

COMMISSIONER QUESTIONNAIRE
PERFORMANCE SUMMARY

NAME DELTON W. POWERS, JR.
SEAT 7TH CONGRESSIONAL DISTRICT
DATE ELECTED SEPTEMBER 23, 2020
DATE TERM EXPIRES JUNE 30, 2024

Please provide information for the review period covering July 1, 2024 through June 30, 2025. Be sure to fully address each item.

1. Educational programs.

Provide the following information regarding educational programs attended:

- A. The name of the program and the sponsoring organization;
- B. A description of the topics and any certificate or recognition received;
- C. How the program helped you as a commissioner and benefitted the Commission; and
- D. The amount of time spent out of the office due to attending educational programs.

2024 NARUC Annual Meeting and Education Conference – November 10-13, 2024

Demand Growth & Risk Management- Topics concerning Infrastructure Investment during a period of rapid demand growth with Investments that balance reliability and affordability.

Emerging Technologies Showcase- Presentations and discussions as to new technologies on the horizon.

Resource Retirement in an Era of Increasing Electricity Demand- Discussion of challenges of retiring dispatchable resources and the lack of replacement capacity and additional transmission. Whether to revisit planned retirements due to demand growth.

Exploring the Past, Present, and Future Contributions of Nuclear Power to the U.S.- Discussions of mobile nuclear reactors with Department of Defense Representative and the application of portable microreactors in military installations.

Commission Chairs Breakfast- Meeting with Commission Chairs throughout the country. Review of personnel matters and problems local to each state.

Equity in Utility Procurement Practices- Protecting Costs for Small Businesses while meeting growth and expansion needs.

General Session: Natural Gas, Energy Demand and Emission Challenges Leading up to 2030 and beyond. Challenges of continuing lower emissions while maintaining production levels, safety, reliability and affordability.

SEARUC Meeting- Discussions with other Southeastern area Commissioners of problems facing Commissioners and dealing with growth demand.

Gaining Headroom on the Grid: Leveraging Demand Side to Accommodate New Loads. How to mitigate impact of load growth, data centers and demand to reduce energy waste, lower peak demand and make room for new loads to grow.

The Emerging Hydrogen Economy and How it Interacts with Public Utilities: Using hydrogen to decarbonize in different areas of the energy sector.

Good Vibrations or Grid Disruptions. How AI affects Homeland Security and Energy Policy. How to avoid cyber-attacks on critical Infrastructure and using AI as both a defensive and offensive tool.

Federal and State Current Issues- Forum of Commissioners as to the overarching topic of gas-electric coordination.

*Ethics, Artificial Intelligence and Regulation—*Discussions of what is necessary to address the challenges and opportunities presented by AI in an increasingly complex regulatory environment.

Peering into the Crystal Ball- Load Forecasting for the future ~~in order~~ for better risk management.

The Conference above required 3 days out of the office. However, no Commission events were scheduled during this time.

NARUC Winter Policy Summit – February 23-26, 2025

Reliable Emergency Communications- Panel discussion as to how the telecommunications and utilities work together during disasters and storms to maintain service, and strategies for resilience.

Bringing the Public into Public Service Commissions- Group discussions about increasing public and stakeholder involvement through education, outreach and engagement.

A Deep Dive into Nuclear Waste Policy- Presentation by Nuclear Waste Coalition Executive Committee Member as to State Regulators' role in a national integrated nuclear waste management program.

Power Purchase Agreement (PPA) Seminar- Discussion of PPA's and the question of balancing corporate clean energy goals with protecting non-participating customers from cost shifts.

Powerful Frameworks to Supercharge your Future Workforce and Sustainability:- Discussions of economic growth and how utilities and commissions can help with growth and sustain power systems while reducing customer costs.

Mutual Assistance: The Power of Partnership- - A history of mutual assistance in storms, mutual assistance frameworks, coordination during outage events and protecting infrastructure,

Economic Regulation and the Global Climate: Commissioner and Stakeholder Perspectives- A presentation on best practices in dealing with expected but often uncertain load growth. Discussions on how to forecast where and when growth will occur.

Committee Chairs Luncheon- Exchange of Ideas and Issues and meeting other Chairs.

Business Meeting of Committee on Energy Resources and Environment- Meeting and Federal policy predictions from trade associations.

General Session: Powering Policy- Remarks from David Wright, Chair, Nuclear Regulatory Commission, Senator Shelley Moore of West Virginia, and Grace Stanke, Nuclear Fuels Engineer, Clean Energy Advocate and Miss America 2023. Talks centered on the future of nuclear energy and innovations.

SEARUC Meeting- Discussion of Issues by Southeastern Commissioners.

Commissioner Chairs Breakfast and Meeting- Discussions of Issues as Chairs.

Data Center + Co-Located Nuclear = The Answer to Rapid Load Growth? - Panel to explore the potential benefits and challenges of collocating data center with nuclear power plants to deal with transformational development.

General Session: Nuclear, Gas, Telecommunications and More! - Remarks by U.S. Senator James Risch, Idaho, U.S. Senator Sheldon Whitehouse, Rhode Island, Lloyd Yates, AGA Board Chairman, Nathan Simington, FCC in a panel setting about Legislation.

General Session: The Road to Capital Markets: The Intersection of Regulatory & Financial Impacts - Discussion of how Investor-Owned Utilities and the dependence on capital markets for investment, discussions of cost of capital to utilities.

General Session: From Regulators to Legislators & Peering into the DC Crystal Ball - Presentations by two former state regulators now in Congress and their perspectives on prospects for new legislation in the 119th Congress, and on emerging public policies of interest to NARUC members and stakeholders.

The Conference above required 3 days out of the office.

New Mexico State University-Center for Public Utilities-Current Issues Conference, April 6-9, 2025

The Intersection of Policy and Reality- CEO and Industry Leaders Panel discussed the role of regulators and policy makers in meeting the demand of having sufficient energy supply and how to balance decarbonization with infrastructure deployment with customer costs and system needs.

New Nuclear: The Promise and the Reality- Discussion on how to address the real-world challenges that will need to be resolved to successfully deploy new nuclear power as part of a lower emission energy future and meeting demand affordably.

Minimizing the Risks of Outage- How new technologies will ensure and enhance Distribution Grid Reliance and planning for more uncertainty.

The Future of Broadband- Discussion of broadband grant funding under the Broadband Equity Access and Deployment Program.

Combatting the Invisible Enemy- After 9/11 there is great concern as to terrorist attacks on utility infrastructure. Discussions about how to react and protect in an attack.

Commissioner Grill- Participation as a Panelist in a morning session as to questions on all topics by the audience.

My membership and participation mean my attendance and costs are paid for by New Mexico State University. This was a three-day conference out of the office, but no Commission events were scheduled.

Commission Chairs Council Conference - April 27-29, 2025

A two-day meeting was held in Washington of just Commission Chairs, which focused on the job of being the chair, personnel issues with Staff, hiring issues and dealing with other Commissioners. Discussions of organizational health, gaining the confidence of staff, and dealing with statutory changes. These are problems for all states. Also, leadership development, time management and other executive responsibilities.

I was out of the office one day for this conference.

All these programs provide education and insight which is very helpful in understanding the cases we deal with, and to give a better understanding of other commissions and matters on the national level. The relationships and requirements of participation really help in being a commissioner and provide a wide resource of other commissioners to understand issues.

Allowable Ex Parte Communication Briefings:

- December 19, 2024, at 10:00 a.m.: ND-2024-42-E: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC on Hurricane Helene Restoration Efforts
- January 21, 2025, at 10:00 a.m.: ND-2024-44-E: Conservation Voters of South Carolina Regarding Transmission Planning Best Practices and Examples of Successful Transmission Planning in Other States

- January 29, 2025, at 10:00 a.m.: ND-2024-55-E: SERC Reliability Corporation Regarding SERC 101/ERO Enterprise, Transmission Planning, and Load Growth/Changing Resource Mix
- April 24, 2025, at 10:00 a.m.: ND-2024-56-E: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC on a Proposed Merger
- May 12, 2025, at 10:00 a.m.: ND-2025-18-E: Conservation Voters of South Carolina on Electric Grid Benefits of Energy Efficiency

2. Participation in organizations.

Provide the following information regarding your participation in organizations:

A. The name of organization, position held, and committee served on;

1. I presently serve on the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), and I am a member of the Critical Infrastructure Committee. I also serve on the Committee on Energy Resources and the Environment. We have other Commissioners from SC on the ERE Committee, and I am joining the Subcommittee on Coal and Carbon Innovation, upon approval of the NARUC president. I am also a member of SEARUC, which is made up of Commissioners from now 13 states, in that at our last meeting, Oklahoma was added as a member.
2. I also serve on the New Mexico State University (NMSU) Center for Public Utilities Advisory Council. This body is part of the business school of NMSU, and is made up of selected Commissioners, Commission Staff, Educators, Business Leaders and Policy Experts.

B. A description of the organization's function;

NARUC serves the public interest and interests of Commissioners by providing training, educational programs, innovation, dialogue and exchange of ideas on a national basis to improve both the utility industry and public utility regulations. NARUC monitors the programs of all 50 states, US territories and beyond to help guide Commissioners, provide an exchange of information and education, and to help us all look forward to new practices and products on the horizon.

SEARUC provides similar functions and training opportunities but is more concentrated on the needs and trends of the Southeastern States. It gives the chance to meet and exchange ideas with States that are similarly located. It is presently made of 13 southeastern states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, and Texas.

C. How participation in the organization helped you as a commissioner and benefitted the Commission; and

D. The amount of time spent out of the office due to your participation in organizations.
(*Combined answers for C and D*)

Serving on the National Board of Directors for NARUC is quite an honor and an opportunity to be involved on the national level in the regulatory industry. It has allowed me to meet and learn the workings of other Commissions and gives me inside opportunities for both my education and what is available for other South Carolina Commissioners. We have now started to have Commission Chair Meetings which provide training to address personnel and management issues. This sort of training is invaluable as Chair of SCPSC, as so many issues are shared by all States, and there are benefits of knowing other solutions and approaches. The Board of Directors' meetings occur during the annual NARUC conferences, so they do not take away time from the office. An extra benefit to our SC Commission is that NARUC pays several expenses that normally would be paid by SCPSC.

The SEARUC meetings also provide educational opportunities and some of these meetings are held in conjunction with the NARUC meetings, meaning no loss of time. SEARUC holds separate educational conferences similar to NARUC, which provide training and education.

I am in my third year of service as a member of the Advisory Panel for New Mexico State University, and the only out of office meeting is once a year in New Mexico. The training there is very forward looking as to the future of the Utility business and regulation and has allowed me wonderful opportunities to learn as well. This conference lasts 3 days, and as a member, many of the expenses are borne by NMSU, and not the SCPSC.

3. Representation in Official Capacity as Commissioner.

For any event attended in your official capacity as commissioner that has not been included in item 1 or 2, provide the following information: N/A

- A. Each event attended;
- B. The sponsoring organization;
- C. A description of the activity (if speech or panel discussions, describe the topic); and
- D. The amount of time spent out of the office due to your representation as commissioner.

4. Notable Cases.

In your own words, describe three cases in which you participated that you believe were the most significant during the review period. Provide a brief summary of the case, including the case name, the docket number, and the issues and outcome (two-three sentences). Your response should focus on: (a) why this case was significant; and (b) how the educational programs you attended, your participation in organizations and/or experience as a commissioner benefitted your decisions in each case.

- Docket No. 2025-65-E (DUKE ENERGY CAROLINAS, LLC; HURRICANE HELENE SECURITIZATION) - On March 21, 2025, Duke Energy Carolinas, LLC submitted a Petition to finance estimated storm recovery costs through securitization, pursuant to the Amended Storm Securitization Statute, 2025 S.C. Act No. 2, R. No. 7, S. 157, 126th Gen. Assembly, 1st Reg. Sess. (2025). Along

with the Company, other parties of record to the proceeding were the South Carolina Office of Regulatory Staff and the South Carolina Department of Consumer Affairs. The parties of record reached a comprehensive Settlement Agreement, which resolved all outstanding issues in the case. According to the record, not only did the terms of the Settlement Agreement achieve the statutory cost objectives outlined in the statute, but the quantifiable benefits to customers were in fact a little bit higher than the Petition's proposal. The terms of the Settlement Agreement were memorialized in the Financing Order issued on August 1, 2025, within the statutory timeframe prescribed by section 58-27-1110(C)(1)(b) of the South Carolina Code of Laws. Review and approval of the storm recovery costs will be deferred until a future base rate proceeding or future cost reconciliation proceeding, in accordance with S.C. Code Ann. § 58-27-1110(B). Whereas many states use securitizations for expansion or construction, our State will likely continue to need securitization for extreme weather events, such as hurricanes. This was the first securitization case that I handled as Chairman, and certainly a hurricane that did so much damage in the Upstate was an unusual circumstance.

- Docket No. 2024-18-E (SOUTH CAROLINA PUBLIC SERVICE AUTHORITY'S INTEGRATED RESOURCE PLAN UPDATE) - On May 1, 2025, the Commission issued an Order accepting Santee Cooper's 2024 Integrated Resource Plan Update, which was filed pursuant to S.C. Code Ann. § 58-37-40(D). The filing provided for updates pertaining to Santee Cooper's base planning assumptions relative to its most recent triennial Integrated Resource Plan approved by the Commission. During its review, the South Carolina Office of Regulatory Staff presented certain recommendations that, in the Commission's Order, must be addressed in Santee Cooper's 2025 Integrated Resource Plan Update proceeding or the next triennial Integrated Resource Plan, as outlined in the Order. Moreover, the Commission found that Santee Cooper complied with the requirements of prior Commission Orders. IRPs now have to consider the rapid growth and expansion due both to business and population growth in South Carolina, but also the deployment of data centers and the incorporation of AI. Being involved on a national scale helped me understand the significance of the necessary transmission and production of energy to meet these challenges. This is not just a state or regional issue but is of national and international interest as well. One thing our country does well is to respond to challenges with invention and innovation.
- Docket No. 2024-34-E: APPLICATION OF DOMINION ENERGY SOUTH CAROLINA, INC. FOR AUTHORITY TO ADJUST AND INCREASE RETAIL ELECTRIC RATE SCHEDULES, TARIFFS AND TERMS AND CONDITIONS (THIS FILING INCLUDES A REQUEST FOR AN INCREASE TO RETAIL ELECTRIC RATES) - This was the first major case that I sat as Chair of the Commission and although it was eventually a settlement, it was a chance to address two issues of importance. One was how we would handle public hearings in the future to avoid unnecessary expense and travel. We now have in place a process where if there is not sufficient public interest generated in a public hearing, the Commission can reset any hearing and avoid travel and expense. The other is that we now in dealing with parties clearly differentiate as to whether a settlement is a real agreement or a stipulation. Additionally, in cases where there

is a comprehensive Settlement Agreement or a Stipulation among certain parties of record, all parties are now questioned at the outset as to their understanding and consent even if they stand silent on the settlement presented. This eliminates any question of fairness to arise at a later date or hearing and is part of our routine questioning.

5. Accomplishments of the Public Service Commission

Describe what you believe are the greatest accomplishments of the commission during the review period.

PURC last year expressed concern about the timeliness of Orders being issued by the Commission. As Chairman, I introduced a major reshuffle of our legal department and streamlined our Order process. Changes took a lot of time and work, but it has resulted in success due to the hard work of the Staff and Commissioners. The latest average for Orders reflects a period of 20.79 days. We realize this must be done without sacrificing quality, and I feel that has been accomplished. We also are encouraging and taking advantage of training and educational programs available for Staff and Commissioners resulting in a better work product.

6. Work Schedule and Preparation.

- A. Describe your schedule during an average work week. For example, how often are you in your office in Columbia? How many hours do you telecommute?

As Chair, I am in the office every day. I don't think you could do this job any other way. I have purchased a house in Columbia, and I only commute except on rare occasions on the weekends.

- B. Describe how you prepare for a hearing.

There is usually in major cases a huge amount of testimony to be reviewed, which is very time consuming and often easier done on the weekends. We also have Staff review the cases and provide briefings, legal advice and explanations on certain subjects or matters involved. It also helps to look at earlier Orders and be familiar with past rulings. As Chair, I prepare to preside over the hearings and to understand and address any Motions or other pre-trial matters.

7. Effects of Code of Judicial Conduct and South Carolina's ethics laws on your role as Commissioner.

In your own words, discuss how the Code of Judicial Conduct and the Ethics Laws interact and affect you and your role as a commissioner.

Being involved on the national level, with NARUC and SEARUC, it is clear that South Carolina PSC is under the strictest code of conduct of any of the States. We are not involved in policy decisions and speak only through our Orders. We apply the law to the

facts. That doesn't always make everyone happy, but it is a straightforward process. I have served for many years on the Supreme Court Commission on Lawyer Discipline, as well as served as Magistrate. The Judicial Code is just a way of life, and a good one. I know it can be isolating to some degree, but it doesn't create any hardship. The Ex Parte changes under Act 41 will be beneficial in that in certain circumstances, it allows the Commission to visit sites and to see the actual processes involved. It has not been an obstacle.

8. Challenges of the Public Service Commission

Describe three challenges of the Public Service Commission during the review period, and how those challenges were managed.

As mentioned above, getting good Orders out in a timely manner has been a major challenge and we are doing much better in meeting that demand. Part of the challenge was getting Staff to adjust, and they have responded well to making Orders a priority.

The workload has increased and continues to increase with the need for more generation and transmission, and it is an issue nationwide. The utilities are responding with more programs and innovations in trying to meet these needs while keeping costs down as much as possible, and we have to be available to approve these programs. Although we have had several cases recently that have at the call of the cases, come to us as Agreements, this does not lessen the preparation time for us. We strive even harder to understand the Agreements and make sure they are proper under each case.

Another challenge is keeping up with all the rapid changes in the industry, and to keep informed and up to date on new processes. Examples include data centers, AI, battery storage, small and large nuclear possibilities and others. The catch phrase seems to be innovation, and all parties involved are scrambling to keep up with the science, technology and changes. If the State is to continue to attract industry and growth, that knowledge is key.

9. Recusal

If there was a matter in which you were recused during the review period, provide a brief description of the matter and the reason(s) for the recusal.

I was recused from the first Securitization case we handled in that it was a long-term matter that began while I was being treated for medical issues.

NOTE: Do not provide any information that would violate the prohibition against ex parte communication or would otherwise violate any privilege.

Ethics Statement: I, Commissioner Delton W. Powers, Jr. have read and understand the Code of Judicial Conduct and the ethics laws of South Carolina. I certify that I have adhered to these standards at all times during this review period.

Signature: Delton W Powers Jr

Date: AUGUST 28, 2025

