in the meeting, those sorts of things.
6 And then if it happens afterward, there's a process
7 for that, for reporting, those sorts of things. But I
8 do remember some of the details in general, but I
9 can't recite them verbatim.

10 **Q Sure. Thank you. What are the industries and**
11 **businesses that are regulated by the commission?**

12 **A** In terms of industries, let's see, there's energy. So
13 there are energy utilities, as I mentioned earlier,
14 that can include energy cooperatives, like Blue Ridge,
15 that's investor-owned utilities also, and then the
16 state authority, Santee Cooper. There's natural gas
17 is in there. I mentioned that earlier. There's also
18 telecommunications, so, you know, things like
19 broadband, internet access. There's also water and
20 wastewater, and then transportation in the sense of
21 taxis.

22 **Q Thank you. What is the role of the Office of**
23 **Regulatory Staff in matters before the commission?**

24 **A** The Office of Regulatory Staff, that is an office
25 that's somewhat, I would describe it, parallel to the

1 Public Service Commission, so that it was created
2 essentially to sort of provide transparency and
3 accountability in the process of reviewing plan
4 changes and oversight of utilities. So ORS is --
5 well, the Public Service Commission is focused
6 squarely on the adjudicatory responsibilities of
7 regulation. So they work on regulation. They review
8 dockets, issue orders, that sort of thing. What they
9 don't do is the Public Service Commission doesn't
10 engage in actual sort of monitoring and, you know,
11 following up and policing of that. That's handled by
12 the Office of Regulatory Staff. And so those two
13 offices, those two branches are separated, and that's
14 for good reason. And so they're also not co-located
15 in their specific ways that those two offices can
16 communicate with each other through official channels.
17 So, yeah, so PSC handles adjudicatory matters, sort of
18 oversight, and those sorts of things are handled by
19 ORS and the State Energy Office.

20 **Q What is an integrated resource plan?**

21 **A** Integrated resource plan is something that came to the
22 fore in South Carolina I think about a decade or so
23 ago, and that's required by investor-owned utilities.
24 It's required by, well, perhaps all three of them,
25 Santee Cooper also. And this essentially is a plan

1 that I think has to be re-proposed every three years
2 and annually is reviewed and reported on. And it's
3 essentially a description of how the utility is going
4 to allocate resources to its customers. So those
5 might include large industrial users and then also
6 residential rate payers. And so the IRP, the
7 objective of it is to ensure that the services that
8 are being provided to South Carolinians are being
9 provided in a way that's in line with regulations, in
10 line with the law, and is servicing them in terms of
11 providing fair and balanced sort of rates, is in
12 compliance with things like emissions, like EPA-level
13 guidelines on emissions, those kinds of things. And
14 so IRP is basically your blueprint for how you plan to
15 allocate resources to meet all of those guidelines in
16 an ongoing sort of basis with the state.

17 **Q What are key factors that a commissioner should**
18 **consider in a rate case?**

19 A Okay, yeah. In a rate case -- so if a docket arrived
20 and it proposed a change in rates, and so that is a
21 situation where you need to sort of evaluate a couple
22 of different things. So I think it would be good to
23 look at it from both the perspective of are the things
24 that are asked for in the rate case, are they
25 necessary, are they prudent, are they things like, you

1 know, infrastructure improvements, are they things
2 that are, you know, improving compliance or making the
3 service more robust or more reliable. So you have to
4 sort of look at that aspect of things, how much of the
5 funds go toward that. But on the other hand, you have
6 to look at the aspect of things of how do they affect
7 the rate payers. So I think you have to switch and
8 look at the impacts. And so South Carolina is an
9 interesting state because we have a lot of small towns
10 around South Carolina. So there are places that
11 people are affected more than others. And so you
12 would also want to look at the effect of the rate
13 change on different kinds of energy consumers. So I'm
14 thinking of particularly folks in rural areas. So we
15 have a lot of that in my district. So you want to
16 sort of strike a balance. You want to look at rate
17 changes that actually benefit and bring the
18 relationship between the utility provider and the
19 customers in South Carolina more into balance so it
20 provides better service. You know, are these rate
21 changes actually directly tied to something that we
22 need? But you also want to balance that with the sort
23 of price demands that come from the rate payer side of
24 things.

25 **Q To what extent should the commission consider**

1 **cross-subsidization in analyzing utilities, energy**
2 **efficiency programs, or distributed energy resource**
3 **programs?**

4 A Yeah. So well, so this might be part of an IRP. So,
5 you know, looking at ways to sort of fund things,
6 whether that be through sort of public-private
7 partnerships or something perhaps more extreme, like,
8 you know, maybe changing the ways that, you know,
9 doing something more extreme like perhaps like, you
10 know, construction of a facility, a utility facility,
11 say, across state lines in some way, and then, you
12 know, those sorts of things. So that kind of
13 approach, I think, is very attractive. So if you can
14 find ways that bring sort of private funding, private
15 investment into public utilities, that can be very
16 advantageous. So there are a couple of different ways
17 that I think that can be done. You know, you can have
18 government tax incentives or government grants
19 programs, so federal grant programs. You could also
20 have partnerships, those kinds of things. And if they
21 are to the benefit and in agreement with some of the
22 acts that we've passed on distributed energy
23 resources, then that's good. You know, each, I guess,
24 investor-owned utilities, for example, have to provide
25 a certain amount of their energy through -- it has to

1 be renewable energy. So if they have a plan to do
2 that, and that plan brings in a partnership in some
3 way, and that partnership helps offset some of the
4 cost of those resources and therefore sort of lowers
5 or spreads out some of the cost and doesn't leave the
6 full burden of that on rate payers, then that's a good
7 thing. But as a commissioner, I think you need to
8 look at that and understand how realistic are some of
9 those relationships. So we need to think about
10 things like stranded assets. So is the plan really
11 reliable? What sort of assumptions went into those
12 costs? Where did they come from? How realistic are
13 they? And are there any clawback measures for that
14 sort of thing? So if you get involved in a situation
15 where you're sort of reducing costs of, you know, I
16 don't know, a rooftop solar program or something like
17 that, but the program terminates unexpectedly, you
18 would want some ability for sort of clawback measures
19 or at least think about that. That's something that
20 you would like to think about.

21 **Q What are some challenges facing regulated water,**
22 **wastewater companies?**

23 **A** Okay. Yeah, well, in the recent news, you know, we've
24 seen the headlines that there are, you know, issues
25 with some of the industrial use and agricultural use

1 of our waterways in South Carolina, and that's to be
2 expected. The state's population is growing. So
3 there's a challenge for water availability. Now,
4 that's something that is affected, can be worsened by
5 sort of seasonal weather changes and fluctuations.
6 So, you know, in the peak of the summer, if you have
7 an industrial user that's drawing down a lot of water
8 and sort of the base level of the river is getting
9 quite low, you can develop some problems for other
10 users of our waterways. So folks that are using it
11 for recreational purposes, for drinking water, that
12 sort of thing. And so it also affects water quality,
13 too. So when you really start drawing down on that
14 river, you know, it leaves a lot of the residual
15 behind, and that can be a problem for some
16 municipalities. So water quantity is something that
17 we're faced with -- is a challenge that we're faced
18 with right now in the state, and it's something that
19 the legislature is looking into. And so on the Public
20 Service Commission, commissioners need to be aware of
21 that and really need to challenge it and ask detailed
22 questions about proposals that, for example, would put
23 a new outtake in a river or in a lake. We need to
24 understand what are going to be the impacts, as best
25 we can, on other users that are downstream. Of

1 course, you know, the water is a shared resource.
2 It's flowing generally from the mountains to the sea,
3 and as it goes down, you have more and more outtakes
4 along the way, more and more municipalities, and it's,
5 you know, by the time you get to the end of the river,
6 you're in the territory of the folks that are impacted
7 quite strongly by that. And so that kind of water
8 availability is a growing challenge in South Carolina,
9 and so we need to be careful about the magnitude of
10 projects that we approve. And then as legislation
11 comes to sort of address this, we want to look at
12 proposed projects and really consider carefully the
13 sort of scenarios that are used to project how much
14 water these different groups are going to use. So,
15 for example, industrial demand can rise and fall with
16 productivity if a company becomes more productive and
17 they happen to use water. They may increase that
18 water usage as production rises, and so we need to be
19 aware of that when we request scenarios or review
20 scenarios of how much water they're going to use.

21 **Q Thank you. And could you also describe some**
22 **challenges facing regulated telecommunications**
23 **companies?**

24 **A** Yeah. So telecommunications, in terms of, you know,
25 landlines for telephone communication, those are still

1 used throughout the state, but mostly in sort of niche
2 contexts, offices and businesses. But really there's
3 a big need in telecommunications for rural broadband
4 Internet. So rural areas in South Carolina, many of
5 these small towns, face significant challenges of
6 having access to broadband. So broadband basically is
7 needed for everything that we do, so it is becoming
8 more and more of a needed resource, like electricity
9 in the home, a lot of bills that we pay, that sort of
10 thing. And so in South Carolina there are challenges
11 in sort of equitably serving all of these distributed
12 towns that are throughout the state in terms of
13 connection and access to the Internet.

14 **Q Are you familiar with the advisory opinions issued by**
15 **the review committee regarding attendance at**
16 **legislative receptions, legislative caucus meetings,**
17 **and political functions?**

18 A Yeah. Yes, I have reviewed some of these advisory
19 opinions, and so this one in particular, it rings a
20 bell of some of the opinions that are issued, you
21 know, of ways to -- behaviors to avoid in order to
22 avoid having, being called in for further review for
23 your actions. So I've looked at a number of those
24 advisory opinions, I think maybe five or six of them.

25 **Q Have you attended any legislative receptions or**

1 legislative caucus meetings since submitting your
2 application?

3 A No, I have not.

4 Q Same question. Any political gatherings during this
5 time frame?

6 A No political gatherings.

7 Q Thank you.

8 A No, I have not.

9 Q Have you made any contributions to members of the
10 General Assembly since filing your application?

11 A No, I have not made any contributions.

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

16 A Yes, I'm familiar with that.

17 Q Have you sought or received a pledge of support from
18 any legislator up to this date?

19 A I have not.

20 Q Have you asked any third parties to contact members of
21 the General Assembly on your behalf?

22 A No, I have not.

23 Q Are you aware of any third parties who may have done
24 so?

25 A No, I'm not aware of any.

1 Q If you are elected, do you plan to serve a full term?

2 A Yes, I do plan to serve a full term.

3 Q Great, thank you.

4 MR. JOHN: Mr. Chairman, I have no further questions.

5 At this time, I would request that we go into an
6 executive session pursuant to the committee's
7 prior motion under Section 3470.

8 CHAIRMAN ALEXANDER: So ordered, and we'll clear the
9 room for our executive session.

10 MR. BROOKS: Thank you.

11 (Executive session was held from 11:35 to 11:42 am)

12 (Off the record)

13 CHAIRMAN ALEXANDER: We're back in open session, and
14 no action was taken during the executive session.
15 Are there questions from members of the
16 committee? I've got just a -- how did you get --
17 you mentioned earlier, the Baby Read there in
18 Oconee County. Briefly, how did you get involved
19 with Baby Read?

20 MR. BROOKS: Yeah. So I've always been involved in
21 these sort of side volunteer activities. That
22 happens to be the one I'm currently involved in.
23 So I saw it at -- we had just moved to Clemson,
24 and I think I was at a cafe, and I saw some
25 information. And so I got involved with them.

1 And it's actually really a simple program. It's
2 just based on the research that kids -- that
3 babies that get involved early on with reading,
4 with literature, have better outcomes through
5 school. And so it's just a matter of a couple of
6 times a month sitting down with my family. I
7 bring my daughter along. She's four. So it's,
8 you know, it's everybody except for me in the
9 organization, dozens and dozens of people,
10 they're women. I'm the only guy that does it.
11 So I bring my daughter along. That kind of
12 softens things up. And we just read. We read to
13 -- I have one family that I stay with, and I'll
14 stay with them, you know, until the kid's in
15 school. So yeah.

16 CHAIRMAN ALEXANDER: That's great. Great program. As
17 to observing, your letters of recommendation, I
18 guess it's from your neighbor, it says, what
19 stands out most is how grounded he remains in
20 everyday concerns, whether discussing utility
21 reliability, affordability, or local
22 infrastructure. Dr. Brooks listens first, asks
23 precise questions, and frames solutions around
24 community needs rather than headlines. He
25 volunteers his time, shows up prepared, and

1 treats people with respect, qualities that build
2 trust across viewpoints. So I commend you for
3 having that type of letter of recommendation,
4 recognizing your activities from that standpoint.

5 MR. BROOKS: Thank you.

6 CHAIRMAN ALEXANDER: Any other questions? Okay. If
7 there are no further questions, this will
8 conclude this portion of our screening process
9 with you as a candidate. However, I do want to
10 remind you of your evaluative criteria, the
11 pursuit to that we expect you as a candidate to
12 follow the spirit as well as the letter of the
13 state's ethics laws. Any violation or appearance
14 of impropriety on your part would be deemed very
15 serious and potentially warranting us calling you
16 back for further questions. Do you understand
17 these?

18 MR. BROOKS: I do.

19 CHAIRMAN ALEXANDER: Yes, sir, thank you. Thank you
20 again for being here today and your willingness
21 to serve.

22 MR. BROOKS: All right. Thank you for your time.

23 *****

24 CHAIRMAN ALEXANDER: Good morning, sir.

25 MR. CASTON: Good morning.

1 CHAIRMAN ALEXANDER: I hope you're doing well.

2 MR. CASTON: I am, thank you.

3 CHAIRMAN ALEXANDER: We now have Mr. Mike Caston with
4 us. Mr. Caston, I'm going to administer the
5 oath to you if you raise your right hand.

6 WHEREUPON:

7 STEPHEN MICHAEL CASTON, being duly sworn and
8 cautioned to speak the truth, the whole truth and
9 nothing but the truth, testifies as follows:

10 CHAIRMAN ALEXANDER: If you'd please state your name
11 and address for the record.

12 MR. CASTON: Stephen Michael Caston. 128 Riverpoint
13 Drive, Clemson, South Carolina, 29631.

14 CHAIRMAN ALEXANDER: Thank you, sir. Now I'm going to
15 ask Mr. John to provide some background
16 information and go over some questions with you,
17 please, sir.

18 MR. JOHN: Thank you.

19 (EXHIBIT NO. 4 ENTERED INTO THE
20 RECORD (13 pages) PDQ - Stephen
21 Michael Caston)

22 EXAMINATION

23 MR. JOHN:

24 **Q Mr. Caston earned a Bachelor of Science degree in**
25 **Civil Engineering from Clemson in 1978, and he went on**

1 to earn a Master of Public Administration in 2004 from
2 the Clemson University/University of South Carolina
3 Joint Master Program. He is the current commissioner
4 for District 3 on the South Carolina Public Service
5 Commission. He was first elected in 2020, and his
6 current term expired June 30, 2024. Mr. Caston also
7 currently operates Mike Caston Consulting on a
8 part-time basis. His career began in 1978 as an
9 engineer for James T. Triplet and L.R. Ryan Bridge
10 Contractors, design engineer and construction manager
11 for Enwright Associates from 1978 to 1988, project
12 engineer for Black & Veatch from 1988 to 1991. He was
13 a design engineer for SJWD Water District from 1991 to
14 1997 before becoming SJWD's general manager and CEO, a
15 role that he held from '97 to 2019. He's a member of
16 the National Association of Regulatory Utility
17 Commissioners, the Southeastern Association of
18 Regulatory Utility Commissioners, and is a life member
19 of the Water Environment Association of South
20 Carolina. He's also a member of New Spring Church
21 there at the Clemson campus, the Clemson Fellowship
22 Club, and Tiger Letterman. A background investigation
23 indicated no criminal record and a review of Mr.
24 Caston's credit report indicated no negative
25 information, and his written exam score was a 77. Mr.

1 **Caston, is that all accurate?**

2 A Yes, except for Mike Caston Consulting. I dissolved
3 that in 2020, which, you know, really wasn't a big
4 deal one way or the other.

5 **Q No, thank you for that correction. I misread that.**

6 A Quite all right.

7 **Q Thank you. Mr. Caston, are you a registered voter?**

8 A I am.

9 **Q In which congressional district are you registered to
10 vote?**

11 A Three, District 3.

12 **Q Could you describe an ordinary work week for you at
13 the commission?**

14 A Pretty much as has been mentioned before, full time.
15 Full time means a lot of things to a lot of people,
16 but typically depending on what we have occurring, you
17 know, various and sundry hearings. You know, some are
18 more substantial than others. You know, we in the
19 past few weeks in November, around the time we were,
20 you know, doing some of this stuff, we had some fairly
21 significant hearings. Typically, it involves a lot of
22 reading, a lot of asking questions of staff, and just
23 doing the job the best you can.

24 **Q Thank you. How do you prepare for a hearing?**

25 A Pretty much that way. One, depending on what type of

1 hearing it is, whether it's a rate case or, you know,
2 something involving a citing act or whatever, I
3 personally like to review pretty much the statute and
4 the regulation relative to that particular hearing or
5 subject matter. And then just reading the
6 information, which is, again, depending on the type
7 hearing, you know, it can not be as much to just a lot
8 of paper. And it's a lot. It's a lot to consume.
9 But what I did is after going through it, I try to
10 determine, you know, what are the issues, if any?
11 What questions do I have? What would I like to know?
12 And then I kind of go through some of that with the
13 technical staff and our legal staff, too, and say,
14 hey, this is what I see. This is what I understand.
15 Give me a reality check.

16 **Q Yes, sir.**

17 **A** Generally, that's what I do.

18 **Q And what type of contact do you have with commission**
19 **staff, say, outside of hearing preparation?**

20 **A** Outside of, I'm sorry?

21 **Q If you're not working directly on a specific hearing,**
22 **to what extent do you interact with commission staff?**

23 **A** Well, I used to have a gentleman I worked with years,
24 years back, and he talked about his MBWA, and I didn't
25 know what that was. It was management by wandering

1 around, by walking around. And while I don't -- you
2 know, I'm not trying to manage those people, I think,
3 me personally, I think it's important to know the
4 people that you're working with and them know you. So
5 generally, that's what I do. I'll make it a point to
6 do that, but nothing more than just that purpose.

7 **Q If you were re-elected, would there be any potential**
8 **conflicts of interest, financial or otherwise, from**
9 **your service?**

10 A No, sir. None that I'm aware of.

11 **Q What would you do if one arose? A conflict arose?**

12 A Not participate. I mean, just there's no question
13 about that.

14 **Q Yes, sir. Yes, sir. Are you or a member of your**
15 **immediate family employed by a utility regulated by**
16 **the PSC, either currently or within the past two**
17 **years?**

18 A No, sir.

19 **Q Do you or a member of your immediate family own stock**
20 **or have other financial interests directly within your**
21 **control in a utility regulated by the PSC?**

22 A Not to my knowledge, no, sir.

23 **Q Are you affiliated with any political parties, boards,**
24 **or commissions that would need to be reevaluated if**
25 **you were re-elected?**

1 A No, sir.

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

4 A No, sir.

5 Q What's the appropriate temperament for a commissioner?

6 A Well, I'll tell you what I think the appropriate
7 temperament is. Some people call it the golden rule.
8 You know, treat people the way you want to be treated.
9 You can be firm and still be kind. Just always -- I
10 think there's wisdom to just trying to stay calm,
11 treat people with respect, and I think that will
12 pretty much serve the day if you allow that to occur.

13 Q Can you briefly describe the five canons in the Code
14 of Judicial Conduct?

15 A I can. And I think, you know, when I think about
16 those in general when it talks about the integrity and
17 independence of the judiciary, how do you do that?
18 How do you get that? You know, you have the laws and
19 partiality and diligence, avoiding conflicts of
20 interest. When I think about those things that a
21 judge or a commissioner is to do or should do, it's
22 not a suggestion. It is a mandate. And it's
23 difficult to have a law to make you have good
24 character. But I do believe that is the intent of the
25 Code of Judicial Conduct. People are looking at you.

1 The public's looking at you. Can they trust you? And
2 how do they trust you? They can only trust you if
3 they believe you, if they believe you are impartial,
4 if they believe you are a person of integrity and
5 character. I would hope that folks think that, but
6 that is something I take very seriously.

7 **Q In general terms, what is the rule regarding ex parte**
8 **communications as it relates to the commission?**

9 A Don't do it. If anyone wants to talk to you about
10 things, that will come up. You just don't. If you
11 think it may be an issue, or if that internal bell or
12 light is flashing, just don't do it. Don't
13 participate.

14 **Q What industries and businesses does the PSC regulate?**

15 A Industries and businesses?

16 **Q Industries and businesses therein.**

17 A You know, the big ones. Combustible electric
18 utilities, water/wastewater utilities, and, you know,
19 motor carriers, so that's telecom, gas. Which I
20 think, you know, there's one that I've not had an
21 experience with yet, I think it's called carriers,
22 which involves, I think, railways, and I guess cable
23 cars and such, but at least in my experience, I've not
24 seen anything like that that we deal with.

25 **Q Do you think the role of the PSC within South**

1 **Carolina's utility regulatory framework, do you think**
2 **the PSC's role should be modified in any way?**

3 A Well, I think that's General Assembly's
4 responsibility. I suspect everyone has an opinion
5 about what they would do differently if they could,
6 but that's y'all's job, and I'm not sure this is where
7 I would want to tell you how to do your job.

8 **Q Yes, sir. What's the role of the Office of Regulatory**
9 **Staff in matters before the commission?**

10 A To pretty much do the, I guess, the investigative work
11 primarily to -- you know, the way it was before when
12 that was in-house. You know, that investigation --
13 all the things bad that happened, I understand don't
14 want to happen again, relative to what they do now is
15 provide the deep dive, they get in the weeds, look at
16 the records, provide information, along with other
17 interveners, primarily that investigation, that
18 information to provide in a hearing, in the record, to
19 help, one, using it to the public, and to provide the
20 commission with information to measure and judge.

21 **Q What is an integrated resource plan?**

22 A It's -- well, Santee Cooper's a 20-year plan for all
23 the other utilities, 15-year plan. But it's pretty
24 much a high level plan of what the utility sees in the
25 next 15 years. You know, the shorter the time frame,

1 the, I guess, greater the likelihood of those things
2 occurring, population projections that relate to
3 electric demand, what resources they think they will
4 need to meet those demands, what type resources, and
5 now, you know, with Act 41, it's done some other
6 things, including, you know, transmission planning and
7 such as that, but at a high level, that's pretty much
8 what they are.

9 **Q What key factors should a commissioner consider in a**
10 **rate case?**

11 A Well, you know, folks typically tell you, okay, this
12 is the revenue requirement, and you've got these
13 things over here that cause that revenue requirement.
14 You have operation and maintenance expenses. Every
15 utility has those, you know, whether it's water,
16 sewer, electric. But for the cost of services method,
17 you have those costs, like operation and maintenance,
18 that pretty much are just passed through. The rate
19 base, you know, the physical stuff that's there, that
20 times whatever the rate of return is that that rate
21 case is going to determine or help determine. That is
22 that revenue requirement. It's all those costs
23 combined. Now, that equation, that's a simple little
24 equation, but the things that go into that equation
25 are the complex things, like the debt, the debt

1 service. You know, that's reasonably determined. You
2 know, it's not as complex. The complexity comes in
3 things like return on equity. You know, what is that?
4 What should that be? How is that determined? You
5 know, there's these proxy groups, and then there's
6 proxy groups that they really represent this
7 particular utility. And then you have those, I guess,
8 methodologies that they go through to try to sort
9 through that to determine what that is. The biggest
10 thing with the rate case is determining are those
11 things just and reasonable? Have they been done
12 appropriately? Did it meet the requirements of other
13 statutes, which is one of the roles of ORS, and the
14 interveners can provide also input into that. But
15 it's not an easy thing. But in general, that's it.

16 **Q Yes, sir. In assessing the prudence of a utility's**
17 **investment in, say, an energy efficiency program, to**
18 **what extent should a commissioner consider the effects**
19 **of cross-subsidization?**

20 **A** Well, it's in the statute, so I think it should be
21 weighted and considered. Would I say more than this
22 or more than that? I guess it would be on an
23 individual basis, but it certainly should be
24 considered.

25 **Q Yes, sir. What are some challenges facing water and**

1 **wastewater companies today, regulated?**

2 A It depends on who you ask, but since you've asked me.
3 You know, to be honest, the same things I hear today
4 are the same things I heard 40 years ago. Aging
5 infrastructure, regulations, and how we're going to
6 pay for them. And all those things are legitimate,
7 don't get me wrong, but, you know, aging
8 infrastructure. It didn't age overnight. But those
9 are issues. They're realities. There are some
10 systems that, you know, are going to need to fix some
11 stuff. Now, I do believe that relative to especially
12 smaller systems where you have a limited rate base and
13 limited number of customers, having non-metered water
14 or non-metered accounts is a challenge. It's
15 problematic because then you have it at a uniform
16 rate. So there's zero incentive for conservation or
17 this person can just let it run all night and this one
18 really tries to not do it, but it pays the same thing.
19 I think those are issues. They're all challenging,
20 but in general, that's, I think, issues of concern.

21 **Q Yes, sir. Thank you. And challenges facing regulated**
22 **telecommunications companies today.**

23 A You know, I thought about that. Honestly, nothing
24 comes to mind other than, you know, the incumbent
25 telephone companies. You know, primarily rural. It's

1 becoming more difficult to find truly rural areas in
2 South Carolina now because the population don't know
3 what that means, don't know what effect that'll have,
4 but the things I think our state is experiencing is
5 going to affect everyone, including
6 telecommunications, broadband, everyone. And I can
7 tell you firsthand, it used to be you could go out and
8 run a water line or do anything without a whole lot of
9 difficulty. There's so much stuff in the ground now,
10 especially in the rights of way, along the roads, that
11 it's a challenge. Big time.

12 **Q Great, thank you. Just got a few housekeeping items.**
13 **Are you familiar with the review committee's advisory**
14 **opinions regarding attendance at legislative**
15 **receptions, legislative caucus meetings, and political**
16 **gatherings?**

17 **A I am.**

18 **Q Have you attended any of these functions since**
19 **submitting your application?**

20 **A I have not.**

21 **Q Have you made any contributions to members of the**
22 **General Assembly since submitting your application?**

23 **A I have not.**

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

1 hours after the report has been submitted to the
2 General Assembly?

3 A I am.

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

6 A No, sir, I have not.

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

9 A I have not.

10 Q Are you aware of any third parties doing so?

11 A No, sir.

12 Q If you are re-elected, do you plan to serve a full
13 term?

14 A If you'll let me, yes, sir.

15 Q Thank you.

16 MR. JOHN: Mr. Chairman, I have no further questions.

17 At this time, I would request that we now go into
18 executive session for some of the committee's
19 prior motions under Section 34-70.

20 CHAIRMAN ALEXANDER: So ordered. If we could clear
21 the room, please except for the candidate.

22 (Executive session was held from 12:09 to 12:13 pm)

23 (Off the record)

24 CHAIRMAN ALEXANDER: We're back in open session. No
25 action was taken in the executive session. We'll

1 continue with Mr. Stephen Mike Caston, third
2 congressional district candidate. Are there
3 questions by members of the committee? I've got
4 just a couple brief ones, if you would. What
5 type of information do you rely on in making your
6 decisions on commission matters?

7 MR. CASTON: Information that's -- sorry. Now,
8 information that's provided to us is pretty much
9 it.

10 CHAIRMAN ALEXANDER: How, you know, as you're under
11 the ex parte rules, how do you ensure that the
12 staff members comply with ex parte rules?

13 MR. CASTON: Well, they have the same training we do.
14 I believe they're knowledgeable in it. Unless
15 I'm standing there with them, I don't -- I don't
16 know any more than I do now relative to what
17 they're doing. If something is said or suggested
18 or alluded to, I believe we deal with it or
19 confront it because that has occurred in the
20 past. But, I believe they're very competent,
21 capable, and if there's an issue, we'll deal with
22 it.

23 CHAIRMAN ALEXANDER: Thank you, sir. Other questions?
24 You're good? All right. There are no further
25 questions, so this will conclude this portion of

1 nothing but the truth, testifies as follows:

2 CHAIRMAN ALEXANDER: If you'd state your name and
3 address for the record, please.

4 MR. ELLIOTT: Clint Allen Elliott. 640 Swell Avenue,
5 Murrells Inlet, South Carolina, 29576.

6 CHAIRMAN ALEXANDER: Okay. Mr. John has some
7 background information, and we'll go over some
8 questions with you. So thank you.

9 MR. JOHN: Thank you.

10 (EXHIBIT NO. 5 ENTERED INTO THE
11 RECORD (11 pages) PDQ - Clint
12 Elliott)

13 EXAMINATION

14 MR. JOHN:

15 **Q Mr. Elliott, before I jump into that, is there any**
16 **opening statement you would like to make briefly?**

17 **A** Briefly, I'd just like to thank all the members for
18 allowing me this opportunity. It's one that I've
19 looked at for a long time now, and during my service
20 as a state employee, I'm hoping to do this on a
21 broader canvas.

22 **Q Great. Thank you. Brief background. Mr. Elliott**
23 **earned a Bachelor's of Science in Microbiology from**
24 **Clemson University in 1993. Currently, he works as**
25 **lab superintendent for the Grand Strand Water and**

1 Sewer Authority, where he's been employed since 2006.
2 Mr. Elliott previously worked as a chemist and lab
3 supervisor for the City of Myrtle Beach Surface Water
4 Treatment Facility from 1998 to 2006. Prior to that,
5 he was at DHEC. He was a microbiologist in the
6 Analytical Services Division of Environmental
7 Microbiology from 1995 to 1998, and also
8 microbiologist in the Newborn Screening Division from
9 1994 to 1995. Also, while attending Clemson, Mr.
10 Elliott worked as a computer technical services
11 student supervisor in the Consulting and Technical
12 Services Department. In January of 2023, Mr. Elliott
13 was elected to Georgetown County Council, where he has
14 served as chair since January of 2025. He was also
15 appointed to the State Drought Response Committee,
16 representing the Northeast Drought Management Area for
17 the municipalities in 2020. He is a board member of
18 the Waccamaw Chapter of the Coastal Conservation
19 Association, and he's a member of a number of
20 professional waterworks associations as an employee of
21 the Grand Strand Water and Sewer Authority. A
22 background investigation indicated no criminal record
23 and a review of his credit report indicated no
24 negative information. On the written exam, Mr.
25 Elliott scored a 71. Mr. Elliott, are you a

1 **registered voter?**

2 A Yes, sir.

3 **Q In which congressional district are you registered to**
4 **vote?**

5 A District 7.

6 **Q Why are you interested in serving on the Public**
7 **Service Commission?**

8 A Well, I started my career after Clemson University. I
9 spent five years there. I moved back to -- or moved
10 to Columbia to work for DHEC, as was stated. I began
11 my state service there. I lasted for about five years
12 there. I moved back closer to my family back in
13 Myrtle Beach. I started continuing it there with the
14 waterworks, and I've been there ever since. I just
15 wanted to expand upon my experience and help the state
16 of South Carolina on a broader canvas.

17 **Q If elected to serve as commissioner, how would you**
18 **envision your work schedule on a weekly basis?**

19 A On a weekly basis, probably a lot like what I'm doing
20 right now. Technically, I guess I work two jobs. I
21 get up about 3:00 in the morning. I'm at my first
22 job, which is the Grand Strand Water and Sewer, about
23 3:30, quarter to 4:00. I work there until about 1:00,
24 1:30 in the afternoon, go home, do any kind of
25 meetings I have to have as chairman of county council,

1 any special meetings or any kind of -- right now it's
2 Christmas parties. Everybody's celebrating.
3 Sometimes it's lunch in the afternoons and parties at
4 night kind of thing. Usually, I do a lot of reading
5 of emails for county council for things that are
6 coming up. We have -- I don't know if you know,
7 Georgetown County's in the process of a complete
8 change right now. We lost two of our major employers
9 in the steel mill and the paper mill, and we're
10 dealing with that right now, trying to develop that
11 area and working with a developer to kind of bring
12 that area back to life and give it new life. So I
13 don't imagine this job will be much easier. It's
14 going to be a lot of reading, a lot of research, a lot
15 of questions, and I look forward to the challenge.

16 **Q If you were elected, how do you expect to get up to**
17 **speed on the issues facing the commission?**

18 **A** Lots and lots and lots of reading. Pre-filed
19 testimonies, just looking at the cases coming up on
20 the docket. DMS, looking at those. A lot of the
21 institutes, like the National Association of -- NARUC,
22 but just the different professional organizations,
23 just cleaning as much material from them as possible.
24 So working with the other commissioners and with staff
25 to kind of get up on issues, current and forthcoming.

1 Q If you were elected, would there be any potential
2 conflicts of interest, financial or otherwise, with
3 your service on the commission?

4 A No, sir.

5 Q What would you do if a conflict arose?

6 A If a conflict of interest arose while I was a seating
7 commissioner, I'd have to disclose that to the State
8 Ethics Commission during your statement of economic
9 interest, and then if something arose while I was a
10 seating commissioner, I'd just have to detail it in
11 written form, give it to the chairman of the Public
12 Service Commission so they can enter it into the
13 record and then recuse myself from any discussions or
14 deliberations on the subject matter.

15 Q Great. Thank you. Staying on the conflict subject,
16 are you or a member of your immediate family employed
17 by a utility regulated by the PSC, that being
18 currently or within the past two years?

19 A No, sir.

20 Q Do you or a member of your immediate family own stock
21 or have other financial interests that are directly
22 controlled by you in a utility that's regulated by the
23 PSC?

24 A No, sir.

25 Q Are you affiliated with any political parties, boards

1 or commissions that would need to be reevaluated if
2 you were elected?

3 A The State Drought Response Committee, I would have to
4 resign from that. Also from the County Council.

5 Q Do you belong to any organization that discriminates
6 based on race, religion, or gender?

7 A No, sir.

8 Q What is the appropriate temperament for a
9 commissioner?

10 A Slow to anger, quick to listen, someone who is open to
11 all ideas, focused but decisive when it needs to be.

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

14 A Yes, sir.

15 Q Could you briefly describe the five canons in the
16 Judicial Code of Conduct?

17 A A commissioner should uphold the integrity and
18 independence of the judiciary, fulfill your
19 obligations diligently and fairly, avoid impropriety,
20 manage your extracurricular activities and avoid
21 improper political activity. I believe the spirit of
22 these is so that the public can give -- can have full
23 faith and confidence in the commissioners to be
24 diligent, fair and impartial, unbiased and not have
25 any sort of bias or impartiality towards anyone that

1 may come before them. They should be like this
2 personally and professionally at all times.

3 **Q How would you explain the general rule regarding ex**
4 **parte communications as it relates to the Public**
5 **Service Commission?**

6 A As it relates to PSC, any matter that is before the
7 commissioner or may reasonably become before the
8 commission in the future should not be discussed
9 outside the parties to that matter.

10 **Q What are the industries, types of businesses that are**
11 **regulated by the PSC?**

12 A The rates for investor owned electric and natural gas
13 utilities, PSC sets those. They also set some rates
14 for some telecommunications companies. The privately
15 owned water and wastewater utilities, they set rates
16 for those as well as for higher carry of household
17 goods and hazardous waste for disposal as well as taxi
18 cabs.

19 **Q What's the role of the Office of Regulatory Staff in**
20 **matters before the commission?**

21 A They act for the advocate. They're the representative
22 for the people. They represent the people before the
23 Public Service Commission.

24 **Q What's an integrated resource plan?**

25 A It's a 15 year out or a utilities long range plan for

1 meeting the demand needs for customer service. It's a
2 long range plan to meet the needs of the customer
3 service through demand side and supply side management
4 resources. It's about a 15 year plan filed every 3
5 years updated annually.

6 **Q What are some key factors a commissioner should**
7 **consider in a rate case?**

8 A In a rate case are the rates for the services fair and
9 reasonable, what are the quality of those services,
10 and is the return on investment for the
11 investors/stockholders fair.

12 **Q When judging or determining whether a utility's**
13 **investment in a customer program like energy**
14 **efficiency program, solar distributed energy resource**
15 **program and determining whether or not that's a**
16 **prudent investment, how should the commission consider**
17 **cross-subsidization among a utility's customers?**

18 A When considering those things, I think the
19 cross-subsidization actually brings up several issues.
20 If the commission should look and make sure that one
21 group of customers is not unduly burdened by another,
22 basically they should not subsidize rates for one
23 group so we'll have to basically cover that cost of
24 service for another. It could actually involve free
25 market. They could use the subsidized rates to skew

1 the market. They use the savings from the utilities
2 to downgrade their or at least cut the price of their
3 commodities.

4 **Q What are some challenges facing regulated water and**
5 **wastewater companies?**

6 A Right now, there are a lot of challenges. There are a
7 lot of FDA and EPA rules that are coming down,
8 especially in regards to PFAS and PFOA. I know a lot
9 of the water companies right now are suing the
10 different manufacturers right now because this
11 settlement that was offered sounds like a lot of
12 money. However, when you have to do the ongoing costs
13 of what it's going to cost to take those type
14 chemicals out of the water, it's not going to touch
15 what would be needed to actually do that. So there's
16 a lot of that. It's going to cause some of your
17 smaller utilities to seek larger utilities to help
18 them out, if not absorb them. They'll have to start
19 at least having partnerships with them which is going
20 to incur infrastructure charges because they have to
21 do tie-ins, things of that nature. There's just a lot
22 of stuff coming down from the feds right now that
23 we're looking at or as an industry we're looking at
24 and trying to work our way through it now.

25 **Q What are some challenges facing regulated**

1 **telecommunications utilities?**

2 A I think a lot of it regulated is coming through the
3 use of cell phones. Everybody has a cell phone
4 nowadays. There aren't that many landlines left. So
5 the cost of a landline is actually higher.
6 Unfortunately, the landlines are the last line of --
7 or not line of defense but the last line for the
8 Universal Service Fund. That's our last bit of
9 communication for the less fortunate. So I think it's
10 coming down to we're going to have to have higher
11 rates on our bills to cover those type -- those type
12 of things.

13 Q **Thank you. Just a few housekeeping items. Are you**
14 **familiar with the advisory opinions issued by the**
15 **review committee dealing with attendance at**
16 **legislative receptions, legislative caucus meetings,**
17 **and political gatherings?**

18 A Yes, sir.

19 Q **Have you attended any of these functions since you**
20 **submitted your application?**

21 A No, sir.

22 Q **Have you made any contributions to members of the**
23 **General Assembly since submitting your application?**

24 A No, sir.

25 Q **Are you familiar with the 48-hour rule which prohibits**

1 a candidate from seeking pledges for 48 hours after
2 the screening report has been submitted to the General
3 Assembly?

4 A Yes, sir.

5 Q Have you sought or received a pledge of support from
6 any legislator?

7 A No, sir.

8 Q Have you asked any third parties to contact members of
9 the General Assembly on your behalf?

10 A No, sir.

11 Q Are you aware of any that may have done so on their
12 own accord?

13 A No, sir.

14 Q If you're elected, do you plan to serve a full term?

15 A Yes, sir.

16 Q All right, thank you.

17 MR. JOHN: Mr. Chairman. I have no further questions.

18 At this time, I'll request we go into executive
19 session pursuant to the committee's prior motion
20 under Section 34-70.

21 CHAIRMAN ALEXANDER: So ordered. I'd ask the room to
22 be cleared.

23 (executive session was held from 12:59 to 1:03 PM)

24 (Off the record)

25 CHAIRMAN ALEXANDER: Okay, we continue now back in

1 open session. No action was taken in the
2 executive session. We have before us Mr. Clint
3 A. Elliott for the 7th Congressional District.
4 Are there questions by members of the committee?
5 Mr. Edwards.

6 MR. EDWARDS: Thank you, Mr. Chairman. Mr. Elliott,
7 first of all, I appreciate your willingness to
8 serve, okay?

9 MR. ELLIOTT: Thank you.

10 MR. EDWARDS: You live in Murrells Inlet.

11 MR. ELLIOTT: Yes, sir.

12 MR. EDWARDS: This is a full-time job located in
13 Columbia. Is that an issue for you?

14 MR. ELLIOTT: No, sir.

15 CHAIRMAN ALEXANDER: So how would you balance the need
16 of reliable and affordable electricity for our
17 residents versus the need on the side of, let's
18 say, data centers or other high-use energy demand
19 businesses or industry from that aspect of making
20 sure that we have the type of capacity that we
21 need here in South Carolina from a public service
22 commission standpoint?

23 MR. ELLIOTT: From a service commissioner or public
24 service commission aspect of it, I know data
25 centers -- I think we all are aware that data

1 centers are coming hard and fast on us. I think
2 some of the areas they're looking at putting data
3 centers need to be evaluated for water and
4 infrastructure and power needs. If there is one
5 disagreeable, I think the data centers should
6 have to contribute significantly to the
7 infrastructure grid. I would also like for them
8 to have their own power source. I know that's the
9 two drains that they put the most work on would
10 be the water and also the electricity. So I
11 think the siting of those would need to be
12 evaluated very carefully, looked at the
13 surrounding areas, and we would have to evaluate
14 those on an individual basis.

15 CHAIRMAN ALEXANDER: Mr. Nicholson.

16 SENATOR NICHOLSON: Mr. Elliott, quick question.

17 MR. ELLIOTT: Yes, sir.

18 SENATOR NICHOLSON: When you think about rate
19 increases that are requested by different
20 utilities, what are the key factors that you
21 think that you should decide in determining
22 whether to give a rate increase?

23 MR. ELLIOTT: Is it economically justified I think
24 would be one of the biggest questions. Also,
25 would that rate unduly hinder another class --

1 another class of customer? Look at the cost for
2 benefit received versus the cost incurred. Make
3 sure that each class pays their own fair share of
4 the rates that they're given. Those type things.

5 SENATOR NICHOLSON: Okay, thank you.

6 MR. ELLIOTT: Thank you, sir.

7 REPRESENTATIVE HERBKERSMAN: Just real quick.

8 CHAIRMAN ALEXANDER: Yes, sir. Chairman Herbkersman.

9 REPRESENTATIVE HERBKERSMAN: Thank you, Mr. Chairman.

10 Based on your current employment, how will you
11 ensure that you serve as an impartial decision
12 maker on the commission?

13 MR. ELLIOTT: On the Public Service Commission?

14 REPRESENTATIVE HERBKERSMAN: Yes, sir.

15 MR. ELLIOTT: It's very easy. It's kind of like being
16 on the county council. You have to put your
17 friendships aside and look at the facts and base
18 your decisions on that versus your heart.

19 Sometimes you know things that other people don't
20 know, but you can't let those affect your
21 decisions. You have to look at the facts and do
22 what's best for everyone.

23 REPRESENTATIVE HERBKERSMAN: Okay. Thank you, sir.

24 MR. ELLIOTT: Thank you.

25 CHAIRMAN ALEXANDER: Other questions? Senator Rankin.

1 SENATOR RANKIN: Thank you, Mr. Elliott. I appreciate
2 your being there today and forgive me for not.
3 I'm reminded of your campaign or candidacy five
4 plus years ago when you were found qualified by
5 this committee. And I think I'm correct. You
6 withdrew before the election. Is that right?

7 MR. ELLIOTT: Yes, sir.

8 SENATOR RANKIN: And I'm sorry. Can you hear me?

9 MR. ELLIOTT: Yes, sir.

10 SENATOR RANKIN: Okay. When you're talking, look into
11 the mic, not into the screen, okay?

12 MR. ELLIOTT: Yes, sir.

13 SENATOR RANKIN: I can barely hear you. My apologies.
14 I'm curious, not the second time is the charm,
15 perhaps it will be, but tell me why you are doing
16 this again.

17 MR. ELLIOTT: I think the Public Service Commission is
18 a vital part of South Carolina and it's going to
19 impact the entire future for the state of South
20 Carolina, and I just want to be a part of that.
21 I've done lots of good things with my water
22 issues and my water background. I think now it's
23 time to take those as well as expand those
24 experiences and try to help people on a broader
25 canvas.

1 SENATOR RANKIN: And I heard your testimony about what
2 you got, and congratulations on being the
3 chairman of Georgetown Council. Or condolences,
4 I guess, to you. And I'm excited about what you
5 guys have there to work with and hope that we as
6 a state will help y'all help us there. Would
7 this -- if you were successful, would this affect
8 your ability to serve on County Council?

9 MR. ELLIOTT: Yes, sir. I'd have to resign from County
10 Council.

11 SENATOR RANKIN: Okay. And then your work with Grand
12 Strand Water and Sewer Authority, that likewise
13 would have to end too?

14 MR. ELLIOTT: Yes, sir.

15 SENATOR RANKIN: Is that correct? I'm sorry.

16 MR. ELLIOTT: Yes, sir, I'm sorry.

17 SENATOR RANKIN: Okay. And that, too, may be a
18 hallelujah moment with all that y'all have worked
19 through with the growth that we've got down here.
20 I'm curious in terms of what's different now with
21 the landscape and what you see that would be
22 required of you if you were successful that is
23 different from 2020, other than the obvious
24 perhaps of our energy renaissance that we're
25 undergoing here.

1 MR. ELLIOTT: It's a big -- right now we've got a lot
2 of -- you guys approved the Santee Cooper
3 Dominion plant in Colleton County. So we've got
4 some areas -- Georgetown County specifically, has
5 some energy deficits, I believe. They still --
6 Santee Cooper still has that coal-fired plant.
7 They haven't sunset that one yet. I know they
8 were looking potentially at a natural gas line to
9 do sort of what they were doing at Colleton
10 County. I believe that I can still be of service
11 to Georgetown County in that capacity, not as an
12 advocate, but just as a general person to look
13 out for the industries that are coming.

14 SENATOR RANKIN: Okay. All right, thank you, Mr.
15 Elliott. Thank you, Mr. Chairman.

16 MR. ELLIOTT: Thank you, Senator.

17 CHAIRMAN ALEXANDER: Thank you, Mr. Chairman. Further
18 questions? Okay, that concludes this portion of
19 the screening process. I do want to remind you,
20 Mr. Elliott, of the criteria of the state ethics
21 laws, and we expect you as a candidate to follow
22 the spirit as well as the letter of those state
23 ethics laws. Any violation or appearance of
24 impropriety on your part would be deemed very
25 seriously and certainly very potentially

1 address is 4396 Baldwin Avenue in Little River,
2 South Carolina, 29566.

3 CHAIRMAN ALEXANDER: Thank you, sir. Mr. John has
4 some background information he'll provide to the
5 committee and then have some questions for you.

6 MR. JOHN: Thank you.

7 (EXHIBIT NO. 6 ENTERED INTO THE
8 RECORD (12 pages) PDQ - Kenneth
9 Moss)

10 EXAMINATION

11 MR. JOHN:

12 **Q Mr. Moss, before I jump in on that, is there a very**
13 **brief opening statement you would like to make to the**
14 **committee?**

15 **A** I did not prepare to make an opening statement. I'm
16 happy to do so. I determined this is a good time in
17 my life to look at this committee as a way to serve
18 South Carolina. South Carolina's been good to me. My
19 background with electric utilities started with Santee
20 Cooper in 1991. And I worked there for a number of
21 years and proceeded back to law school. And I've been
22 in a full-time law practice since 1998. And involved
23 myself in numerous utility-type projects from my role
24 as city attorney and deputy county attorney, and now
25 as general counsel for Horry Electric Cooperative. My

1 paralegal is soon to retire. And I've either got to
2 make -- I've got to pivot my practice, so I've either
3 got to change my direction, perhaps in this manner, or
4 I've got to go find a new paralegal and start over.
5 And so it just seemed like the timing was right. And
6 to be honest with you, South Carolina -- the public
7 South Carolina sector has been very good to me over my
8 practice from its very beginning with Santee Cooper
9 through my service with cities and the county. And so
10 I thought, for a lot of reasons, it was the right time
11 to look at this option.

12 **Q Thank you. A brief background. Mr. Moss earned a**
13 **Bachelor of Science degree in electrical engineering**
14 **from NC State University in 1989. He earned a Master**
15 **of Engineering in electrical engineering from the**
16 **University of South Carolina in 1997, the same year**
17 **that he earned his Juris Doctorate from the University**
18 **of South Carolina School of Law. Mr. Moss is**
19 **currently the managing partner for Wright, Worley,**
20 **Pope, Ekster, and Moss PLLC, formerly known as the**
21 **McGougan Law Firm. He's been employed there since**
22 **2001. He is also general counsel to Horry Electric**
23 **Cooperative, where he's worked with them since 2019.**
24 **And in that capacity, he has registered as a lobbyist.**
25 **Mr. Moss's career began as an associate engineer in**

1 power supply planning for Santee Cooper in 1991, where
2 he worked until 1997. He was deputy county attorney
3 for Horry County from '97 to '99. He was an associate
4 attorney for Jeffcoat, Pike, and Napier from 1999 to
5 2001. And so that's when he began his stint at
6 Wright, Worley, Pope, Ekster, and Moss. During that
7 period -- so since 2001, he has served as the town
8 attorney for the town of Surfside Beach, 2010 to 2019,
9 and the city attorney for the city of Loris from 2019
10 to 2024. Is that correct?

11 A That's correct.

12 Q Okay, thank you. And Mr. Moss also reported that he
13 is the owner and president of Kenneth R. Moss PC and
14 is a sole member of North-South Title Agency LLC, both
15 of which are affiliated with his law firm. He is also
16 the sole member of Gorganus Feed and Grain, a retail
17 farm supply store, and Antioch Farms LLC, and its
18 related limited liability companies, McNabb, Shortcut,
19 Edgefield LLC, and Magnolia Ridge LLC. He reported
20 that that started out as a farming company that is now
21 focused on real estate development. He is also a
22 manager member of B&M Properties of the Carolinas LLC.
23 He currently serves as a trustee on the Southeastern
24 Community College Foundation Board of Trustees. Did I
25 get that part right?

1 A You did.

2 Q Okay, thank you. Thank you. A background
3 investigation indicated no criminal record, and a
4 review of Mr. Moss's credit report indicated no
5 negative information. His written exam score was a
6 74. Mr. Moss, are you a registered voter?

7 A Yes.

8 Q In what congressional district are you registered to
9 vote?

10 A In the 7th.

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

13 A Well, as I mentioned briefly in my opening statement,
14 I think I've got to make a change pretty soon in my
15 practice based on my primary -- I mean, I have ten
16 employees in my office, but I have one I've relied on
17 since I started practicing law in 1998. And for some
18 health-related reasons in her family, she's ready to
19 retire. In fact, she worked for a lawyer for 20 years
20 before she became my employee. So she's had a career
21 of it. And so I've got to start over in that regard.
22 I also feel like, you know, by the time that I invest
23 the time it takes to train someone, I'll be at the end
24 of my career in another five or ten years. Because
25 you don't just hire -- in the Horry County area, we're

1 having a hard time finding real estate paralegal
2 talent that has some seasoning and some experience.
3 And so if I spend five to ten years training another
4 paralegal, it's going to be training them for somebody
5 else, really. So I think it's a good time for me to
6 make a change. And when I looked at the alternatives,
7 based on my utility background, I thought this was a
8 good place to serve. And quite frankly, I think it's
9 a role that because of my engineering background and
10 also my legal background, I thought I could combine
11 those two and provide good service to this community.

12 **Q If you were elected to serve as a commissioner, how do**
13 **you envision your weekly work schedule?**

14 **A** Well, initially, I'd have to have some transition
15 period to wind down some cases. I've got pending
16 litigation. But my goal would be within a few months
17 to try to hand off those cases to other attorneys in
18 my firm or hand off those cases to other firms. And
19 then my weekly work schedule would be, you know, as
20 the job demands. When I talked to a staff attorney
21 with the commission a couple of years back before I
22 decided to run, she explained to me that a lot of this
23 job was done remotely. But there were times when you
24 had to be in Columbia for hearings. And I was fine
25 with that. And I'm fine with the remote work. I

1 would probably set up, either in my current office or
2 in an office at my home, a remote connectivity
3 location to serve. And so I'm a pretty early riser.
4 So I would be full time ready to devote to this job
5 starting very quickly into my service after a wind
6 down period. I have continued to take cases so I have
7 some that are not very old cases that I'll have to
8 work through. And I have some that are pending in the
9 courts of appeals that will wind down over the next
10 few months, I anticipate. So to answer your question,
11 I anticipate my work week to be responsive to the
12 demands of this job, whether it's full time or whether
13 it's in Columbia or remotely. My understanding is a
14 good bit of it would be done remotely.

15 **Q You mentioned you have some affairs you might need to**
16 **wind down. How would you expect to get up to speed on**
17 **specific issues that are facing the commission?**

18 A You mean with the commission?

19 **Q Right. On matters that are before the commission are**
20 **likely to come before.**

21 A Well, I was reviewing the calendar of it even as much
22 as today. And my intention will be to watch remotely
23 hearings before the committee and, you know, become
24 familiar with what's pending now. I don't know that I
25 could be read into actual applications on some of the

1 material. The public material, I certainly would read
2 on pending matters but some of them may not be made
3 public.

4 **Q If elected -- so as mentioned, you're general counsel**
5 **for Horry Electric Cooperative. If you were elected,**
6 **would there be any potential conflicts of interest**
7 **associated with that role or any other?**

8 A There could be potential conflicts of interest that
9 would arise seldom. And let me -- right now, the
10 electric cooperatives are not regulated by the
11 commission but the central electric cooperatives is.
12 And there are certain matters from time to time that
13 arise that have to have the commission's approval.
14 For example, recently, Horry Electric Cooperative and
15 Santee Cooper realigned some of the boundaries of
16 their service areas. And they did so for their own
17 respective reasons to promote operational efficiency.
18 And in some cases, so Horry Electric can serve its own
19 locations. That required, not from the cooperative
20 side, but from Santee Cooper's side, that required
21 approval from the commission. Now, that's happened
22 twice in the history of Horry Electric. So that's not
23 a situation that would arise often. Certainly, if
24 something like that arose and the cooperative I was
25 affiliated with was directly affected, I would have to

1 recuse myself from that consideration. But again,
2 that's arisen twice in the history of Horry Electric
3 Cooperative, you know, over 75 years. The reality is,
4 my role for Horry Electric Cooperative, while I was
5 aware that was going on, I had no role in it, okay.
6 And for example, when Horry Electric Cooperative has
7 to provide its facilities information to Central so
8 that Central could coordinate with Santee Cooper for
9 its integrated resource plan, I had no role in that
10 either. And so my role as general counsel was to make
11 sure others were getting that done. But I have no
12 review role of it or no participation in it. And so
13 the likelihood that a conflict of interest would arise
14 is very remote. But obviously, we'd have to be
15 cognizant of that and either on my own motion or on
16 the motion of the party, I would have to recuse myself
17 if and when it ever surfaced.

18 **Q Are you technically an employee of Horry Electric**
19 **Cooperative?**

20 A I am not. I'm not.

21 **Q Are you or a member of your immediate family employed**
22 **by a utility that's regulated by the PSC now or within**
23 **the past two years?**

24 A No, sir.

25 **Q Do you or a member of your immediate family own stock**

1 **or other financial interests that you directly control**
2 **in regulated utilities?**

3 A So I do have some stock, and my wife has some stock,
4 in Duke Energy. That stock was actually inherited
5 CPNL stock from my grandmother, and we've added to it
6 over the years. And of course, CPNL became Progress,
7 and Progress became Duke. And so I do have that in my
8 retirement portfolio. And I think copies of that were
9 provided with my application. As far as active
10 management, I don't have any management of it. It's
11 just a stock portfolio that's part of my retirement
12 package. I think there are some other utilities in
13 there that are not in South Carolina that are
14 regulated perhaps by other states. But Duke is the
15 only one I'm aware of in this state. And I wish I
16 could tell you it was a more significant holding, but
17 from Duke's standpoint, it's very minimal.

18 **Q If you were elected, would you need to make any**
19 **disposition of that stock, the Duke stock?**

20 A I mean, I certainly could, because it's in the
21 retirement plan. We've got some in the Roth IRA for
22 myself and for my wife. I could certainly dispose of
23 that and then, you know, invest that in another
24 utility that's not regulated in South Carolina and
25 would be willing to do that. It's a pretty good

1 stock. It pays a pretty good dividend. But it's not
2 -- it's not the best return stock that I have. I
3 primarily held on to it because it's something my
4 grandmother left to me.

5 **Q Yes, sir. Yes, sir. You reported that you're a**
6 **registered lobbyist for Horry Electric Cooperative,**
7 **but you mentioned that you don't really engage in**
8 **lobbying activity. Is that correct?**

9 A Well, it depends on what you call lobbying activity
10 and that's the reason I'm registered. Horry Electric
11 has a lobbyist. A full-time employee that works for
12 Horry Electric who is registered as their lobbyist.
13 But because I have a relationship with numerous
14 members of the House and the Senate, it derives from
15 my law practice and occasionally, I would have
16 conversations with them. And, you know, Horry
17 Electric does host a dinner once a year where we
18 invite delegation members to come dine with us. We
19 elected out of an abundance of caution that I should
20 register as a lobbyist because we didn't want to run
21 afoul of any rules. But in my role as a lobbyist,
22 I've never hosted an event. I've attended some events
23 in conjunction with Horry Electric's primary lobbyist.
24 My terms that I file with the State Ethics Commission
25 are always zero returns for expenditures by me. And

1 so I am registered as a lobbyist in an abundance of
2 caution. I anticipate that I would have to withdraw
3 that registration if I were a successful candidate
4 here.

5 **Q Yes, sir. Thank you. Are you affiliated with any**
6 **political parties, boards, or commissions that would**
7 **need to be re-evaluated if you were elected?**

8 A No, sir.

9 **Q Do you belong to any organization that discriminates**
10 **based on race, religion, or gender?**

11 A No, sir.

12 **Q How would you describe the appropriate temperament for**
13 **a commissioner?**

14 A Well, I think it needs to be judicial and it needs to
15 be -- whoever the chairman is needs to be able to run
16 a meeting. But they certainly need to be respectful
17 of the input of all of the witnesses who are offering
18 testimony. But it is sworn testimony that's being
19 provided and the decorum needs to be respected. I've
20 served that role in boards in the past when I was
21 served as president of an association. In fact, one
22 of the things I listed was in my disclosure of
23 litigation, I was appointed by the circuit court in
24 South Carolina to serve on a non-profit association of
25 homeowners. That turned out to be a punishment, I

1 think, but I was on it for five years. And they
2 weren't getting along, so they needed a fifth board
3 member. The Court appointed me, and they immediately
4 made me president. And so I had to preside over many
5 roomfuls of angry homeowners who were -- the reason I
6 was there was because they were already in litigation
7 and not getting along. And so I think it's probably a
8 lot more lively in a meeting like that than the
9 commission would have to experience. But someone does
10 need to be the presiding officer who runs the room,
11 and they do need to make sure, within reason, that
12 everybody has their opportunity to speak and offer
13 their exhibits and offer their testimony. And someone
14 does have to apply the applicable rules of evidence to
15 make decisions. And so I'm not sure if that's
16 responsive to your question fully or not.

17 **Q It is. Thank you. Please briefly describe the five**
18 **canons in the Judicial Code of Conduct.**

19 **A** Well, I can't recite them by canon number, but I know
20 as judicial officers, you're not allowed to engage in
21 political activity, okay? You're not allowed to fund-
22 raise for political activity. I know you're supposed
23 to avoid conflicts of interest or activity that could
24 give the appearance of conflicts of interest. I know
25 you're not supposed to serve as a character witness

1 for anybody as a judicial officer, because that's
2 something that judges are not allowed to do.
3 Full-time judges are not allowed to practice law,
4 okay? And this is a quasi-judicial role, as I
5 understand it. And, you know, I'm going to need a
6 little guidance from the attorney's -- commission's
7 attorney on that, but what I see is -- I don't intend
8 to practice law once I wind down my law practice, but
9 it is a little bit different role than you might see
10 for a family court judge or a circuit judge or
11 appellate court judge. And so there's a canon about
12 that. And so that's something I have to get guidance
13 on from the commission's attorney. But I bring that
14 up because we have a lot of judges that are not
15 full-time judges in South Carolina. We see some
16 probate judges, we see some municipal judges, we see
17 some magistrate judges that also serve other roles.
18 And so those canons that apply to judges don't exactly
19 apply to those judicial spots. And so to be honest
20 with you, I need some help with that. I think I've
21 gotten them all.

22 **Q Please briefly explain the general rule regarding ex**
23 **parte communications as it relates to commissioners.**

24 **A** Well, the general rule is you can't have it. There
25 are some permissible ex parte communications when

1 there's a request made for that and they're properly
2 noticed for that. I notice that's one that just came
3 up on the commission's calendar from Wal-Mart where
4 they wanted to talk about their own proprietary
5 demand-side management program. And so if you're
6 going to have an ex parte conversation, it has to be a
7 written request on the forms promulgated by the
8 commission. If you receive an ex parte communication
9 that's improper, the commissioner's obligation is to
10 report that. Or if a complaint's made, that has to be
11 investigated by the ALJ. So the general rule is you
12 don't have them, if that's what you're asking.

13 **Q It is. Thank you. What are the industries that are**
14 **regulated by the Public Service Commission?**

15 **A** Well, certainly the electric utility industry because
16 that's what I'm the most familiar with. Some of the
17 water and sewer companies. I wish some of the
18 municipal water and sewer companies probably might
19 offer better service if they were regulated, but
20 they're not now. There's some transportation
21 industries that are regulated. Some rail, as I read,
22 I don't want to profess to know more about that than I
23 do, but a lot of the rail systems are federally
24 regulated, but South Carolina has its component of it.

25 **Q What is the role of the Office of Regulatory Staff in**

1 **matters before the commission?**

2 A What they publish is to secure, to regulate rates and
3 services for the consuming public in South Carolina.
4 What I would like to see as a part and parcel of that
5 is a decided interest in new generation in South
6 Carolina and new transmission in South Carolina for
7 the electric utility industry because we are greatly
8 lacking in that area.

9 **Q What is an integrated resource plan?**

10 A So an integrated resource plan is something that
11 controlling authorities are required to submit every
12 three years and they submit that to include their
13 15-year outlook of demand for electricity and also
14 their resources for being able to provide that demand,
15 whether it's their mix of coal or hydro or wind or
16 solar or nuclear, and it's a plan. And the IOUs have
17 to update it annually, but it's a three-year plan.
18 Where the cooperatives are involved in that is they
19 participate with Central Electric Cooperative, and so
20 my cooperative doesn't have any generation or
21 transmission facilities to add to it, but anything
22 that we do have in terms of load gets provided to our
23 load forecast gets provided to Central Electric
24 Cooperative, and they provide it in conjunction with
25 Santee Cooper's integrated resource plan. And so it's

1 a plan, and I think it was Patton that said a plan
2 isn't, planning isn't valuable, but a plan itself is
3 not so valuable.

4 **Q What are some key factors that a commissioner should**
5 **consider in a rate case?**

6 A Well, one of the things we wrestle with in rates is
7 that every consumer of electricity is a little
8 differently situated, and if you're not -- if you
9 don't pay attention to that, you can have different
10 classes of consuming members if you're a cooperative
11 or consuming customers if you're talking about the
12 IOU. I mean, you can actually have them inadvertently
13 subsidizing other customers. And so you try to
14 safeguard against that, and it's part of your rate
15 policy. We have seen in recent years a great
16 outpouring of complaints about the three part rate
17 that Horry Electric just went to. We're the third
18 cooperative in South Carolina that just went to that
19 rate, and it was designed to be a very rate revenue
20 neutral plan. And as it turns out, about 60 percent
21 of our members have saved money on it and about 40
22 percent have spent a little bit more money. But in
23 those conversations, it was very, you know, the cliché
24 we use is the little lady at the end of the mile, that
25 we want to make sure that in paying for her power at

1 her home or her mobile home, that she's not
2 subsidizing some industrial customer that wants to
3 come in or some large business that wants to come in.
4 And so that's very much an important consideration in
5 rate structuring is to see that everybody's treated
6 fairly because some consumers do cost more in the way
7 of infrastructure investment than others.

8 **Q That was actually my next question regarding**
9 **cross-subsidization. As a commissioner, if you're**
10 **judging the prudence of a utilities investment, say,**
11 **in an energy efficiency program, to what extent should**
12 **cross-subsidization be a factor in your decision?**

13 **A** Well, I think -- I like to think of when you can get
14 more than one objective satisfied at the same time,
15 sometimes it's a good thing. For example, if y'all in
16 the State House here vote to subsidize some industry
17 that's coming in by building infrastructure, by
18 building a new intersection, or building a new
19 highway, or building a rail spur that, of course, is
20 good for that utility or the industry that's trying to
21 come in and is making the request, but if that plan
22 doesn't work out exactly like that requestor plans,
23 exactly like our legislature plans, you still have the
24 infrastructure, and the infrastructure's still there
25 to serve the next industry. So you try to look for

1 downstream benefits for everyone in the public
2 interest. It's not fair for the little lady at the
3 end of the line to subsidize a big commercial
4 development. That is clear. But what you do see is -
5 - you know, I was at a national conference with
6 electric utilities, and I spoke to some of the co-op
7 members from out in Utah, where the state park is,
8 where the Arches is, and one of the problems they were
9 having is they could not get, you know, a transmission
10 line -- not a new transmission line. They couldn't
11 get an existing line rebuilt to a higher capacity, and
12 so they were really suffering from that. Well, when
13 you have to rebuild infrastructure to meet higher
14 demands, i.e. transmission, or you have to build a
15 generating unit, or you have to build a new
16 substation, I mean, everybody's got to contribute to
17 that. And that little lady at the end of the line has
18 to contribute to that, too. But she doesn't need to
19 do it in an inordinate fashion.

20 **Q Thank you. What are some challenges facing regulated**
21 **wastewater companies?**

22 **A** Aging infrastructure is a big one. And, you know,
23 particularly with wastewater treatment plants, a lot
24 of ours are pretty old, and a lot of our wells are
25 old. Our population is growing, of course, and those

1 things don't align with each other. And so I think,
2 you know, some of our wastewater plants need to be
3 replaced with larger capacity units. We need
4 additional units to supplement what's there. That, of
5 course, brings right-of-way acquisition problems,
6 because nobody wants it. No consumer wants to have
7 that transmission line or that sewer line running
8 across their property if they can avoid it. I
9 shouldn't say no. Most do not want that. Most don't
10 want to be bothered by it. So when you have to build
11 new infrastructure, you've got to get right-of-way.
12 You've got to get funding. A lot of that funding
13 sometimes is federal funding. And there's a challenge
14 in meeting the criteria for federal funding. So it's
15 a big problem. Recently, I think, -- was your
16 question solely about wastewater or did you include
17 water?

18 **Q Water, wastewater. Yes.**

19 **A** So water -- a big problem with water systems lately,
20 particularly the municipal water system, is we had to
21 do the lead abatement studies. We've got a time line
22 to get -- this is a little bit dated, because I
23 haven't been a city attorney for a couple of years.
24 But we have stringent time lines on abating that lead
25 in the water systems. And so funding for that,

1 location for that, construction for that is a problem.
2 We had a little -- at least when I was city attorney
3 for Loris, we were the benefactor of some of the COVID
4 stimulus monies and that helped us get a head start on
5 some of them. But there's a lot of it in the ground
6 to be done. And some of those water systems, they
7 have this unmetered water that meets or exceeds their
8 metered water. And those are certainly problems that
9 they face.

10 **Q And what about some challenges facing regulated**
11 **telecommunications companies?**

12 A Well, they also have the right-of-way issues. A
13 number of years ago, they were lobbying the State
14 House here to try to force some of the elected cities
15 to allow them to share space on their utility poles.
16 And so that's a problem for them. But I think
17 technology might be their biggest problem, because
18 they make tremendous investments, tremendous
19 investments, only to learn they become obsolete in a
20 relatively short period of time for utilities.
21 Utility assets usually have a long shelf life. They
22 don't so much in telecommunications industries. I
23 mean, for example, with the cellular systems now
24 proliferated through towers primarily. Well now, one
25 of my -- one of my acquaintances who's a cell tower,

1 you know, contractor who built many of them says he
2 hadn't built one in three or four years, and he
3 doesn't know when he'll build another one. And it's
4 because the technology's changing, despite all those
5 hundreds of millions of dollars spent in
6 infrastructure. And that's a big problem for
7 telecommunications companies.

8 **Q And then a few housekeeping items as we wrap up, at**
9 **least with my portion here. Are you familiar with the**
10 **advisory opinions issued by the review committee**
11 **dealing with attendance at legislative receptions,**
12 **legislative caucus meetings, and political gatherings?**

13 **A** No, I'm not. I'm aware that the canons include, if
14 you look at the comments to the canons, they advise
15 against a lot of activity that can be questionable in
16 terms of that. But I'm not aware of those advisory
17 opinions.

18 **Q Well, have you attended any legislative receptions,**
19 **legislative caucus meetings, or political gatherings**
20 **since you've submitted your application?**

21 **A** No, sir. The last legislative gathering that I
22 attended was here on the State House grounds when we
23 had co-op day in February. I attended that right here
24 between these two buildings last February, and that's
25 the last time I attended a legislative function.

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

3 A I have not, and that, by the way, is one of the
4 benefits of being a registered lobbyist.

5 Q Are you familiar with the 48-hour rule, which
6 prohibits a candidate from seeking pledges for 48
7 hours after the screening report has been submitted to
8 the General Assembly?

9 A I am.

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

12 A I have not.

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

15 A I have not.

16 Q Are you aware of any that may have done so on their
17 own?

18 A I'm not aware of anybody that's done that, certainly
19 not on my request, but I don't think they've done it
20 at all. The person that I will talk about is
21 Representative Bailey is a personal friend of mine. I
22 met him when I represented him in a case, I don't
23 know, 15 years ago. And so I talk with him fairly
24 frequently, so he knows I've submitted an application
25 here. And I have made him aware of those particular

1 rules, that he's not allowed to seek any commitment
2 from any other lawmaker until this committee has
3 deemed me to be qualified or not qualified. And so I
4 don't think he's done that. But he's the only
5 lawmaker that I routinely talk to, and so I've never
6 discussed with him directly whether or not I had his
7 commitment. I assume I would because he and I are
8 personal friends, but I haven't asked and wouldn't
9 ask.

10 **Q If you're elected, do you plan to serve a full term?**

11 **A** I do.

12 **Q All right.**

13 MR. JOHN: Mr. Chairman, I have no further questions.

14 At this time I would request that we go into
15 executive session pursuant to the committee's
16 prior motion under Section 34-70.

17 CHAIRMAN ALEXANDER: So ordered. I'd ask the room to
18 be cleared.

19 (Executive session was held from 1:43 to 2:16 pm)

20 (Off the record)

21 CHAIRMAN HERBKERSMAN: Thank you, Mr. Moss. There
22 were no decisions made during the executive
23 session. Are there any further questions from
24 the committee? Okay. Yes.

25 SENATOR RANKIN: Mr. Chairman, if you will, please.

1 CHAIRMAN HERBKERSMAN: Yes, sir. Mr. Rankin.

2 SENATOR RANKIN: I apologize. Thank you, Mr. Moss.

3 Ken, I know you well, and I just want to comment
4 about a couple of things here in terms of your
5 coming to this point. In your opening remarks,
6 you invoked the transition in your professional
7 career based on the loss of a key man or, more
8 accurately, a key woman. And I know how that is,
9 and it's a blessing to have great key people.
10 And so, man, when you lose them, it does make you
11 kind of reassess. I want to -- I guess more
12 acutely, have you tell in the record who that
13 person is so that forever with this transcript,
14 they'll know who we're talking about.

15 MR. MOSS: Sure. Her name is Renee Baxley. She's
16 been with me since 2001 when I opened my own
17 practice in Horry County.

18 SENATOR RANKIN: Okay. And, two, noteworthy to me in
19 your PDQ, some consideration to this, how do you
20 get both a law degree and an electrical
21 engineering degree at the same time?

22 MR. MOSS: Well, as I mentioned earlier, I had started
23 working on my master's degree in engineering
24 prior to attending law school. And so, for me,
25 it was just adding a couple courses during my law

1 school career to finish it. So I completed that
2 task while I was in law school. But I had
3 started it, you know, back when I worked for
4 Santee Cooper and lived in Moncks Corner.

5 SENATOR RANKIN: Okay. And I don't know that I've
6 ever seen a resume with a dual degree at the same
7 time, notwithstanding what work went before. So
8 that is certainly noteworthy. And then you just
9 touched on something else. You worked six years
10 with Santee Cooper, I believe. Correct?

11 MR. MOSS: I did. And I worked with Santee Cooper
12 through my law school career. We transitioned my
13 workload, and I went from a full-time employee
14 with Santee Cooper to a part-time status. And
15 one of the roles that I had at Santee Cooper in
16 operational planning was I was part of what they
17 call a VAST study group, and it was a group that
18 met twice a year. Interconnected utilities met
19 twice a year to study the upcoming peak loading
20 in either the winter peak or the respective
21 summer peak. And we ran algorithms to identify
22 contingencies on any of the interconnected
23 systems in transmission or generation or both.
24 We'd study single contingencies and double
25 contingencies, and we developed operating

1 procedures for our respective system controllers.
2 You know, if you're in peak loading and this
3 happens either on our system or another system,
4 you need to know about this. This is your
5 workaround. And so I continued that role while I
6 was in law school because that's work that did
7 not require time and place constraints. I just
8 had to have an upcoming study report for the
9 winter peak and for the summer peak. And so I
10 continued that role during law school. And so,
11 as I mentioned, Santee Cooper was very good to
12 me. I was on the payroll, albeit in a part-time
13 capacity, through my law school experience and a
14 little bit after, I graduated from law school.
15 And then I made the -- you know, I like to say I
16 lost the election, but what happened during those
17 years is Governor Hodges beat Governor Beasley,
18 and then things at Santee Cooper changed, and so
19 my deal kind of changed. And Santee Cooper said
20 come on back, your desk is still here. And I had
21 just finished law school, and I said well, I
22 don't think I'm going to do exactly that. And
23 sometimes I regret that decision.

24 SENATOR RANKIN: All right. Let me tack to your sense
25 of what you hear and your description of what you

1 see the workload and whether Zooming or virtual,
2 as I am doing today, or in person and with the
3 good graces of President Alexander and no one
4 else there greatly objecting, in fact, probably
5 preferring that I not be there, thus I won't talk
6 much more than I am now. In this role as the
7 Public Service Commission, we have heard
8 countless folks tell us at PURC that the physical
9 presence of a commission member is as important
10 and more necessary than they ever imagined and
11 such that the idea of working remotely and
12 attending only at times of hearings may not be
13 practical. And so if that were your epiphany as
14 well, in terms of your ability to physically be
15 at the job, at the office, not just for hearings,
16 but for staff meetings with counsel, with et
17 cetera, how do you see yourself being able to
18 fulfill the physical present requirements of this
19 job?

20 MR. MOSS: So I really think it would be much like you
21 members of the House and Senate do. You all come
22 to Columbia and you're here two, three days a
23 week about every week you're in session. And I
24 would envision and I'm prepared to do something
25 akin to that by finding an apartment up here or

1 lodging up here. But my understanding from
2 talking to some of the staff attorneys with the
3 commission was that one of the problems they had
4 is the studying and the reading of the
5 submittals, okay. And that's certainly something
6 that needs to be done in a lonely and quiet time.
7 And so to the extent that it had to be done here
8 for committee meetings or for other staff
9 meetings, I have no problem being here. I would
10 not intend to relocate my residence here. I
11 would not intend to be here full time. But if it
12 required a commitment for a few days a week, I'm
13 willing to do that. Much like my lawmaker
14 friends do.

15 SENATOR RANKIN: Okay. And if it required more than
16 that, more than your lawmaker friends would want
17 to do, if it required four days a week, maybe in
18 any week's time, would that be doable by you?

19 MR. MOSS: It might not be my preference, but it would
20 be doable.

21 SENATOR RANKIN: All right. And your work experience,
22 your education, your interests make you eminently
23 qualified. I don't have any reservations about
24 your pedigree here. You're obviously a quick
25 study. I'm curious. Have you ever watched or

1 attended a Public Service Commission hearing?

2 MR. MOSS: I have not attended one in person. I have
3 watched.

4 SENATOR RANKIN: Okay. And not that watching makes it
5 any more illuminating. You've read transcripts
6 perhaps, hearing orders I trust.

7 MR. MOSS: I have read orders and I've watched
8 hearings. I haven't read transcripts of
9 hearings, no. I mean, I've read many transcripts
10 of hearings in appellate cases, but not for the
11 Commission.

12 SENATOR RANKIN: Okay. In terms of, finally, your
13 current status as a registered lobbyist for Horry
14 Electric, that is the only client or principal
15 that you are registered for?

16 MR. MOSS: Currently, yes.

17 SENATOR RANKIN: All right.

18 MR. MOSS: I would almost say only, ever, and I put
19 this in my application. There was a period of
20 time when Dr. Wayne Bean asked me to be a
21 lobbyist principal for a non-profit he wanted to
22 start called the South Carolina Oceanfront
23 Alliance. And so I registered as lobbyist
24 principal for a short period of time, but he
25 never -- he never developed that fully and it

1 never came into fruition, and so that was
2 withdrawn. And so technically I was a lobbyist
3 principal for that entity, but the entity never
4 got organized. And so other than that, Horry
5 Electric's only role I've ever had as a lobbyist.

6 SENATOR RANKIN: And maybe I don't need to know this,
7 but in terms of your payment, are you paid by
8 Horry Electric as the general counsel or are you
9 also paid or only paid as a lobbyist?

10 MR. MOSS: Both. And it was actually statewide,
11 Electric Cooperative of South Carolina, that
12 brought this to our attention. Hey guys -- I
13 came up here to a legislative reception back when
14 it was a convention center and it was obvious
15 that I knew a lot of the members of my
16 delegation. So Electric Cooperative of South
17 Carolina reached out and said, hey guys, it's
18 obvious that Mr. Moss has a lot of contact with
19 these lawmakers and in an abundance of caution,
20 maybe you ought to get him registered as a
21 lobbyist. And so I discussed that with my board
22 and we agreed that I would register as a lobbyist
23 for Horry Electric Cooperative. And at that
24 time, they agreed because there was, you know,
25 reporting requirements that that would take me

1 WHEREUPON:

2 DELTON WRIGHT POWERS, being duly sworn and
3 cautioned to speak the truth, the whole truth and
4 nothing but the truth, testifies as follows:

5 CHAIRMAN HERBKERSMAN: Please state your full name
6 and current address for the record.

7 COMMISSIONER POWERS: Delton Wright Powers, Jr. 623
8 Greenway Drive, Florence, South Carolina, 29501.

9 CHAIRMAN HERBKERSMAN: Thank you, sir. I'd like to
10 now recognize Breeden John to provide background
11 information and go over some questions with you.
12 Mr. John.

13 (EXHIBIT NO. 7 ENTERED INTO THE
14 RECORD (9 pages) PDQ - Delton
15 Wright Powers)
16 EXAMINATION

17 MR JOHN:

18 **Q How are you doing, Mr. Powers?**

19 A Good.

20 **Q Before I go over your background, do you have a brief
21 opening statement?**

22 A I won't hold you up. It seems like y'all have missed
23 lunch. I've missed lunch. Everybody's probably a
24 little bit hungry, so I won't delay that. I just want
25 to say thank you for the opportunity to serve and

1 being here. I think about I've served as a page.
2 I've served on the Coastal Council, OCRM. The
3 Legislature's allowed me to do a lot of public service
4 and do what I think is a lot of good, and I'm proud of
5 that. Thank you.

6 Q Thank you. A brief overview of your extensive
7 background. Mr. Powers earned his Bachelor's of
8 Science degree in finance and banking from the
9 University of South Carolina in 1974. He earned his
10 J.D. from University of South Carolina School of Law
11 in 1977. He's the current commissioner for District 7
12 on the South Carolina Public Service Commission. He
13 was first elected in 2020, and his current term
14 expired June 30, 2024. He has served as chairman of
15 the commission since 2024.

16 A I'm in my second year right now.

17 Q You're in your second year as chairman. That's
18 correct. Prior to serving on the commission, he was
19 the owner of Powers Law Firm. He started that up in
20 1994 through 2020. From 2002 to 2008, he combined his
21 firm with another to create Joy, Locklear & Powers and
22 handled civil, criminal, and family court matters. He
23 was a mediator and handled mediations in Horry and
24 Florence counties. From 1992 to 1998, he was a
25 special prosecutor for the Fourth Circuit and was

1 responsible for Marlboro County criminal cases. He
2 has also served as a DSS contract attorney. Prior to
3 that, in 1984 to 1992, he was a partner in Rogers &
4 Powers, PA. 1982 to '84, executive director of legal
5 services of the Fourth Circuit. 1980 to '82,
6 associate attorney with John I. Rogers in
7 Bennettsville, and from '78 to '80, assistant
8 solicitor for the Fourth Circuit. Currently serves on
9 the Supreme Court Commission on Lawyer Conduct. He
10 was appointed by the Supreme Court in 2007. He's
11 previously served on the South Carolina Bar Lawyer Fee
12 Dispute Committee. He's been a hearing officer for
13 the Department of Revenue on alcoholic beverage
14 applications, and he was appointed to serve as
15 magistrate in Marlboro County from 2018 to '19. He
16 was elected by the General Assembly to serve on the
17 South Carolina Coastal Council from '85 to '93, and
18 its successor agency, the Office of Coastal Resource
19 Management, from '97 to 2005. He's a member of the
20 South Carolina Bar, PDN of Court, National Association
21 of Regulatory Utility Commissioners Board of
22 Directors, the Southeastern Board of Utility
23 Regulatory Commissioners, and the New Mexico State
24 University School of Utility Finance. A background
25 investigation indicated no criminal record, and a

1 review of Mr. Powers' credit report indicated no
2 negative information. His written exam score was an
3 82. Mr. Powers, are you a registered voter?

4 A Yes, sir.

5 Q In which congressional district are you registered to
6 vote?

7 A In the 7th District in Florence, South Carolina.

8 Q Could you please describe your typical work week at
9 the commission?

10 A Well, being chairman, particularly now, and vice
11 chairman before that, it's every day, all day, I'm in
12 the office. I think I take the position that you
13 couldn't do it if you're not there in the office.
14 There's so much to be done. The office of chairman is
15 a revolving door. There's always something to sign,
16 something to do, and I know all the chairmen here
17 realize and have been through that. There's so much
18 that we have to read, have to study, and there's so
19 much at this point in time going on, trying to reach
20 that delicate balance of affordability, reliability,
21 and sufficient capacity. And the companies are, with
22 the new siting act particularly, the companies are
23 keeping us very, very busy. So it's an all-day thing
24 every day, and sometimes a lot of work on the weekends
25 just to keep up.

1 Q How do you typically approach preparation for a
2 hearing?

3 A Well, we get a lot of what's called pre-filed
4 testimony, unlike any other court I've ever been in.
5 And by having that, we're able to pick out and to make
6 my own little schedule, I got a book I use to pick out
7 what particular issues are. We are often briefed on
8 certain cases and certain issues we may not be
9 familiar with by staff, by staff attorneys, and by our
10 commission attorney. A lot of that is very, very
11 helpful. But you got to go through all the material
12 just to know. And we get it in waves. We get direct
13 testimony, then we'll get reply testimony, rebuttal
14 testimony, and then, of course, the companies now can
15 add testimony at the end, which gives us kind of a
16 step-by-step way to prepare. Also, as chairman, I've
17 got to prepare to rule on anything or to run the
18 hearing, and in the meantime, business meetings and
19 everything else that we do.

20 Q Could you describe your interactions with staff
21 typically?

22 A I make a point every morning of going around and
23 trying to speak to everyone that's there. We have six
24 lawyers now. I think we had seven. And they are kind
25 of the core of what we do as judges, just as law

1 clerks may be assistant to a judge. They don't
2 prosecute the cases, but they present them to us and
3 present the facts to us. I can't say enough about
4 Jocelyn Boyd, who is our executive director. I've
5 never seen anybody work as hard, as much, and as
6 thorough as she is. And not a morning goes by that by
7 the time I get the cream poured in my coffee,
8 Jocelyn's in there with whatever we need to do next.

9 **Q If you were to be re-elected, do you anticipate there**
10 **being any conflicts of interest, financial or**
11 **otherwise?**

12 **A** None whatsoever. I really enjoy this. I've probably
13 spent most of my life doing the opposite of what I
14 should be doing. And I stand here today -- I don't
15 know where I heard this, but I stand here because I
16 feel I belong here. It really is something that I
17 enjoy and have developed a passion for. I reached a
18 point practicing law, I didn't want to get out of the
19 car in the mornings, but I really look forward to
20 working with the Public Service Commission. I know
21 you guys know the feeling.

22 REPRESENTATIVE RUTHERFORD: I don't want to get in the
23 car.

24 **A** You sit there and you sit there. This is where I feel
25 like I should be.

1 Q If conflict of interest did arise, how would you
2 handle it?

3 A I don't see it happening, but if there was, I
4 certainly would have reported immediately,
5 particularly if someone tries to make some contact, ex
6 parte. I've been under judicial code before by being
7 a magistrate, but I've also been on the board the
8 Supreme Court has for lawyer discipline. I think
9 after my first meeting at that board, and that's been
10 many years ago, the first thing I did was go back to
11 the office. I told my secretary, give me those
12 messages. I'm returning those calls. But I've lived
13 under that, and I honestly don't see a problem and
14 always on the lookout to make sure.

15 Q Are you or a member of your immediate family currently
16 employed by a regulated utility, a utility regulated
17 by the PSC, or have you been within the last two
18 years?

19 A Never.

20 Q You are an immediate member of your family owned stock
21 or have other financial interests in a regulated
22 utility?

23 A I'm kind of the bank for all of them, I'm afraid. No,
24 they do not.

25 Q Yes, sir. Are you affiliated with any political

1 parties, boards, or commissions that would need to be
2 reevaluated if you were elected?

3 A No, absolutely not.

4 Q Do you belong to any organization that discriminates
5 based on race, religion, or gender?

6 A No, sir.

7 Q What's the appropriate temperament for a commissioner?

8 A You know, I've got my mama's temperament, and she
9 always said don't worry about things, things will be
10 okay, most of what you think is going to happen is not
11 going to happen, it will be all right. My dad had a
12 temper. I just don't have one. I have, I think, a
13 good judicial temperament, and rarely does anything
14 seem to get under my skin.

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

17 A Oh, yes, sir.

18 Q Please briefly describe the five canons in the
19 Judicial Code.

20 A The five canons are, the first is that the judiciary
21 must be independent. I wrap them all up in the word
22 integrity. It's not just doing something that's
23 improper, or as the word, I think, is impropriety.
24 It's the appearance of impropriety would be the second
25 one. The third one is that you do your job, you do it

1 diligently, try and get things done timely, and not be
2 influenced by anything else. The fourth canon has to
3 do with using your position for some sort of gain or
4 for your family's benefit or get out of a speeding
5 ticket or any sort of thing that just wouldn't be
6 right to do. And the fifth one, of course, is to stay
7 out of politics, stay out of any political gatherings,
8 and not to express any opinions that you may have,
9 unless it's private, very private.

10 **Q You mentioned ex parte communications earlier. Can**
11 **you describe the general rule as it relates to the**
12 **commission?**

13 **A** Well, it's very precise if you're contacted in any
14 way, or even all of our staff is under the Code of
15 Judicial Conduct. And if there were any kind of
16 improper contact or someone tries to tell you
17 something or in any way you're to report it
18 immediately, then it is dealt with. We have a lot of
19 ex parte hearings, which means some company, we
20 recently had one with Wal-Mart, where they presented
21 how they deal with utilities and how they deal with
22 their own energy efficiency, that sort of thing.
23 Those things are announced publicly at least 20 days
24 ahead of time. If it's a party to a hearing, we deal
25 with that at least 10 days ahead of time. And

1 everyone who attends an ex parte proceeding must sign
2 an affidavit that they attended and must be done
3 within 48 hours. We've had a couple where we've had
4 to deal with virtual people, and I think at one point
5 ORS, who has to certify that these things are proper
6 and done properly, could have a problem getting the
7 necessary affidavits back. And we have taken some of
8 the presentations virtually, but when we have, the
9 first question I ask as Chairman, is there anyone in
10 the room with you, or are you in a private situation?
11 Because that would just expose more people to being
12 subject to the ex parte restrictions.

13 **Q What types of industries and businesses does the**
14 **Commission regulate?**

15 A Business, we regulate utilities such as Dominion, the
16 two Duke companies, and there's one more, and we
17 represent water, wastewater, trucking companies as far
18 as moving companies, hazardous waste, taxis. Gosh.

19 **Q That's good, thank you.**

20 A I think that's close.

21 **Q No. What's the role of the Office of Regulatory Staff**
22 **in matters before the Commission?**

23 A The Office of Regulatory Staff, it's amazing what all
24 they do, but they are like the, I would say, the arm
25 of prosecution or investigation. We do not do any

1 sort of investigation, nor are we allowed to. They
2 audit records, they make sure that -- they represent
3 the public interest, and that includes any sort of --
4 not just people or consumers, but companies, anyone in
5 South Carolina, big groups, small groups. That is
6 basically their job. And they also have a very strong
7 responsibility in making sure, we're looking forward
8 as far as future reliability, future construction,
9 making sure that we have enough power so that when we
10 deal with it, we can make sure it's affordable.

11 **Q What is an integrated resource plan?**

12 **A** The integrated resource plan is a 15 year plan for
13 most utilities that is required. Even the co-ops have
14 to do them, but they report to the energy office. The
15 only ones that come to us would be the electric
16 companies, and the -- Santee, I think, is a 20 year
17 plan. The others are 15 years. And what it does, it
18 outlines what capacity is going to be needed, how we
19 can make it affordable, what sort of environmental
20 regulations we may run into in the future, to not just
21 capacity, but also the necessary building. There's
22 always been, I think, some fear that you can
23 overbuild. We're not at that point right now. We're
24 probably the exact opposite. But then again, you
25 know, they have to make sure, particularly with data

1 centers, different things, contracts. Gosh, we could
2 overbuild if someone withdraws with a major company.
3 And that's another thing we hope to do under Act 41,
4 which has been, I think, a real blessing to kind of
5 put things together where they need to be. You know,
6 now they have to also look at economic development.
7 And as we do, just to make sure that these plans meet
8 the needs and will meet the needs in the future.
9 Every three years we get a plan. Every year we get a
10 supplement to that plan, or what we call an IRP
11 update. And now that we've had them a few years, you
12 can see that the updates change. And they have
13 changed dramatically, even from last year to this
14 year, as to what they're submitting and what they're
15 seeing and what they're seeing is necessary.

16 **Q What key factors should a commissioner consider in a**
17 **rate case?**

18 **A** In a rate case, of course, one is affordability. We
19 have to look at whether or not what the company is
20 doing can be afforded. I think what people don't
21 understand is when we deal with a rate case, it's for
22 things that have already happened, construction that's
23 already happened. I think people see when someone
24 comes in for a rate increase or something, that we're
25 giving money for things in the future. But the rate

1 case is really a review of recent activity of the
2 company. We have to look and make sure that the costs
3 that they incurred and want to be covered in their
4 rates, make sure those costs are prudent, that the
5 costs were necessary, that they were not something
6 that it included. I mean, we have a couple pending,
7 and I'm hesitant to say too much or use certain
8 examples about that sort of thing. But that's
9 basically it, is to make sure that costs are prudent,
10 that what they're doing is efficient, and that what
11 they're doing is proper and in the best interest of
12 the public. And as I say, the new factor that's been
13 added by Act 41 is to consider economic development.

14 **Q To what extent should the commission consider**
15 **cross-subsidization in determining the prudence of an**
16 **investment, say, in a utility energy efficiency**
17 **program?**

18 **A** Well, it depends really on what comes before us.
19 We're very careful that even with, let's say, some
20 exciting things are attracting industries, which under
21 Act 41, companies have a right to give a special rate
22 if it will help to keep an industry here or to get an
23 industry here. Even that requires that that's not
24 paid for by ordinary citizens. There shouldn't be any
25 cross-subsidization. We can avoid it even with the

1 solar different industries. The people who
2 participate, they now do it under contracts, ten year
3 contracts, and some are even longer. Even the
4 companies have some. But the average rate payer
5 should not have to pay for other programs. And
6 cross-subsidization is something just totally avoid.

7 **Q What are some challenges facing regulated water and**
8 **wastewater companies?**

9 A Well, I think there are more than two. One, I think,
10 is cyber security. Our water system would be an easy
11 attack. The other is that we're dealing with aging
12 infrastructure, pipes, water lines that have been
13 there for years and years. I remember in
14 Bennettsville there was a fellow who was kind of the
15 engineer. He wanted to retire and they said, you
16 can't. You're the only one that knows where
17 everything is. So they talked him into staying on.
18 But the other -- because of the aging infrastructure,
19 which is going to take a lot of work and a lot of
20 replacement, is capital funds to do so, the capital
21 necessary for improvement.

22 **Q And challenges facing regulated telecommunications**
23 **companies.**

24 A Excuse me?

25 **Q What are some challenges facing regulated**

1 **telecommunications companies?**

2 A Well, one has been the inequity, which is what the
3 broadband plan is trying to address to make sure that
4 equal access, not just for education but for medical
5 reasons. They also face the problem of cyber
6 security. And with the storms we've had and the
7 situations as we've learned, the telephone companies
8 are now having to really gear up to be part of any
9 sort of recovery, emergency centers, to be able to
10 keep things going and for people to communicate. A
11 lot of what we, I think about time I started, a lot of
12 the companies have now been deregulated and are in a
13 competitive market, and we don't have to deal with a
14 lot of that. But that's the same thing that they deal
15 with, is being prepared for emergency. Emergency
16 preparation is a biggie.

17 **Q Are you familiar with the advisory opinions issued by**
18 **the review committee dealing with attendance at**
19 **legislative receptions, legislative caucus meetings,**
20 **and other political gatherings?**

21 A Yes, sir, very familiar.

22 **Q Have you attended any of those functions?**

23 A I have not. Not going to.

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

1 A Well, that's the wonderful thing about being a
2 commissioner. I'm off the hook now. No, I have not
3 contributed any money probably since 2018 to someone
4 or people, mostly friends who may be in politics.

5 Q Are you familiar with the 48 hour rule, which
6 prohibits a candidate from seeking pledges for 48
7 hours after the report has been submitted to the
8 General Assembly?

9 A Yes, sir.

10 Q Have you sought or received a pledge of support from a
11 legislator since filing your application?

12 A I have not, and honestly, I haven't had time if I
13 wanted to.

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

16 A No, sir.

17 Q Are you aware of anyone who may have done so on their
18 own?

19 A I'm not.

20 Q If you are reelected, do you plan to serve a full
21 term?

22 A Yes, sir.

23 Q All right.

24 MR. JOHN: Mr. Chairman, I have no further questions.

25 At this time, I would request that we go into

1 executive session pursuant to the committee's
2 prior motion under Section 34-70.

3 CHAIRMAN HERBKERSMAN: Okay.

4 (Executive session was held from 2:51 to 2:58)

5 (Off the record)

6 CHAIRMAN HERBKERSMAN: Any further questions for
7 members of the committee? Mr. Rankin? Any other
8 questions? Okay. Mr. Powers, thank you very
9 much, sir. Thank you for your service.

10 MR. POWERS: Thank you all. Have a good day.

11 CHAIRMAN HERBKERSMAN: Oh, hold on one second. Mr.
12 Powers. Oh, I'm sorry, Mr. Powers. I'm on a
13 learning curve here. Mr. Powers, this will
14 conclude this portion -- Oh, no, wait a minute.
15 Hold on. Yeah, this will conclude this portion
16 of the screening process. I want to remind you
17 of your evaluation criteria, and pursuant to
18 that, we expect you as a candidate to follow the
19 spirit, as well as the letter of the state ethics
20 laws. Any violation or appearance of impropriety
21 on your part would be deemed very serious and
22 potentially warranting us to call you back for
23 further questions. You understand that, sir?

24 MR. POWERS: Yes, sir.

25 CHAIRMAN HERBKERSMAN: Okay. Thank you, Mr. Powers.

1 MR. POWERS: Thank you very much. Merry Christmas.

2 *****

3 CHAIRMAN HERBKERSMAN: Mr. Reno, welcome.

4 MR. RENO: Good afternoon.

5 CHAIRMAN HERBKERSMAN: I'm going to administer the
6 oath. Will you raise your right hand, please?

7 WHEREUPON:

8 JAMES C. RENO, being duly sworn and
9 cautioned to speak the truth, the whole truth and
10 nothing but the truth, testifies as follows:

11 CHAIRMAN HERBKERSMAN: Please state your full name and
12 current address for the record, sir.

13 MR. RENO: Sure. James C. Reno, Jr. I go by Jim
14 Reno. 611 Oakwood Lane, Rock Hill, South
15 Carolina.

16 CHAIRMAN HERBKERSMAN: Thank you. Mr. John.

17 (EXHIBIT NO. 8 ENTERED INTO THE
18 RECORD (8 pages) PDQ - James C.
19 Reno)

20 EXAMINATION

21 MR. JOHN:

22 **Q All right, Mr. Reno, before I give a background**
23 **overview, do you have a very brief opening statement**
24 **you would like to make?**

25 **A Very brief. Thank you, Mr. John. I just want to**

1 thank you for your time today. I know it's a long day
2 for you. And I just want to say this process of the
3 screening, it's been very beneficial for me as I've
4 done due diligence, tried to understand what the PSC
5 does and understand how my background and experience
6 may fit in. So it's been a very helpful process. And
7 I'm very excited about the opportunity and look
8 forward to continuing today to tell you a little bit
9 more about myself.

10 **Q Great. Thank you. Mr. Reno earned a Bachelor of**
11 **Science degree in Business Management Finance from the**
12 **University of Tennessee in 1985, and he earned his**
13 **Juris Doctorate from the University of South Carolina**
14 **School of Law in 1988. Mr. Reno is currently and has**
15 **been employed by First Citizens Bank in Rock Hill as**
16 **Vice President and Business Banker. He's been with**
17 **them since 2021. In his banking career, Mr. Reno**
18 **previously worked for PNC Bank as Vice President and**
19 **SBA Business Development Officer from 2018 to 2021.**
20 **He worked for Park Sterling Bank and Provident**
21 **Community Bank as Vice President, Senior Vice**
22 **President and Business Banker from 2007 to 2017.**
23 **Before that, he was with Clover Community Bank, where**
24 **he was Vice President and Commercial Loan Officer from**
25 **'06 to 2007. And then full circle back to First**

1 Citizens to start out his banking career, where he was
2 an Assistant Vice President and Commercial Loan
3 Officer from 2003 to 2006. Prior to that, Mr. Reno
4 practiced law. He was with Harper, Peterson, Rogers &
5 Reno as a partner from 1996 to 2003, Robinson,
6 Bradshaw & Henson as an Associate Attorney from 1991
7 to 1996, and Roddy, Carpenter & White as an Associate
8 Attorney from 1988 to 1991. Mr. Reno is a member of
9 Rock Hill City Council, where he has served since
10 1997. His current term ends in January of 2026. Mr.
11 Reno is a member of Westminster Presbyterian Church,
12 where he serves as an Elder and on the Session
13 Leadership Team. He currently serves on the Rock Hill
14 Economic Development Corporation as a board member and
15 as a member of their Executive Council. Mr. Reno is
16 also a voting member on the Rock Hill-Fort Mill Area
17 Transportation Committee and the Winthrop University
18 Small Business Development Council Advisory Board. He
19 also served on the Early Learning Partnership of York
20 County Advisory Board from 2022 to 2024. A background
21 investigation of Mr. Reno indicated no criminal
22 record, and a review of his credit report indicated no
23 negative information. Mr. Reno's written exam score
24 was a 70. Mr. Reno, are you a registered voter?

25 A I am, yes sir.

1 **Q In what congressional district?**

2 A District 5.

3 **Q Why are you interested in serving on the commission?**

4 A As I kind of said in my opening statement, the City of
5 Rock Hill is a municipal power provider. They own,
6 with the PNPA group, 25 percent of one of the nuclear
7 reactors at Catawba. So having served for 28 years
8 and dealing with electrical issues and going to
9 various meetings with PNPA, I've developed a real
10 interest in electrical issues as well as the issues of
11 water, wastewater, all of the rate issues that we face
12 at the city. So fast forward from some initial
13 interest from years ago, starting with the city and
14 learning more and more, being intrigued about power
15 issues at conferences. I saw this as an opportunity
16 to possibly bring a lot of things together in my
17 career, and I'm happy to say that as I've investigated
18 further over the last few months, that my background
19 in law, finance, and then 28 years of service with,
20 you know, the City of Rock Hill seems to bring that
21 all together. I'm excited about the opportunity, and
22 everything I've learned just excites me more about
23 this chance.

24 **Q If you're elected to serve as a commissioner, how do**
25 **you envision your weekly work schedule?**

1 A So I know that it is a full-time requirement, and
2 beyond that, you know, I'm the type that I jump in, I
3 dig in, I work hard. I would envision, initially,
4 there's going to be a learning curve, so the hours
5 required will probably go well beyond 40. And I see
6 myself a full-time job, being dedicated. My
7 background is strong work ethic. I believe in always
8 being prepared, and I know there's a lot of material
9 to read, just like we have in our council meetings at
10 the City of Rock Hill. So I envision a lot of that
11 early work until you've, based on my experience with
12 the City of Rock Hill, until you've been through at
13 least one year and understand the cycle, there is a
14 learning curve. And so I'm hopeful that with my
15 background, you know, as I've read through some of the
16 decisions and seen some of the exhibits, I'm very
17 comfortable with how the decisions read, just like an
18 order in court. So understanding findings of fact and
19 precedent and conclusions of law. And then also
20 looking at the financials that are used. I'm very
21 comfortable in and out of financials, understanding,
22 you know, what they mean, non-cash expenses, et
23 cetera. So I feel like that the start will be, again,
24 taking more time, but I understand it is a full-time
25 job and would expect to be here in Columbia carrying

1 that out each and every day. Thank you.

2 **Q So that basically was my next question of how you**
3 **might get up to speed on the issues confronting the**
4 **commission. Is there anything specific, say, in terms**
5 **of substantive topics that you would need to do to get**
6 **more familiar?**

7 **A** So, you know, I think you never really know until
8 you're in the seat and actually doing it. But my view
9 in the screening process has been let this be the
10 beginning of your work towards taking the seat. So
11 I've looked at decisions. I've watched hearings --
12 some hearings online. I get the daily activity
13 report. So I'm doing all of those things in addition
14 to the material we study to try to be prepared as I
15 can if elected to go into the seat. And I would
16 continue that. So it's not going to stop today, and I
17 would continue to move forward with that going
18 forward.

19 **Q Great. If you were elected, would there be any**
20 **potential conflicts of interest you might have,**
21 **financial or otherwise?**

22 **A** So I believe that two of the stocks that I hold myself
23 personally, I need to divest myself of those stocks
24 because they are utilities. And I've already started
25 working on a plan for that as far as how to gift

1 those. And so the best thing is I have children.
2 There's two or three options, and one of those would
3 be a donor advised fund. But I've started working on
4 that plan and can execute on that very quickly.

5 Q Okay. Are you or a member of your immediate family
6 employed by a utility regulated by the PSC now or in
7 the past two years?

8 A No, sir.

9 Q And that was -- I guess you've answered my next
10 question, whether you have any stock or financial
11 interests that are directly within your control. And
12 you indicated that you would divest yourself of that.

13 A That's correct, yes, on that prior question.

14 Q Very good. Are you affiliated with any political
15 parties, boards, or commissions that would need to be
16 reevaluated if you were elected?

17 A No, sir.

18 Q Do you belong to any organization that discriminates
19 based on race, religion, or gender?

20 A No, sir.

21 Q What is the appropriate temperament for a
22 commissioner?

23 A So I think a commissioner -- you know, as we're
24 subject to the judicial canons, a commissioner needs
25 to be someone who is thoughtful, who listens well, who

1 is well prepared, who respects all points of view and
2 is able to listen to all points of view, and also one
3 who asks thoughtful questions, trying to understand
4 not only the issues before you, but as folks are
5 arguing on a particular point within a decision, what
6 is, you know, understand clearly what they're arguing
7 and how it relates to the overall issue to be decided.

8 **Q Are you aware that commissioners are subject to the**
9 **Judicial Code of Conduct as well as state ethics laws?**

10 A Yes, sir.

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

13 A Yes, sir. I'll do my best. First, from a high-level
14 view, an officer, a judicial officer, should uphold
15 the integrity and independence of their office in all
16 that they do. Taking that down a step, so to speak,
17 no acts of impropriety and really no appearance of
18 impropriety. So I've had a couple of things come
19 before council where just because of an affiliation,
20 I've recused myself because of the potential
21 appearance that I could not be impartial. From there,
22 as you're on the bench and making decisions, you need
23 to be both impartial and diligent. I remember that
24 best really from my two daughters, two years apart.
25 One wanted a dog, one wanted a cat. They put together

1 a PowerPoint. I had to be impartial and I had to help
2 my wife and I come to a decision on that. So, you
3 know, that's just a funny example as I always remember
4 it. Extracurricular, outside of the office, you need
5 to not do things that are going to bring potential
6 conflict into your role as a judicial officer. So I
7 think that goes back to the stockholdings. You want
8 to divest yourself. You don't want to have stocks
9 that would, any sort of financial interest. You have
10 to be careful with, say, a friend who works at a
11 utility if they might be coming before you, just the
12 appearance of being out to a dinner could shed poor
13 light on the position. And then the fifth is, as far
14 as governmental activity, you cannot have any
15 inappropriate activity. Basically, you need to stay,
16 you know, inactive in governmental actions.

17 **Q Thank you. Could you please explain generally the**
18 **rule regarding ex parte communications as it applies**
19 **to the commission?**

20 **A** Sure. Ex parte communications, I look at it in two
21 different directions. Number one, one-on-one, someone
22 approaches, that is not allowed. And so you need to -
23 - I would always take into account the circumstances.
24 This is someone who should know better or someone who
25 is innocent. You're both going to have -- they're

1 both going to have the same message given by me. We
2 cannot have this conversation. However, I'll be a lot
3 more stern with the person who should know versus
4 someone who is more innocent in coming forward and
5 wanting to talk about something. So you cannot have
6 that outside communication. If they persist, I would
7 push back and, again, emphasize this is not proper.
8 And if it continues, I'm going to have to report the
9 action to the commission. So you've got that on the
10 one hand. And then I've actually watched one of the
11 commission meetings where they had the allowable ex
12 parte communication, where it's a hearing, proper
13 notice to all the parties that they, you know, who
14 would want to be present and be heard on the issue.
15 And so that allows more detailed information from a
16 party to be brought forth, but in a fair manner, which
17 is carefully guarded as the material is brought and
18 heard by the commissioners.

19 **Q What are the industries regulated by the Public**
20 **Service Commission?**

21 **A** So you've got the electric industry. So that's the
22 first one you always think about the most, or I do.
23 You've got water and wastewater. And these would be
24 the public providers. There's a lot of exceptions as
25 I name these. So, again, going back to electric,

1 primarily going to regulate the public entities with a
2 little bit of the co-ops involved in certain
3 instances. So electric, water, wastewater. Then we
4 go to the carriers or common carriers, and then also
5 to telecommunications.

6 **Q What's the role of the Office of Regulatory Staff in**
7 **matters before the commission?**

8 A The Office of Regulatory Staff before the commission
9 is to be an advocate for the public. So they're going
10 to be that party that comes forward and puts forward
11 different issues that are in the best interest and
12 important to the overall public. And that is their
13 job. Going back to the ex parte communication or even
14 a complaint, we really should have a complainant go to
15 the ORS and issue and work with that complaint from
16 that standpoint.

17 **Q What's an integrated resource plan?**

18 A So that is a plan that the public utilities, electric
19 utilities, put forth every three years. They are to
20 update that every year. And it is a very detailed
21 plan over things such as what they see they're going
22 to need to build in the future. It's going to have
23 their projected electric loads as they look forward
24 down years ahead. So I just was looking at Duke
25 Energy's the other day, their update that is, and they

1 were increasing their load by seven percent at certain
2 points in future years. So it's a framework that the
3 public utility is providing the public, the
4 commission, the ORS, and the general public with this
5 is how we envision us providing power and here's how
6 we think we're going to do that, here's what we think
7 we're going to need in the future. And so one piece
8 of that would be if they came forward and wanted a new
9 location, for example, well, the commission would be
10 looking back in that IRP to see was that projected in
11 the initial plan or any of the updates because, you
12 know, it's a planning tool much like a business plan
13 would be, and it's for multiple parties to take
14 benefit of.

15 **Q What are some key factors a commissioner should**
16 **consider in a rate case?**

17 **A** So a rate case would have the various costs that the
18 utility is going to be indicating as to why they want
19 a rate increase. And then the other side of that
20 coin, and the ORS would probably be bringing this
21 forward, is the consumer wants a reasonable rate. And
22 so they may push back on some of those rate increases
23 that the utility is seeking. So things like the
24 overall capital cost, the operating cost, avoided
25 cost, various things go into that overall cost

1 mechanism to come up with a rate.

2 **Q In evaluating a utility's investment in a**
3 **customer-facing program, like an energy efficiency**
4 **program, to what extent should commissioners be**
5 **concerned with cross-subsidization generated by those**
6 **programs?**

7 A That is a tough question that I've been trying to dig
8 into more and understand better. My understanding of
9 it is, you know, as I would see it, on one hand, you
10 might reduce the load from better energy efficiency
11 with some of the consumers of the electric power. So
12 in that sense, it may -- that cost that the utility is
13 putting in may be something they need to bear because
14 it's going to benefit all the rate payers. On the
15 other hand, you may want to take that into account in
16 their overall rate structure if it were a substantial
17 cost and needs to be spread out to all of the rate
18 payers.

19 **Q What are some challenges facing regulated water and**
20 **wastewater companies?**

21 A Good question. You know, we see it from the city of
22 Rock Hill, and maybe it's different at the state
23 level. But the federal government and their water
24 quality and wastewater quality, you're always having
25 to have your systems meet those requirements. So

1 capital expenditures and keeping up with that quality.
2 Water quality testing, making sure that your systems,
3 for example, have proper looping so that you don't get
4 stagnant waters and that you're doing the proper
5 testing. Same on the wastewater front. You know,
6 you've got various testing that you've got to
7 undertake to make sure that you're treating and
8 putting that water back out into the system in a
9 proper manner.

10 **Q And challenges facing regulated telecommunications**
11 **companies?**

12 A Telecommunications, we don't -- we don't deal with
13 those quite as much at the city of Rock Hill. My
14 understanding, you know, there is a real initiative
15 with broadband to make sure in our rural communities
16 that broadband capability is being provided. And
17 that's not inexpensive to lay those lines and go out
18 to the rural areas. I've noticed in the code that the
19 state now is allowing the cooperatives -- the electric
20 cooperatives to do that, probably from a cost-saving
21 measure, because they're already extending electric
22 lines into those rural areas. Again, there's federal
23 overlap in what they allow the state to do. So that's
24 another -- always going to be a push against the
25 telecommunication providers in keeping up with those

1 federal standards.

2 Q Are you familiar with the review committee's advisory
3 opinions they've issued dealing with attendance at
4 legislative caucus meetings, legislative receptions,
5 political gatherings?

6 A Yes, sir, I am.

7 Q Have you attended any such functions since submitting
8 your application?

9 A No, sir, I have not.

10 Q Have you made any contributions to members of the
11 General Assembly since that time?

12 A No, sir, I have not.

13 Q Are you familiar with the 48-hour rule, which
14 prohibits a candidate from seeking pledges for 48
15 hours after the screening report has been submitted to
16 the General Assembly?

17 A Yes, sir, I am very familiar with that.

18 Q Have you sought or received a pledge or support from
19 any legislator?

20 A No, sir, I have not.

21 Q Have you asked any third parties to contact members of
22 the General Assembly on your behalf?

23 A No, sir, I have not.

24 Q Are you aware of anyone who may have done so just on
25 their own?

1 A No, sir. And in fact, I had two friends that I have
2 some concern because they know some elected officials,
3 and they wouldn't probably know the depth of those
4 opinions, and I specifically told both of them about
5 the opinion and that they should not talk about my
6 candidacy with any legislator.

7 Q **Very good. And if you were to be elected, are you**
8 **committed to serving a full term?**

9 A God willing, with my health, I would be excited to
10 serve the full term.

11 Q **Very good.**

12 MR. JOHN: Mr. Chairman, I have no further questions.

13 At this time, I would request that we go into
14 executive session pursuant to the committee's
15 prior motion under Section 34-70.

16 (Executive session was held from 3:22 to 3:32 pm)

17 (Off the record)

18 CHAIRMAN ALEXANDER: Okay. We're out of executive
19 session. The veil's been lifted. No action was
20 taken in executive session. We continue the
21 candidate for the 5th Congressional District.
22 Are there questions? Where do you see the
23 balance of if you were on the commission from
24 residential affordability and reliability of
25 electricity versus the need for energy for data

1 centers and other large users? How would you
2 address that aspect of consideration?

3 MR. RENO: You know, that is a tricky issue, I think,
4 in regard to the general public who, you know, as
5 an elected official, is sometimes wanting data
6 centers because they are a big power user,
7 they're good for the tax base, not a lot of
8 workers, they don't put a strain on some of your
9 systems, but at the same time, they take a lot of
10 power, and you have to be careful in a community.
11 So as on the commission, you've got to look and
12 understand what rate a public utility may have in
13 place. I noticed Santee Cooper, I think in the
14 last 12 months, has put a different rate in place
15 for those data centers to try to, you know,
16 indicate they are a large user and they need to
17 pay a specialized rate because they are taking so
18 much out of the system. So you need to balance
19 that with the affordability of the consumer and
20 not let those data centers become over -- too
21 many of the data centers so that they're pulling
22 so much energy and you're having to build or
23 increase that load too quickly.

24 CHAIRMAN ALEXANDER: Okay. Briefly, if you were in
25 this position and transitioning from being on

1 city council dealing with constituent issues and
2 things, this being quasi-judicial, how would you
3 try to make that transition for those that may
4 reach out to you?

5 MR. RENO: That's a good question. You know, again,
6 in the early stages, finding out that the PSC is
7 subject to the ethics rules and the judicial
8 rules and that you cannot have those ex parte
9 communications, I would just, again, kind of
10 going back to the answer before that Mr. John
11 asked, you know, you're not there now to go help
12 side-by-side and solve an issue, put someone in
13 the right -- you know, with the right party to
14 get something solved. About the only thing you
15 could do, again, kind of going back to a
16 complaint, is put them in touch with the ORS, but
17 you've got to stay out because of that different
18 role. And I would explain that to them because,
19 again, what you want in serving the public is you
20 want them to realize you're not being rude or
21 inconsiderate, but there is a purpose of that
22 role that you have as a commissioner, and you
23 can't go beyond that and talk specifically over
24 issues.

25 CHAIRMAN ALEXANDER: Thank you. Other questions? All

1 right. This completes this portion of the
2 screening process for you. However, I do want to
3 remind you that we expect you as a candidate to
4 follow the spirit as well as the letter of the
5 state's ethics laws during this process, that any
6 violation or appearance of impropriety on your
7 part would be very serious and would certainly
8 warrant us bringing you back for further
9 questions. Do you understand this?

10 MR. RENO: Yes, sir, I do.

11 CHAIRMAN ALEXANDER: Okay. Thank you. Thank you for
12 your time today and your willingness to serve.

13 MR. RENO: Thank you, Mr. Chairman. I appreciate,
14 again, all of your work on this long day.

15 CHAIRMAN ALEXANDER: Thank you, sir.

16 *****

17 MR. THOMAS: Good afternoon.

18 CHAIRMAN ALEXANDER: Good afternoon, and we now have
19 our next candidate for the Public Service
20 Commission, seat number five, Mr. Headen Thomas.
21 First, let me administer the oath to you, if
22 you'd raise your right hand.

23 WHEREUPON:

24 HEADEN B. THOMAS, being duly sworn and
25 cautioned to speak the truth, the whole truth and

1 nothing but the truth, testifies as follows:

2 CHAIRMAN ALEXANDER: if you'd state your name and
3 address for the record, please.

4 MR. THOMAS: My name is Headen B. Thomas. And the
5 address is 546 Willow Blue Run in Rock Hill.

6 CHAIRMAN ALEXANDER: Okay. Mr. John is going to
7 provide a little bit of brief background of you,
8 and then also have some questions for you.

9 (EXHIBIT NO. 9 ENTERED INTO THE
10 RECORD (9 pages) PDQ - Headen
11 Thomas)

12 EXAMINATION

13 MR. JOHN:

14 **Q Before I get going, Mr. Thomas, would you like to make**
15 **any brief statement?**

16 **A** Well, I appreciate that. I would just like to say
17 thank you all very, very much for giving me this
18 opportunity to serve the people of South Carolina.
19 It's been an amazing experience, and I know it's been
20 good for me, and I believe that what I've been doing
21 is good for the people of South Carolina, and I
22 appreciate it very much.

23 **Q Thank you. Brief background of you. Mr. Thomas**
24 **earned a Bachelor of Arts in Economics from Wofford**
25 **College in 1973, and a Master of Business**

1 Administration from Winthrop College in 1979. He is
2 the current Commissioner for District 5 on the South
3 Carolina Public Service Commission. He was first
4 elected in 2020, and his current term expired June 30,
5 2024. Prior to serving on the Commission, Mr. Thomas
6 began his career working for a manufacturer supply
7 company from 1973 to '77. Then began his career as an
8 accountant, working with Moore, Glover, Pierce, and
9 Harrell from '78 to '79, before joining Deloitte,
10 Haskins, and Sales from 1979 to '82. He then worked
11 for Piedmont Natural Gas Company from 1983 to 2006.
12 Previously, from 2007 to 2021, he did some part-time
13 work with Heritage Bluff Preserve, LLC. And 2009 to
14 2022, he did some part-time accounting work for Moore
15 & Moore CPAs. And a third part-time role, excuse me,
16 from 2010 to '21, Edisto Heritage Development,
17 Incorporated. Mr. Thomas is a member of the National
18 Association of Regulatory Utility Commissioners and
19 the Southeastern Association of Regulatory Utility
20 Commissioners. He is also a member of St. John's
21 United Methodist Church in Rock Hill and the Cotillion
22 Club in Rock Hill. A background investigation
23 indicated no criminal record, and a review of Mr.
24 Thomas's credit report indicated no negative
25 information. His written exam score was an 80. Mr.

1 **Thomas, are you a registered voter?**

2 A Yes, sir.

3 **Q In which congressional district are you registered to**
4 **vote?**

5 A The 5th.

6 **Q Can you describe an ordinary work day for you at the**
7 **Commission? I mean, work week. Work week.**

8 A Well, so the weeks are very, very different. It's not
9 really consistent. We have very, very significant
10 cases going on some weeks, like a big rate case or a
11 big integrated resource plan review or many other
12 things. And so what I do is when there are
13 significant activities going on, then I am in the
14 office in Columbia and I base that on what is the most
15 efficient way -- most efficient and effective way to
16 get the job done. A lot of what we do is all about
17 preparation. And it takes a lot of time to read and
18 get ready and prepare and be ready to ask questions.
19 And we have briefings with staff that are very
20 helpful. We have --

21 CHAIRMAN ALEXANDER: Could you speak a little bit more
22 into the microphone?

23 MR. THOMAS: All right. Is that a little bit better?

24 CHAIRMAN ALEXANDER: Yes, sir.

25 A So anyway, it varies week by week, but I'd say on an

1 average week, I am in the office in Columbia three
2 days. I am in my district office two days on average.
3 And then over the weekends is almost every weekend I'm
4 doing some work. And that to me is the most efficient
5 and effective way to get the job done. And that's why
6 I do it like that.

7 **Q How do you typically prepare for a hearing? I call it**
8 **a bit like a rate case.**

9 A Well, there is a lot of reading. A lot of reading.
10 And a recent example would be we've had Duke rate
11 cases. And when those materials are printed out, it's
12 about that high. We had two different Duke rate
13 cases. One of them is maybe a half inch taller than
14 the other one. So it's a lot of paperwork. And that
15 was going on around about the time that we were trying
16 to get ready for our exam for this. And so basically,
17 you know, I needed to make a choice. I couldn't be
18 studying for this exam and getting ready for both of
19 those rate cases. So I spent my time reading the
20 materials and getting ready for those rate cases.
21 Which probably cost me a few points on the test. But
22 it's all about getting the job done. And that's the
23 way I approach it.

24 **Q What type of contact do you have with commission**
25 **staff? Again, to the extent you have a typical work**

1 **week.**

2 A Well, so I talk individually with the staff from time
3 to time. If something comes up that I know that, you
4 know, who's the appropriate attorney or accountant or
5 whatever, then I will go talk one on one. Sometimes I
6 talk with staff, you know, a couple of them at the
7 same time. And then sometimes it will be me and
8 another commissioner talking with staff. But I
9 interact with them on a fairly regular basis. And I
10 very, very much appreciate the work that they do. And
11 they do a really, really good job of helping get us
12 ready for the proceedings.

13 **Q If you were to be reelected, would you have any**
14 **potential conflicts of interest, financial or**
15 **otherwise?**

16 A Not that I'm aware of.

17 **Q What would you do if one arose? If a conflict of**
18 **interest arose?**

19 A Well, I would either recuse or make it known to the
20 parties and let them decide if they're comfortable
21 with me participating or not. Obviously, that would
22 have to be -- they'd have to be able to make that
23 decision outside of my presence so that, you know, I
24 don't know if one in particular says it's okay and the
25 other one says it's not okay. That would need to be

1 outside of my presence. But I'd make all of the facts
2 known and either recuse or let them decide I was
3 recused.

4 **Q Are you or a member of your immediate family employed**
5 **by a utility regulated by the PSC, whether that's**
6 **today or within the past two years at any point?**

7 A No.

8 **Q Do you or a member of your immediate family own stock**
9 **or have other financial interests directly controlled**
10 **by you in a utility regulated by the PSC?**

11 A No, sir.

12 **Q Are you affiliated with any political parties, boards,**
13 **or commissions that would need to be reevaluated if**
14 **you were elected?**

15 A No, sir.

16 **Q Do you belong to any organization that discriminates**
17 **based on race, religion, or gender?**

18 A No, sir.

19 **Q What's the appropriate temperament for a commissioner?**

20 A Well, you have to be balanced and fair and open. You
21 have to listen to what people are saying and give
22 everybody an opportunity to be heard and just make
23 sure that you're not giving any signals, positive or
24 negative. It's very much about a balanced approach.

25 **Q Are you aware that commissioners are subject to the**

1 **Judicial Code of Conduct as well as state ethics laws?**

2 A Yes, sir.

3 **Q Could you briefly describe the five canons in the Code**
4 **of Judicial Conduct?**

5 A Yes. So we have to perform our duties with
6 independence and impartially. And we have to avoid
7 any improprieties or the appearance of improprieties.
8 And we have to refrain from any potential conflicts
9 with our judicial duties. And we have to refrain from
10 inappropriate political activities. And, let's see,
11 there's at least one more. So, well, we have to
12 perform our duties with diligence and impartially.

13 **Q Great. Thank you. And could you explain the general**
14 **rule regarding ex parte communications as it relates**
15 **to the commission?**

16 A We cannot communicate with any party outside of the
17 presence of all the parties. And that's whether
18 you're talking about discussions or emails or text
19 messages or whatever. It has to be all there in the
20 open in front of everyone.

21 **Q What are the industries or types of businesses that**
22 **are regulated by the commission?**

23 A Well, we have the investor-owned electric utilities,
24 investor-owned gas utilities, investor-owned water
25 utilities, investor-owned sewer utilities. We have

1 taxis, movers of household goods, and local exchange
2 carriers in the telephone business.

3 **Q What's the role of the Office of Regulatory Staff in**
4 **matters before the commission?**

5 A The Office of Regulatory Staff is an investigative
6 body. They are the ones that get into the -- well,
7 discovery. If it's a rate case, then they're asking
8 the utilities for detailed information about, you
9 know, whatever's going on. They need to get into in
10 great detail what's going on with the investigator.

11 **Q What's an integrated resource plan?**

12 A Integrated resource plan is generally a 15-year plan
13 that is developed by the utilities that is looking out
14 and planning for what resources will be needed for
15 generation purposes to meet customer needs as well as
16 how that relates to transmissions. That's kind of a
17 little bit new in the integrated resource plans, but
18 it's all about a long-term plan, making sure that
19 we'll be able to meet customer needs reliably and with
20 a reserve margin for times when demand is high or when
21 maybe another asset is offline for repairs or
22 something unexpected happens.

23 **Q What are some key factors that a commissioner should**
24 **consider in a rate case?**

25 A Well, it's all about a fair outcome. It has to be

1 fair to the rate payers and it has to be fair to the
2 utilities. The utilities have to earn rates that are
3 enough to allow them to continue to attract capital
4 while at the same time keeping the rates as low as
5 they can possibly be for the rate payers.

6 **Q In evaluating the prudence of a utility's investment**
7 **in a customer-facing program like the energy**
8 **efficiency program, to what extent should the**
9 **commission consider the effects of cross-subsidization**
10 **in making this decision?**

11 A Cross-subsidization is discouraged. That's when one
12 group ends up paying for a benefit that another group
13 receives, and it's important to limit that to the
14 greatest extent practical.

15 **Q What are some challenges facing regulated wastewater**
16 **companies?**

17 A Well, there's a lot going on there. Generally
18 speaking in South Carolina, the ones that we regulate
19 are smaller and they're remote. They're kind of
20 spread all around. And so the utilities, it's kind of
21 hard, I guess, for them to find the appropriate people
22 to be at the appropriate place. And there's the issue
23 of ongoing maintenance and repairs and replacements.
24 And there is, you know, what's the best rate
25 structure? What's the most fair rate structure? And

1 a lot of them are on flat rate bills, so, you know,
2 all customers pay the same thing no matter what their
3 usage is. And, you know, some customers would much,
4 much prefer to pay based on their usage. But anyway,
5 that would be a whole new different rate structure.
6 The water utility is still going to have the same
7 overall revenue requirement, so switching from a fixed
8 rate structure to a usage-based would be -- some
9 people's bills would go up and some people's would go
10 down. But it's all part of, you know, the utility
11 getting the finances that it needs to keep the system
12 up and to continue to add replacements to old and
13 outdated equipment.

14 **Q And what are some challenges facing regulated**
15 **telecommunications companies?**

16 A Well, that's a good question. We don't do a whole lot
17 with regulated telecom companies that I can recall. I
18 know that that is one of the ones that we touch on and
19 regulate, but it's not one that I'm that familiar
20 with. We just haven't done much in that area, and I
21 haven't dedicated much time to that. So it's the
22 honest answer.

23 **Q Sure. Yes, sir. Thank you. Are you familiar with**
24 **the advisory opinions issued by the Review Committee**
25 **dealing with attendance at legislative receptions,**

1 legislative caucus meetings, and political gatherings?

2 A Yes, sir.

3 Q Have you attended any of these functions since you
4 submitted your application?

5 A I have not.

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

8 A I have not.

9 Q Are you familiar with the 48-hour rule, which
10 prohibits a candidate from seeking pledges for 48
11 hours after the report has been submitted to the
12 General Assembly?

13 A Yes, sir.

14 Q Have you sought or received a pledge of support from
15 any legislator prior to this date?

16 A No, I have not.

17 Q Have you asked any third parties to contact members of
18 the General Assembly on your behalf? I have not. Are
19 you aware of anyone who may have done so on their own?

20 A No, I am not.

21 Q And if you were re-elected, would you serve a full
22 term?

23 A Yes, I would.

24 Q Very good. Thank you.

25 MR. JOHN: Mr. Chairman, I have no further questions

1 for Mr. Thomas at this time. I would request
2 that we now go into executive session for some of
3 the committee's prior motion under Section 34-70.

4 CHAIRMAN ALEXANDER: So ordered. I ask the room to be
5 cleared.

6 (Executive session was held from 3:51 to 3:55 PM)

7 (Off the record)

8 CHAIRMAN ALEXANDER: We're back in open session. No
9 action was taken in executive session. We'll
10 continue with Mr. Headen B. Thomas, Public
11 Service Commission, seat number 5. Questions
12 from members of the committee? Representative
13 Gatch?

14 REPRESENTATIVE GATCH: Yes, sir. Thank you, Mr.
15 Chairman. Hey, good afternoon. Thank you for
16 being here. We've heard from multiple folks who
17 are current members, commissioners, that this is
18 a -- I mean, it's not just a full-time job. It's
19 more than a full-time job. People working on the
20 weekends. And I think you said yourself that you
21 rely heavily on the staff. How do you think you
22 can adequately and appropriately carry the burden
23 of your responsibilities without being in the
24 office and interacting with staff five days a
25 week?

1 MR. THOMAS: That's a very good and fair question.
2 Again, I'll go back to preparation. A lot of the
3 preparation is reading. Lots of material to
4 read. And I have a district office that is fully
5 equipped, totally private. And it is in my home.
6 There's nobody in my home but myself and my wife.
7 She stays downstairs. I stay upstairs, you know,
8 during working hours. And it's just much more
9 efficient and effective for me to read in
10 private. If I go to the Columbia office to do
11 that sort of preparation, then invariably
12 somebody's going to want to come in and talk
13 about the football game last weekend or what are
14 you doing next weekend. And all of that's fine.
15 That's good. But socialization happens when
16 you're in the office that does not relate to
17 work. The other thing that happens is it takes
18 me an hour and 15 minutes on average to drive to
19 the office. I can't get any reading done while
20 I'm doing that. I can't get any preparation
21 done. I can pick up the phone and call a staff
22 person and I can send emails. I believe, for me,
23 the way I get things done is the most efficient
24 and effective with regards to time and costs.

25 REPRESENTATIVE GATCH: Mr. Chairman, may I?

1 CHAIRMAN ALEXANDER: Please. Yes, sir.

2 REPRESENTATIVE GATCH: Whose decision was it to only,
3 you know, work three days a week from the office?
4 Was that a call that you made or was that
5 somebody else's call?

6 MR. THOMAS: No. And it's not necessarily three days.
7 Some days it's four. Occasionally it's five.
8 And some days it's two. It depends on what is
9 going on. That's what drives it. What drives it
10 is getting the job done efficiently and
11 effectively.

12 REPRESENTATIVE GATCH: Thank you.

13 CHAIRMAN ALEXANDER: Other questions? So let me
14 follow up on that. So you say it's roughly an
15 hour and 15 minutes travel time?

16 MR. THOMAS: Yes, sir.

17 CHAIRMAN ALEXANDER: You represent the fifth district?

18 MR. THOMAS: Yes, sir.

19 CHAIRMAN ALEXANDER: So if there weren't districts and
20 there were the opportunity for more folks to be
21 from the Columbia area, would we be better served
22 to have the folks in the office five days a week
23 -- the commissioners in the office five days a
24 week versus representing all seven congressional
25 districts?

1 MR. THOMAS: I would say no. I believe that we bring
2 a diverse background. And I believe that it's
3 important to be in touch with your constituents.
4 I don't think it would really, really bring
5 anything to the table just have people in the
6 office just because some people think that's the
7 way to do it. Again, I can do plenty of reading
8 and studying and preparation without being in the
9 Columbia office. And that's what I'm about. I'm
10 about getting things done efficiently and
11 effectively. And that's how I evaluate my
12 schedule every week, every day. And I usually
13 look out two or three weeks thinking, you know,
14 what's coming, what's coming, and how's the best
15 way to get ready for it. And sometimes it's in
16 the office in Columbia. Sometimes it's in the
17 office in Rock Hill.

18 CHAIRMAN ALEXANDER: If we required commissioners to
19 be in the office five days a week, would that
20 have an impact on your willingness to serve?

21 MR. THOMAS: I would just be honest with you, I don't
22 think that that would be appropriate. And I
23 would -- I'd have to give it second thought.

24 SENATOR HUTTO: Mr. Chairman.

25 CHAIRMAN ALEXANDER: Yes, sir. Senator Hutto.

1 SENATOR HUTTO: Do any of the commission meetings,
2 hearings, conferences to discuss cases, do any of
3 that occur over virtually Zoom or Teams or
4 anything like that?

5 MR. THOMAS: Yes. So just about all of the briefings
6 are available virtually. And, you know, the
7 hearings as well and the business meetings. I am
8 usually there when those things happen. But on
9 occasion, yeah, I do participate occasionally
10 virtually. But if it's a hearing, I'm 99 percent
11 of the time I'm there. If it's a business
12 meeting, I'm 99 percent of the time there. If it
13 is a briefing, maybe it's, I don't know, 85, 90
14 percent of the time I am in the Columbia office.

15 SENATOR HUTTO: Are those recorded and archived so
16 that if you had doctor's appointment or something
17 you just couldn't miss, that you could go back
18 and look at it, or are they all just live?

19 MR. THOMAS: So the briefings are not available to go
20 back to, you know, and view them. The hearings
21 and business meetings are. However, you have to
22 be there to -- you can't really go back to those
23 because you have to be present there for the
24 time. And, I mean, you can do it virtually, but
25 you couldn't go back to it later.

1 SENATOR HUTTO: You need to be there in real time?

2 MR. THOMAS: Yes, sir.

3 SENATOR HUTTO: Okay, all right, thank you.

4 CHAIRMAN ALEXANDER: One other question, if I could go
5 a different direction, or maybe a couple. What
6 degree of deference should the commissioners give
7 to testimony by the -- and arguments presented by
8 the Office of Regulatory Staff opposed to other
9 parties of record?

10 MR. THOMAS: Well, we have to take it all in, and we
11 have to give everybody a fair chance to be heard.
12 We can't really have preferences for ORS or the
13 companies. It's got to be balanced.

14 CHAIRMAN ALEXANDER: Thank you. Any other questions?
15 All right, this will conclude this portion of
16 your screening process then. If there's no other
17 questions, I want to remind you that we expect
18 you as a candidate to follow the spirit as well
19 as the letter of the state's ethics laws, and any
20 violation or appearance of impropriety on your
21 part would certainly be very serious and
22 potentially requires us calling you back for
23 further questions. Do you understand this?

24 MR. THOMAS: Yes, sir. I do understand that.

25 CHAIRMAN ALEXANDER: Thank you, sir. I appreciate

1 MR. WHITFIELD: Yes, sir.

2 MR. JOHN: Hello, Mr. Whitfield. Before I get
3 started, I see you have a guest. Would you like
4 to introduce them?

5 MR. WHITFIELD: Yes, Mr. John. This is my wife, Amy
6 Whitfield. Thank you.

7 MR. JOHN: Thank you for being here.

8 MR. WHITFIELD: My better half.

9 (EXHIBIT NO. 10 ENTERED INTO THE
10 RECORD (12 pages) PDQ - Swain
11 Whitfield)
12 EXAMINATION

13 MR. JOHN:

14 **Q And at this time, you can take a moment for a very**
15 **brief opening statement if you would like. Otherwise,**
16 **I can get going.**

17 **A** Sure. Yes, sir, Mr. John. I think I shared with you
18 that I have a legal opinion about my recent consultant
19 business the last four years. I have another hard
20 signed copy here if you want me to give it -- I know
21 you have a copy, but I'm happy to do whatever you need
22 me to do with that.

23 **Q So we'll -- I'll get it from you after the hearing.**
24 **But you said you wanted to make that part of the**
25 **record.**

1 A Yes, sir.

2 Q Okay. So we'll add that as an exhibit to your
3 redacted personal data questions.

4 (EXHIBIT NO. 11 ENTERED INTO THE
5 RECORD (6 pages) Email - Swain
6 Whitfield)

7 A Yes, sir.

8 Q Very good.

9 A Well, thank you. If it pleases the committee, I would
10 like to make an opening statement. I know it's been a
11 long day, and I'll try to be succinct. I know some
12 people don't know me for that, but I'll try to be
13 today because I know it's been a long day on all of
14 you. But I would start by saying President Alexander
15 and Chairman Herbkersman, I'm happy to be here. I'm
16 pleased to appear before your committee today. And
17 I'd like to take this opportunity just to tell you a
18 few things. Some of you, I've had the privilege of
19 meeting all of you at one time or another, but some of
20 you know me better than others, so I'm going to try to
21 serve this from the same spoon, so to speak. But
22 first of all, I'd like to say that I'm a native South
23 Carolinian. My family goes back here to the early
24 1700s, and my love for South Carolina is endless and
25 forever. Secondly, I think I've got to address a few

1 things here, and I'm sure many of you are probably
2 wondering why would I want to do this again. And if I
3 were sitting up there in your seat, I'd be wondering
4 the same thing. So I did a little soul searching, and
5 I did some serious soul searching. And beyond my love
6 for my state that I've stated, I know that this life
7 is just temporary, and I know who my maker is, and I
8 know I've been blessed beyond belief already, and that
9 God placed me in the hands of Aubrey and Emily
10 Whitfield when I was three months old, and I've had
11 the best parents anybody could have. I don't have
12 them anymore. I've lost my sister and, sadly, my
13 father-in-law in the last four or five years, so it's
14 been a tough road. That said, it turned me back to my
15 faith, and I prayed that I would have the right words
16 today to address you with. And sometimes it takes a
17 little while for a prayer to be answered, but in my
18 preparation for today, I found the answers of how I
19 would approach this, and I needed to look no further.
20 My prayers were answered by this committee, by this
21 own committee, the PURC committee. I look back
22 through my testimony from nearly six years ago, and
23 there it was, an exchange with me and Senator Luke
24 Rankin, where he states very clearly that the PSC was
25 lied to, ORS was lied to. I'm talking about the V.C.

1 Summer nuclear plants. The FBI even told me that I
2 was a victim. People went to federal prison and
3 served federal prison sentences for lying to us under
4 oath. But one thing I do know, no amount of erasers
5 or Ajax or anything else is going to change history or
6 going to take the fact off that I was on the
7 commission at that time. Not only the only
8 commission, I was the chairman. And that's just
9 history, and I can't change that. I served with some
10 wonderful people on that commission. Two of them went
11 on to higher federal office, one to the FCC for ten
12 years, and one is still currently the chairman of the
13 U.S. Nuclear Regulatory Commission. So I served with
14 some wonderful people. And we were lied to. We were
15 misled, as were a lot of people. ORS was. So that
16 being said, there's nothing I can do to change what
17 has happened. But I want to talk about the here and
18 now for just a minute, and that's why I'm here. The
19 utility business is a serious business. Serious
20 business. People die if they don't have the vital
21 utilities services our utilities provide. People can
22 die from unsafe or improper use of those utilities.
23 So this is a serious business. And I'm here today
24 because you all have passed a new law, the Energy
25 Security Act, along with several others since I was

1 on there, that give the PSC many tools that we didn't
2 have way back in the day. And you all have really
3 been very aggressive. This is not something you did
4 overnight. It goes back to the governor's -- even
5 worked with the governor, with Governor's Executive
6 Order 2023-18 when he initiated this. So this is
7 something that you've been very deliberate in. I know
8 my role when I was a commissioner. It's not my job to
9 make the law. It's my job to call balls and strikes,
10 to administer the law fairly, to carry out your will
11 and your mission. And I'm here today to bring you 16
12 years of experience in that field. I also bring you
13 20 years in the transportation sector. The commission
14 still regulates that. I'm here to bring you fair,
15 impartial, unbiased, regulatory, adjudicative
16 proceedings, which is what I've done. I followed the
17 law. I followed the law as a commissioner, and I
18 followed the law in my post-commissioner life. And
19 that's one of the reasons I went to the extra call of
20 duty to have this legal opinion drawn up. It wasn't
21 cheap, but I thought it was an appropriate thing to
22 do. I also didn't think it was fair for me to whip a
23 surprise on anyone, so I called Breeden on Friday and
24 gave it to him. So with that, I'm here to serve. I'm
25 excited about the opportunities that Act 41, the

1 Energy Security Act, brings. There are a lot of
2 things in there. I'm sure we'll get into that in a
3 minute, but it's likely the biggest energy related
4 bill I've seen since Act 175, and there are a lot of
5 other good ones in between. So with that, I'm here to
6 serve. I'm happy to be here, and I'm here to answer
7 any questions you might have.

8 Q Great. Thank you, Mr. Whitfield. I'll give a brief
9 background of you. Mr. Whitfield earned a Bachelor of
10 Arts in Geography from the University of Georgia in
11 1986. He was first elected to the Public Service
12 Commission in 2008 and was subsequently re-elected in
13 2013 and '16, and he served as chairman from 2016 to
14 2018. Mr. Whitfield is currently employed as an
15 independent utility regulatory consultant with Swain
16 Whitfield Consulting, founded in November 2021. His
17 career began with Laidlaw Carriers in 1986. He went
18 on to become operations manager for Youmans
19 Transportation from 1987 to 1990, Senn Trucking
20 Company from '90 to '91, and then he founded Whitfield
21 Transportation Incorporated, which he operated from
22 1991 to 2008 when he joined the Public Service
23 Commission. Following his service on the commission,
24 Mr. Whitfield worked as director of business
25 development for Alliance Consulting Engineers from

1 November 2020 to November 2021 before starting his
2 consultancy business. Mr. Whitfield has served on
3 Winnsboro City Council from 1995 to 1999, the
4 Fairfield County Substance Abuse Commission from 1994
5 to 1996, and the John de la Howe Board of Trustees
6 from 2006 to 2008. Mr. Whitfield is currently or
7 recently has been a member of the Fairfield County
8 Chamber of Commerce, the Association of American
9 Geographers, the Southeastern Association of
10 Regulatory Utility Commissioners, the Gas Technology
11 Institute, and the National Association of Regulatory
12 Utility Commissioners. Mr. Whitfield has also
13 recently been a member of the Centennial Associate
14 Reform Presbyterian Church as an elder, Fairfield
15 County Chamber of Commerce, Blackstock Young Farmers,
16 and Phi Kappa Tau Fraternity. A background
17 investigation indicated that Mr. Whitfield's medical
18 record and a review of his credit report indicated no
19 negative information. Mr. Whitfield's written exam
20 score was a 90, which was the highest score of all
21 candidates.

22 A Thank you.

23 Q Are you a registered voter, Mr. Whitfield?

24 A Yes, sir, and my voter card is in this envelope.

25 Q In which congressional district are you registered to

1 **vote?**

2 A Fifth District.

3 **Q Why are you interested in serving on the Public**
4 **Service Commission, again, in addition to what you**
5 **just told us?**

6 A I guess I've been blessed. I have two careers. I had
7 a long career in transportation, a very stressful
8 industry, and something was missing. And when I came
9 on the PSC, one thing that we have to do -- there are
10 a lot of multiple different things you have to do at
11 the PSC, but one thing is a lot of data analysis. In
12 my degree from Georgia in geography, we studied a lot
13 of demographic data, human trends, usage trends, those
14 type things. So I found that fulfilling, and I've
15 stayed -- in my consulting business I've done a little
16 bit of everything that the commission regulates.
17 Electric, gas, water, wastewater, telecom, solar.
18 I've had clients in all of that so I've stayed
19 current. I've stayed on my toes. And for me, that's
20 all great, and that's good, and I'm sure I can do more
21 good there if I choose, but I really just am
22 passionate about serving the citizens of South
23 Carolina, serving my state, serving out honorably at
24 this time with so much on the line, with so much on
25 the line. Our energy supply from some of our

1 neighboring states, many of them are in a deficit, as
2 many of you may know. They're energy importers, and
3 you all have been proactive with this new legislation,
4 and I don't want South Carolina to fall behind. Like
5 I said, these are life essential utilities that our
6 citizens need and have to have to survive.

7 **Q Thank you. So we'll turn to some questions regarding**
8 **conflicts of interest. I'll run through the questions**
9 **first, and since it will be part of the record, we can**
10 **go ahead and talk about your memo.**

11 **A Sure.**

12 **Q Okay. So if you were elected, would there be any**
13 **potential conflicts of interest, financial or**
14 **otherwise?**

15 **A No financial, nothing of any of my ownership. I think**
16 **we've been over that in my packet, and don't own any**
17 **stocks, anything like that. I think you have a copy**
18 **of that legal opinion, and after discussing that with**
19 **my attorney, and what I know also about Act 175 and**
20 **the Judicial Code and our ethics laws, there would be**
21 **certain times I would have to disclose. I probably**
22 **would do it, not probably, I would do it every time**
23 **out of an abundance of caution. But a mere disclosure**
24 **does not mean that you have to recuse from the case.**
25 **I would disclose. There are other commissioners over**

1 there now that have had to do that, and I would
2 certainly disclose up front. I don't know of anything
3 -- I'm not involved in any current docketed item, nor
4 have I been prejudiced, as the legal opinion says, by
5 any evidentiary information. So other than some
6 disclosures, I don't think I would have a problem
7 serving again. I can tell you in my 12 years, the
8 only time I ever abstained from a vote, and my wife
9 knows this, our daughter was in a school bus wreck
10 with Blythewood Middle School, and the charter bus
11 company that was driving them happened to be before us
12 that same week. So that was clearly a reason to
13 disclose, as my emotions -- people were hurt seriously
14 in that accident, and that's the only time I can tell
15 you in 12 years, and that was a transportation matter,
16 certification of a charter bus company.

17 **Q And if you were -- well, you've answered what you**
18 **would do if a conflict arose, are you or a member of**
19 **your immediate family employed by a utility regulated**
20 **by the PSC, or have you been in the last two years?**

21 **A**Nobody in my family. And other than the consulting
22 relationships that I've disclosed to you in this legal
23 opinion, no. I've never been employed by one of them,
24 only as a consultant -- non-employee consultant.

25 **Q Do you or a member of your immediate family own stock**

1 or have other financial interests directly controlled
2 by you in a utility that's regulated by the PSC?

3 A No, sir.

4 Q All right. Turning to your memo, or Analysis of Law,
5 and you mentioned that you have one specific client
6 that you named specifically in the memo.

7 A Yes.

8 Q That being Fairfield County.

9 A Yes.

10 Q I'm curious, what is Fairfield's interest in matters
11 at the commission? The county's interest?

12 A They weren't interested in any matter before the
13 commission, nor do we even know that they would ever
14 be -- you know, obviously, they're a county
15 government. They're not regulated by the commission.
16 They were interested in the -- I think as my legal
17 opinion states, they were interested in the future
18 potential tax revenues. As you know, unit one already
19 pays them about 32 million a year. And some of you
20 may know, outside the commission's purview, when the
21 plants were abandoned, the county had to hire an
22 attorney to go to court, and they settled out of court
23 with Dominion. I'm sure most of you are aware of
24 that. So again, the commission doesn't have the
25 jurisdiction to handle any relief like that. And they

1 really -- I guess the only other thing I can say about
2 it is they had gotten to a point, the county had, as
3 to where they needed a fee in lieu of attorney. You
4 all know I'm not an attorney. They also probably need
5 a little lobbying help maybe, and I'm not a lobbyist.
6 So I'd reached, after working with the county auditor
7 and economic development director and county
8 administrator, I'd reached the point of my -- what
9 benefit to them, if you will, and we kind of knew it
10 was going to be a short-term thing, advisory role, as
11 the legal opinion states. Does that answer your
12 question?

13 **Q It does. I'm trying to -- I guess trying to get a**
14 **handle on where you -- prior to seeking this legal**
15 **opinion, where you thought the conflict could arise if**
16 **you were serving on the commission?**

17 **A** Well, I thought -- I think it could be potentially
18 any, because, you know, some of them are regulated
19 utilities that I've had consulting arrangements for,
20 and I thought that the committee might be interested
21 in knowing -- I didn't want to come up here and not
22 disclose, and I felt like that any and all, including
23 Fairfield, that he did the deep dive on, that I needed
24 to do this. And I don't know of a person who has run,
25 certainly not in recent times, and been a consultant.

1 I do know one commissioner, of course we all do, that
2 had previously worked at ORS, but I don't know of
3 anyone that's done exactly the path I'm taking, so I
4 felt like I needed to go -- I felt like my situation
5 was unique, and I felt like I needed to get unique --
6 do something unique with a unique legal opinion. As
7 you probably know, there are not very many attorneys
8 specializing in this, so I didn't -- you know, you
9 have to kind of look to find one that does this type
10 of work, as you know.

11 **Q Right. And thank you, that's helpful. Since they**
12 **were the client specifically named in the memo, you**
13 **know, I didn't want to ask you who were the other**
14 **clients.**

15 **A I think --**

16 **Q The regulating --**

17 **A Yes, sir. I think I provided you the names of those**
18 **others as well, right?**

19 **Q Right. Would that be -- you want that included in the**
20 **record?**

21 **A Absolutely. I have no -- nothing to hide.**
22 **Absolutely, I want to be as transparent as I can.**

23 **Q Okay, well very good.**

24 **A I'm an open book.**

25 **Q Absolutely, much appreciated. That's helpful to me,**

1 and if members of the committee have further
2 questions, I'll let them address that with you. Are
3 you affiliated with any political parties, boards or
4 commissions that would need to be reevaluated if you
5 were elected?

6 A No, sir.

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

9 A No, sir.

10 Q What is the appropriate temperament for a
11 commissioner?

12 A The appropriate temperament, typically when I was on
13 the bench, and I think the appropriate temperament for
14 any commissioner is you really need to be on that
15 bench and you really need to, in person on that bench,
16 you need to sort of be poker face. Not show any
17 expression, not show any reaction of body language or
18 anything, but also you need to treat every person that
19 comes before you with dignity and respect. You need
20 to be fair and impartial, unbiased, and beyond
21 reproach.

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

25 A Yes, sir, I am.

1 Q Could you briefly describe the five canons in the
2 Judicial Code?

3 A Well, the first one deals -- canon one deals with the,
4 a judge or commissioner must be independent and uphold
5 the integrity of the commission. Secondly, not be
6 involved in any impropriety or the appearance of any
7 impropriety. Third is to do your job diligently and
8 diligently and impartially as you go about your duties
9 as commissioner or judge. Fourth, restrain from any
10 extrajudicial activities outside business or work
11 activities that might cause you to have a conflict of
12 interest and then fifth and last is no political
13 affiliation, no attendance of any political events.
14 You've got to really be totally unbiased and not go to
15 anything political and really, as the Judicial Code's
16 purpose, I mean, you really have to keep all five of
17 those to keep the public trust. If the public trust
18 is eroded in our judicial system or in our
19 commissioners, then the purpose is defeated.

20 Q Ex parte communications. Can you explain the general
21 rule as it relates to service on the commission?

22 A Yes, sir. Mr. John. There are two main -- there are
23 two types our laws deal with. There's inadvertent ex
24 parte communications and then there's willful and
25 inadvertent needs to be placed on the record and allow

1 the other parties in a proceeding to respond to the
2 inadvertent communication. If it's willful, the
3 commissioner or employee can go to jail and be fined.
4 And then, of course, if a party is injured by an ex
5 parte communication, then the remedy is to seek relief
6 in administrative law court.

7 **Q What industries, types of businesses are regulated by**
8 **the public service commission?**

9 A The different sectors or you want the specific
10 mission?

11 **Q No, the broad picture.**

12 A Well, we regulate, don't want to say we, the
13 commission regulates electric, gas, water, wastewater,
14 telecom, and I can list all the areas of
15 transportation if you'd like. That's my field kind of
16 but in the essence of time, I'll stop there. But
17 certain areas of transportation and the commission
18 does not regulate municipal systems or special purpose
19 districts or co-ops that are not for profit. Since my
20 time on the commission, the commission has some
21 limited jurisdiction over Santee Cooper but still does
22 not set their rates and, of course -- does that --

23 **Q That's great.**

24 A -- suffice or do you want me to go on?

25 **Q I'll leave it up to you but I think that's great.**

1 A Well, I was going to add the mission statement, but
2 I'll stop there.

3 **Q What's the role of the Office of Regulatory Staff in**
4 **matters before the commission?**

5 A In matters before the commission, ORS is the -- and
6 I'm going to use attorney talk, the ORS is the --
7 similarly compared to in our state court system, is
8 the solicitor's office. They are the enforcement,
9 audit, and inspection body and prosecutorial body
10 before all matters involving utilities before the
11 commission. They also regulate -- I mean, they also
12 represent the rate payer and they can also, they also
13 have a consumer complaints department and can talk to
14 the utilities directly unlike the commission or the
15 commissioners and they can mediate and help mitigate
16 disputes before and of course if that's not ultimately
17 resolved, it ultimately goes to the commission as a
18 docketed item. ORS also has a lot of other duties and
19 responsibilities. I'm happy to get into those.
20 Again, I'm trying to -- but they got the state energy
21 office, you got the broadband office over there, DOD.
22 I mean you got -- ORS is quite a busy place and quite
23 a lot of responsibility, but they are the audit,
24 enforcement, and inspection body. They also represent
25 the public interest before the commission and they

1 have a -- pretty much a table -- permanent -- they're
2 a permanent party of record in every matter before the
3 commission.

4 **Q Thank you. What is an integrated resource plan?**

5 A Integrated resource plans are long term plans by
6 utilities to -- for planned, for assets. That's every
7 asset under the sun. That includes generation assets,
8 energy and efficiency and demand side management
9 assets, renewables, and that plan is generally a
10 longer term plan, 10 or 15 year longer term plan.
11 Here in our state it's updated now under the new law.
12 It wasn't a law when I was there, but under the new
13 law under -- well, it was enacted toward the tail end,
14 Act 62, allows for the commission to hold full IRP
15 proceedings, full blown proceedings, just like a rate
16 case, and the commission now has teeth in that process
17 and now can approve or disapprove or partially approve
18 an IRP plan and of course now those IRPs are updated
19 annually.

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

22 A I'd say the evidence and the record. The evidence and
23 the record, the testimony, the evidence and the
24 record, the exhibits, the cross-examination by the
25 attorneys from the various parties, the questions from

1 commissioners. Certainly all of those things make up
2 a rate case, but of course you have to consider in the
3 rate case you have the revenue requirement and the
4 weighted cost of capital. Commission is charged with
5 findings of fact of all of those things. And the
6 setting of the ROE. And ultimately, of course, at the
7 end of the case of course the parties all have an
8 opportunity to present -- to submit proposed orders
9 and then the commission of course issues their final
10 order. In our state we have a six month statute.

11 **Q In evaluating a utility's investment in a**
12 **customer-facing program like the energy efficiency**
13 **program, to what extent should cross-subsidization be**
14 **factored in to the commission's decisions?**

15 A You said in energy efficiency?

16 **Q Energy efficiency, distributed energy resources --**

17 A Or any of those things. Demands not met.

18 **Q In determining if it's a prudent investment.**

19 A Okay. I guess the question is really more about
20 cross-subsidization, right?

21 **Q That's correct.**

22 A Okay. Okay, Mr. John. Thank you.

23 Cross-subsidization can occur in a lot of ways. It
24 could be an asset that some customers are
25 participating in that other customers are not

1 participating in and you don't want the
2 nonparticipants to have to pay for something that
3 they're not -- either not participating in or not
4 getting a benefit from. For instance, I guess I'm
5 going to use Act 41 under the new law. A lot of -- of
6 course, we know a lot of what is, you all -- by the
7 legislature's own words, what drove Act 41 was our
8 massive population growth data centers and our massive
9 economic development successes. A lot of those large
10 industries that came in during our massive economic
11 development successes for which we continue to have, a
12 lot of them wanted 100 percent renewable energy.
13 Well, I see now in Act 41 that large customer can do
14 that, but it's the commission's job to make sure that
15 residential rate payers are not penalized for it or
16 not cross-subsidizing, if you will. That's as a clear
17 example, as I know. I come from a rural county where
18 people struggle to pay their power bills and to put
19 food on the table and it's so important that the
20 cost-causer pays appropriately.

21 **Q Thank you. What are some challenges facing regulated**
22 **water and wastewater companies?**

23 **A** Oh, my goodness. They're just -- that's a loaded
24 question. I had a client in the water and wastewater
25 field. I'm not doing that much for them anymore, but

1 early on, that was client one and, as you might know,
2 PFAS was a big, big, big hurdle and, you know, not
3 only were some of our states dealing -- and our own
4 state, dealing with some lead issues, but PFAS
5 chemicals or, you know, the forever chemicals, are
6 such a hot item in that industry. In our state -- you
7 mean our state specifically, nationally, what do you?

8 **Q South Carolina specific would be good.**

9 A Specifically, in our state, some of this has changed
10 through some mergers and acquisitions, but we have a
11 lot of smaller -- in the investor-owned side, we have
12 a lot of smaller -- real small to medium-sized water
13 companies who didn't have enough of a customer base to
14 spread the costs over and, unfortunately, some of the
15 larger investor-owned weren't willing to invest in
16 them because there wasn't enough customer base there.
17 And, of course, I could go down the road of what is
18 happening in the muni, in the municipal, in the
19 special purpose water and sewer districts, but the
20 commission doesn't regulate that. I'm going to, for
21 the sake of time, stop there, unless you want me to go
22 on.

23 **Q That's good. And what challenges might regulated**
24 **telecommunications companies be facing currently?**

25 A Well, as you all know, since my time on there, the IP

1 transition as we've transitioned from the old public
2 switch telecom network to the internet protocol, of
3 course, now -- and again, that's one of the many
4 things ORS has done under their broadband office.
5 Hundreds of millions of dollars were appropriated from
6 the federal government and sent down to the states
7 through the RDOF fund and through the -- the RDOF fund
8 -- shoot I'm drawing a blank on the other one. And
9 ARPA and the RDOF, Rural Digital Opportunity Fund, is
10 the name I'm trying to think of. Rural Digital
11 Opportunity Fund with the FCC. And a lot of those
12 funds now have -- in our state, it's no secret that
13 Jim Stritzinger over at ORS has done a lot of good
14 work deploying broadband even in my little rural
15 county and some of the most rural areas of South
16 Carolina and I think it's now said that some of our
17 rural areas actually have as good in some places as
18 some of the metro areas do. So we're a rural state
19 that's becoming increasingly urbanized and, you know,
20 that's probably the biggest thing, getting that fiber
21 out, getting broadband to un and underserved
22 communities.

23 **Q Mr. Whitfield, are you familiar with the advisory**
24 **opinions issued by the review committee dealing with**
25 **attendance at legislative receptions, legislative**

1 caucus meetings and political gatherings?

2 A Yes, sir.

3 Q Since you submitted your application, have you
4 attended any of these functions?

5 A Have not.

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

8 A No, sir.

9 Q Are you familiar with the 48 hour rule which prohibits
10 the candidate from seeking pledges for 48 hours after
11 the screening report has been submitted to the General
12 Assembly?

13 A I am.

14 Q Have you sought or received a pledge of support from
15 any legislator prior to this date?

16 A Have not.

17 Q Have you asked any third parties to contact members of
18 the General Assembly on your behalf?

19 A Have not.

20 Q Are you aware of any third parties who may have done
21 so on their own?

22 A I am not.

23 Q And if you were elected, would you, do you plan to
24 serve a full term?

25 A Well, I've always answered yes to that, Mr. John, and

1 I've always served out my term each of the four-year
2 terms, three/four-year terms I've previously served.
3 I'm aware that this one's only a two-and-a-half year
4 term, and yes, sir, I plan to serve it out if elected.

5 **Q Great. Thank you.**

6 MR. JOHN: Mr. Chairman, I have no further questions.

7 At this time, I would request that we go into
8 executive session pursuant to the committee's
9 prior motion under section 34-70.

10 CHAIRMAN ALEXANDER: So ordered. We'll clear the room
11 to go into executive session.

12 (Executive session was held from 4:40 to 4:52)

13 (Off the record)

14 CHAIRMAN ALEXANDER: We continue with our screening of
15 candidates for the public service commission on
16 this December 9, 2025. We are currently in
17 congressional district five and have before us
18 Mr. Swain E. Whitfield. We are out of executive
19 session. No action was taken during the
20 executive session. Are there questions by
21 members of the committee? The one that I would
22 have is that with your past experience in knowing
23 affordability and reliability of electricity for
24 our residents and then certainly the potential
25 for data centers or other heavy use of energy and

1 electricity, how do you balance those from a --
2 or would you envision in balancing that from a
3 commission perspective?

4 MR. WHITFIELD: Senator Alexander, would you repeat
5 the part of that again?

6 CHAIRMAN ALEXANDER: On the one hand, you have
7 residential customers that need reliable and
8 affordable electricity. On the other hand, you
9 have a lot of data centers or some or other heavy
10 energy users coming into the state. How do you
11 take those into consideration briefly with making
12 sure that those residential customers are not
13 placed with a burden of those that we need here
14 from a data center and we need electricity for
15 those.

16 MR. WHITFIELD: Yes, sir, Senator Alexander, I
17 understand the question now. I would -- of
18 course, it's always a balancing act, Scales of
19 Justice here at the Commission. It's always a
20 balancing act. I would look to Act 41 that you
21 just enacted that gives a very, very exhaustive
22 list of actions to be taken by our utilities, by
23 the office of regulatory staff and all the
24 emerging technologies, but when it comes to that
25 large customer that you're talking about, the

1 commission will have to be the body that, as Mr.
2 John asked me about, makes certain that no cross
3 subsidization is occurring. And if that new
4 customer or data center wants to tell their
5 shareholders or their board of directors that
6 they have 100 percent renewable energy, then
7 that's wonderful. But the residential rate
8 payers, as you said, Senator Alexander, do not
9 need to be penalized for that choice. I think Act
10 41 gives quite a smorgasbord of options for the
11 commission to do and there's quite a lot of tools
12 in the toolbox there in Act 41. I hope that
13 answers your question.

14 CHAIRMAN ALEXANDER: It does. And one final question
15 for me. What degree of deference should
16 commissioners give to the testimony or arguments
17 presented by the office of regulatory staff as
18 opposed to other parties of record?

19 MR. WHITFIELD: Well, prior to Act 62, we were
20 encouraged to -- or ORS was encouraged to engage
21 in settlements, a lot of settlements and
22 stipulations. And there was some encouragement
23 for the commission to accept a settlement. I
24 would still say in the form of judicial economy,
25 if all parties are in agreement, I view the

1 commission's role as not to be impeding, but to
2 be the arbiter and the finder of fact and to not
3 impede. Ultimately, if you want all parties to -
4 - you want satisfaction or not -- or what's the
5 old saying, you want all to go away a little bit
6 mad and all to go away a little bit happy, well,
7 that's the role of the commission. So as far as
8 giving ORS weight, they still represent the
9 public interest. And that's their statutory duty
10 still. Their definition has been changed a
11 little bit, some. But still it's basically the
12 same, representing the concerns of the using and
13 consuming public without concern to customer
14 class and to preserve the financial integrity of
15 our utilities so that they provide safe,
16 affordable, and reliable service. So I think
17 with ORS being charged with that -- with that
18 charge or the public interest, the commission
19 still has to give that a lot of weight.

20 CHAIRMAN ALEXANDER: Thank you. Any other questions?

21 Hearing none, thank you for being here. This
22 will conclude this portion of our screening
23 process with you, Mr. Whitfield. However, I do
24 want to remind you that we expect you as a
25 candidate to follow the spirit as well as the

1 letter of the state's ethics laws. And any
2 violation or appearance of impropriety on your
3 part would be deemed very serious and would
4 warrant us calling -- potentially calling you
5 back for further questions. Do you understand
6 that?

7 MR. WHITFIELD: Yes, sir, I do.

8 CHAIRMAN ALEXANDER: Okay. Thank you, sir. Thank you
9 for being with us this afternoon. We appreciate
10 your willingness to serve.

11 MR. WHITFIELD: Thank you. Yes, sir.

12 SENATOR HUTTO: Mr. Chairman.

13 CHAIRMAN ALEXANDER: Senator from Orangeburg.

14 SENATOR HUTTO: I move we go into executive session.

15 MR. NICHOLSON: Second.

16 CHAIRMAN ALEXANDER: And we have a second to go into
17 executive session. Is there any opposition to
18 that? Hearing none, then unanimously we'll go
19 into executive session.

20 (Executive session was held from 5:00 to 5:15 pm)

21 (Off the record)

22 CHAIRMAN ALEXANDER: Okay, we're now to the point
23 where we will consider -- before I get into that,
24 we have lifted the veil. Back on the record. No
25 action was taken in the executive session.

1 Therefore, now we're back to -- we will consider
2 candidates and whether to find them qualified.
3 I'm going to call the name of each candidate by
4 the seats. I ask for a show of hands by those
5 who wish to find a candidate qualified. We'll
6 start with public service commission, Seat one.
7 Mr. Eugene Hennelly. All those wishing to find
8 Mr. Hennelly qualified, please raise your hand.
9 Any opposed?

10 REPRESENTATIVE GATCH: I have Todd's proxy.

11 CHAIRMAN ALEXANDER: Proxy votes aye.

12 REPRESENTATIVE GATCH: Yes, sir.

13 CHAIRMAN ALEXANDER: I would deem that the majority
14 has found Mr. Henley qualified. Ms. Carolee
15 Williams. All those wishing to find Ms. Williams
16 qualified, please raise your hand. And proxy?

17 REPRESENTATIVE GATCH: Aye.

18 CHAIRMAN ALEXANDER: I would deem that the majority
19 has found Ms. Williams qualified. So we will now
20 -- all those -- still in public service
21 commission, Seat one. Mr. Eugene Hennelly. All
22 those wishing to nominate Mr. Hennelly for
23 consideration by the General Assembly, please
24 raise your hand. All opposed? I would deem that
25 the majority has voted in favor of nominating Mr.

1 Hennelly for consideration by the General
2 Assembly. Ms. Carolee Williams. All those
3 wishing to nominate Ms. Williams for
4 consideration by the General Assembly, please
5 raise your hand. Any opposed? I would deem that
6 the majority has voted in favor of nominating Ms.
7 Williams for consideration by the General
8 Assembly. That takes us now to the public
9 service commission, Seat three. Mr. Bjorn J.
10 Brooks. All those wishing to find Mr. Brooks
11 qualified, please raise your hand. All opposed?
12 I would deem that the majority has found Mr.
13 Brooks qualified. Mr. Stephen Mike Caston. All
14 those wishing to find Mr. Caston qualified,
15 please raise your hand. All opposed? I would
16 deem that the majority has found Mr. Caston
17 qualified. That brings us to the nominations for
18 the third congressional district of the Public
19 Service Commission. Mr. Bjorn J. Brooks. All
20 those wishing to nominate Mr. Brooks for
21 consideration by the General Assembly, please
22 raise your hand. All opposed? I would deem that
23 the majority has voted in favor of nominating Mr.
24 Brooks for consideration by the General Assembly.
25 Mr. Stephen Mike Caston. All those wishing to

1 nominate Mr. Caston for consideration by the
2 General Assembly, please raise your hand. Any
3 opposed? I would deem that the majority has
4 voted in favor of nominating Mr. Caston for
5 consideration by the General Assembly. That
6 takes us to Public Service Commission, Seat five.
7 Mr. James C. Reno. All those wishing to find Mr.
8 Reno qualified, please raise your hand. All
9 opposed? I would deem that the majority has
10 found Mr. Reno qualified. Mr. Headen B. Thomas.
11 All those wishing to find Mr. Thomas qualified,
12 please raise your hand. All opposed? I would
13 deem that the majority has found Mr. Thomas
14 qualified. Mr. Swain E. Whitfield. All those
15 wishing to find Mr. Whitfield qualified, please
16 raise your hand. All opposed? All those wishing
17 to find Mr. Whitfield qualified, please raise
18 your hand. All opposed? I would deem that the
19 majority has found Mr. Whitfield qualified. So
20 that continuing in public service commission seat
21 five, Mr. Reno. All those wishing to nominate
22 Mr. Reno for consideration by the General
23 Assembly, please raise your hand. All opposed?
24 I would deem that the majority has voted in favor
25 of nominating Mr. Reno for consideration by the

1 General Assembly. Mr. Headen B. Thomas. All
2 those wishing to nominate Mr. Thomas for
3 consideration by the General Assembly, please
4 raise your hand. All opposed? I would deem that
5 the majority has voted in favor of nominating Mr.
6 Thomas for consideration by the General Assembly.
7 Mr. Swain E. Whitfield. All those wishing to
8 nominate Mr. Whitfield for consideration by the
9 General Assembly, please raise your hand. All
10 opposed? I would deem that the majority has
11 voted in favor of nominating Mr. Whitfield for
12 consideration by the General Assembly. Members
13 of the committee, we now go to the Public Service
14 Commission Seat 7. Mr. Clint A. Elliott. All
15 those wishing to find Mr. Elliott qualified,
16 please raise your hand. All opposed? I would
17 deem that the majority has found Mr. Elliott
18 qualified. Mr. Kenneth R. Moss. All those
19 wishing to find Mr. Moss qualified, please raise
20 your hand. All opposed? I would deem that the
21 majority has found Mr. Moss qualified. Mr.
22 Delton W. Powers. All those wishing to find Mr.
23 Powers qualified, please raise your hand. All
24 opposed? I would deem that the majority has
25 found Mr. Powers qualified. Continuing with the

1 Public Service Commission, Seat 7. For
2 nominations, all those wishing to find Mr.
3 Elliott -- nominate Mr. Elliott, please raise
4 your hand. All opposed? I would deem that the
5 majority has found Mr. Elliott qualified and
6 nominated. Mr. Kenneth R. Moss. All those
7 wishing to nominate Mr. Moss, please raise your
8 hand. All opposed? I would deem that the
9 majority has voted in favor of nominating Mr.
10 Moss for consideration by the General Assembly.
11 Mr. Delton W. Powers. All those wishing to
12 nominate Mr. Powers for consideration by the
13 General Assembly, please raise your hand. All
14 opposed? I would deem that the majority has
15 voted in favor of nominating Mr. Powers for
16 consideration by the General Assembly. I'm not
17 aware of any other business to come before the
18 Public Utility Review Committee this afternoon.

19 SENATOR HUTTO: Move we adjourn.

20 CHAIRMAN ALEXANDER: As I listen for that motion, I do
21 want to express my appreciation to each member of
22 the committee and to the great staff that we have
23 for your diligence today and the work that's been
24 done on behalf of the people of the state of
25 South Carolina. I hear the motion from the

1 Senator from Orangeburg that we adjourn. All in
2 favor say aye.

3 ALL: Aye.

4 CHAIRMAN ALEXANDER: Opposed, no. They can stay. We
5 stand adjourned. Thank you so much.

6 (There being no further questions, the deposition
7 concluded at 5:28 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC
4 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
5 CERTIFY THAT I REPORTED THE HEARINGS ON TUESDAY, THE 9TH
6 DAY OF DECEMBER 2025, THAT THE WITNESS WAS FIRST DULY SWORN
7 BY ME AND THAT THE FOREGOING 235 PAGES CONSTITUTE A TRUE
8 AND CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID
9 DEPOSITION.

10 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
11 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
12 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
13 INTERESTED IN SAID CAUSE.

14 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT
15 WAS THEREAFTER SEALED BY ME AND DELIVERED TO BREEDEN JOHN,
16 GRESSETTE BUILDING, 1101 PENDLETON STREET, COLUMBIA, SOUTH
17 CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT
18 AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT
19 PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL
20 ORDER ON ANY ISSUE.

21 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
22 2ND DAY OF FEBRUARY, 2026.

23 

24 _____
KATHRYN B. BOSTROM, COURT REPORTER

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