



Deposition of:  
**2020 Public Service Commission  
Screening**

*January 7, 2020*

In the Matter of:  
**State Regulation of Public Utilities**

**[A. William Roberts, Jr & Assoc.](#)**

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STATE REGULATION OF PUBLIC UTILITIES  
REVIEW COMMITTEE

2020 Public Service Commission Screening  
Seat 1

DATE: January 7, 2020

TIME: 10:40 AM

LOCATION: Senate of South Carolina  
1101 Pendleton Street, Room 207  
Gressette Building  
Columbia, SC

REPORTED BY: Priscilla Nay,  
Certified Shorthand Reporter

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

SEN. THOMAS C. ALEXANDER, CHAIRMAN

REP. WILLIAM E. SANDIFER, III, VICE CHAIRMAN

MARGARET BLUESTEIN, ESQUIRE

REP. MICHAEL P. FORRESTER

DAN JONES

REP. DAVID J. MACK, III

SEN. LUKE A. RANKIN, SR.

JOHN S. SIMMONS, ESQUIRE

RICHELE K. TAYLOR, ESQUIRE

HEATHER ANDERSON, ESQUIRE, COMMITTEE COUNSEL

STEVE DAVIDSON, ESQUIRE, COMMITTEE COUNSEL

1                   SENATOR ALEXANDER: Good morning. I  
2 will call this meeting of the Public Utility Review  
3 Committee to order for the purpose of screening the  
4 Public Service Commissioners, the candidates for  
5 which we have been called for Seats 1, 3, 5, and 7.  
6 This meeting is called to order for Tuesday,  
7 January 7th, 2020.

8                   Thank you all for being in attendance,  
9 members and proxies in hand, and a quorum is more  
10 than present for conducting the business of the  
11 meeting.

12                   I would entertain a motion for us to  
13 go into executive session to discuss potential  
14 employment pursuant to section 30-4-4-70 and for  
15 the receipt of legal advice pursuant to section  
16 30-4-70(a)(2).

17                   REPRESENTATIVE SANDIFER: I so move,  
18 Mr. Chairman.

19                   SENATOR ALEXANDER: I have a motion.  
20 Is there a second?

21                   REPRESENTATIVE FORRESTER: Second.

22                   SENATOR ALEXANDER: I have a second  
23 notified. All in favor of the motion, please say  
24 aye.

25                   (All board members stated aye.)

1 SENATOR ALEXANDER: All opposed?

2 (No response.)

3 SENATOR ALEXANDER: Hearing none, then  
4 the record would reflect with proxies in hand that  
5 it was unanimous to go into executive session.

6 (Off-the-record conference.)

7 SENATOR ALEXANDER: Okay. The veil has  
8 been lifted. No action was taken in the executive  
9 session. I would like to make a few remarks as we  
10 get ready to begin the screening process.

11 This is the first day of the public  
12 hearings for the screening of candidates for the  
13 Public Service Commission Seats 1, 3, 5 and 7.  
14 There are 17 candidates to be screened. One of  
15 the duties of the Review Committee is to screen  
16 candidates to determine whether they meet statutory  
17 qualifications: A baccalaureate, a more advanced  
18 degree.

19 Background 2, a background of  
20 substantial duration and expertise in at least  
21 one of the following areas: A) energy; B)  
22 telecommunications, C) consumer protection and  
23 advocacy; D) water and wastewater; E) finance,  
24 economics, and statics; F) accounting; G)  
25 engineering or H) law.

1           The Review Committee is also required  
2           to consider, one, the ability, dedication,  
3           compassion, common sense, and integrity of the  
4           candidate, and, two, the race and the gender of the  
5           candidates and other demographic factors to assure  
6           nondiscrimination to the greatest extent possible  
7           of all segments of the population of the state.

8           The application process began in  
9           August with the press release regarding these  
10          vacancies being run on August 16th and applications  
11          were due on October 11th. A total of 21 candidates  
12          submitted applications. Four applicants have  
13          since withdrawn their names for consideration.

14          We have conducted background  
15          investigations of each candidate including credit,  
16          law enforcement, and driver's license checks. In  
17          accordance with previous screenings by the Review  
18          Committee the candidates took a written examination  
19          to assist us in determining the level of knowledge  
20          that each candidate has with respect to substantive  
21          public utility issues, ethical constraints  
22          applicable to the Commission, and the operation of  
23          the Commission.

24          We are here today to further question  
25          the candidates and give them an opportunity to make

1 any statement with respect to their qualifications  
2 and desire to serve as a commissioner. The Review  
3 Committee requests that substantive information  
4 during the screening not be shared until after the  
5 final candidate has been screened.

6 The candidates are sequestered prior to  
7 their screening in order to ensure fairness during  
8 the process. However, the purpose of being  
9 sequestered is defeated if the candidates are  
10 contacted or read about what questions are being  
11 asked or read about earlier candidates' screening  
12 online. A transcript of these screenings will be  
13 posted online.

14 So those are my opening comments. And  
15 then to members of the Committee I would also say  
16 that the Review Committee as in the past will meet  
17 in executive session or at least our past policy  
18 has been for us to meet in executive session with  
19 each candidate following their public screening to  
20 discuss potential employment pursuant to 30-4-70  
21 and/or matters of a personal nature which public  
22 disclosure would constitute unreasonable invasion  
23 of privacy which were exempt from the public  
24 disclosure pursuant to Section 30-4-40(a)(2).

25 REPRESENTATIVE SANDIFER: Mr. Chairman,

1 I would move that we go ahead and adopt that  
2 procedure of going into executive session and do so  
3 now in a blanket fashion to prevent having to make  
4 the motion every time.

5 SENATOR ALEXANDER: Okay. We've had  
6 that motion. Is there a second?

7 REPRESENTATIVE FORRESTER: Second.

8 SENATOR ALEXANDER: We have a second  
9 for that. Any discussion on the motion?

10 (No response.)

11 SENATOR ALEXANDER: Hearing none, all  
12 in favor of the motion please say aye.

13 (Board Members stated aye.)

14 SENATOR ALEXANDER: Is there any  
15 opposition?

16 (No response.)

17 SENATOR ALEXANDER: Hearing none then  
18 with proxies in hand that is unanimously adopted  
19 and will be the policy. Thank you. Thank you,  
20 Vice Chair Sandifer.

21 Okay. If there's no other business  
22 then that takes us to our first candidate for the  
23 screening for Public Service Commission Seat 1.  
24 First up is Mr. Paul S. Garwych. Garwych. Okay.  
25 Good morning.



1 MR. GAWRYCH: Good morning.

2 SENATOR ALEXANDER: Thank you for being  
3 here.

4 PAUL SCOTT GAWRYCH  
5 being first duly sworn, testified as follows:

6 SENATOR ALEXANDER: Thank you. I'll  
7 turn to staff and I think that's...

8 MR. DAVIDSON: Thank you, Mr. Chairman.  
9 Good morning, Mr. Gawrych.

10 MR. GAWRYCH: Good morning, sir.

11 MR. DAVIDSON: Mr. Gawrych earned a  
12 Bachelor of Arts degree in Political Science from  
13 The Citadel in 1995. Since 1998 Mr. Gawrych has  
14 worked as co-owner and managing partner of his  
15 business, Asphalt Concepts, LLC, where he manages  
16 all financial aspects of the company.

17 In the periods of 1995 to '98, 2002  
18 to 2011, and '13 to '17 he served on the Mount  
19 Pleasant Town Council and was chairperson of the  
20 council's finance committee from 2013 to 2017,  
21 serving as mayor pro tem from 2009 to 2011. From  
22 '96 to '98 he served as Vice President of Albrecht  
23 Environmental and Engineering and was a partner.

24 From '89 to '96 he served as -- as  
25 Sales/General Manager of Fen-Vacc, an environmental

1 cleanup and emergency response business. Mr.  
2 Gawrych was an assistant operations manager at  
3 Shipyard River Coal Terminal in Charleston from  
4 '87 to '89 and from '85 to '86 he was a logistics  
5 coordinator for Roadway Express Trucking Company  
6 in Atlanta, Georgia.

7 Mr. Gawrych, do you have any changes  
8 that you would like to make to the personal data  
9 questionnaire you submitted with your application?

10 MR. GAWRYCH: I do not.

11 MR. DAVIDSON: I would request that  
12 Mr. Gawrych's personal data questionnaire be  
13 entered into the record with any confidential  
14 information being redacted.

15 SENATOR ALEXANDER: So ordered.

16 (EXHIBIT 1, Personal Data Questionnaire  
17 of Mr. Paul Scott Gawrych, was marked for  
18 identification.)

19 MR. DAVIDSON: As a part of our  
20 background investigation of the candidate we  
21 obtained a credit check, driver's license, and SLED  
22 check. Any questions of a personal or confidential  
23 nature will be taken up in executive session.

24 Before we begin the questioning,  
25 Mr. Gawrych, do you have a brief statement that

1 you would like to make?

2 MR. GAWRYCH: Sure. Good morning to  
3 everyone. Thank you for having me here. It is an  
4 honor to be here. I see this position that I am  
5 seeking as a calling for continued public service.

6 As you heard, I spent 16 years as an  
7 elected official which I would refer to more as a  
8 public servant at least in the beginning. Politics  
9 seem to come into play in that wonderful little  
10 town I'm from, but I stepped down on my own accord  
11 in 2017.

12 I wanted to see where things would  
13 bring me and spent some time looking at things and  
14 then at the end of the summer this position hit me  
15 front and center as a natural extension of being  
16 able to serve not only all the residents of the  
17 Town of Mount Pleasant which I had for all those  
18 years but now the first district and, of course,  
19 everybody in the State of South Carolina.

20 It would be an absolute honor, an  
21 absolute challenge of which I am up for. I  
22 thoroughly enjoy being held accountable. It's  
23 why I've always served. I think we're all here to  
24 be held accountable. So I have never -- if you  
25 look at my record I've never made the position as

1 an elected official about myself. It was always  
2 about the Town of Mount Pleasant and I will carry  
3 those same characteristics to the Public Service  
4 Commission.

5 It is about the Commission and the  
6 State of South Carolina. It has nothing to do with  
7 me. Again, thank you for having me here as it is  
8 an honor.

9 EXAMINATION

10 BY MR. DAVIDSON:

11 Q. Thank you. Could you please state your  
12 name and home address for the record.

13 A. It's Paul Scott Gawrych, 755 Gypsy  
14 Lane, Mount Pleasant.

15 Q. Are you a registered voter?

16 A. I am.

17 Q. In which congressional district are you  
18 registered to vote?

19 A. First District.

20 Q. You touched on this in your opening  
21 statement. Normally at this time I'd ask why you'd  
22 like to serve as a Public Service Commissioner. If  
23 you would like to elaborate now would be an  
24 appropriate time. Otherwise I can move on.

25 A. I have covered it.

1 Q. Thank you.

2 A. I'm happy to answer any other  
3 questions.

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

6 A. I have not attended them physically. I  
7 have had the opportunity to live stream several of  
8 the meetings, especially the meetings that took  
9 place in October, November, and December.

10 Q. Have you read any Commission decisions?

11 A. I have.

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

14 A. Like all my years on -- serving on town  
15 council, you put -- you hand me an agenda and you  
16 give me access to technical expertise, I can be  
17 ready to hit the ground running first meeting.

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

21 A. I'd say the Commission regulates  
22 public -- I mean private utilities with their rates  
23 in a fair manner for the public and for the utility  
24 itself.

25 Q. How does this relate to activism or

1 being an advocate versus impartial application of  
2 the law?

3 A. I'm not sure I understand the question.

4 Q. Comparing the role of the Commissioner,  
5 is it more of an activist -- excuse me -- an  
6 advocate or an impartial application of the law?

7 A. It's -- the law comes before anything  
8 as far as being a Commissioner.

9 Q. Thank you. Do you think that role of  
10 the -- of the Commissioner should be modified?

11 A. From my position, where I am, I can't  
12 really answer that other than what I see. It seems  
13 to be working.

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

16 A. The key factors in a rate case are  
17 mostly what I'll refer to as everything involved  
18 between the entities as far as their cost, but  
19 more importantly at the end of the day it's the --  
20 establishing a fair rate for the citizens of the  
21 State of South Carolina.

22 Each utility has natural direct and  
23 indirect costs that they have to adhere to but  
24 also at the same time you have to balance as a  
25 Commissioner what is a fair and just rate for

1 everyone. I call that the sweet spot.

2 Q. Are you familiar with the three  
3 advisory opinions issued by this Committee dealing  
4 with legislative receptions, legislative caucus  
5 meetings, and political gatherings?

6 A. I am.

7 Q. Have you attended any legislative  
8 receptions or any legislative caucus meetings since  
9 submitting your application?

10 A. I have not.

11 Q. Have you attended any political  
12 gatherings since submitting your application?

13 A. I have not.

14 Q. Could you please explain the general  
15 rule regarding ex parte communications as it  
16 relates to the Public Service Commission.

17 A. General rule or out-of-party  
18 discussions, when someone wants to be able to  
19 discuss an active or potentially active subject  
20 matter coming up you must petition the Commission  
21 to be able to have that discussion because -- so  
22 all parties are there and available to hear the  
23 discussion in fairness to all.

24 Q. Assume you are serving on the  
25 Commission and you are approached by someone --

1 someone wanting to discuss a matter that is or may  
2 become an issue in a proceeding. How would you  
3 handle that situation?

4 A. I would explain to them that I could  
5 not have any discussions.

6 Q. Are you aware that commissioners are  
7 subject to the judicial code of conduct as well as  
8 state ethics laws?

9 A. I am.

10 Q. Could you please briefly describe the  
11 five canons in the Code of Judicial Conduct.

12 A. The five canons I would say to you --  
13 from memory obviously: Integrity at all times,  
14 avoiding an appearance of impropriety, no gifts,  
15 no political functions, and basically like a judge  
16 you -- once you are commissioner you are a  
17 commissioner 24/7, 365. I may be a little bit out  
18 of order. Maybe I didn't get them all, but --

19 Q. Thank you.

20 A. -- from memory.

21 Q. What do you consider to be the  
22 appropriate use of social media pursuant to the  
23 judicial canons?

24 A. There's no mix. In all my years  
25 serving as an elected official I do have a -- I



1 went kicking and screaming with a social media  
2 account in about 2012, but you take one glance at  
3 mine you won't see any political comments. It's  
4 not a part of what that should be used for.

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

8 A. No.

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

13 A. No.

14 Q. Do you or a member of your immediate  
15 family have stock or other financial interest that  
16 is directly controlled by you or your family member  
17 of a renewable energy company that appears before  
18 the PSC?

19 A. No.

20 Q. Are you or a member of your immediate  
21 family an officer or director or involved in the  
22 management of any business enterprise?

23 A. For...

24 Q. In general.

25 A. Am I an officer?

1 Q. Yes, sir.

2 A. In my own business.

3 Q. And --

4 A. I'm an owner if that's what you mean,  
5 yes.

6 Q. And the purpose of the business is...

7 A. The business that I have now is  
8 basically we own a traffic safety management  
9 business. We work all over South Carolina,  
10 Georgia, and North Carolina. Primarily what that  
11 relates to and what that means to y'all is downtown  
12 revitalization, streetscapes, crosswalks, speed  
13 humps, traffic calming, that nature.

14 Q. Could you please tell the Commission  
15 what entities that you or a member of your  
16 immediate family received income from within  
17 the previous year.

18 Now, this does not include IRAs,  
19 deferred compensation funds, disability, mutual  
20 funds, pensions, retirement, or funds received from  
21 your financial institution in the ordinary course  
22 of business.

23 A. My -- other than my wife is a -- is  
24 schoolteacher with Charleston County School  
25 District.

1 Q. And that income from your business I  
2 would assume?

3 A. Yes.

4 Q. Sure. Thank you. If elected would  
5 there be any potential conflicts of interest,  
6 financial or otherwise?

7 A. None that I'm aware of.

8 Q. What would you do if a conflict of  
9 interest arose?

10 A. I would make the conflict aware to  
11 all the staff and the members of the Commission and  
12 if -- if the conflict could not be addressed then I  
13 would have to recuse myself.

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

17 A. I am not.

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

20 A. No.

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

23 A. I believe the appropriate demeanor  
24 of -- of a Commission member is one that has plenty  
25 of patience, forbearance, is fair, has what I would

1 call -- is level-headed, does not allow emotions to  
2 come into play in being able to download all the  
3 information which can be a tremendous amount of  
4 information to render a decision.

5 Q. Does that demeanor apply while on the  
6 bench or do the -- do those rules apply seven days  
7 a week?

8 A. Once you're a commissioner you're a  
9 commissioner all the time.

10 Q. If elected to serve as a commissioner  
11 how do you envision your work schedule?

12 A. Whatever is necessary. I understand  
13 the position is full time and I'm available to --  
14 to be here.

15 Q. Could you briefly describe the term  
16 Integrated Resource Plan.

17 A. I'm sorry. No.

18 Q. No problem. Perhaps the term energy  
19 efficiency.

20 A. I mean, other than the -- than being  
21 efficient about your energy, I'm not sure how that  
22 would apply as far as to a power company.

23 Q. Thank you. Mr. Gawrych, as you know,  
24 the Commission pulls a -- does a SLED check and  
25 DMV records check and all that. We have discussed

1 those. At this time I'm going to briefly walk  
2 through those for the members of the Commission.

3 We have one record here of an incident  
4 report for a vehicle mishap involving a bucket, if  
5 you'd like to briefly put in your words what that  
6 relates to.

7 A. I'll be glad to. I know when I took a  
8 glance at my file I was sitting next to Heather and  
9 I started laughing. She goes, why are you laughing  
10 looking at your file?

11 In shortness, my son was home from  
12 college and driving his truck in my name, pulling a  
13 boat across the Isle of Palms Connector. He came  
14 home to let me know that a bucket came out of the  
15 boat and he couldn't tell what happened to it, if  
16 it hit the car or not. But he got across the  
17 bridge and pulled over.

18 He waited ten minutes. Nobody came.  
19 He came home and told me. I told him -- I said,  
20 well, I appreciate you letting me know. It is hard  
21 to get a license plate number. We'll just see what  
22 happens.

23 Three days later I had a gentleman call  
24 me who was a little out of line with me. I didn't  
25 know who he was. It turns out it was the gentleman

1 who owned the car. After I calmed him down we  
2 found out we had the same insurance agent and took  
3 care of his cracked bumper. Well, I didn't even  
4 realize that that was in the report until you ran  
5 that SLED report.

6 Q. Thank you. You also know that we  
7 pulled the records from the public index searching  
8 for any lawsuits with your name associated with  
9 them. One was a 2006 case, Paul S. Gawrych versus  
10 Jeffrey Holmes. Could you please provide a little  
11 background information on this case.

12 A. Sure. We -- my wife and I were closing  
13 on a house in Mount Pleasant and the real estate  
14 agent for the sellers handled everything for them.  
15 It turns out that she did not properly fill out the  
16 ten-page form and had misleading information about  
17 it. So we had to file to rectify that situation.

18 Q. Thank you. Another was in 2012, Peggy  
19 Moseley versus the Charleston County Republican  
20 Party.

21 A. Yes. That was the first time I stepped  
22 down off council. I was talked into running for  
23 Charleston County Auditor. If y'all were around at  
24 the time in 2012 is when they changed the rules on  
25 the filing for the state ethics called, I believe,

1 the state -- I mean the economic forum.

2 Anyway, I won the -- in the -- the primary.

3 So Ms. Moseley who was the sitting auditor, she --  
4 she challenged that.

5 So she sued the Republican Party and  
6 I was obviously the candidate. That was heard in  
7 Charleston and it went all the way to the State  
8 Supreme Court. The State Supreme Court ruled me to  
9 be an eligible candidate.

10 MR. DAVIDSON: Mr. Chairman, there were  
11 six other lawsuits in which Mr. Gawrych was named  
12 in his official capacity as part of the service on  
13 the Town of Mount Pleasant Council. Those were  
14 included in the record.

15 At this time, Mr. Chairman, I'd ask  
16 that we go into executive session.

17 SENATOR ALEXANDER: Pursuant to the  
18 previous motions, that has been adopted. So we  
19 will go into executive session.

20 (Off-the-record conference.)

21 SENATOR ALEXANDER: We are out of  
22 executive session. The veil has been lifted and  
23 no action was taken as a result of executive  
24 session. Turn your green button back on.

25 MR. GARWYCH: Okay.

1 BY MR. DAVIDSON:

2 Q. Thank you, Mr. Garwych. Just a --  
3 excuse me -- a few more quick questions. Have you  
4 made any contributions to members of the General  
5 Assembly since filing your application?

6 A. I have not.

7 Q. Have you sought to receive the pledge  
8 of any legislator prior to this date?

9 A. I have not.

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

13 A. I have not.

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

18 A. No.

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

22 A. I am not aware of any. There are  
23 a couple I know I had to tell them, don't do  
24 anything. But I will offer to you that before  
25 I sent in my application as -- as a courtesy I



1 reached out to several members of the Charleston  
2 County Legislative Delegation just to let --  
3 because I have known them and worked with them  
4 just to let them know that I was going to apply for  
5 the Public Service Commission and that hopefully  
6 sometime in mid January I could be able to come  
7 back and talk to them.

8 Q. Thank you. Are you familiar with the  
9 48-hour rule which prohibits the candidate from  
10 seeking pledges for 48 hours after the report has  
11 been submitted to the General Assembly?

12 A. I am.

13 Q. Do you plan to serve a full term if  
14 elected?

15 A. I do.

16 MR. DAVIDSON: Mr. Chairman, I note  
17 for the record that Mr. Garwych scored a 40 on the  
18 test. At this time -- I have no further questions  
19 at this time, Mr. Chairman.

20 SENATOR ALEXANDER: Thank you,  
21 Mr. Davidson. We'll go into questions from  
22 members of the Review Committee.

23 EXAMINATION

24 BY SENATOR ALEXANDER:

25 Q. Let me just start with one. Again,

1       thank you for being here. You mentioned you  
2       have your -- your business and those interests.  
3       How would you handle -- and you mentioned in your  
4       response to one of the questions, too -- was about  
5       understanding this was a full-time position, the  
6       Public Service Commission.

7                 So how would you handle the business  
8       interests that you currently have from that  
9       standpoint?

10                A. Thank you. After my wife and I  
11       discussed this and prayed about pursuing this my  
12       next phone call to my next two business partners  
13       that I was pursuing this was much like when I  
14       pursued running for auditor, which is a full-time  
15       position.

16                Our operating agreement allows me to  
17       remain part owner of the company regardless of what  
18       I am doing otherwise. So the business can function  
19       on and I can still be a part owner of it.

20                SENATOR ALEXANDER: Thank you, sir.  
21       Questions. Yes, sir. Representative Forrester.

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

24                                 EXAMINATION

25       BY REPRESENTATIVE FORRESTER:

1 Q. Just a question. Once you got your  
2 score back on the test what did you do?

3 A. I was -- in a word I was very  
4 disappointed in the score because I had --  
5 obviously I had -- even when I left here that  
6 day I quickly realized that especially on some  
7 of those wonderful true/false questions that I  
8 probably rushed through some of those. But I'll  
9 just tell you that I'm not going to make any  
10 excuses.

11 I've never been one to test well. I  
12 don't -- it's not an image -- it's not a reflection  
13 of who I am, that score. As I mentioned earlier,  
14 I'm confident that I am -- if selected as a  
15 commissioner I can -- I can hit the ground running.

16 Q. I guess what I was searching for, did  
17 you go back and research some of the answers that  
18 you missed?

19 A. I did. I mean, I went back and looked  
20 at the information where I thought I may have  
21 missed it or had not quite gotten it all correct.  
22 Yes, I did do that. Sorry about that.

23 REPRESENTATIVE FORRESTER: Thank you.

24 SENATOR ALEXANDER: Vice Chairman  
25 Sandifer.

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

3                   EXAMINATION

4 BY REPRESENTATIVE SANDIFER:

5                   Q. Mr. Garwych, thank you for being here.  
6 I appreciate you --

7                   A. Thank you for having me.

8                   Q. Looking over your background, one of  
9 the things that you say in the questionnaire is  
10 that you have a background in finance, economics  
11 and statistics. A part of the dialogue that you  
12 have in there is in regard to your service on City  
13 Council in Mount Pleasant.

14                   Tell us a little bit about your actual  
15 involvement in setting those standards. What were  
16 they? How did you figure taxes or did someone else  
17 do it and present it to you?

18                   A. Primarily our staff did most of that  
19 work --

20                   Q. Okay.

21                   A. -- but I worked very closely with them.

22                   Q. All right. And then in that same  
23 vein under engineering you checked that you have  
24 experience in engineering. What training do you  
25 have in engineering?

1           A.    I don't have any training or education.  
2    My -- my reference to that check is -- is that for  
3    the 16 years I've had my business we primarily  
4    called on engineers and architects.

5           Q.    So -- so you were not doing the  
6    engineering?  You were --

7           A.    (Shakes head.)

8           Q.    Okay.

9           A.    No, sir.

10          Q.    I got it.  All right.  And then do you  
11    have any experience or knowledge of rate-setting  
12    procedures for public utilities?

13          A.    The only experience I have is sitting  
14    as a chairman as of a finance committee and  
15    negotiating with what was SCE&G which is now  
16    Dominion on how to establish a rate for them to  
17    pay all of our street lights in Mount Pleasant.

18          Q.    Yeah, but I'm talking about the general  
19    public.  For the citizens of your town did you know  
20    how Dominion set those rates for the businesses,  
21    industries and residences in Mount Pleasant?

22          A.    I mean, I had a general idea.  I  
23    understand looking at the power bill they have a  
24    basic set rate and then they -- and then they have  
25    all these fees attached to it.  So I wanted to make

1 sure I was -- could understand it enough to explain  
2 it.

3 Q. Okay. And I think where I'm going  
4 with this is, do you know what all rates you might  
5 be required to set if you were sitting on the  
6 Public Service Commission --

7 A. I do.

8 Q. -- and what entities?

9 A. Any -- any privately owned utility  
10 which would be power, wastewater, transportation  
11 right on down to -- to taxicabs, households goods,  
12 hazardous waste.

13 REPRESENTATIVE SANDIFER: Okay. Very  
14 good. Thank you, sir.

15 EXAMINATION

16 BY SENATOR ALEXANDER:

17 Q. Kind of following up with that if I  
18 could, as far as when you were with the city were  
19 you -- was there an involvement?

20 Did y'all set water and sewer rates for  
21 the -- for the citizens of the -- or did you allow  
22 the staff to do that or -- or are y'all part of a  
23 different organization more like a regional type of  
24 water and sewer?

25 A. Mount Pleasant Water and Sewer is its

1 own entity. They have their own elected officials  
2 so they serve alongside us.

3 Where -- where we would come together  
4 is when they need to go out and get a \$10 million  
5 bond or a \$25 million bond. That's when we would  
6 sit there and break out their cost recovery and  
7 just what they were doing and how they plan to get  
8 it paid for.

9 Q. Okay. But setting those rates were out  
10 of y'all's domain? They took care of it?

11 A. Yes, sir.

12 SENATOR ALEXANDER: They were elected.  
13 Thank you. I appreciate that clarification.

14 SENATOR RANKIN: Thank you, Mr.  
15 Chairman.

16 SENATOR ALEXANDER: Yes, sir, Senator  
17 from Horry.

18 EXAMINATION

19 BY SENATOR RANKIN:

20 Q. Pronounce your name again.

21 A. Garwych.

22 Q. Garwych. Garwych. And I --

23 A. Imagine that Y to be an I.

24 Q. Garwych. I appreciate your offering  
25 for this. I notice you are a graduate of the

1 Citadel. You have served three terms, I think, on  
2 the City Council in Mount Pleasant.

3 A. Four.

4 Q. Four. Excuse me. And there is  
5 something about you that you want to subject  
6 yourself to abuse now running and seeking this  
7 position which is certainly fraught with both  
8 technical and political considerations.

9 Obviously you're a man that has  
10 succeeded in two of those venues or contexts.  
11 Tell me why or tell us why you want to serve in  
12 this role at PSC.

13 A. I appreciate that. And I know if you  
14 don't know anything about me or had a chance to  
15 observe me over the years, what I said earlier, I  
16 truly mean that.

17 I -- we are here to be held accountable  
18 and it gives me a rush to be able to make a  
19 difference. And the more difficult it is, the more  
20 challenging it is, the more of a reward it is and  
21 an opportunity to do that for all the citizens of  
22 South Carolina is a dream come true of mine. So --  
23 and that -- I don't see it -- I see -- I see the  
24 pleasure outweighing the pain.

25 Q. Opportunity and not a challenge or



1 perhaps both?

2 A. Right.

3 Q. So the test itself as one piece  
4 of this vetting, do you agree that that is an  
5 important barometer that we in this Committee as  
6 well as the General Assembly should rely upon in  
7 a candidate's performance and grade or result?

8 A. You know, I thought a lot about that  
9 even before we took the exam as far as what all it  
10 meant because definitely, I mean, I've kind of been  
11 in the situation not so much as far as an exam but  
12 trying to gauge someone's true desire and true  
13 interest.

14 If they're really dedicated they're  
15 going to prepare themselves for every potential  
16 aspect. I really thought that I had prepared  
17 myself for that exam. I have not reviewed or  
18 studied that hard since I was in college and it  
19 didn't line up with some of the parts that may have  
20 gone down in the weeds.

21 But I guess to answer your question,  
22 why as a part of it? I would hope -- even though  
23 I scored what I scored I would hope that this  
24 Committee would not allow that to be a big part of  
25 determining the capability of an applicant to serve

1 on the Commission.

2 Q. Is there something else that we should  
3 rely on in equal or greater weight or with equal or  
4 greater weight?

5 A. You know, I don't know what y'all do  
6 percentage-wise. I can only tell you that you  
7 can look at where I am and what I've done and  
8 my experience and my ability to interact with  
9 countless council members. Countless county  
10 council members, legislative delegates, DOT  
11 members.

12 I've always been able to work with them  
13 to get to where we needed to be without anything  
14 else getting in the way. That I believe I can  
15 continue to carry on through this Commission.

16 Q. And CHATS, your area of transportation  
17 commission, are you still on that?

18 A. I am. Thank you for that. I am --  
19 I'm back on -- I was on CHATS from 2002 to '17 and  
20 then I'm now serving as a proxy for Senator Larry  
21 Grooms.

22 SENATOR RANKIN: Thank you.

23 SENATOR ALEXANDER: Any other  
24 questions?

25 (No response.)

1           SENATOR ALEXANDER:  If not then thank  
2     you for taking time to be here with us today.  We  
3     appreciate you being responsive and your  
4     willingness to serve.

5           MR. GAWRYCH:  Thank you for having  
6     me.  As I said, it's an honor.  I just -- I  
7     appreciate y'all, your staff.  The whole process  
8     since September has been a very nice process.  So  
9     my hats off to everybody handling that and I thank  
10    you for your service.

11           SENATOR ALEXANDER:  That moves us to  
12    Mr. Alvin T. Johnson, Jr. For candidate for the  
13    first seat for the Commission that will be  
14    joining us momentarily.  I will be recognizing  
15    Mr. Davidson.  Good morning.

16           MR. JOHNSON:  Good morning.

17           SENATOR RANKIN:  We welcome you,  
18    Mr. Johnson, for being with us today.  I guess if  
19    you'll recognize -- if you would recognize the  
20    court reporter to swear you in.

21           ALVIN THOMAS JACKSON, JR.  
22    being first duly sworn, testified as follows:

23           SENATOR ALEXANDER:  Again, good morning  
24    and I'll recognize Mr. Davidson.

25           MR. DAVIDSON:  Thank you, Mr. Chairman.

1 Good morning or afternoon, Mr. Johnson.

2 MR. JOHNSON: Good morning.

3 MR. DAVIDSON: Mr. Johnson earned a  
4 Bachelor of Science degree in Civil Engineering  
5 from The Citadel in 2004. Mr. Johnson has worked  
6 for AECOM in North Charleston as a project manager  
7 since 2018 where he is responsible for overseeing a  
8 team dedicated to resolving stormwater issues.

9 He also serves in the role of Program  
10 Advisor for the City of Charleston's Department of  
11 Stormwater Management. From 2010 to 2018 he  
12 operated as President and CEO for ATJ Engineering  
13 in Charleston working on various types of projects  
14 including residential, commercial and  
15 water/wastewater.

16 His duties include the design of  
17 water and wastewater systems as well as stormwater  
18 conveyance systems. From 2004 to 2010 he worked  
19 at Thomas & Hutton engineering working as a  
20 project design engineer on various types of  
21 projects including residential, commercial, and  
22 water/wastewater.

23 Mr. Johnson, do you have any changes  
24 that you would like to make to your personal data  
25 questionnaire that you submitted?

1 MR. JOHNSON: No, sir. I do not.

2 MR. DAVIDSON: Mr. Chairman, I would  
3 request that Mr. Johnson's personal data  
4 questionnaire be entered into the record with any  
5 confidential information being redacted.

6 SENATOR ALEXANDER: So ordered.

7 (EXHIBIT 2, Personal Data Questionnaire  
8 of Mr. Alvin Thomas Johnson, Jr., PE, was marked  
9 for identification.)

10 MR. DAVIDSON: As part of our  
11 background investigation of the candidate we  
12 obtained a credit check, driver's license, and  
13 SLED check.

14 Any questions of a confidential or  
15 personal nature will be taken up in executive  
16 session. Before we begin the questioning,  
17 Mr. Johnson, do you have a brief statement that  
18 you would like to make?

19 MR. JOHNSON: Yes, sir. I do. First  
20 of all, good morning. Good afternoon.

21 I'd like to thank the Committee for the  
22 opportunity to introduce myself and to speak how my  
23 professional engineering background would be an  
24 asset to the PSC. I have come to realize that this  
25 is a process and it's one I do not take lightly. I

1 fully understand the level of commitment this  
2 position requires and I'm willing to dedicate my  
3 time, energy, and effort to the PSC.

4 EXAMINATION

5 BY MR. DAVIDSON:

6 Q. Could you please state your name and  
7 home address for the record.

8 A. My name is Alvin Thomas Johnson, Jr.  
9 My home address is 2851 Merriams Drive, Charleston,  
10 South Carolina 29414.

11 Q. Are you a registered voter?

12 A. Yes, sir. I am a registered voter.

13 Q. In which congressional district?

14 A. First Congressional District.

15 Q. You touched on this briefly in your  
16 opening statement, but if you'd like to elaborate  
17 now would be an appropriate time on why you'd like  
18 to serve on the Public Service Commission. If not,  
19 your previous comments would suffice.

20 A. I'd like to stay with my previous  
21 comments.

22 Q. Have you attended any hearings at the  
23 Commission?

24 A. No, sir. I have not.

25 Q. Have you read any Commission decisions?

1           A.    No, sir.  I have not.

2           Q.    How do you expect to get up to speed on  
3 the issues in front of the Commission?

4           A.    How do I expect to get up to speed?  
5 I plan to dedicate a lot of time, and energy, and  
6 effort like I said just reading those findings,  
7 just immersing myself in everything -- in all  
8 things PSC.

9                        So basically I have told my employer  
10 that if this were to work out that this is  
11 something that would remove me from them and I  
12 would plan on taking the last month, two months to  
13 just -- just immersing myself in -- in everything  
14 and all things PSC.

15          Q.    Thank you.  What role does the Public  
16 Service Commission serve in regards to the  
17 regulation of utilities?

18          A.    It is my understanding that they  
19 regulate all water/wastewater as well as all  
20 privately held utility companies in the State of  
21 South Carolina.

22          Q.    Does the Commission play the role of an  
23 advocate?

24          A.    To my understanding, no, sir.

25          Q.    What are the key factors that a

1 commissioner should consider in a rate case?

2 A. To be quite honest, that's -- that's  
3 something else I would have to be brought up to  
4 speed on.

5 Q. Are you familiar with the three  
6 advisory opinions issued by this Review Committee  
7 dealing with attendance at legislative receptions,  
8 legislative caucus meetings, and political  
9 gatherings?

10 A. It's my understanding that I am not  
11 to attend those.

12 Q. Have you attended any legislative  
13 receptions or legislative caucus meetings since  
14 submitting your application?

15 A. No, sir. I have not.

16 Q. Have you attended any political  
17 gatherings?

18 A. No, sir. I have not.

19 Q. Could you please explain the general  
20 rule regarding ex parte communications as it  
21 relates to the Public Service Commission.

22 A. It's my understanding that I am not  
23 to speak on those matters. So I would kindly  
24 (sic) decline to comment.

25 Q. Assume you are serving on the



1 Commission and you are approached by someone  
2 wanting to discuss a matter that is or may become  
3 an issue in a proceeding. How would you handle  
4 that situation?

5 A. Just like I said before, I would  
6 decline to comment and just, you know, graciously  
7 bow out.

8 Q. Are you aware that commissioners are  
9 subject to the judicial code of conduct as well as  
10 state ethics laws?

11 A. Yes, sir. I am.

12 Q. Could you briefly describe the five  
13 canons of the Code of Judicial Conduct?

14 A. No, sir. I can't to be quite honest  
15 with you. That's another one of those issues that,  
16 you know, I would have to immerse myself in and --

17 Q. What do you consider to be the  
18 appropriate use of social media pursuant to the  
19 judicial canons or in your capacity as a  
20 commissioner subject to the -- subject to the  
21 judicial canons?

22 A. To be quite honest, I would abstain  
23 from using it just because I don't want to, you  
24 know, put any -- give any negative or have any  
25 potential negative adverse, I guess, feedback

1       come to the PSC.

2               Q.     Are you or a member of your immediate  
3 family employed by a utility regulated by the  
4 Public Service Commission either now or within  
5 the past two years?

6               A.     No, sir.

7               Q.     Do you or a member of your immediate  
8 family have stock or other financial interest that  
9 is directly controlled by you or your family member  
10 of a utility regulated by the Public Service  
11 Commission?

12              A.     Not to my knowledge.  No, sir.

13              Q.     Do you or a member of your immediate  
14 family have stock or other financial interests that  
15 is directly controlled by you or your immediate  
16 family member of a renewable energy company that  
17 appears before the Public Service Commission?

18              A.     No, sir.

19              Q.     Are you or a member of your immediate  
20 family an officer or director or involved in the  
21 management of any business enterprise?

22              A.     No, sir.

23              Q.     This is a long question.  So follow me  
24 here, please.

25              A.     All right.

1 Q. What entities did you or a member of  
2 your immediate family receive income from within  
3 the previous year? Now, this does not include IRA  
4 or deferred compensation funds, disability, mutual  
5 funds, pension, retirement or funds received from  
6 your financial institution in the ordinary course  
7 of business.

8 A. Charleston County School District,  
9 my wife, and then myself, AECOM, and True Homes  
10 Incorporated.

11 Q. If elected would there be any potential  
12 conflicts of interest, financial or otherwise?

13 A. No, sir.

14 Q. What would you do if a conflict arose?

15 A. I would report that conflict and then  
16 excuse myself from I guess any, you know, findings  
17 or -- of that nature.

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

21 A. No, sir. I'm not.

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

24 A. If I am they did a pretty bad job. No,  
25 sir.

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

3 A. One who responds and does not react and  
4 by that I mean, you know, try not to be emotional  
5 but rely on facts.

6 Q. And does that apply only while you were  
7 on the bench or do these rules apply 7 days a week,  
8 24 hours a day?

9 A. Seven days a week, 24 hours a day.

10 Q. If elected to serve as a commissioner  
11 how do you envision your work schedule?

12 A. Working any -- any time and all the  
13 time, anywhere from 40 to 60 hours a week or more  
14 if need be.

15 Q. Could you briefly describe the term  
16 integrated resource plan.

17 A. I cannot directly describe the term  
18 integrated resource plan.

19 Q. How about the term cogeneration?

20 A. I cannot describe the term  
21 cogeneration.

22 Q. Thank you. At this time, Mr. Johnson,  
23 as you know we pull a SLED report and a review of  
24 the public indexes and we search for any person  
25 named in a lawsuit that would have the same name as

1       yours. We've discussed these. At this time we're  
2       going to walk through them.

3               A.     Okay.

4               Q.     There's four cases from -- two are in  
5       2010 and two are in 2011. I'm going to put them  
6       all together because they have the same caption and  
7       different case numbers. But these are Doug Shorter  
8       Property Management versus Alvin Thomas Johnson,  
9       Jr.

10                    Could you please provide some  
11       background information on these cases.

12               A.     So briefly I was just late on paying my  
13       HOA dues in both cases and they ended up filing a  
14       lawsuit. I ended up settling those in small claims  
15       court.

16               Q.     And then the report revealed a lien  
17       from Briarwood Plantation Homeowners' Association  
18       in 2016.

19               A.     Yes, sir. That was the same thing. So  
20       in 2016 I was actually in the process of selling my  
21       house and I purchased a new home and ran into the  
22       same issue with HOA dues. So they ended up putting  
23       a lien on my house, but I ended up resolving that  
24       issue.

25               Q.     Thank you. And then there are seven

1 cases that all have the same caption in the 2001,  
2 2002, 2003 time frame, an Agent Owned Realty versus  
3 Alvin Johnson. Mr. Johnson, we discussed these.  
4 You said that these were not you?

5 A. No, sir. Those are not me. I was  
6 actually a student at the Citadel in 2000, 2001,  
7 2002, and 2003. So --

8 Q. Thank you.

9 A. So I didn't have any problems in that  
10 regard.

11 Q. And then lastly the DMV check revealed  
12 a driver's license suspension in 2009. Could you  
13 briefly explain the circumstances of that to the  
14 Commission.

15 A. Yes, sir. So I actually purchased my  
16 father a vehicle. And as you know, I'm Alvin  
17 Thomas Johnson, Jr. and so he's Alvin Johnson, Sr.

18 I bought the vehicle, put it in my  
19 name. I gave him the vehicle, but he let the  
20 insurance lapse. So as a result of that lapse  
21 they suspended my license, but I was able to clear  
22 that up.

23 MR. DAVIDSON: Thank you. At this  
24 time, Mr. Chairman, I'd ask that we go into  
25 executive session.

1                   SENATOR ALEXANDER: Okay. By previous  
2 order and vote of the Committee we'll go into  
3 executive session.

4                   (Off-the-record conference.)

5                   SENATOR ALEXANDER: We have lifted the  
6 bell and no action was taken in executive session.  
7 Mr. Davidson will please continue with the  
8 questions.

9                   If you'll please turn on the light.  
10 Thank you.

11 BY MR. DAVIDSON:

12                  Q. Just a few more quick questions.  
13 Have you made any contributions to members of the  
14 General Assembly since filing your application?

15                  A. No, sir. I have not.

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

18                  A. No, sir. I have not.

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

22                  A. No, sir. I have not.

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

1 A. Yes, I have.

2 Q. A report of -- okay.

3 MR. DAVIDSON: Do we want to ask who  
4 those contacts were with --

5 SENATOR ALEXANDER: You can explain  
6 your --

7 THE WITNESS: So any time that I would  
8 tell people that, you know, I was running for this  
9 position they would ask how could they help. And  
10 my response to them would be just contact your, you  
11 know, elected official. So if I -- I didn't seek  
12 out any, you know, body specifically. It was just  
13 if you want to help just contact your elected  
14 official.

15 BY MR. DAVIDSON:

16 Q. And referring back to the previous  
17 question, you haven't asked anyone to -- you  
18 haven't asked anyone for support or a conditional  
19 pledge of support and haven't asked any of those  
20 people to ask for anyone to support you, right?

21 A. Oh, no, sir. No, sir.

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



1           A.    Yes, sir.  I am.

2           Q.    Do you plan to serve a full term if  
3    elected?

4           A.    Yes, sir.  I do plan to serve the four  
5    years.

6                   MR. DAVIDSON:  Mr. Chairman, I note for  
7    the record that Mr. Johnson scored a 15 on the  
8    test.  I don't have any further questions.

9                   SENATOR ALEXANDER:  Chairman Sandifer.

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

12                                   EXAMINATION

13    BY REPRESENTATIVE SANDIFER:

14           Q.    Mr. Johnson, just some very brief  
15    questions if I may.  One of the things that I  
16    noted is that you have a Bachelor's degree in  
17    Civil Engineering --

18           A.    Yes, sir.

19           Q.    -- and you're licensed through the  
20    Department of Labor, Licensing and Regulation and  
21    you have previously been a member of your own  
22    professional organization.

23           A.    Yes, sir.

24           Q.    But on your statement you said that  
25    you're not a member now.  Can you give some

1 explanation as to why you would not continue your  
2 membership in your own professional organization.

3 A. So when I joined AECOM I was -- I was  
4 basically -- would not operate at ATJ anymore, but  
5 I did keep the LLC open. But I do not do any work  
6 as ATJ anymore.

7 Q. But you still operate or perform as an  
8 engineer? If I understand, you were the engineer  
9 of record of the North Charleston Passenger  
10 Intermodal Center?

11 A. Yes, sir. That was a project that I  
12 was the engineer of record back in 2015 and since  
13 there is a notice of termination -- that's since  
14 been filed. So that project is now closed  
15 basically.

16 Q. Okay. I guess where I'm going with  
17 this is that even though you don't own a company  
18 that does engineering I'm presuming that you still  
19 actively engage in engineering inasmuch as you  
20 continue to have a license?

21 A. Well --

22 Q. I'm just interested in why you wouldn't  
23 be a member of your own professional organization.  
24 That's all.

25 A. Because I'm currently a full-time

1 employee of AECOM and not ATJ. So I can't  
2 moonlight. I can't operate as ATJ and --

3 Q. I'm saying, isn't there an organization  
4 of American Society of Civil Engineers?

5 A. ASCE. So I was the past president,  
6 director, vice president, secretary, and treasurer  
7 over -- over that four or five-year period of time  
8 in I want to say 2007 or '08 through 2010. After  
9 you finish going through that -- that four or five  
10 years you're no longer serving as an officer. So  
11 I'm not an officer of the --

12 Q. Are you a member?

13 A. Am I a member? No, sir. I'm not an  
14 active member of the --

15 Q. Okay. That was what I was reaching  
16 for. I still maintain membership in some  
17 organizations in which I'm not active.

18 A. Yes, sir.

19 Q. I'll just put it that way. And let me  
20 go back to your response to one of the questions  
21 that Mr. Davidson asked and that was regarding  
22 people who might be contacting any of us to assist.

23 And you said that people had offered  
24 to help and your response made me question a little  
25 bit because you suggested that they contact their

1 elected officials.

2 A. Well, I was fully upfront in letting  
3 them know that I cannot seek any support at this  
4 time. So they moved forward with the understanding  
5 that, yes, you can contact them but he's not  
6 seeking any support.

7 The whole point was to just basically  
8 get my name out there just -- I just wanted to get  
9 my name out there.

10 Q. I just have a little bit of a concern  
11 that that's kind of skirting this thing because it  
12 sounds to me as though you were advocating, that  
13 they advocate on your behalf.

14 A. I'm not quite sure that I agree with  
15 that. Any time somebody asks how they can help  
16 to me they're just lending themselves to being part  
17 of your process. My response was like I said  
18 earlier to contact your elected. So it -- you  
19 know, that's --

20 Q. But did you caution them that they  
21 can't do it now?

22 A. That they couldn't do it now, I guess  
23 that was misinterpretation of the rules on my part.  
24 I was under the impression that I could not seek  
25 pledges, but in terms of contacting individuals

1 then I -- I looked at that differently.

2 REPRESENTATIVE SANDIFER: Okay. I  
3 think the rules are fairly specific on that point.  
4 So thank you very much, sir.

5 MR. JOHNSON: All right.

6 SENATOR ALEXANDER: Okay.  
7 Representative Forrester.

8 EXAMINATION

9 BY REPRESENTATIVE FORRESTER:

10 Q. Mr. Johnson, are you aware of any of  
11 those actually making contacts with legislators?

12 A. Yes, sir. One person I am aware of.  
13 I don't know whether or not he asked for pledges.  
14 I don't know what capacity in which he did make  
15 that contact, but he told me that he did make  
16 contact or he let them know that he was supporting  
17 me.

18 Q. Who was the member?

19 A. The member? There was a couple of them  
20 from the Town of Summerville. The individual's  
21 name --

22 Q. No. Who was the member of the  
23 legislature that they contacted?

24 A. The member of the legislature that  
25 they contacted? Summerville. Summerville. Let's

1 see. I can't recall off the top of my head right  
2 now.

3 Q. This all happened after you filed,  
4 correct?

5 A. I believe so. Yes, sir.

6 Q. And I just had one other question.

7 A. Yes, sir.

8 Q. On your -- once you were notified of  
9 your score how did you take that?

10 A. I took it as if I had a whole lot of  
11 work to do. Like I said in my opening statement,  
12 this isn't something that I take lightly and if I'm  
13 fortunate enough to become one of the three to  
14 lobby through the state legislature then I would  
15 make everybody aware that, yes, I'm not proud of my  
16 score. That just means that I have a whole lot of  
17 work to do and I'm fully committed to putting that  
18 work in.

19 Q. Did you actually go back and research  
20 what you missed to see if you could learn from  
21 that?

22 A. Yes, sir. I could have spent a little  
23 bit more time on it to be quite honest with you.  
24 Excuse me. But, yes, sir. I did go back and read  
25 over it, some of material.

1                   SENATOR ALEXANDER: Thank you.  
2 Representative Mack.

3                   REPRESENTATIVE MACK: Thank you,  
4 Mr. Chairman.

5                                   EXAMINATION

6 BY MR. MACK:

7           Q. Your college days at the Citadel --

8           A. Yes, sir.

9           Q. I grew up as a small boy not too far  
10 from The Citadel and I remember the days before --  
11 well before minorities could attend The Citadel  
12 and the challenges even today.

13                   Talk about the discipline and structure  
14 going through that, graduating from The Citadel,  
15 becoming an engineer, and the aspect of how that  
16 experience can translate into what you want to  
17 be, what you want to do with the Public Service  
18 Commission.

19           A. Yes, sir. It just basically was a very  
20 structured environment which I felt like I was  
21 already prepared for just because of who my father  
22 is and the way my father was raised here in the  
23 great State of South Carolina.

24                   Your days start really early. You  
25 know, 4:30, five o'clock in the morning. You have

1 a full day of classes. I was a football player. I  
2 was a track athlete as well.

3 So time management was something that  
4 I gained throughout that entire four and a half  
5 years there. That's something that obviously I  
6 would have to bring here to the Public Service  
7 Commission, the ability just to juggle many  
8 different things and aspects of my life.

9 Q. One other question. So mentally I  
10 guess you're looking at this as dealing with the  
11 learning curve, new environment if given the  
12 chance. Again, going to the Citadel, becoming an  
13 engineer, transferring that knowledge and -- and I  
14 know it would have to be a work ethic to get there.

15 So you're looking at that same  
16 mentality as it relates to this?

17 A. Oh, yes, sir. Definitely. I mean,  
18 you know, I was taking 20, 22 hours per semester  
19 playing football, running track. As a matter of  
20 fact, I had one instance where my 2 and 3 class  
21 overlapped by 20 minutes. So on Wednesday I walked  
22 back and forth in between classes.

23 But just growing up here in the State  
24 of South Carolina there's been many challenges and  
25 The Citadel was one of those challenges. The



1 reason why I chose that challenge was because I  
2 could have went a quote, unquote easier route but I  
3 felt like that was the environment which I needed  
4 to go forward.

5 If you know anything about me I love  
6 challenges. I actually chose my major because  
7 somebody told me that I couldn't do it. I actually  
8 chose The Citadel because when I came on my visit  
9 in January of 1999 the Ku Klux Klan was standing  
10 right outside of the gates and it felt -- it gave  
11 me so much pride walking through there and going  
12 onto that campus knowing that I was going to get a  
13 full scholarship, that I earned that full  
14 scholarship.

15 So there were people that didn't want  
16 me there. I felt like I had to do it for the  
17 people that could not do it who looked like I did  
18 prior to going there. This is perhaps one of --  
19 outside of marrying my great wife who is the mother  
20 of my two children there has been a lot of things  
21 that I haven't done because I wanted to do it.

22 I look at the PSC as a challenge  
23 and something that I want to do, not necessarily  
24 because somebody else told me that I could not do  
25 it.

1 REPRESENTATIVE MACK: Thank you,  
2 Mr. Chairman.

3 SENATOR ALEXANDER: Yes, sir. Senator  
4 from Horry.

5 EXAMINATION

6 BY MR. RANKIN:

7 Q. Mr. Johnson, thank you for your bid  
8 for this position as well. You were the second in  
9 as many a Citadel graduate to come and more coming.  
10 There's something in the water down there  
11 apparently.

12 So what was your record over the four  
13 years with Citadel football? How did y'all do?  
14 Did you beat Carolina? Were you one of the teams  
15 that beat Carolina?

16 A. I'm not that old.

17 Q. It wasn't that long ago.

18 A. It wasn't.

19 Q. You might remember that.

20 A. I was actually there, but I was not  
21 on the field. I graduated in 2003 and I just  
22 missed the 1992 team in which Jack Douglas was  
23 the quarterback there. He's a really good friend  
24 of mind and he talks about the '92 game all the  
25 time.

1 Q. Didn't they beat us five years ago?

2 A. Yes, we --

3 Q. Six years ago.

4 A. Yes, we did. I say we even though I  
5 wasn't there.

6 Q. You are we --

7 A. I am.

8 Q. -- for sure. Your assessment of this  
9 process in terms of how we are vetting candidates,  
10 do you agree with what has been asked of you and  
11 the other candidates by this Committee and by the  
12 legislature?

13 A. Very much so. Yes, sir. I think it's  
14 a very transparent process.

15 Like I said before, I could have done  
16 a much better job of prepping myself for this and  
17 I just hope that that's not held against me just  
18 because I'm fully ready to, you know, take on  
19 that -- that burden of being a -- a Commissioner  
20 on the PSC. Excuse me.

21 Q. Well, and particularly the test, do you  
22 agree that that was a fair barometer that we should  
23 use to determine whether a candidate is -- how they  
24 compare to the other folks seeking this position?

25 Is that a good --

1 A. I guess --

2 Q. Measurement or --

3 A. -- it just all depends because I think  
4 certain people do better on tests and certain  
5 people do better in real life. You know, that  
6 was a lot of information and like I said earlier I  
7 could have devoted a whole lot more time and energy  
8 to it.

9 My obligation at the time was to the  
10 City of Charleston and AECOM which is why, you  
11 know, I keep harping on that if I have this  
12 opportunity just like everything else I've ever  
13 done in my life I will be fully prepared for it  
14 when I step in that door on Day 1.

15 Q. What did you do to prepare for that  
16 test?

17 A. Basically I got the list of material  
18 and I read over it. I didn't copy it or try to  
19 commit it to memory like I probably should have.

20 That was probably the biggest mistake  
21 that I made. I'm not going to make excuses. You  
22 know, I probably could have devoted a little more  
23 time and energy to it to be quite honest with you.

24 SENATOR RANKIN: That's all. Thank  
25 you.

1 SENATOR ALEXANDER: Yes, sir. Chairman  
2 Sandifer.

3 MR. SANDIFER: Thank you, Mr. Chairman.

4 EXAMINATION

5 BY MR. SANDIFER:

6 Q. I want to talk with you a moment about  
7 that test, Mr. Johnson.

8 A. Thank you.

9 Q. I thank you for what you've told us  
10 today. I admire your tenacity and your go-for-it  
11 attitude.

12 When you learned of the score on the  
13 test what did you do subsequent to learning that  
14 score to try to improve your knowledge in the areas  
15 in which you had not been successful on that  
16 written test?

17 A. I just went back and just started  
18 reading again. It was a lot of information that  
19 I had to, you know, pretty much learn. The only  
20 thing I could do is just sit down and read to be  
21 quite honest with you.

22 Q. Okay. And as a follow-up to that, then  
23 in preparation for this interview based upon those  
24 two things that we just discussed, what did you do  
25 in preparation for this interview? Because there

1 were several questions that Mr. Davidson asked you  
2 that you were unable to answer.

3 A. Yes, sir. You know, I kind of went  
4 into this process not really knowing what to  
5 expect. I didn't know what questions were going to  
6 be asked.

7 Q. Sure.

8 A. You know, so I just kind of sort of  
9 just tried to think of it like if I were in your  
10 shoes what questions would I ask myself. I  
11 thought it would be more focused on my professional  
12 license, my background, and everything that I would  
13 bring to the PSC. So that's the best that I could  
14 do.

15 Q. But I'm trying to help you through  
16 this because it's so important that we assure the  
17 constituencies of South Carolina that you have the  
18 integrity and the capabilities to follow the rules.  
19 That was some of the questions that you failed to  
20 respond to.

21 Does that make sense? I would think  
22 that you would want to demonstrate that level of  
23 integrity knowing the rules of play.

24 A. Well, I mean, I'm not necessarily sure  
25 if it's a function of knowing the rules of play.

1 I think maybe I demonstrated that maybe I  
2 misinterpreted the rules of play. There was no  
3 intent there to try to, you know, skirt any rules  
4 or things of that nature.

5 Q. I understand what you're saying.  
6 I guess I'll go back to the rules of Code of  
7 Judicial Conduct. That was one of the questions.  
8 If you don't know how to conduct yourself according  
9 to the rules as in football then you're going to  
10 get called for holding, or offsides, or any number  
11 of penalties.

12 So if you don't know those rules it  
13 would seem to me it would be very difficult to  
14 abide by those rules.

15 A. I'm not quite sure if that's fair, to  
16 be quite honest with you.

17 Q. Okay. Tell me why.

18 A. I mean, because it's -- it's kind  
19 of like I said earlier. I guess maybe I  
20 misinterpreted the rules. I read it as if I  
21 personally could not attend those functions,  
22 reach out to those people.

23 Then just any time somebody asked how  
24 they could help, like I said, I was like, you can  
25 contact, you know, whomever you want to contact but

1 I cannot seek pledges.

2 Q. And I'm not referring to that at  
3 all. But the question was about the Code of  
4 Judicial Conduct in the time that you would be a  
5 Commissioner.

6 During the time that I would be -- I'm  
7 not quite sure that I understand the question.

8 REPRESENTATIVE SANDIFER: Steve, can  
9 you give us that question again, please, the five  
10 parts of the Code of Judicial Conduct.

11 MR. DAVIDSON: The question that I  
12 asked --

13 REPRESENTATIVE SANDIFER: Yes, please.

14 MR. DAVIDSON: -- on judicial conduct?

15 REPRESENTATIVE SANDIFER: Yes.

16 MR. DAVIDSON: I can.

17 REPRESENTATIVE SANDIFER: If you can  
18 find it.

19 MR. DAVIDSON: Yeah. One second.

20 REPRESENTATIVE SANDIFER: You've got  
21 it.

22 MR. DAVIDSON: It's the same for every  
23 candidate. The question I asked was: Could you  
24 briefly describe the five canons of the Code of  
25 Judicial Conduct.



1 BY MR. SANDIFER:

2 Q. And that would be those that are  
3 applicable when you are a Commissioner and you  
4 weren't able to answer. So I'm just questioning --

5 A. Well, because I was unable to answer  
6 what the five canons were it doesn't necessarily  
7 mean that I don't conduct myself that way.

8 REPRESENTATIVE SANDIFER: I'm not  
9 suggesting that, but you couldn't answer the  
10 question. I think that's where I'm going with  
11 that question. That's all. Okay. Thank you,  
12 Mr. Chair.

13 EXAMINATION

14 BY SENATOR ALEXANDER:

15 Q. One question. I think you've kind  
16 of answered it, but I just wanted to make sure  
17 with your -- again, thank you for offering your  
18 willingness to serve. The current positions that  
19 you're in -- and I think you mentioned that you're  
20 aware that the Public Service Commission is a  
21 full-time job.

22 A. Yes, sir.

23 Q. So what would happen with any interest  
24 that you have with any employment that you  
25 currently --

1           A.    I've already made them aware and  
2 basically I would take a four-year leave of absence  
3 from AECOM where I am currently.  So I wouldn't  
4 have any other job.  This would be my only job.

5           Q.    Your efforts would be -- your efforts  
6 would be in putting forth your -- into the job as a  
7 Commissioner for the First District?

8           A.    Yes, sir.  Those would be, yes, sir.

9           SENATOR ALEXANDER:  Any other  
10 questions?

11                   (No response.)

12           SENATOR ALEXANDER:  Thank you very  
13 much for your being here today.  We appreciate your  
14 willingness to --

15           MR. JOHNSON:  Thank you for your time.

16           SENATOR ALEXANDER:  Thank you very  
17 much.  Good afternoon.  We now have with us  
18 Mr. George Robert Newman.

19           MR. NEWMAN:  Yes.

20           SENATOR ALEXANDER:  Good to have you  
21 here this afternoon.  I'll first ask that the court  
22 reporter be recognized to swear you in for your  
23 screening.

24                   GEORGE ROBERT NEWMAN  
25 being first duly sworn, testified as follows:

1                   SENATOR ALEXANDER: Thank you very  
2 much. I'll recognize Mr. Davidson.

3                   MR. DAVIDSON: Thank you, Mr. Chairman,  
4 and good afternoon, Mr. Newman.

5                   MR. NEWMAN: Good afternoon.

6                   MR. DAVIDSON: Mr. Newman earned  
7 a Bachelor of Science degree in Mechanical  
8 Engineering from the University of Tennessee in  
9 1968. He also learned a Master of Science  
10 degree in Mechanical Engineering in 1974 from  
11 the University of Tennessee.

12                   Mr. Newman is currently a railroad and  
13 marine engineering consultant with Robert Newman --  
14 Robert Newman -- excuse me Engineering where he  
15 provides railroad track engineering services and  
16 works for law firms representing railroads as an  
17 expert witness in railroad engineering.

18                   From 1986 to 2007 Mr. Newman served as  
19 President for Harsco Rail. Mr. Newman stated that  
20 he had full profit and loss responsibility for the  
21 publicly held company. As president of the company  
22 he was ultimately responsible for the company's  
23 balance sheet, income statement, and overall use  
24 of funds. He was involved in promoting the public  
25 company to equity analysts which included making

1 positive presentations about the company while  
2 balancing accuracy to prevent false expectations.  
3 During his presidency he led the effort to keep the  
4 West Columbia plant nonunionized and was successful  
5 in doing such.

6 Prior to becoming president he  
7 worked as Vice President of Operations overseeing  
8 engineering and manufacturing from 1982 to 1986 for  
9 Harsco Rail. From 1977 to 1982 he worked as a  
10 manager of research and development for Harsco Rail  
11 after being hired as a design engineer from '74 to  
12 '76 for the same company.

13 Mr. Newman also worked as a design  
14 engineer in mining machinery for the Sanford  
15 Day Division of Long Airdox from 1968 to 1970.  
16 Mr. Newman previously served as a board member for  
17 the Fairmont, Minnesota Public Utilities Commission  
18 from 1989 to 1992.

19 Mr. Newman served in the United States  
20 Navy as an engineering duty officer and was on  
21 active duty from '69 to '72. He earned the rank of  
22 lieutenant and received an honorable discharge.

23 Mr. Newman, do you have any changes you  
24 would like to make to the personal data  
25 questionnaire you submitted with your application?

1 MR. NEWMAN: No. That sounds just  
2 fine.

3 MR. DAVIDSON: Mr. Chairman, I  
4 would request that Mr. Newman's personal data  
5 questionnaire be entered into the record with any  
6 confidential information being redacted.

7 SENATOR ALEXANDER: So ordered.

8 (EXHIBIT 3, Personal Data Questionnaire  
9 of Mr. George Robert Newman, was marked for  
10 identification.)

11 MR. DAVIDSON: As part of our  
12 background investigation of the candidate we  
13 obtained a credit check, driver's license, and SLED  
14 check. Any questions of a confidential or personal  
15 nature will be taken up in executive session.

16 Before we begin questioning, Mr.  
17 Newman, do you have a brief statement that you  
18 would like to make?

19 MR. NEWMAN: Yes. I would very much  
20 like to serve on the Public Service Commission.  
21 I think I have the right background and I have a  
22 great interest in a couple of subjects that's  
23 related to this.

24 EXAMINATION

25 BY MR. DAVIDSON:

1 Q. Could please state your name and home  
2 address for the record.

3 A. George Robert Newman, 1836 Delacourt  
4 Avenue, Mount Pleasant, South Carolina 29466.

5 Q. Are you a registered voter?

6 A. Yes.

7 Q. Which congressional district?

8 A. One.

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

11 A. No.

12 Q. Have you read any Commission decisions?

13 A. I followed the story about solar power  
14 and, of course, the nuclear power plants.

15 Q. But actual orders from the Public  
16 Service Commission? Have you read any of their  
17 orders that they've issued?

18 A. No.

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

21 A. Well, my background is management of  
22 technical people. I have a background in power  
23 production and I think I would fit right in and  
24 catch on quickly to all the new terms and  
25 technologies.

1 Q. How do you expect -- I'm sorry. What  
2 role does the Public Service Commission serve in  
3 regards to the regulation of utilities?

4 A. To make sure that State of South  
5 Carolina has reliable and safe power available.

6 Q. Do commissioners serve as advocates?

7 A. No.

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

10 A. To make sure that electrical power is  
11 available at the lowest possible cost.

12 Q. Are you familiar with the three  
13 advisory opinions issued by the Review Committee  
14 dealing with attendance at legislative receptions,  
15 legislative caucus meetings, and political  
16 gatherings?

17 A. I have read some of that.

18 Q. Have you attended any legislative  
19 receptions or any legislative caucus meetings since  
20 submitting your application?

21 A. No.

22 Q. Have you attended any political  
23 gatherings since submitting your application?

24 A. No.

25 Q. Could you please explain a general rule

1 regarding ex parte communications as it relates to  
2 the Public Service Commission.

3 A. You can listen to one side of a story,  
4 but when you make a decision you have to have both  
5 sides of a story.

6 Q. Assume you were serving on the  
7 Commission and you were approached by someone  
8 wanting to discuss a matter that is or may become  
9 an issue in a proceeding. How would you handle  
10 this situation?

11 A. I would want to it to go before the  
12 Public Service Commission in total and not do  
13 something or discuss on my own.

14 Q. Are you aware the commissioners are  
15 subject to the judicial code of conduct as well as  
16 state ethics laws?

17 A. Yes.

18 Q. Could you briefly describe the five  
19 canons in the Code of Judicial Conduct.

20 A. Oh, gosh. In general if you're in a  
21 position subject to the Code of Conduct you have  
22 to be the fairest in making decisions that you  
23 possibly can and if something even looks to be  
24 improper even if it isn't you can't emphasize  
25 anything that would even appear to be off to the



1 side for some advantage of the person that's  
2 subject to the Judicial Code of Conduct.

3 Q. Is it appropriate to express a personal  
4 opinion on an issue in the utility industry?

5 A. Yes, if you're in session with the  
6 full --

7 Q. Outside -- outside of the official  
8 meeting? Hearing?

9 A. I wouldn't do it.

10 Q. What do you consider to be an  
11 appropriate use of social media pursuant to the  
12 judicial canons?

13 A. Communication about -- ask the question  
14 again, please.

15 Q. Sure. What do you consider to be  
16 appropriate use of social media pursuant to the  
17 judicial canons?

18 A. Oh, okay. The Judicial Code of Conduct  
19 is basically what I've already said and the use of  
20 social media. You've got to make sure if you're  
21 involved in it that you're not violating any of the  
22 canons.

23 Q. Are you or a member of your immediate  
24 family employed by a utility regulated by the  
25 Public Service Commission either currently or

1 within the past two years?

2 A. No.

3 Q. Do you or a member of your immediate  
4 family have stock or other financial interest that  
5 is controlled directly by you or your family member  
6 in a utility regulated by the Public Service  
7 Commission?

8 A. No.

9 Q. Do you or a member of your immediate  
10 family have stock or other financial interest that  
11 is directly controlled by you or your family member  
12 of a renewable energy company that appears before  
13 the Public Service Commission?

14 A. No.

15 Q. Are you or a member of your immediate  
16 family an officer or director involved in the  
17 management of any business enterprise?

18 A. No.

19 Q. This next question is long, so bear  
20 with me. What entities do you or a member of your  
21 immediate family receive income from within the  
22 previous year?

23 Now, this does not include IRA or the  
24 deferred compensation funds, disability, mutual  
25 funds, pensions, retirements, or funds received

1 from your financial institution in the ordinary  
2 course of business.

3 A. What did you exclude? You --

4 Q. So the original -- the initial question  
5 is income received by you or your immediate family  
6 in the past year but does not include IRA, deferred  
7 compensation funds, disability, mutual funds,  
8 pension, retirement, or funds received from your  
9 financial institution in the ordinary course of  
10 business.

11 A. If it does not includes all of those,  
12 stock market gain I think was not included --  
13 included in this.

14 Q. Okay. Thank you. If elected would  
15 there be any potential conflicts of interests  
16 financial or otherwise?

17 A. No.

18 Q. What would you do if a conflict of  
19 interest arose?

20 A. I would bring it to the attention of  
21 the other people I served with and the Counsel for  
22 the Public Service Commission to make sure I  
23 navigated correctly with that and didn't violate  
24 the Judicial Code of Conduct.

25 Q. Are you affiliated with any political

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

3 A. No.

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

6 A. No.

7 Q. What is the appropriate demeanor for a  
8 Commissioner?

9 A. Someone that doesn't provide opinions  
10 when not in -- in the group and I think that's  
11 probably the most important part of being a  
12 Commissioner.

13 Q. Would that demeanor apply only while  
14 you're on the bench or does that apply 7 days a  
15 week, 24 hours a day?

16 A. 7/24.

17 Q. If elected to serve as a Commissioner  
18 how do you envision your work schedule?

19 A. I need to learn more about the schedule  
20 before I can answer that correctly.

21 Q. Is it ever appropriate for a  
22 commissioner -- I'm sorry. I already asked you  
23 this question. Forgive me. Could you briefly  
24 describe the term integrative resource plan.

25 A. Receiving electrical power from more

1 than one source and integrating all of that  
2 together to provide a dependable, reliable, safe  
3 source of energy.

4 Q. Could you briefly describe the term net  
5 metering.

6 A. The cost or the -- the amount of power  
7 purchased.

8 Q. At this time, Mr. Newman, as you're  
9 aware we searched the public index for any lawsuits  
10 that would have a named party with a name similar  
11 to yours or the same as yours. I've discussed this  
12 with you. You've reviewed it.

13 Does SLED or -- or the public index  
14 search revealed a lawsuit in 1989, Palmetto  
15 State Medical Center v. Operation. I believe,  
16 Mr. Newman, you told me that was not you, the  
17 named party. Could you confirm that for the  
18 record?

19 A. Yes. I never heard of that  
20 organization.

21 MR. DAVIDSON: Okay. Thank you. At  
22 this time, Mr. Chairman, I would ask that we go  
23 into executive session.

24 SENATOR ALEXANDER: Pursuant to  
25 our previous vote and action we'll go into

1 executive session.

2 (Off-the-record conference.)

3 SENATOR ALEXANDER: So the veil has  
4 been lifted and no action was taken in executive  
5 session. I would ask that Mr. Davidson continue to  
6 proceed with his questions.

7 BY MR. DAVIDSON:

8 Q. Mr. Newman, have you made any  
9 contributions to members of the General Assembly  
10 since filing your application?

11 A. No.

12 Q. Is your microphone on?

13 A. No. Yes. It's on now. The answer is  
14 no.

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

18 A. No.

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

22 A. No.

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

1 report has been released?

2 A. No.

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

6 A. No.

7 Q. Are you familiar with the 48-hour rule  
8 which prohibits candidates from seeking pledges for  
9 48 hours after the report has been submitted to the  
10 General Assembly?

11 A. Yes.

12 Q. Do you plan to serve a full term if  
13 elected?

14 A. Yes.

15 MR. DAVIDSON: Mr. Chairman, I note for  
16 the record that Mr. Newman scored a 48 on the test.  
17 I have no further questions for Mr. Newman. Thank  
18 you, Mr. Newman.

19 SENATOR ALEXANDER: Thank you, Mr.  
20 Davidson. We'll open it up to members of the  
21 Committee at this time. Chairman Sandifer. That  
22 will be fine. Yes, sir.

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

25 EXAMINATION

1 BY REPRESENTATIVE SANDIFER:

2 Q. Mr. Newman, first of all, let me thank  
3 you for your military service.

4 A. Thank you.

5 Q. It's greatly appreciated. Several of  
6 us in this room have served in the military and we  
7 are most grateful for your service.

8 A. Thank you.

9 Q. Let me ask you a little bit about  
10 Harsco Rail, please. Will you give us a little  
11 background and information about this. I know  
12 you're President of Harsco Rail located in Cayce.

13 A. Harsco Rail is right here in the  
14 Columbia area. They have moved their corporate  
15 office to Charleston, but all the manufacturing is  
16 still done here. In fact, some plants have been  
17 closed and that work has been moved to the plant  
18 in Cayce-West Columbia.

19 The company manufacturers large  
20 machinery that's used to construct and maintain  
21 railroad track. Everybody has seen equipment out  
22 building roads and buildings. You've probably  
23 never seen the type of equipment which is quite  
24 different that's used to build railroad track and  
25 maintain railroad track.



1 I started in the business as a design  
2 engineer in 1974 and we acquired some companies. I  
3 was vice president of operations and to make a long  
4 story short the last 21 years was president of this  
5 company which is an international business with  
6 locations around the world.

7 I was deeply involved in the management  
8 of the -- of the business of the business including  
9 nonengineering parts of the business such as cost  
10 accounting, human resources, and everything else  
11 that it takes to operate a business. The machines  
12 that we built -- and I brought some pictures of --

13 Q. That's not necessary. You can just  
14 hand them to one of the ladies here. They'll take  
15 care of it.

16 And let me -- I'm going to follow up  
17 because you've peaked my interest now because in  
18 the town in which I live we have Southern Railway  
19 and I noticed in the last few days -- and I'm sure  
20 Senator Alexander did as well -- that they were  
21 removing the old crossties and inserting new ones.

22 And folks, if you have not ever seen  
23 that in operation it is something to see. All of  
24 it -- all of it is done mechanically and I'm  
25 presuming that that's the type of equipment that

1       you're talking about.

2               A.     Yes, it is.

3               Q.     Okay.

4               A.     All of those machines that are used to  
5 do that job are made right here in West Columbia-  
6 Cayce.

7               Q.     That is fantastic to know. I love  
8 knowing that something is made here in South  
9 Carolina. I will --

10              A.     Now, those are -- those are the  
11 smallest, least technical machines. If you look  
12 through this group of pictures I brought to you  
13 you'll see the high technology, very large machines  
14 that were used all around the world. All built  
15 here.

16                       REPRESENTATIVE SANDIFER: And one  
17 thing that I do note is you are a professional  
18 engineer and you are registered in South Carolina  
19 and I appreciate the fact that you've done that.  
20 Mr. Chairman, I think that's all I have right now.

21                       SENATOR ALEXANDER: Okay. Other  
22 questions?

23                       (No response.)

24                       SENATOR ALEXANDER: Senator from Horry.

25                       SENATOR RANKIN: Mr. Chairman.

1 EXAMINATION

2 BY SENATOR RANKIN:

3 Q. I wonder if you could tell me --

4 SENATOR RANKIN: Thank you, Mr.  
5 Chairman.

6 BY SENATOR RANKIN:

7 Q. That's got to be a patented device or  
8 many particular parts of that big device were  
9 patented.

10 A. Many particular parts. You're exactly  
11 right, Four or five patents on the larger machines.  
12 Some of the machines have been in production a long  
13 time and a patent is only effective 17 years.

14 Q. Is that called a flux capacitor?

15 A. A flux capacitor? That's something  
16 electronic.

17 Q. Okay. Back to the Future. That is  
18 an impressive thing. And is it still based here  
19 in South Carolina?

20 A. Yes. It's still right here near the  
21 airport.

22 Q. Super. My question of all candidates  
23 and with the opening compliment and joke -- and I  
24 appreciate your at least tepidly acknowledging  
25 that that was a weak attempt at humor. But your

1 willingness to serve and offer for this --  
2 certainly you have many other things you could be  
3 doing. Why do you -- aside from the responses  
4 you've given is there a particular challenge, or  
5 opportunity, or itch that you have here that you  
6 see yourself particularly qualified for PSC  
7 service?

8 A. There's one subject that I'm very  
9 interested in that I think would be helpful in the  
10 job and that's the effect of electric cars on power  
11 production. I was just thinking about my little  
12 street that I live on. There's 21 houses.

13 Q. And you've handed up as well this --

14 A. Yes.

15 Q. -- automobile --

16 A. I didn't mean to, but you've got it.

17 Q. Well, we can make a copy if --

18 A. You can keep it. With 21 little --  
19 21 houses on my little street in five years  
20 half of those houses are going to have an electric  
21 car.

22 Some August afternoon when it's 100  
23 degrees outside and everybody's air conditioner  
24 is running full power they're going to come home  
25 from work and plug their car in. I'm sure this is

1 something you all are working on, but I would  
2 really be interested in being part of the team that  
3 will solve this challenge in the future. To charge  
4 an electric car takes 12 to 17 kilowatts of power.

5 So for my little street that's 250 to  
6 300 kilowatts of load that we don't have today. If  
7 you assume a car drives 40 miles a day round trip  
8 which is pretty typical that's 10 kilowatt hours of  
9 energy that our electrical system is going to have  
10 to supply.

11 Then when you start thinking there's a  
12 1,600,000 vehicles registered in South Carolina in  
13 five to ten years half of those are going to be  
14 electric. So the challenge is to supply the  
15 power and taking care of the timing of the demand,  
16 particularly on a hot summer day.

17 It's something I'm very interested in  
18 and would like to be a part of as part of the  
19 Public Service Commission. So that's the  
20 particular -- you asked if I had one particular  
21 interest. That's one of them.

22 Q. I noticed you had served -- I'm not  
23 sure what Fairmont -- board member for the  
24 Fairmont, Minnesota Public Utilities Commission.  
25 Is Fairmont a --

1 A. A city.

2 Q. -- city? Okay.

3 A. A city that had its own waste treatment  
4 and power production with diesel generators and the  
5 electrical distribution also.

6 Q. And --

7 A. And water, potable water.

8 Q. And --

9 A. Wastewater treatment.

10 Q. Right. Your Patriots Point special  
11 engineering in nuclear power sailor education, tell  
12 me about that.

13 A. In Goose Creek is the school for all  
14 sailors and officers that are going into the Navy  
15 and are going to be on a aircraft carrier and all  
16 of our attack carriers are nuclear-powered and  
17 then, of course, all of our submarines are nuclear-  
18 powered.

19 So all of those people go through a  
20 school in Goose Creek at the Joint Base Charleston.  
21 I have the privilege of meeting with these people  
22 and taking them on the USS Yorktown and giving  
23 them a tour of the -- an engineering tour of the  
24 propulsion plant which includes the steam-driven  
25 generators.

1                   What's most interesting about this is  
2                   on the Yorktown, of course, that's a fossil fuel  
3                   propulsion system and power production and the  
4                   source of energy is different, of course, today.  
5                   We don't -- in power production today you have  
6                   nuclear power, coal, and natural gas. So that's --  
7                   that's very different with comparing it to a  
8                   nuclear reactor.

9                   But when you go in the engine room  
10                  and you look at how the steam is used to propel  
11                  the ship and produce electrical power that old ship  
12                  that was finished in 1943 is exactly the same as  
13                  what you'd find in the newest aircraft carriers  
14                  today, the Ford class and Nimitz class. There is  
15                  no differences other than in the size of the  
16                  components.

17                  The source of energy is different,  
18                  but the rest is the same. So I get to take these  
19                  people on a tour and teach them what I've just  
20                  talked about with you. It's a -- it's a great  
21                  thing to do. I enjoy it very much.

22                  Q.     Two other areas. And you own and  
23                  continue to operate Robert Newman Engineering, LLC?

24                  A.     Yes.

25                  Q.     And in your statement you often work

1 for law firms representing railroads as an expert  
2 witness in railroad engineering. How active a part  
3 of your time?

4 A. It's part time and sometimes I'm busy  
5 with a couple of cases. Right now I don't have any  
6 cases. It's a very flexible situation. I do some  
7 consulting on the track -- railroad track which is  
8 nonlegal.

9 I don't have any of that right now.  
10 So it's a flexible schedule for that.

11 Q. Tell me about the legal part, maybe not  
12 presently but in the past five years.

13 A. Yes. It's something you probably  
14 haven't heard about, but of course we have workers'  
15 compensation for -- most industry and most  
16 businesses use that system. Railroads don't use  
17 that. They have -- they have another system which  
18 basically requires that the injured party sue the  
19 railroad to get compensation.

20 I'm involved in defending the railroad  
21 on these types of cases. They are usually worker  
22 injury. Of course, I specialize with worker injury  
23 on a railroad track.

24 Q. Do you ever represent or work with the  
25 plaintiff or claimant in those cases?



1           A.    I have -- I have done that also, once.

2           Q.    And how many times -- I'm just curious.  
3           How many cases or times have you been involved in  
4           that in the last ten years on behalf of the  
5           railroads?

6           A.    In the last ten years I would say 30 or  
7           40 cases. Well, thirty maybe.

8           Q.    Not just in South Carolina or only in  
9           South Carolina?

10          A.    No. They're -- I don't think I've had  
11          one in South Carolina.

12          Q.    Okay. Finally, the test itself and  
13          the process by which we measure your competency  
14          at least on that test and this vetting process, do  
15          you have any complaints with how we are going about  
16          scoring you and the other candidates?

17          A.    That's a very difficult subject for me  
18          because I didn't do well on the test and I'm  
19          sitting here trying to remember the five canons  
20          of --

21          Q.    That's all right. You're not a lawyer,  
22          but --

23          A.    Well, I actually remembered some since  
24          I answered that question. But anyway --

25          Q.    I'm all about integrated everything.

1 If you want to integrate that answer in response to  
2 mine you can do it now if you like, but --

3 A. Okay. I remembered some of the canons,  
4 but -- but anyway I was somewhat overwhelmed trying  
5 to figure out what to do study. It's probably a  
6 thousand pages and I'm sure some people did better  
7 than me. But I didn't study the right subjects.

8 So I feel bad about that. I didn't  
9 do -- I should have done better. I always do  
10 better than that but -- on just anything I do. So  
11 I'm not proud of my score.

12 Q. Do you agree that that is something  
13 that we should give some credence to in terms of  
14 how we quantify and objectively score candidates?

15 A. The worst part for me was I actually  
16 did study for it and put effort in it. You know,  
17 if you don't put any effort in it and flunk the  
18 test that's one thing, but if you put some effort  
19 in it and still don't do well I felt very bad about  
20 that.

21 I actually learned a lot from the  
22 studying that I did, but I didn't study the right  
23 subjects.

24 SENATOR RANKIN: Okay. Thank you very  
25 much again for your willingness to offer.

1 EXAMINATION

2 BY SENATOR ALEXANDER:

3 Q. Okay. I've got a couple myself here,  
4 too. Again, kind of going back to your being on  
5 the Fairmont, Minnesota board there -- and you  
6 mentioned the different things.

7 Did y'all -- did y'all do rate making  
8 for that entity as well for the -- for that aspect?

9 A. No. Rate making -- not for electricity  
10 but for everything else.

11 Q. But you did do it for water and  
12 sewer --

13 A. Yes.

14 Q. -- and things of that nature?

15 A. Yes. We had diesel generators, but  
16 they were not -- they were only for emergency.  
17 Years ago those diesel generators were used to  
18 produce all the power for the city, but in more  
19 modern times we purchased the power.

20 The purchase of the power generated  
21 what the cost was going to be to the customer. So  
22 we did not regulate that. It was regulated at a  
23 higher level.

24 Q. At a higher level. Okay. You  
25 mentioned maybe in your opening statement or

1 certainly early in the dialogue -- and then you  
2 kind of mentioned it again with the Senator from  
3 Horry -- your interest in a couple of -- I think  
4 what you said was an interest in maybe a couple of  
5 the subjects that are related to this, I assume the  
6 Public Service Commission.

7 You mentioned the electric cars. Was  
8 there something else that you had an interest in?

9 A. I'm interested in wastewater treatment  
10 and also water in general. I followed the current  
11 stories about the amount of groundwater taken by  
12 various industries and the need for the groundwater  
13 by municipalities. So I'm very -- I'm very  
14 interested in that and also in wastewater  
15 treatment.

16 Q. Could you maybe tell us what other  
17 business or industries or things that are regulated  
18 by the Public Service Commission here in South  
19 Carolina.

20 A. Well, all of the ones we've been  
21 talking about are regulated.

22 Q. Right. Any additional types of  
23 professions or things that -- from that standpoint  
24 that would be a normal action to come before the  
25 Public Service Commission?

1           A.     Well, transportation and railroads.

2     I know that there's a factor in that, in those  
3     subjects. I'm interested in both of those.

4           SENATOR ALEXANDER: All right. I  
5     think that concludes the questioning. Again, we  
6     appreciate your willingness to serve and your being  
7     here with us this afternoon. Thank you very much.

8           MR. NEWMAN: Thank you very much. I  
9     appreciate it. Bye-bye.

10          SENATOR ALEXANDER: Okay. I believe  
11     that brings us to break for 30 minutes. So  
12     that would bring us back with the anticipation  
13     of starting at 1:45, not gathering but starting  
14     at 1:45. We'll have a recess.

15          (A recess transpired.)

16          SENATOR ALEXANDER: Okay. We are our  
17     out of our recess and will continue the screening  
18     for Public Service Commission Seat 1. A Quorum is  
19     more than present and proxies. So we will continue  
20     with Mr. Lawrence D. Sullivan. Good afternoon,  
21     sir.

22          MR. SULLIVAN: Good afternoon.

23          SENATOR ALEXANDER: Please be seated.  
24     We'll have the court reporter swear you in for the  
25     screening.

1 LAWRENCE DANIEL SULLIVAN

2 being first duly sworn, testified as follows:

3 SENATOR ALEXANDER: Good afternoon  
4 again. I appreciate you being here with us this  
5 afternoon. Ms. Anderson.

6 MS. ANDERSON: Good afternoon, Mr.  
7 Sullivan. I want to give a general overview of  
8 Mr. Sullivan's background. He obtained a Bachelor  
9 of Arts in Geography from the University of Texas  
10 at Austin and a Master of Arts in Geography from  
11 Arizona State University.

12 Mr. Sullivan is currently an adjunct  
13 professor at Trident Technical College and at  
14 the Citadel. He has worked in various capacities  
15 with biomass generation, biofuels, and petroleum  
16 companies since the late 1970s. Mr. Sullivan is a  
17 member of the Society of Petroleum Engineers,  
18 American Association of Geographers, American  
19 Institute of Chemical Engineers, and various  
20 committees with ASTM International.

21 He also serves on the Biomass Research  
22 and Development Technical Advisory Committee  
23 through his affiliation with the Citadel. Mr.  
24 Sullivan currently serves on the Consumer Affairs  
25 Commission, a position to which he was elected by

1 the General Assembly in May of 2019.

2 His term ends on June 2023 and  
3 additional details regarding Mr. Sullivan's  
4 background can be found in his personal data  
5 questionnaire.

6 Mr. Sullivan, do you have any changes  
7 that you would like to make to the personal data  
8 questionnaire you submitted with your application  
9 other than changes that you've already submitted?

10 MR. SULLIVAN: No.

11 MS. ANDERSON: And to clarify one of  
12 the items on your PDQ, for Item 8(d) you stated  
13 that you're a member of the South Carolina Biomass  
14 Council. But you currently are not a member of  
15 that organization, correct?

16 MR. SULLIVAN: Yes. I was a member  
17 paying dues in 2013/'14, I think. Then I'm still  
18 on the list because of the Citadel in academic  
19 affiliation, but I have not attended meetings.

20 It is a 501(c)(3) group and it's pretty  
21 active. So I'm on a similar one on the federal  
22 level through the United States Department of  
23 Agriculture and the Department of Energy.

24 MS. ANDERSON: Okay. Thank you. I  
25 would request that Mr. Sullivan's personal data

1 questionnaire be entered into the record with any  
2 confidential information being redacted.

3 SENATOR ALEXANDER: So ordered.

4 (EXHIBIT 4, Personal Data Questionnaire  
5 of Mr. Lawrence Daniel Sullivan, was marked for  
6 identification.)

7 MS. ANDERSON: As part of our  
8 background investigation of Mr. Sullivan we  
9 obtained a credit check, driver's license check,  
10 and a SLED check. Any questions of a confidential  
11 or personal nature will be taken up in executive  
12 session.

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

15 MR. SULLIVAN: Yes. I want to thank  
16 the Public Utilities Review Committee and staff for  
17 the opportunity to present my credentials today.

18 Why do I seek this role? I see a  
19 need for a world-class mind -- world-class minds  
20 to be on the Commission, the Public Services  
21 Commission, especially those minds with experience  
22 in the energy industry.

23 In some ways those on the Commission  
24 and hired as experts to advise the Commission  
25 need to be on equal footing with the regulated



1 companies. I noted this in my FITSNews editorial  
2 and testimony to the PSC. I consume Dominion  
3 Natural Gas.

4 The state enjoys top-level academic  
5 experts who can be called upon to serve the state  
6 as experts in Commission matters. Thank you.

7 EXAMINATION

8 BY MS. ANDERSON:

9 Q. Mr. Sullivan, please state your name  
10 and home address for the record.

11 A. Lawrence Daniel Sullivan, 2314  
12 Hummingbird Lane, Summerville, South Carolina.

13 Q. And are you a registered voter?

14 A. Yes.

15 Q. And in which congressional district are  
16 you registered to vote?

17 A. Congressional District 1.

18 Q. And you have already covered this in  
19 your opening statement, but are there any other  
20 comments that you'd like to make about why you're  
21 interested in serving on the PSC?

22 A. Yes. I have reached a stage in my  
23 career with experience and poise and I want to  
24 say neutrality about the energy consumption to  
25 the degree that I could serve the Commission well

1 from the position of almost 40 years of experience  
2 within both the domestic and the international  
3 energy industry.

4 I bring I would say maturity and a  
5 point of view that is open to the challenges that  
6 the state faces. I have lived and worked in seven  
7 states and about 30 or so countries. So I know  
8 what countries and states face when it comes to  
9 energy issues, whether it's regulated industries  
10 or unregulated industries.

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

13 A. Yes. I gave testimony in October -- as  
14 a citizen -- of 2018 regarding open hearings that  
15 the Commission gave in Charleston. There was three  
16 of them in, I think, October of 2018. As a  
17 consumer of natural gas at the time supplied by  
18 South Carolina Gas and Electric (sic) -- SCE&G -- I  
19 felt opportunity to talk about the Atlantic Coast  
20 Pipeline and the potential to bring the pipeline  
21 across the state and bring gas out of the northeast  
22 part of the United States.

23 I thought it was important for the  
24 Commission to do that because at the time Transco  
25 had intervened and the Commission denied that.

1 Then the Commission reversed themselves. So my  
2 testimony was moot about the intervention of  
3 Transco, but I did it as a citizen and not as  
4 an academic or as an expert witness. I was  
5 testifying as a consumer of natural gas.

6 Q. Have you read any Commission decisions?

7 A. Yes, many decisions and watched the  
8 streaming video.

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

11 A. The first is the legal staff on  
12 the Commission would explain to me the limits,  
13 the definitions, and the requirements that a  
14 commissioner has both under the judicial code and  
15 also under the enabling legislation.

16 Once I would be up to speed on that  
17 then I would -- as an academic and a professor I  
18 would read. I'm currently reading quite a bit  
19 of literature in the area of regulatory economics  
20 both at the PURPA level, the federal level, and  
21 then at the state level.

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

25 A. The Public Service Commission is a

1 creation of the state legislature, the General  
2 Assembly, and it has enabling legislation. The  
3 enabling legislation tells the Commission that  
4 it must regulate both for the citizens and  
5 consumers of the state but also for the industries  
6 that provide the power of natural gas, and  
7 transportation, and other regulated activities.

8 So it's a dual role. It is to both  
9 make sure that the industries that provide the  
10 services and materials are balanced well with the  
11 regulated consumers; in other words both the  
12 consumers and the regulated industries have to  
13 consume and be regulated in a sense for both the --  
14 service given. In other words, the perpetuity of  
15 the industries. These are corporations. So they  
16 exist in perpetuity as well as the citizens who  
17 consume the materials. So it's a difficult  
18 regulatory balance.

19 Q. What are some of the industries and  
20 businesses that are regulated by the PSC?

21 A. Well, there's the electrical power  
22 generation companies, the natural gas companies  
23 which are called local distribution companies.  
24 There is transportation, telecommunications.  
25 Water is one that is a critical one. There are

1 a couple of others related to those.

2 Q. What are some of the key factors that a  
3 commissioner should consider in a rate case?

4 A. When a regulated utility is on the  
5 docket and asking for some kind of rate increase  
6 or decrease or some kind of material matter then  
7 the Commission members have to be advised by the  
8 staff on the detail of that application on the  
9 docket.

10 They then have to listen to the  
11 testimony given by experts, both experts on the  
12 sides. It could be two, possibly three or four  
13 sides. In this state now because of the Consumer  
14 Affairs Commission intervening or having a position  
15 then you have probably three or maybe four  
16 opinions. Then they have to have judicial maturity  
17 and balance to be able to offer an opinion. But  
18 it's one vote of seven for the commissioners. So  
19 it has be looked at in that context of a majority  
20 vote.

21 Q. What are some of the factors that you  
22 would look at in trying to achieve a balance with  
23 the different interests?

24 A. Well, the first thing you have to  
25 look at I think from my perspective in domestic

1 business and international business is that the  
2 private corporation or the industry that is  
3 regulated has financial profiles.

4 It issues debt and issues equity.  
5 That has to be examined carefully to determine the  
6 nature of the -- of the opportunity for them to  
7 earn a rate of return. That's in the enabling  
8 legislation and in the regulations. The balancing  
9 concern is that that is not to be necessarily  
10 onerous upon the citizens or the buyers of the --  
11 or the users of the services.

12 Now, the driver, of course, is that  
13 these regulated utilities exist in a world where  
14 you have equity markets and you also have debt  
15 markets. So you have to carefully examine the  
16 financial methods and see if that utility or  
17 provider of the service -- telecommunication or  
18 water -- is within the boundaries of that rate of  
19 return. It could be a rate of return on equity, a  
20 rate of return on assets, or a rate of return of  
21 the entire corporation.

22 That is not easy. The balance, of  
23 course, then is that those rates are not onerous on  
24 anyone that consumes the material.

25 Q. You're currently serving on the

1 Consumer Affairs Commission. When you were elected  
2 there was a press release issued by The Citadel in  
3 which you were quoted in saying in the context of  
4 energy: I am familiar with how such state laws  
5 are implemented, especially regarding regulated  
6 industries.

7 That role -- talking about the consumer  
8 advocate -- and how the Commission develops a new  
9 role for consumer advocacy is what I'm most  
10 interested in today.

11 How do you think the Commission should  
12 develop a role for consumer advocacy?

13 A. The question you're asking is the  
14 Consumer Affairs Commission? How do they develop  
15 a role or how does the Public Service Commission  
16 develop a role for --

17 Q. The article mentioned how the  
18 Commission develops a new role for the consumer  
19 advocacy. So --

20 A. As I understand it -- I'm not versed  
21 in the law -- there was a consumer advocacy role  
22 for the Consumer Affairs Commission in the past. I  
23 believe it ended and there was a period of time  
24 that ORS might have had it or something.

25 Now in 2018 it came back to the

1 Consumer Affairs Commission as a formal statutory  
2 requirement. The question asked is that -- who is  
3 the consumer advocate in the state? You know,  
4 the Public Service Commission has a role as a  
5 consumer advocate, but it is minor relative to  
6 the overarching return on equity roles that  
7 traditionally regulate a utility industry's  
8 interface with -- on the federal level or the  
9 state level.

10 Consumer Affairs was to look out for  
11 the individual consumer in this case which would  
12 be a residential or perhaps a commercial consumer.  
13 Then that would have to be balanced. Now, attorney  
14 generals -- attorneys general in the states often  
15 have roles of consumer advocacy, too. It varies by  
16 the state. So it could be looked at in three ways.  
17 Putting it in the Consumer Affairs Commission was a  
18 profound change back to a system where someone who  
19 was -- or an agency that was arm's length from the  
20 ORS and PSC would have that role.

21 Q. Thank you. And you had already  
22 referenced the article that you had written in  
23 FITSNews. That was concerning SCANA and Santee  
24 Cooper in the context of economics.

25 You stated: It is long overdue to



1 modernize and adopt new models for economic  
2 behavior and power generation. What are your  
3 thoughts on modernization?

4 A. Well, I have worked in oil and gas and  
5 then somewhat in power generation. One thing that  
6 is always profound in regulated industries is state  
7 ownership. Historically the United States has been  
8 in an odd position because of the creation of TVA,  
9 Santee Cooper.

10 I lived in Arizona with the Salt  
11 River Project and I lived in Austin, Texas with the  
12 Lower Colorado River Authority. So you have state  
13 entities. Then I later spent a lot of my career  
14 overseas where the state owns the power company,  
15 the oil companies, the railroads, the airlines,  
16 everything. The role to your -- in answer to your  
17 question is that -- the difficult matter in the  
18 states is that with deregulated states emerging  
19 more rapidly than the industry has been able to  
20 adapt to you see three or four different models.

21 Now, it's quite a complex question  
22 because Texas was able to do what it did because of  
23 ERCOT and the Western Interconnect and the Eastern  
24 Interconnect are too vast and too large to do  
25 what Texas did. California attempted a rapid

1 deregulation that was a debacle.

2           Some states have begun a slow process.  
3 I lived in England when I saw it firsthand. Where  
4 they deregulated the generation companies the  
5 government kept the power lines, the transmission,  
6 and then they deregulated local distribution. So  
7 you ended up with three entities and it worked out  
8 to be relatively successful.

9           It's the same thing with railroads.  
10 The British deregulated railroads. They kept the  
11 rail lines but they sold off the rolling stock and  
12 they sold off the stations.

13           So in terms of new ideas for power  
14 generation certainly you could look at transmission  
15 as being something like a highway that comes under  
16 state control. But if you look at the power  
17 generation like a refinery making gasoline or  
18 you look at the gasoline distribution station those  
19 could be deregulated in some way. So it's somewhat  
20 like the ERCOT model. The problem with the ERCOT  
21 model here is that the Eastern Interconnect is too  
22 large.

23           Q.    And is it within the role of the Public  
24 Service Commissioner to advocate for one position  
25 or another?

1           A.    Is it the role of the Public Service  
2 Commission to --

3           Q.    To advocate --

4           A.    -- advocate?

5           Q.    Right.

6           A.    Under the new act -- and the new  
7 act has not been litigated. I'm familiar that  
8 sometimes that when legislators put a law in place,  
9 particularly one that is enabling legislation, they  
10 often go into regulatory and then deregulatory  
11 review.

12                    But 62 appears to advocate -- have an  
13 advocacy role for the PSC. Of course, I'm  
14 following it currently and it's a troubling back  
15 and forth on that. But my view is that the agency,  
16 PSC, has to follow enabling legislation, write  
17 regulations, and then those regulations can be  
18 reviewed by judicial authorities or the state  
19 legislature or the General Assembly can go back and  
20 revisit what they've done.

21           Q.    Are you aware that commissioners are  
22 subject to the judicial code of conduct as well as  
23 state ethics laws?

24           A.    Yes.

25           Q.    And can you briefly describe the five

1 canons within the Code of Judicial Conduct.

2 A. The judicial conduct covers  
3 particularly I want to say ex parte communication,  
4 but it certainly covers a broad range of  
5 temperament that a judicial or quasi judicial  
6 person has. That would be in terms of -- the  
7 direct relationship with the parties has to be  
8 conducted in the official format and not outside of  
9 that official format.

10 The other responsibilities, of course,  
11 are prudence and about the behavior in public and  
12 also any appearances. I want to say appearances  
13 or facts related to financial matters or other  
14 investments and responsibilities or roles held  
15 outside of the particular position.

16 Q. And you had touched on ex parte  
17 communication in your response. Is there anything  
18 that you would like to add regarding the general  
19 rule with ex parte communication before the South  
20 Carolina Public Service Commission?

21 A. Well, I'm reading the situation with  
22 Commissioner Ervin and it's -- I read four or five  
23 pages of legal opinion from the law firm and it --  
24 I think with judicial roles there's two facts.  
25 One, there is the pure definition legally about

1 what one's behavior in the judicial or quasi  
2 judicial role. Then the other one, I think, is  
3 more profound and that is the appearance of  
4 behavior that might appear to be unsupported in  
5 terms of that role. The four-page opinion when I  
6 read it this morning -- I'm not a lawyer. You  
7 know, I find it hard to understand sometimes the  
8 exact nature of that ex parte communications.

9 Q. All right. Let's assume someone  
10 approaches you. You're serving on the Commission  
11 and they want to talk about a matter that is or may  
12 become an issue for the PSC. How would you handle  
13 that situation?

14 A. I would say I'm unfortunately unable  
15 to comment on that because my role requires that  
16 I adhere to the Code 501 and that that is a  
17 prohibited. The only communication should be  
18 through the authorities in terms of the Commission  
19 hearings.

20 Q. And what would you consider to be  
21 appropriate use of social media pursuant to the  
22 judicial canons?

23 A. Well, if I'm appointed then social  
24 media becomes to some degree restricted greatly.  
25 I have used Facebook with my daughters because I

1 enjoy the pictures and my friends from high school  
2 and college.

3 The LinkedIn is important for business  
4 people, but outside of that I'm not certain --  
5 Twitter has been problematic. I'm not sure I like  
6 that format. Other than that I just generally am  
7 unconvinced it is a good thing except for Facebook  
8 except with family pictures.

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

14 A. Yes. I read that. It was given to me  
15 in August.

16 Q. And have you attended any legislative  
17 receptions or caucus meetings since you submitting  
18 your application?

19 A. No.

20 Q. And have you attended any political  
21 gatherings since submitting your application?

22 A. No.

23 Q. Are you or a member of your immediate  
24 family employed by a utility regulated by the PSC  
25 either currently or within the past two years?

1 A. No.

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

6 A. No.

7 Q. Do you or a member of your immediate  
8 family have stock or other financial interest that  
9 is directly controlled by you or your family member  
10 of a renewable energy company that appears before  
11 the PSC?

12 A. No. I was an officer and had stock  
13 rights on a biofuel company from 2007 to 2009.  
14 Those stock options expired when I left the  
15 company, negotiated the sale of the company.

16 Q. And are you or a member of your  
17 immediate family an officer or director or  
18 otherwise involved in the management of a business  
19 enterprise?

20 A. Yes. My wife and I have a 50 percent  
21 ownership each in an S corporation that we've  
22 used to consult with and that is a -- just a  
23 standard S corporation that passed through the  
24 income from the consultant.

25 Q. And that is the Lawrence D. Sullivan

1 and Company?

2 A. Yes.

3 Q. Okay. And currently is this  
4 business -- are y'all actively engaged in the  
5 business?

6 A. A little bit, but I've decided that  
7 at my age and at this point that I'd rather if any  
8 future income -- should I not take this position,  
9 should this not be offered to me that future work  
10 just be -- go to me directly under the Social  
11 Security number rather than under a federal  
12 identification number.

13 Q. And you've served as an expert witness  
14 in utility cases. Can you describe the types of  
15 cases that you have served as an expert witness.

16 A. No. I've not served as an expert  
17 witness. I have had five cases related to  
18 biofuels. In the case -- each of the case was a  
19 biofuel engineering or financial case but not a  
20 utility case.

21 Q. Okay. So it's primarily consulting as  
22 opposed to expert witness?

23 A. Yeah. The consulting work that I've  
24 done has more to do with biotechnology. For  
25 example, waste -- if I may, in California if you --



1 back up a second. If you take waste and you  
2 ferment it and you make what they call renewable  
3 natural gas the United States and Canada look at  
4 the natural gas grid as a hundred percent  
5 connected.

6 So if you make a waste manure in  
7 North Carolina in the natural gas it's renewable  
8 and if you put it in the pipeline in North Carolina  
9 someone can take out that petroleum base natural  
10 gas now in California and earn a credit on the  
11 balance.

12 As I mentioned earlier, you're aware  
13 the United States does not have that connection for  
14 electricity. There's a western, an eastern, and  
15 ERCOT. So if you make electricity in one part you  
16 cannot ship it all the way to California. So I've  
17 been involved with not expert witness but advising  
18 investors of companies in renewable natural gas  
19 relative to putting it into the grid. So it is  
20 related to utilities in the natural gas sense.

21 Q. What entities did you or a member of  
22 your immediate family receive income from within  
23 the past year? And this would not include IRA,  
24 deferred compensation, disability, mutual funds, or  
25 funds received from a financial institution in the

1 ordinary course of business.

2 A. Okay. We -- both my wife and I are on  
3 Social Security. She has disability and I have  
4 regular Social Security.

5 Q. You don't have to include those.

6 A. I have W-2 income from Trident  
7 Technical College and I have W-2 income from  
8 The Citadel and that's the W-2 income. We have  
9 the consulting expert witness fees. The thing  
10 about expert witnesses in some cases you don't  
11 necessarily serve as an expert witness as a member  
12 of a corporation but as a individual.

13 Q. And if you are elected to serve on  
14 the Commission would there be any potential  
15 conflicts of interest, financial or otherwise?

16 A. No.

17 Q. Okay. What would you do if a conflict  
18 of interest arose?

19 A. Certainly alert the general counsel of  
20 the Commission and discuss it immediately.

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

24 A. No.

25 Q. How about Consumer Affairs Commission?

1           A.     That I would resign from if I were  
2 appointed here.

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

5           A.     No.

6           Q.     What is the appropriate demeanor for a  
7 commissioner?

8           A.     I think the demeanor is somewhat  
9 like me as a professor now after the substantial  
10 industrial career is to be fair, to listen  
11 carefully. I do this with my students. I had a  
12 autistic student at Trident and it was a real  
13 challenge. It was probably the hardest challenge I  
14 had is to listen carefully to my students, work  
15 with them, understand their performance and be able  
16 to evaluate their performance fairly and not feel  
17 any anxiety based upon my performance, feel that it  
18 was fair.

19          Q.     And would this demeanor apply only  
20 while on the bench or would it apply all the time?

21          A.     I think if you're in a high profile  
22 or let's call it a relatively high profile  
23 commissioner level then your behavior in the public  
24 has to be considered all the time.

25          Q.     And if elected to serve as a

1 commissioner how would you envision your work  
2 schedule?

3 A. I'm a professor now. So even though  
4 I'm an adjunct professor I still work in the  
5 evenings and I prepare examinations. I give  
6 them -- you know, a great amount of time on the  
7 weekends as, you know, teachers are -- we work a  
8 lot. So the Commission would be the same.

9 Obviously I would come here as  
10 necessary or what's needed or required and -- but  
11 the work done would be -- I don't want to say 24/7  
12 but I have an active mind that goes through a lot  
13 of information fast.

14 Q. What does the term avoided cost mean?

15 A. The act -- you want it in the context  
16 of the '19 --

17 Q. Yes, sir.

18 A. The PURPA? It says that if the utility  
19 itself decided to build something and they saw a  
20 need for it or somehow or another they had the need  
21 and let's say that price was X someone can come  
22 along and say I can do that for less or more.

23 The avoided cost is to try to define  
24 within the context of the regulated utility or the  
25 state-owned utility or some kind of utility what

1 it costs them to produce something -- let's say  
2 electricity or water -- and to be able to duplicate  
3 that from an economic sense, financial sense, and  
4 be able to say this avoided cost is X and the  
5 person that wants to sell to under PURPA would be  
6 above or below that.

7 The obligation in PURPA has been around  
8 for a long time and there's judicial reviews of it.  
9 I'm not that experienced with how the judicial  
10 reviews of PURPA are defined, but I've read a lot  
11 of avoided costs. I've listened to the experts and  
12 I don't find any consensus that makes hard economic  
13 sense. It's classic economics.

14 I teach in the history department in  
15 geography. So I know that social studies sometimes  
16 lack definitions. There are not financial  
17 definitions of avoided costs like you see a return  
18 on asset or a return on, you know, self-insured  
19 debt or something like that. There's no hard and  
20 fast economic definition that -- sorry. There's no  
21 hard and fast financial definition, but there are a  
22 lot of economic definitions.

23 MS. ANDERSON: Mr. Chairman, just a few  
24 questions of a personal or confidential nature if  
25 you want to take those up in executive session.

1           SENATOR ALEXANDER: So we will by  
2 previous vote by the Committee go into executive  
3 session with each candidate. So we'll go into  
4 executive session at this time.

5           (Off-the-record conference.)

6           SENATOR ALEXANDER: The bell has  
7 been lifted and no action was taken in executive  
8 session. We'll go back into our time with  
9 Mr. Sullivan and I'll recognize Ms. Anderson.

10          BY MS. ANDERSON:

11           Q. Mr. Sullivan, we received a report from  
12 SLED as part of the background check and there are  
13 a few questions that I have that I would like to  
14 walk through. There was one matter that showed  
15 up, National Collegiate Student Loan Trust versus  
16 Lawrence Sullivan. That was filed in 2015 in  
17 Dorchester County. Was this a lawsuit involving  
18 you?

19           A. Yes, my daughter and I. She took a  
20 loan I cosigned in 2010. She was in college in  
21 Denver and after a couple of years left college  
22 and went to Europe, a boyfriend matter. Then I  
23 was sort of left with this situation.

24                   2010 happened. We lost a daughter in  
25 2010, the third daughter. My wife and I decided to

1 leave the home we were in. We came down here and  
2 I started working for a company here. We rented  
3 for a while and basically got rid of the home in  
4 Virginia.

5 Then we finally hired counsel on  
6 this suit. Then they agreed to settle the suit,  
7 to do what they call discharge the suit without  
8 prejudice. So it was dismissed by counsel that had  
9 this -- it's been dismissed.

10 Q. And there was a second lawsuit, Anthony  
11 Vaughan and Lawrence Sullivan versus Chad Williams  
12 and South Carolina DPS back in 1999 in District  
13 Court in Aiken. We talked about this. Will you  
14 state under the record the circumstances of whether  
15 or not this was you.

16 A. Yes. Unfortunately there's another  
17 Lawrence Sullivan in the state and that case came  
18 up in this. It's not me, but it came up. My name  
19 is Lawrence D. Sullivan or Lawrence Daniel Sullivan  
20 and this one is a different -- a different person.

21 Q. And the third matter was a lien that  
22 was filed in Dorchester County in 2019.

23 A. Yes. My wife and I with the S  
24 corporation began to use a non-CPA firm, a tax  
25 filer. Then there was a failure to file correctly

1 and on time when this happened. Then we paid it.

2 So --

3 Q. So that's been rectified?

4 A. Yes. It's been addressed. We now use  
5 a CPA. You don't use tax preparers. You have to  
6 use a CPA because they have a higher standard of  
7 care.

8 Q. Okay. There was also a lawsuit that  
9 you were involved in back in 1998 in Minnesota with  
10 ChemStar Products. Can you briefly describe what  
11 happened with this.

12 A. Yeah. I was an employee of the company  
13 and had signed a noncompete agreement but the  
14 noncompete agreement did not list any companies.  
15 It just said I couldn't compete with competitors.  
16 So I worked with a company. ChemStar came at me.  
17 Then the judge said that ChemsStar needed to list  
18 the companies by company and division that I could  
19 not work for.

20 The case then was settled. It was  
21 quite simply a matter of trying to list which  
22 companies were competitors and which companies were  
23 not competitors.

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



1 application?

2 A. No.

3 Q. Have you sought or received a pledge  
4 from any legislator prior to today?

5 A. No.

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

9 A. No.

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

14 A. No.

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

18 A. No.

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

23 A. Yes.

24 Q. Would you plan to serve a full term if  
25 elected?

1           A.    Yes.

2                   MS. ANDERSON:   Thank you, Mr. Sullivan.  
3   That's all the questions I have, Mr. Chairman.   For  
4   the record, Mr. Sullivan's test score is a 59.

5                   SENATOR ALEXANDER:   Thank you, Ms.  
6   Anderson.   We'll go to questions from members of  
7   the Committee.   Mr. Forrester and then I'll --  
8   Representative Forrester.

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

11                                   EXAMINATION

12           BY MR. FORRESTER:

13                   Q.    Mr. Sullivan, thank you for applying  
14   for this position and your willingness to serve.   I  
15   just had a couple of questions.   In reading through  
16   here, you're a member of the Society of Petroleum  
17   Engineers.   You're a member of the American  
18   Institute of Chemical Engineers.   Then I see  
19   later on here where you were trained in petroleum  
20   engineering by Dresser Industries, but I don't  
21   see -- are you a registered engineer?

22                   A.    No.

23                   REPRESENTATIVE FORRESTER:   Okay.   I  
24   just wanted to clear that up.   It was indicating  
25   that you were.   Thank you.

1 SENATOR ALEXANDER: Chairman Sandifer.

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

4 EXAMINATION

5 BY REPRESENTATIVE SANDIFER:

6 Q. Mr. Sullivan, thank you for being here  
7 and applying for this position. Several questions.  
8 First of all, do you see the PSC having an advocacy  
9 role?

10 A. The advocacy that they have from  
11 enabling the legislation is to make sure that the  
12 regulating companies stay in business, provide the  
13 power safely, repair situations like the Starnes  
14 events and that they have a reliability, National  
15 Electrical Reliability Council.

16 In other words, the reliability would  
17 be paramount because they're a single supplier.  
18 Then that reliability becomes incredibly important.  
19 The second probably would be that they have the  
20 financial resources to continue in business and do  
21 well.

22 The question then is, well, it's  
23 defined as let's say a 10 percent return on the  
24 equity or a 10 percent return on all the assets.  
25 It's some kind of return that allows them to do

1 both the first which is to provide the service and  
2 repair, whatever needs to be repaired should the  
3 service drop off. So that's the reliability  
4 council.

5 Then the next thing would be the  
6 financial security of the firm. Then after that  
7 the role that they have is to make sure that they  
8 provide the lowest cost power to the consumers.  
9 That then gets into the balance that has to be had  
10 on that return. Then if that is suitable do the  
11 consumers have a voice in it?

12 Well, the state law changed in 2018 to  
13 say that the Consumer Affairs Commission is the  
14 role for the consumer advocate. So in the sense --  
15 I've not talked about ORS because it seems like  
16 they're in an odd position between them and, of  
17 course, the Attorney General's in an odd position  
18 between those two or possibly three holes. But,  
19 yes, the PSC has to think about the consumers  
20 because the consumer has to be protected.

21 The question sometimes to me is that,  
22 is that consumer or homeowner on a fixed income or  
23 is that consumer New Corp. or let's say Volvo or  
24 Boeing or some large industrial corporation and how  
25 do -- how do you balance the consumer -- the

1 individual consumer or the homeowner versus the  
2 large corporations?

3 That consumer role at the Consumer  
4 Affairs Commission appears to be defined as  
5 protecting the individual, the homeowner, from the  
6 power prices that might be onerous. So it's not an  
7 easy role. The PSC does not have a clear mandate  
8 to protect the consumer. Under 62 it looks like  
9 it's the beginning of saying that things have to  
10 change, but it's not like definitive.

11 Q. Okay. Does the Commission have an  
12 obligation to make sure that the utilities stay  
13 in business?

14 A. They have an obligation to make sure  
15 that the utility stays in business but that does  
16 not override the utility being acquired by another  
17 utility which then comes into a federal SEC, et  
18 cetera, et cetera and the state utility  
19 commissions. So, yes. For example, with SCANA  
20 the PSC could not protect SCANA from Dominion. It  
21 was not the role to protect SCANA from Dominion.

22 Q. All right. And you talked a few  
23 moments ago about natural gas and the biomass,  
24 those things. Is natural gas a utility?

25 A. In the United States it's different.

1 The production of natural gas -- drilling, the  
2 production -- is a private -- a publicly traded  
3 company, business. In other words, it's not  
4 regulated. It was historically until the '70s.

5 Q. All right. Is the price of natural gas  
6 regulated by the PSC?

7 A. Yes.

8 Q. Okay.

9 A. Now, when the gas arrives at the  
10 city gate then it's regulated with what they call  
11 an LDC, local distribution company. That's a  
12 pass-through and a that's a return on the asset  
13 for the regulated gas company, but it's a very  
14 different world than you see with electricity.

15 Q. You talked a little bit about the  
16 deregulated market in Texas.

17 A. Yes.

18 Q. Did you know that South Carolina took  
19 up deregulation either in the late '90s or early  
20 2000s and made a decision not to deregulate?

21 Did you also know that in Texas when  
22 they deregulated they fixed the price? It was a  
23 price fixing. It did not matter whether or not it  
24 was proper to hold to the companies or not.

25 Did you further know that at some point

1 in that when that cap was coming off that the users  
2 were looking at potentially a 75 percent increase  
3 in the price?

4 A. Yes.

5 Q. So would you still be a proponent of  
6 deregulation?

7 A. No. The proponent role for me would  
8 not be to be a proponent of deregulation. That  
9 would be --

10 Q. Well, that's what it sounded like to  
11 me. That's why I'm asking the question.

12 A. Yeah. The enabling legislation --  
13 if there is to be regulation then the PSC is to  
14 follow the authorities given to it by the General  
15 Assembly. Of course, there might be court  
16 decisions later, but the PSC cannot initiate  
17 deregulation themselves. They can only work around  
18 the confines of the enabled legislation.

19 Q. Sure. Okay. And these questions are  
20 in no particular order. I've jotted things down as  
21 you've spoken. One of the things was, in your role  
22 as a commissioner what would you expect to do as  
23 far as your work time is considered?

24 Would you think that your normal  
25 working hours would be what we would all consider

1 normal office hours?

2 A. Yes. As a professor now I work normal  
3 office hours, but I also work at home because I  
4 have --

5 Q. We all do.

6 A. So if I'm on the utility commission  
7 and there's an accountant and there's SEC documents  
8 then the accountant and I can get together and  
9 go through the SEC documents and look at the  
10 financials of a company.

11 Then I can read those at home, let's  
12 say, and the next day meet with the accountant  
13 and go through the detail because the -- the role  
14 of determining the rate of return is based upon  
15 looking at financial documents, SEC documents to  
16 determine the assets and the debt equity of the  
17 company.

18 Q. Okay. And going now to your education,  
19 you received a degree in geography from the  
20 University of Texas and now you teach geography.

21 Will you please explain to us the  
22 pertinence of your degree and your teaching career  
23 in geography to the role of a commissioner on the  
24 PSC.

25 A. Thank you. It's not an easy question.



1 Q. I didn't expect it to be.

2 A. I spent -- my father was a petroleum  
3 geologist and he worked in the oil industry but he  
4 did not encourage my brothers and I to go into the  
5 oil industry. He considered it, you know, a tough  
6 industry.

7 You have to go all over the world.  
8 You lose sleep. He didn't particularly like the  
9 industry, but he did well in it because he was  
10 suited that way.

11 I looked at geography in an academic  
12 career through the 1970s, Texas -- Arizona State  
13 and Texas A&M and then in 1980 or '78 I worked  
14 in a regulatory agency in the State of Texas  
15 writing regulatory for the EPA, Research  
16 Conservation Recovery Act. So I kind of got  
17 exposed to regulatory matters. Then I almost went  
18 to work for the EPA and some other shall we say  
19 agencies in Washington.

20 Then I joined my father in Singapore.  
21 He said, why don't you join the oil industry?  
22 You're young and single and you can go around the  
23 world. He contradicted himself. So I joined  
24 Dresser.

25 They sent me to Libya and I found

1 myself in the middle of the Sahara Desert with  
2 the Italian oil company. Libya was -- Reagan --  
3 President Reagan said no more Americans in Libya,  
4 but the Italians liked me because I spoke Italian.

5 So they said, why don't you get your  
6 butt out of Libya -- right -- and do what Reagan  
7 told you to do and then go to work in their land.  
8 So I worked in Italy for a while which was a real  
9 delight with the language, the people, and  
10 culture.

11 Then I stayed European and ended up  
12 with a British chemical company in the North Sea.  
13 That was more training, more engineering, more  
14 management. Then when I was with Conoco and Dupont  
15 in relatively higher levels my superiors crashed  
16 their Gulfstream jet in Indonesia in 1991. So  
17 that kind of ended my, you know, time with the  
18 Conoco people.

19 I came back to the states and worked  
20 mostly with smaller companies because I had pretty  
21 good exposure to a big company. A lot of little  
22 people like people out of big companies because  
23 they understand how things are done in the business  
24 world.

25 Geography is ironic because Trident --

1 after I more or less retired Trident said, we  
2 need a geographer. I did a good job there in '13,  
3 '14, and '15. Then The Citadel said, we need a  
4 geographer. There's just not a lot of geographers.

5 The irony if I may share with you is  
6 that the University of South Carolina here is  
7 in the top ten for Ph.D.-granting geography  
8 departments. So this state is one of the top  
9 universities in the country with Berkeley, Madison,  
10 Michigan, Texas, and others. So it's a feather in  
11 the cap for the University of South Carolina for  
12 geography.

13 They've got their own building over  
14 here and they grant Ph.D.s and they publish.  
15 They're a real delight to work with. So I have  
16 some peers there. But -- so teaching I came out of  
17 A&M and they figured I would fit in at the Citadel.

18 Q. Okay. Let me ask you two questions.

19 A. Sure.

20 Q. These are the last two. In one of your  
21 statements you said: I am an academic and have  
22 published papers regarding the energy industry.

23 As an academic do you think you would  
24 be able to be a good judicial person?

25 A. Yes. I strongly believe that and have

1 continued to make the application and work with  
2 Heather to make sure that everything is -- dotted  
3 Is and crossed Ts because I believe that I have  
4 that exposure to energy with sophisticated  
5 international and domestic energy industries.

6 But at the same time the last few  
7 years as a professor has given me a sort of  
8 judicial variant because when you go in front  
9 of a classroom and teach you have to evaluate  
10 everything they present and have to be fair and  
11 judicious.

12 You have to have a temperament to  
13 handle students that might be gifted but they  
14 might not do well or students that do well but are  
15 not engaged. You need to engage them. So the  
16 temperament of a good professor could easily -- I  
17 don't want to say easily. It could translate well  
18 I believe strongly for me into this role.

19 Q. Okay. And I would remind you that  
20 energy is not the only thing that's before the  
21 commission.

22 A. Yes. I understand.

23 Q. All right.

24 A. Water and --

25 Q. One last question. You were elected to

1 the State Ethics Commission last year?

2 A. Consumer Affairs Commission.

3 Q. Consumer Affairs. I'm sorry. Ethics,  
4 I don't know why I said that. Anyhow --

5 A. In the database.

6 Q. Apparently you want to quit that job  
7 to get another job. Is that correct?

8 A. Yes.

9 REPRESENTATIVE SANDIFER: Okay. Very  
10 good. Thank you very much.

11 MR. SULLIVAN: Okay.

12 MR. ALEXANDER: Other questions?

13 EXAMINATION

14 BY SENATOR ALEXANDER:

15 Q. Well, I've got a couple for you here.  
16 Again, thank you for your willingness and I  
17 appreciate you being here with us today. As far  
18 as -- I think that -- this being a full-time job, I  
19 think you have referred to that with it being a  
20 full-time job.

21 So I guess one of the questions I have  
22 for you or the question I have for you, as far as  
23 the work that you were involved with the adjunct  
24 professors and then the company that you and your  
25 wife own how would you treat that if you became a

1 member of the Public Service Commission?

2 A. Yeah. The adjunct professor jobs would  
3 end because they're only adjunct professor jobs.  
4 There's no tenure. There's no contract of  
5 employment per se. The consulting corporation is  
6 more or less just a simple S corporation that we  
7 both own and we would just shut that down.

8 I've thought about shutting it down  
9 because at this stage it's easier just to take  
10 consulting income directly to the 1040 form rather  
11 than go through a corporate --

12 Q. You mentioned that earlier, that maybe  
13 just going through the W-2 versus the --

14 A. Particularly expert fees. Sometimes  
15 those expert fees -- if I may comment, sometimes  
16 those expert fees are called honorarium. You  
17 know, for example, I went to speak in Las Vegas  
18 at a conference on petroleum products.

19 They pay the hotel. They pay the  
20 airfare and they pay everything else but there's  
21 no honorarium. Sometimes they give you a few  
22 thousand for the honorarium. So you have to go  
23 and buy for the airplane but --

24 Q. So when you're talking about expert  
25 you're talking about more or less as a presenter at

1 a conference? Being an expert on a subject matter.

2 A. Yes, and also as an expert in cases  
3 where I've had to give testimony in depositions.

4 Q. In a judicial -- in a judicial --

5 A. Environment.

6 Q. -- proceeding?

7 A. Yes.

8 Q. So those would be expert --

9 A. Yes.

10 Q. -- fees --

11 A. Correct.

12 Q. -- versus consulting fees?

13 A. Exactly.

14 Q. What would be the difference in that  
15 and a consulting --

16 A. Expert fees normally go to the  
17 individual because they're an expert in your case  
18 who testifies about a matter -- subject matter for  
19 the court through either documents, opinions,  
20 depositions or testimony.

21 The corporate world would -- let's say  
22 an investment fund hires me to advise them on  
23 investing in a biofuel company. Then that kind of  
24 due diligence is a little bit different. It's more  
25 of a corporate type of role where you provide the

1 due diligence for them.

2 You have to have in a sense liability  
3 insurance or -- you know, to protect you if your  
4 opinions are not correct.

5 SENATOR ALEXANDER: Senator from Horry.

6 EXAMINATION

7 BY SENATOR RANKIN:

8 Q. Sir, you have got one tale of travel,  
9 of employment, of exposure and it's -- it's a  
10 remarkable tale and it ought to be put to paper.

11 A. That's what The Citadel says, but --

12 Q. Perhaps some embellishment or perhaps  
13 telling the whole story of some of these places  
14 with things that you've done and I appreciate  
15 your offering for this. It's kind of like --  
16 Representative Sandifer's question is you've got a  
17 job and you want another one. It's kind of like  
18 serving in the House but you'd like to go to the  
19 Senate, right?

20 REPRESENTATIVE SANDIFER: Whoa. Be  
21 nice.

22 BY SENATOR RANKIN:

23 Q. That's kind of what I'm sensing there.  
24 You don't have to reply to that. I am curious,  
25 though, and I -- these folks will all attest to



1 this honest answer. I am not a student of much  
2 and can grasp very little, particularly difficult  
3 topics.

4 But your article -- and I guess I  
5 didn't realize that this was published in the  
6 FITSNews piece, but I don't understand what your  
7 point is of SCANA, Santee Cooper, and economic  
8 rent-keeping published May 29th, 2018.

9 Forgive me for not being a student of  
10 economics. I am familiar with Standard Oil. I am  
11 familiar with Chicago Commonwealth Edison and  
12 Thomas Edison and Rockefeller and all. But explain  
13 it to me --

14 A. Yes.

15 Q. -- in even more layman terms than you  
16 cite in here. What is your point that you're  
17 making here?

18 A. In the United States if you look at  
19 the regulated utilities and you look at it in a  
20 historical context you have to go back to the  
21 early cases in the 1880s related to grain storage.  
22 That's kind of the beginning. I'm not a lawyer  
23 and I don't want to cite the cases.

24 Particularly the most profound was the  
25 Interstate Commerce Commission which regulated the

1 railroads. Now, Standard Oil was -- it links in  
2 some way to the railroads. In the Standard Oil  
3 case it's really a railroad case because the  
4 railroads were giving rebates back to Rockefeller.

5 So they had a posted rate, but  
6 Rockefeller paid a lower rate. That allowed them  
7 to ship oil all over, undercut the competitors, and  
8 buy them up. So that was a very different case  
9 than -- from regulated power.

10 When the regulated power happened  
11 that was in the 1930s that was really UNSIL. UNSIL  
12 created large holding companies, bought up all the  
13 little power companies much like Rockefeller bought  
14 up all the little oil companies. But when UNSIL  
15 decided to go and seek -- in some way seek  
16 regulation this is really when the New Deal  
17 period -- New Deal was also putting itself and the  
18 government into the Santee Cooper, PPA, Bonneville  
19 and all that. So they ran parallel.

20 But economic rent is a subsection  
21 of economics, a discipline at a university.  
22 Rent-keeping subject to the Nobel Prizes that I  
23 mentioned -- both Tullock and later Buchanan in  
24 North Carolina -- is that -- is that certain  
25 industries will behave in certain ways not

1 necessarily in the regulatory -- regulatory  
2 fashion.

3 But they will behave in what they call  
4 rent-seeking. Now, when I went overseas in the  
5 oil industry I saw cases where the state would  
6 own all -- the government would own all the oil  
7 underground and then they would produce that. Then  
8 they would use that money for their own purposes.  
9 So that's the beginning of the understanding of  
10 rent.

11 Now, OPEC was created by the oil  
12 companies so that they would all behave in a  
13 certain way, so that they would protect their  
14 resource, the oil and gas in the ground against  
15 the capricious nature of the -- what they call  
16 Seven Sisters of the big oil companies, two  
17 Europeans and five Americans. The Seven Sisters  
18 lost power in the 1960s and '70s and the national  
19 oil companies gained the power.

20 Now, if you look at the idea of  
21 economic rent from Tullock or the case of the  
22 Buchanan view -- is that regulated utilities in  
23 the United States -- particularly electrical power  
24 but it could be natural gas or it could be others  
25 like -- things like water and things like that,

1 they will devote a certain amount of their  
2 resources towards protecting their turf.

3 In some ways that is counter to the  
4 normal economic models of maximizing profit. In  
5 other words, if you have assets and they generate  
6 profits then you want to plow those profits back  
7 into more production and not necessarily divert  
8 them to political or economic processes outside  
9 normal profitability.

10 So what I was reflecting on in the  
11 article was that this is -- what happened with  
12 SCANA was not unusual. It's happened in other  
13 states in a different context. But more  
14 importantly it has to be understood in a larger  
15 historic context, that some industries have put  
16 themselves in that position. That is why the  
17 regulated industry. Now, in conclusion to my  
18 thought it's important in a lot of places that  
19 work in the world the state itself regulates the  
20 utilities because they own them like Santee Cooper.

21 But at the same time the United  
22 States is very different. You have big, powerful  
23 corporations doing utilities like gas, water,  
24 electric, or whatever but you also have in a sense  
25 a legacy of state regulatory going back to UNSIL

1 and Commonwealth Edison in the 1930s.

2 So the states have managed well to keep  
3 that authority because it's closer to home. You  
4 have to balance that with TERP's regulatory power.  
5 TERP regulates gas across lines, electricity across  
6 state lines. So if the United States is to hold --  
7 to kind of conclude my thought is that it's balance  
8 between the states' authorities.

9 I grew up in Louisiana. I grew up  
10 in states that had a lot of state's rights and  
11 feelings about wanting to -- of course, I went to  
12 school in Texas at Austin. So you definitely get a  
13 feeling that, you know, the state wants to retain  
14 as much power over the economic world as it can  
15 relative to the federal government. So that's kind  
16 of the background on the article.

17 Q. So -- and you conclude it by saying it  
18 again. Who knew then in May of 2018 that in the  
19 end SCANA will survive but they will be a -- no  
20 more -- this may be a typo -- there will be no more  
21 luxury for its new leadership. Obviously SCANA  
22 didn't survive.

23 A. Yes.

24 Q. Again, Dominion, its successor -- so  
25 perhaps it did. But you're not divining between

1 public debt -- or capitalization in terms of an  
2 investor-owned utility?

3 I'm really -- like in one sentence, are  
4 you weighing in on the sustainability of a Santee  
5 Cooper or a Dominion or are you just educating us  
6 on kind of the history of the investor-owned and  
7 public --

8 A. Yes, sir.

9 Q. -- options?

10 A. Yep.

11 Q. One sentence or less.

12 A. If you look at Standard Oil's case  
13 and then the deregulation of the oil industry of  
14 that period by the Supreme Court case and you look  
15 at the way the electricity was regulated it went  
16 different ways. They still behaved in rent-  
17 keeping ways whether or not. What I'm saying at  
18 the end is that if a company has a corporate jet  
19 that costs \$58 million do they keep that corporate  
20 jet on their balance sheet that I pay for as a  
21 consumer?

22 Now, I don't mind paying for Exxon's  
23 corporate jet when I buy gasoline because I don't  
24 have to buy the gasoline from Exxon. If I look at  
25 the corporate jet that say a regulated utility owns

1 the question is, why do they need that corporate  
2 jet? It's kind of I want to say, Senator, a  
3 tongue-in-cheek at the end there.

4 You guys know as well as anyone when  
5 General Motors went under the first thing Congress  
6 did -- people in your position -- the first thing  
7 Congress did is look at the number of corporate  
8 jets General Motors had.

9 Q. The investment community looked at how  
10 many jets GE had when they had their trouble. Last  
11 question and very briefly. You did well on your  
12 test, your scores, as has been alluded to earlier.  
13 Right? You're familiar with your test result?

14 A. I don't know if it's well. I'm a  
15 professor.

16 Q. Well --

17 A. I didn't do well.

18 Q. -- relatively speaking. Again, you  
19 didn't make a zero, right? You didn't make a two.  
20 You did relatively well.

21 My question to you is, aside from  
22 feeling good or bad about that is this test a fair  
23 barometer for us to use in judging your competency  
24 on the material that you were tested on that  
25 particular day?

1           A.     Oh, that's what my students say to me.  
2     Mr. Sullivan, this test was unfair. No. The test  
3     was fair. Yes. But I'm not used to taking tests.

4                     I'm a long ways removed from legal  
5     understandings. So sometimes I think I just didn't  
6     know the details of the various laws when I went  
7     through here to the degree that I needed to for the  
8     exam. So I'm critical of myself.

9                     Yes, it's a fair test. I mean, I said  
10    to my wife afterwards, wow, that was a tough test.  
11    But students say that all the time.

12                    SENATOR RANKIN: Do you grade on a  
13    curve? Don't answer that. We won't either.  
14    That's all I have. Thank you.

15                    SENATOR ALEXANDER: Are you sure?

16                    SENATOR RANKIN: I'm positive.

17                    MR. SULLIVAN: The Citadel has very  
18    strict guidelines. As you know, they have  
19    guidelines for everything in the military and  
20    a curve is not one of them.

21                    SENATOR ALEXANDER: Are there other  
22    questions from members of the Committee? If not  
23    that completes the screening for today. Again, we  
24    appreciate your attention to being here today and  
25    your response to the Committee.



1 MR. SULLIVAN: Thank you.

2 SENATOR ALEXANDER: Have a good  
3 afternoon, sir.

4 MR. SULLIVAN: Thank you to the  
5 Committee.

6 SENATOR RANKIN: Nice meeting you.

7 SENATOR ALEXANDER: Good afternoon.  
8 Darryle B. Ware is with us.

9 MR. WARE: Yes, sir.

10 SENATOR ALEXANDER: I appreciate your  
11 willingness to serve and being with us this  
12 afternoon.

13 MR. WARE: Thank you.

14 SENATOR ALEXANDER: First off, I'm  
15 going to ask the court reporter to swear you in for  
16 your screening this afternoon.

17 DARRYLE BERNARD WARE  
18 being first duly sworn, testified as follows:

19 SENATOR ALEXANDER: Thank you again.  
20 I will recognize Ms. Anderson for questions.

21 MS. ANDERSON: Good afternoon, Mr.  
22 Ware. I'm going to start off and give a very  
23 brief overview of Mr. Ware's background. He  
24 obtained a Bachelor of Science degree in Electrical  
25 Engineering from The Citadel. He is currently an

1 instructor at Charleston Electric Training  
2 Alliance.

3 His previous work experience has  
4 included various engineer positions and he also  
5 previously served in the United States Navy as a  
6 sonar technician. There are additional details  
7 about Mr. Ware's background in his personal data  
8 questionnaire.

9 Mr. Ware, do you have any changes that  
10 you would like to make to the personal data  
11 questionnaire you submitted with your application  
12 other than the changes you've submitted?

13 MR. WARE: No, I do not.

14 MS. ANDERSON: I would request that  
15 Mr. Ware's personal data questionnaire be entered  
16 into the record with any confidential information  
17 being redacted.

18 SENATOR ALEXANDER: So ordered.

19 (EXHIBIT 5, Personal Data Questionnaire  
20 of Mr. Darryle Bernard Ware, was marked for  
21 identification.)

22 MS. ANDERSON: As part of our  
23 background investigation we obtained a credit  
24 check, driver's license, and SLED check, Mr. Ware.  
25 Any questions of a confidential or personal nature

1 will be taken up in executive session.

2 Before we begin questioning, do you  
3 have a brief statement that you'd like to make,  
4 Mr. Ware? It's up to you.

5 MR. WARE: No.

6 EXAMINATION

7 BY MS. ANDERSON:

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

10 A. My name is Darryle Bernard Ware. My  
11 home address is 5003 Wigmore Street, Summerville,  
12 South Carolina.

13 Q. Are you a registered voter?

14 A. Yes, I am.

15 Q. In which congressional district are you  
16 registered to vote?

17 A. 44.

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

20 A. To be honest with you, this is probably  
21 something I would never have put my name -- put my  
22 name in the hat for but one day I was reading the  
23 newspaper and I ran across the article where the  
24 Commission is pretty much looking to expand, so to  
25 speak, as far as technology is changing.

1           You're kind of looking for a different  
2           aspect of the board as far as the education that's  
3           brought on the commission board as far as  
4           engineering, accounting, et cetera. I kind of  
5           was intrigued about the idea because I am an  
6           engineer and my background is utility and I do have  
7           an interest in green energy or clean energy I would  
8           prefer to say.

9           Listening to the board and reading that  
10          article really struck something in me in that it's  
11          almost like a passion for me in the sense of from  
12          the utility aspect, green energy, clean energy  
13          having worked in the utility, coal, also having  
14          worked for a company in wind power. My background  
15          is more of protection somewhat and generation. So  
16          when I read the article it really sparked something  
17          in me from the perspective of public service. If  
18          you look at my resume I have plenty of years of  
19          coaching and teaching.

20          I look at that as being beneficial for  
21          humankind, all the hard work that have -- that I  
22          have put into young men's lives on the field, off  
23          the field, and classroom. I consider that to be  
24          public service. When I read that, having the  
25          aspect of having the opportunity to be able to use

1 my engineering in the area of public service, it  
2 made me put my name in the hat and apply.

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

5 A. No, I haven't.

6 Q. Have you read any Commission decisions?

7 A. I have read some.

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

10 A. Through everything we just said. I  
11 have read some issues. It's just that due to my  
12 schedule at the time with teaching and other  
13 situations I've been grabbing articles here and  
14 there, going on the internet. I am aware of the  
15 issues with solar as far as ratepayers, some of the  
16 arguments with some of the utility companies. I  
17 wouldn't consider myself nowhere near an expert and  
18 I would consider myself -- do a lot of work of  
19 bringing myself up to par with -- with an  
20 excitement, expediency to do so if needed to if  
21 given the opportunity.

22 But I would not consider myself to be  
23 totally overall knowledgeable or having all the  
24 facts so to speak from both sides. But I am fully  
25 aware, have always been from a person from the

1 utility background.

2 But as far as from the board  
3 perspective of -- I would not say that I'm really  
4 up to par. But it's something I could really  
5 find -- with energy and eagerness find myself to be  
6 able to do.

7 Q. What role does the Public Service  
8 Commission serve in regards to the regulation of  
9 utilities?

10 A. Well, it has jurisdiction over matters  
11 of -- involving invested-owned utilities, water,  
12 wastewater, taxi cabs, carriers of household goods,  
13 passenger -- motor vehicle passenger carriers. It  
14 has jurisdiction over those matters in determining  
15 as far as ratepayers for the public.

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

18 A. That's a very good question. I think  
19 it would have to -- rate pay in my opinion would  
20 have to deal with -- you would have to consider  
21 things such as efficiency. Well, my mind's going  
22 blank.

23 Q. We can come back to that, if you like.

24 A. Yeah. Yeah.

25 Q. Okay. We'll come back to that.

1 A. Okay.

2 Q. Are you familiar with three advisory  
3 opinions issued by the Review Committee dealing  
4 with attendance at legislative sessions,  
5 legislative caucus meetings, and political  
6 gatherings?

7 A. In all my reading of the judicial --  
8 the code of conduct I know it's very strict.  
9 Unless everyone as a whole is invited to such  
10 events I don't think you're allowed to show up  
11 individually.

12 Q. Okay. These -- I'm referring to the  
13 three opinions from this particular Committee was  
14 on the flash drive and on the website saying that  
15 candidates shouldn't attend functions and political  
16 gatherings.

17 A. Yes. That's exactly -- that's the  
18 statement that I just made, referring to.

19 Q. Okay.

20 A. That's what I was referring to.

21 Q. Okay. And have you attended any  
22 legislative receptions or legislative caucus  
23 meetings since submitting your application?

24 A. No. I have not.

25 Q. And have you attended any political

1 gatherings since submitting your application?

2 A. No. I have not.

3 Q. Please explain the general rule  
4 regarding ex parte communication as it relates to  
5 the Public Service Commission.

6 A. I answered that on the quiz. If I  
7 remember, ex parte is a -- it's a third-party  
8 communication. It's somewhat outside of the  
9 mainframe.

10 Q. Let's try this. Let me -- let me try  
11 rephrasing the question a little bit.

12 A. Okay.

13 Q. I'm going to give you an example.  
14 Let's assume that you are serving on the Commission  
15 and you are approached by someone wanting to  
16 discuss a matter that is or may become an issue in  
17 a proceeding. How would you handle that?

18 A. Ask me that one more time, please.

19 Q. Okay. You -- we're assuming that  
20 you're on the Commission.

21 A. Uh-huh.

22 Q. You've been elected as a commissioner.

23 A. Uh-huh.

24 Q. Someone wants to talk to you about a  
25 matter that either is currently before the



1 Commission or could be before the Commission.

2 What would you do if someone approached you wanting  
3 to talk about those kinds of matters?

4 A. I would have someone else with me to  
5 hear the whole matter the subject. I wouldn't have  
6 a one-on-one with that individual.

7 Q. Okay. Are you aware that commissioners  
8 are subject to the judicial code of conduct as well  
9 as state ethics laws?

10 A. Yes, I am.

11 Q. And can you describe the five canons in  
12 the Code of Judicial Conduct?

13 A. Uh-huh. You want to stay away from  
14 impartiality. You want to avoid any kind of  
15 seniority or any kind of atmosphere that would  
16 appear to be seen as impropriety. Oh, go ahead.

17 Q. Okay. What do you consider to be  
18 appropriate use of social media pursuant to the  
19 judicial canons?

20 A. Ask me that again.

21 Q. If you were elected to the Commission  
22 and you were serving as a commissioner what would  
23 be the appropriate use of social media?

24 A. Newspaper, Twitter. If I'm  
25 understanding your question correctly, social media

1 based off my son whom I'm not much into social  
2 media. Facebook, Twitter. When you say  
3 appropriate I'm just assuming that that's the  
4 proper language or --

5 Q. Is that something that you would use as  
6 a commissioner?

7 A. Oh, no. I wouldn't. No. I'm sorry.  
8 No, ma'am. Okay. Thank you. No. No. I would  
9 not.

10 Q. Okay.

11 A. No. I would not.

12 Q. Are you or a member of your immediate  
13 family employed by a utility regulated by the PSC  
14 either currently or within the past two years?

15 A. Yes. My wife is employed with Dominion  
16 Energy. She is an account manager and that has  
17 been brought to my attention. However, we feel  
18 that she's in -- she is just an account manager  
19 who manages accounts.

20 She's not a decision maker. She's not  
21 at a level to be a decision maker. So there's no  
22 kind of way that she could benefit if I'm ever on  
23 the board for a decision for me to make that could  
24 in some kind of way be advantageous.

25 Q. I just want to clarify for the

1 record -- and you mentioned you and I have talked  
2 about this. And would you or would not -- would  
3 you not view this as a potential conflict of  
4 interest if you served on the Commission?

5 A. I personally don't because I know my  
6 wife and her and our relationship in the sense of  
7 integrity. However, if the board sees something  
8 that I don't foresee and they foresee it as a  
9 problem and I was elected or had the opportunity to  
10 be elected and that was -- that was the drawback my  
11 wife told me that she would retire.

12 Q. Do you or a member of your immediate  
13 family have stock or other financial interest  
14 that is directly controlled by you or your family  
15 member of a utility regulated by the Public Service  
16 Commission?

17 A. No.

18 Q. Do you or a member of your immediate  
19 family have stock or other financial interest that  
20 is directly controlled by you or your family member  
21 of a renewable energy company that appears before  
22 the Public Service Commission?

23 A. No, ma'am.

24 Q. Are you or a member of your immediate  
25 family an officer, director, or otherwise involved

1 in the management of any business or enterprise?

2 A. No, ma'am.

3 Q. From which entities did you or a  
4 family member -- I'm sorry -- or a member of your  
5 immediate family receive income within the previous  
6 year?

7 This would not include things like your  
8 IRA, deferred compensation funds, disability,  
9 mutual funds, funds received from a financial  
10 institution in the ordinary course of business  
11 against your retirement?

12 A. If I understand the question correctly  
13 I haven't received any funds outside the --

14 Q. Okay. So -- but your wife is currently  
15 employed by Dominion, correct?

16 A. Uh-huh.

17 Q. Okay. And you would also be receiving  
18 a salary from your currently employer?

19 A. Oh, of course. I'm sorry.

20 Q. Okay.

21 A. Yes. Of course.

22 Q. Yes. Please, if you don't understand  
23 something --

24 A. Yeah. I am --

25 Q. -- I'll try to -- because I know this

1 is a lot of words.

2 A. Well, if I can interject something, my  
3 son is currently enrolled in the -- across the  
4 campus there. I'm supposed to be helping him and  
5 I've been going back and forth with thoughts of  
6 what he's doing over there and what I'm faced with  
7 here.

8 But I assume that you wasn't referring  
9 to our main base income of work. So that's why  
10 I said --

11 Q. Okay. Yes. Please let me know if I  
12 need to clarify anything.

13 A. Yes.

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

16 A. If I understand that correctly I don't  
17 know how there could be a financial conflict.

18 Q. Okay. And what would you do if a  
19 conflict arose?

20 A. I guess I'm trying to think of  
21 something. How could it be a financial conflict  
22 if I'm elected and what --

23 Q. Well, let's just assume something that  
24 pops up in the future that doesn't even exist  
25 today. You're serving on the Commission and

1 there's something that comes up that could be a  
2 conflict. How would you handle that then?

3 A. So if I'm elected and I'm on the  
4 Commission and a financial conflict arises how  
5 would I handle it?

6 Q. Yes, sir. Well, you know what? It  
7 could be -- let's step outside of the financial.  
8 It could be any kind of conflict. Any kind of  
9 conflict of interest.

10 A. Oh, a conflict of interest?

11 Q. Yes, sir.

12 A. Oh, I'm sorry, ma'am. I'm sorry.  
13 Integrity would always be my driving motive.  
14 Integrity would always lead me in my decision as  
15 far as any type of foreseeable conflict. I would  
16 have to -- I would have to allow my morals and my  
17 integrity to be my guide.

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

22 A. No, I'm not.

23 Q. Do you belong to any organization that  
24 discriminates based on any race, religion, or  
25 gender?

1 A. No, I'm not.

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

4 A. If I'm understanding that right,  
5 honesty and forthright.

6 Q. How should they act?

7 A. Huh?

8 Q. How should they act in the treatment of  
9 people?

10 A. The Golden Rule. Do unto others the  
11 way you would have them do unto you is what I would  
12 apply.

13 Q. Would that apply only while on the  
14 bench or apply all the time?

15 A. All the time.

16 Q. And if elected to serve as a  
17 commissioner how would you envision your work  
18 schedule?

19 A. If it makes any sense if I'm  
20 understanding that from my perspective I would say  
21 with enthusiasm because I'm doing something that  
22 I want to do if that makes sense considering --  
23 well, if you're trying to get me to come up with,  
24 oh, it would be hectic and it would really throw me  
25 off, well, when I'm doing what I want to do despite

1 the hours there's an enjoyment to it. There's a  
2 benefit to it.

3 Q. And with the expectation that this is a  
4 full-time position, correct?

5 A. Yes. Yes, ma'am.

6 MS. ANDERSON: Okay. All right. And,  
7 Mr. Chair, there were a few items to discuss in  
8 executive session of a personal and confidential  
9 nature.

10 SENATOR ALEXANDER: By previous action  
11 of this Committee with each candidate that we are  
12 screening we will go into executive session. So  
13 we'll go into that part of the screening process at  
14 this time.

15 (Off-the-record conference.)

16 SENATOR ALEXANDER: We're back  
17 after executive section. No action was taken  
18 in executive section and we will continue with  
19 Ms. Anderson, questions for Mr. Ware.

20 BY MS. ANDERSON:

21 Q. Mr. Ware, what is the purpose of  
22 utility regulation?

23 A. The purpose of the utility  
24 regulation --

25 Q. Yes.



1           A.    -- is to regulate the public utilities  
2 and the transportation companies.

3           Q.    What is a universal service program?

4           A.    I think the universal service program  
5 is where our hearing impaired and speech impaired  
6 are -- no.

7           Q.    How about --

8           A.    That's where everyone is on the same --  
9 everyone should have access to the same  
10 communications services, internet.  Such as that.

11          Q.    Okay.  And what is the dual party  
12 relay?

13          A.    That's the -- that's the one where  
14 speech impaired or hearing impaired through the  
15 telephones -- have an access through the telephone  
16 system to be able to communicate.

17          Q.    Okay.  Mr. Ware, I'm going to ask you a  
18 few questions about some matters that showed up in  
19 the SLED report.

20          A.    Okay.

21          Q.    Between 2009 and 2011 there were a  
22 couple of cases with Chase Home Finance and you.  
23 Can you please describe the circumstances.

24          A.    Yes, ma'am.  I think those were during  
25 the times that I was unemployed.  We was having

1 some financial problems or whatever and so that  
2 inconsistency is pretty much all due to me. It's  
3 just lack of payments at that time.

4 Q. Okay.

5 A. It was some hardship I was  
6 encountering.

7 Q. There was also one in 2011 with South  
8 Carolina Federal Credit Union and FIA Card Services  
9 also in 2011.

10 A. That may -- that's something that's  
11 very similar to the same thing. Those are some of  
12 my downfalls that my wife stepped in and bailed me  
13 out of.

14 Q. Okay. And then there was also another  
15 lawsuit, Charleston Home Rental, back in 2016.

16 A. Are those the same people? Are those  
17 the same people with the --

18 Q. No, sir. Well, this is -- this is  
19 separate from the Chase back in 2011. This was  
20 Charleston County and it was a rule to vacate.  
21 This was back in the middle or latter part of 2016.

22 A. Oh, okay. That's not the apartment  
23 incident?

24 Q. It indicates that the case was settled.  
25 Do you want to take a look?

1           A.    No.  No.  No.  No.  I'm sorry.  I'm  
2    sorry.

3           Q.    That's okay.

4           A.    Does it have an address on it as far  
5    as the location?

6           Q.    It has for this record 4551 Great Oak  
7    Drive, North Charleston.

8           A.    Yes.  Yes.  That's the one.  That's the  
9    one where they're saying that when we were vacating  
10   we took the pictures that we had cleaned out the  
11   house and all this and that and did all that.  Then  
12   they were saying they showed up at the house and it  
13   was all messy and dirty.

14                   Well, if you're going to call the  
15   tenant and they're going to come to know that  
16   you're vacating how could you be waiting on them  
17   and leaving it -- that's what I was getting at.  
18   None of it never made any -- never made any sense  
19   to us with their claim.  That's why I was saying  
20   they have to be having us mixed up with another  
21   rental apartment in that -- in that complex because  
22   it doesn't make any sense.

23           Q.    Okay.  And then there were two liens in  
24   2011, one for 2008 and one for 2009 taxes.

25           A.    Yeah.  I remember you bringing that up

1 and there's another one that doesn't make any sense  
2 because Chase Mortgage I always took the taxes out  
3 of the mortgage payments. So I don't know how -- I  
4 don't know what's going on there.

5 Q. Okay.

6 A. I'm very baffled with that one.

7 Q. Okay. Mr. Ware, have you made any  
8 contributions to members of the General Assembly  
9 since filing of your application?

10 A. No, I have not.

11 Q. Have you sought or received a pledge of  
12 any legislator prior to today?

13 A. No, I have not.

14 Q. Have you sought or been offered a  
15 conditional pledge of support by any legislator  
16 pending the outcome of your screening?

17 A. No, I have not.

18 Q. Have you asked any third parties to  
19 contact members of the General Assembly on your  
20 behalf before the final informal screening report  
21 has been released?

22 A. No, I have not.

23 Q. Are you aware of any friends or  
24 colleagues contacting members of the General  
25 Assembly on your behalf?

1 A. No, I am not.

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

6 A. Yes. I am aware of it.

7 Q. And do you plan to serve a full term if  
8 elected?

9 A. Yes, I am.

10 MS. ANDERSON: Thank you, Mr. Ware.  
11 Mr. Chairman, that's all the questions I have.  
12 For the record, Mr. Ware's test score is 21.

13 SENATOR ALEXANDER: Thank you,  
14 Ms. Anderson. Any comments or any questions  
15 from the Committee members? I will recognize  
16 Chairman Sandifer.

17 REPRESENTATIVE SANDIFER: Thank you,  
18 Mr. Chairman.

19 EXAMINATION

20 BY REPRESENTATIVE SANDIFER:

21 Q. I want to direct your attention --  
22 first of all, thanks for your military service.

23 A. Thank you, sir.

24 Q. I appreciate it and I know that  
25 there are some other veterans up here and we all

1 appreciate the service to our great country.

2 Ex parte. Will you explain to me your  
3 interpretation of the term ex parte communication.

4 A. Initially when she had just asked me  
5 that I was thinking the only thing that came to  
6 mind -- and I remember answering that obviously for  
7 the test because I was more prepared and I haven't  
8 thought about it since then.

9 I have the recollection of it being an  
10 outside -- from two different parties. So it's an  
11 outside influence or outside -- or third party --  
12 vaguely I -- maybe I'm kind of choking on it right  
13 now, but for some reason --

14 Q. All right. Let me ask you a particular  
15 question about it and you tell me. If you were  
16 a commissioner --

17 A. Uh-huh.

18 Q. -- would an ex parte communication be a  
19 conversation with someone who is affiliated or  
20 involved in a particular case?

21 A. I would consider it a nonaffiliation.

22 Q. So that would not be ex parte?

23 A. That would be ex parte.

24 Q. Okay. What if it was a communication  
25 of you and your wife just sitting over dinner at

1 night and you're telling her about the case that  
2 you've heard that day? Is that ex parte?

3 A. Telling her or asking her opinion or --

4 Q. No. Talking with her about it. Just  
5 chatting. I mean, we're just having a good time.  
6 We're having dinner. We may have a glass of wine.  
7 We may do anything.

8 A. Okay. That could be just --

9 Q. But you know, just having a chat about  
10 it, is that ex parte?

11 A. That could be ex parte.

12 Q. Is it or could it be?

13 A. It could be.

14 Q. Okay.

15 A. Am I being partial? You said would it  
16 or could it be? That's the --

17 Q. I said, is it or could it be?

18 A. Yes, sir. I'll say it is.

19 Q. Okay. All right. Glancing  
20 through -- I'm sorry. I had to leave y'all before  
21 for a few minutes. I had something I had to take  
22 care of.

23 One of the things that I see and  
24 that you've done is taught circuitry dealing with  
25 solid-state devices, integrating circuits, all of

1 those things.

2 A. Yes, sir.

3 Q. Okay. How does that prepare you to be  
4 a commissioner on the Public Service Commission?

5 A. Oh, I finally feel comfortable.

6 With the way that technology is going as far as  
7 in generation referring back to clean energy, the  
8 technology required to produce clean energy, the  
9 cost effectiveness of this technology which has  
10 been the biggest question from going over into this  
11 area from traditional coal, et cetera is that it  
12 was bulky electronics.

13 It required a large size to produce  
14 green energy. Now with the advent of semiconductor  
15 devices, mastering the semiconductor devices that  
16 are almost the size of the tip of my finger, clean  
17 energy and power can almost be generated as cheap  
18 as coal now because of these devices.

19 Getting into the circuits and their  
20 inner working in the semiconductor field, the  
21 field-effect transistors, the integrated field-  
22 effect transistors, the bipolar transistors, all  
23 these devices and the switching devices is what's  
24 making it possible for us to switch over from let's  
25 say coal, other power-producing devices, into clean



1 energy that's able to do this switching without the  
2 burning of such fuel, the polluting of the air, the  
3 reproducing of our power and shaping it into usable  
4 three-phase power.

5 It's what's making it very competitive  
6 and allowing us here in the US to eventually catch  
7 up with Europe in the sense of --

8 Q. Mr. Ware, I understand what you're  
9 saying. I'm saying, how would that affect --  
10 that knowledge affect your decisions regarding  
11 applications that come before the Commission for  
12 rate increases, decreases, and all of these  
13 things? How would your knowledge of those minute  
14 devices affect your decision-making capability?

15 A. I understand and it's very -- it's a  
16 very good question. That knowledge if on the  
17 board -- if ideals or if topics arose to the  
18 Commission for things in the future I feel my  
19 background will enable me to do research on these  
20 topics as well as being able to present them before  
21 the Commission based off my teaching ability for  
22 things that the Commission will be faced with in  
23 the future as far as this growth and change in  
24 technology.

25 Q. Okay. And one of the statements that

1 you made early on in your presentation today is  
2 that the PSC would have a background of protection.  
3 Will you explain that terminology for me.

4 A. Oh, no. You must have misunderstood  
5 that. I'm saying my background in the utility  
6 industry was mainly into -- was in protection.

7 Q. Protection of what?

8 A. Protection of the utility system,  
9 whether it be generator, transmission lines,  
10 transformers, or a term that you may -- may be more  
11 familiar with is I was a relay engineer for many  
12 years.

13 REPRESENTATIVE SANDIFER: Okay. I've  
14 got it.

15 MR. WARE: Okay.

16 REPRESENTATIVE SANDIFER: All right.  
17 That's it. Thank you very much. Mr. Chairman.

18 SENATOR ALEXANDER: Other questions?

19 EXAMINATION

20 BY SENATOR ALEXANDER:

21 Q. Could you just briefly tell me -- it  
22 says that you work with -- is that right --  
23 Charleston Electric Training Alliance?

24 A. Yes, sir.

25 Q. Just briefly, what is that training

1 alliance?

2 A. IBEW which you see that symbol  
3 everywhere, IBEW with the lightning bolt going  
4 through it. It's always associated in like every  
5 city where there's a union at with a local number,  
6 776-846, which is that -- that chapter's number.

7 CETA, Charleston Electrical Training  
8 Alliance, we are outsourced by IBEW to do their  
9 training for their electricians. It's a four-year  
10 program. Once they go through the four-year  
11 program they come out as journeymen. So CETA is  
12 outsourced from IBEW to do their training for their  
13 electricians, for the electricians that are in the  
14 Union of IBEW.

15 Q. So if you were elected to the  
16 Commission and that's a full-time job would you  
17 terminate anything else that you were doing from an  
18 employment standpoint?

19 A. If needed to I would, but if it was  
20 possible I could still teach a class or two and it  
21 didn't interfere. But I would consider this  
22 obviously priority.

23 But I can't just say for sure I would  
24 automatically just quit if I was able to continue  
25 to -- unless there was a foreseen conflict that I'm

1 not aware of, me still teaching a class or two  
2 through CETA that I'm not aware of.

3 SENATOR ALEXANDER: Any other  
4 questions?

5 (No response.)

6 SENATOR ALEXANDER: If not, Mr. Ware,  
7 we appreciate your willingness to serve and being  
8 here with us this afternoon and being responsive.  
9 We thank you for your time.

10 MR. WARE: Thank you.

11 SENATOR ALEXANDER: Good afternoon.  
12 Again, we're continuing our screening for the  
13 Public Service Commission Seat 1. Now before us  
14 is Carolyn 'Carolee' Williams. I appreciate you  
15 being here with us this afternoon.

16 MS. WILLIAMS: Thank you.

17 SENATOR ALEXANDER: I'm going to  
18 acknowledge the court reporter and ask that she  
19 swear you in for the screening this afternoon.

20 CAROLYN LEONE WILLIAMS  
21 being first duly sworn, testified as follows:

22 SENATOR ALEXANDER: Thank you. Then I  
23 will recognize Mr. Davidson.

24 MR. DAVIDSON: Thank you, Mr. Chairman.  
25 Good afternoon, Ms. Williams. Ms. Williams earned

1 a Bachelor of Arts degree in History from Wake  
2 Forest University in 1979.

3 She also earned a Masters degree in  
4 Urban and Environmental Planning from the  
5 University of Virginia in '82. Ms. Williams most  
6 recently served as Lowcountry Field Director and  
7 Land and Water Program Director for the  
8 Conservation Voters of South Carolina from 2017  
9 to 2019 where she led land and water protection  
10 advocacy for the group.

11 Prior to this Ms. Williams served as  
12 a project manager for the Department of Planning,  
13 Preservation and Sustainability for the City of  
14 Charleston from 1992 to 2017 where she represented  
15 among other things the City of Charleston on the  
16 Bureau of Ocean Energy Management's Renewable  
17 Energy Task Force and on its Resilience  
18 Initiatives.

19 Ms. Williams was responsible for  
20 the management of Charleston's Green Business  
21 Challenge. Lastly, she directed the planning for  
22 the city's Downtown Plan and represented the city  
23 in the creation of the Community Pier Plan. From  
24 '86 to '92 Ms. Williams served as planning  
25 administrator for the Department of Planning and

1 Urban Development for the City of Charleston.

2 From '89 to '92 Ms. Williams served as  
3 an instructor in urban planning for the College of  
4 Charleston. From '85 to '86 Ms. Williams served  
5 as a planner for the City Planning Department for  
6 the City of Cincinnati, Ohio. From 1982 to 1985  
7 Ms. Williams served as a planner for the Department  
8 of Planning and Urban Development for the City of  
9 Charleston.

10 Ms. Williams, do you have any changes  
11 that you would like to make to the personal data  
12 questionnaire you submitted with your application?

13 MS. WILLIAMS: Potentially I do. I  
14 was rereading it this morning and I indicated my  
15 youngest son's job. That changed as of last  
16 Friday. Does that -- would that need to be  
17 adjusted? It is still with Department of Natural  
18 Resources. He's a law enforcement officer.

19 MR. DAVIDSON: Is he a member -- does  
20 he live with you?

21 MS. WILLIAMS: No, he does not.

22 MR. DAVIDSON: Okay. We'll let the  
23 record reflect that for you now. Normally a member  
24 of the immediate family are those within your  
25 residence.

1 MS. WILLIAMS: Right. Right.

2 MR. DAVIDSON: Thank you. No other --

3 MS. WILLIAMS: No.

4 MR. DAVIDSON: -- amendments, correct?

5 MS. WILLIAMS: That's correct.

6 MR. DAVIDSON: Thank you. Mr.

7 Chairman, I would request that Ms. Williams'  
8 personal data questionnaire be entered into the  
9 record with any confidential information being  
10 redacted.

11 SENATOR ALEXANDER: So ordered.

12 (EXHIBIT 6, Personal Data Questionnaire  
13 of Ms. Carolyn Leone 'Carolee' Williams, was marked  
14 for identification.)

15 MR. DAVIDSON: As a part of our  
16 background investigation of the candidate we  
17 obtained a credit check, driver's license, and  
18 SLED check. Any questions of a confidential or  
19 personal nature will be taken up in executive  
20 session.

21 Before we get begin the questioning,  
22 Ms. Williams, do you have a brief statement that  
23 you would like to make?

24 MS. WILLIAMS: I do. Thank you very  
25 much. It is an honor to be before you today. Over

1 the past -- from my applications and following your  
2 decisions and the Public Service Commission's  
3 decisions my respect for the opportunities and the  
4 challenges have matured.

5 I come before you today, having been  
6 found qualified in two previous reviews. I know  
7 that I'm more qualified for the job than ever  
8 before, but the point of saying that is to say that  
9 I've learned more and I also know how much I don't  
10 know.

11 I have a deeper understanding of just  
12 how much there is to learn and I assure you I'm  
13 ready for that challenge and will dedicate myself  
14 to that learning. As you can imagine, I had to  
15 give my desire to be a candidate for the Public  
16 Service Commission deep and serious thought before  
17 running again. I want to share my rationale with  
18 you because it gives you some insight into my  
19 philosophy and my heart and my hopes for the Public  
20 Service Commission and my potential role on it.

21 When I applied to become a candidate  
22 in 2013 and 2016 I did so primarily as a  
23 professional opportunity, one that seemed like a  
24 natural extension of my worlds of energy and water  
25 efficiency and my work in renewable energy with the



1 City of Charleston. In 2020 our State's Public  
2 Service Commission has, as you know, a greater  
3 breadth of challenges and opportunities before it.

4 This time it's still a professional  
5 opportunity, but it's also -- there's an element of  
6 a moral calling that brings me here today. I  
7 offered myself as a candidate who promises to be  
8 impartial and fair, who will be entirely dedicated  
9 to the subject matter, and to consider the needs of  
10 the consuming public as well as the potential  
11 utility providers. All potential ones.

12 Further, I see great opportunities to  
13 support resilience of South Carolina from both a  
14 business and a citizenry perspective. For our  
15 state we need individuals to serve who will commit  
16 themselves to learning the subject matter with zest  
17 and vigor. In my 30 plus years of a public servant  
18 created vast opportunities for me to have a  
19 diversity of work to which I had to -- was tasked.  
20 I had to learn a great amount and was able to excel  
21 in it.

22 And so I give you a quick rendition  
23 of my work experience as evidence of my past  
24 willingness to accomplish new work with in-depth  
25 analysis and a commitment to excellence. My point

1 in picking these examples is that these are just --  
2 each step there was new information to be learned  
3 and new skills to be acquired just as there would  
4 be if I was selected as a public service  
5 commissioner.

6 I began as a planner annexing  
7 properties into the City of Charleston -- this will  
8 be brief -- and coordinated with local utilities on  
9 extension of energy, and water, and sewer services.

10 Later I had a leadership role where I  
11 led the city's long-range planning overseeing growth  
12 management and looking at a wide variety of plans  
13 that included infrastructure extension. Most  
14 recently I managed projects working with citizens,  
15 donors, and contractors on projects as diverse as  
16 the Maritime Center, the Lowcountry Senior Center,  
17 and the International African American Museum.

18 Later in my career I oversaw the  
19 creation of a business program designed to support  
20 and encourage small and large businesses alike to  
21 be good stewards of energy, and water, and more.

22 Blackbaud, Boeing, SCE&G, Century Aluminum,  
23 Charleston County, Aviation Authority, Charleston  
24 Water System were all participants in this process  
25 as well as a host of smaller businesses.

1           They all focused on saving resources  
2           and money for their bottom lines. Most recently I  
3           helped to organize and execute an event that  
4           exposed interested parties to the benefits of  
5           driving electric.

6           With each change of the  
7           responsibilities there was a major shift requiring  
8           managing growth or being able to talk about  
9           controlling dioxins or being able to coordinate  
10          federal and state funding requests as examples.

11          Should I be deemed to be qualified and  
12          selected to serve as a Public Service Commissioner  
13          I pledge to show that same devotion to mastering  
14          new subject matter required to successfully serve  
15          on the Public Service Commission. Also, our state  
16          needs individuals who can look at both the short  
17          and the long term implications. That's exactly  
18          what a planner is trained to do on the behalf of  
19          the entire community that they focus on.

20          Personally and at my core I cherish  
21          the qualities of fairness and trust. I relish  
22          delving into new information and pursuing new  
23          understandings.

24          Honestly I have missed the role of  
25          being a public servant over the past couple of

1 years. I would welcome the opportunity to serve  
2 again with integrity, and commitment, and zeal for  
3 intellectual understanding as well as pragmatic  
4 solutions.

5 You all know my work history. I know  
6 my mind and my heart. I have a planner's mind and  
7 a respected and honorable civil servant's heart.

8 I constantly look for the greater and  
9 long-term good. I hone my skills to listen and  
10 garner facts and make the best decision possible,  
11 decisions that must not just be for today but for  
12 tomorrow and tomorrow's tomorrow. I welcome this  
13 discussion with you all and thank you for the  
14 opportunity.

15 EXAMINATION

16 BY MR. DAVIDSON:

17 Q. Thank you, Ms. Williams. Could you  
18 please state your name and home address.

19 A. Carolyn Leone Williams, 7 Beverly Road,  
20 Charleston 29407.

21 Q. Are you a registered voter?

22 A. I am.

23 Q. Which congressional district?

24 A. Congressional District 1.

25 Q. Have you attended any hearings of the

1 Public Service Commission?

2 A. I have.

3 Q. Have you read any Commission decisions?

4 A. I have.

5 Q. How could you expect to get up to speed  
6 on the issues confronting the Commission?

7 A. I would do a lot of reading, a lot of  
8 reading of past decisions, a lot of reading and  
9 rereading of the law.

10 I understand that the National  
11 Association of Regulatory Utility Commissioners is  
12 a great way to begin to get up to speed and I would  
13 find trusted colleagues on the Commission to learn  
14 from. I learn a lot by bouncing ideas and hearing  
15 other ideas and -- and organizing my thoughts in a  
16 written manner as well.

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

20 A. The Public Service Commission is  
21 responsible for rate cases and looking -- and more  
22 but looking particularly at the -- being a fair  
23 balance between the public utilities and the  
24 consuming public.

25 Beyond rate-making there is looking at

1 integrative resource plans. There's some element  
2 that relates to siting as well.

3 Q. Do commissioners have any role as an  
4 advocate?

5 A. No.

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

8 A. At its simplest form a rate is based  
9 on operating cost which you need to look at from a  
10 prudent perspective, what's gone into that  
11 operating cost and the choices that the utility has  
12 made there. Then there are the capital costs and  
13 there's a prudence factor there in terms of those  
14 decisions. Then there is a return on investment  
15 that the utilities are -- are earned as a part of  
16 that investment. So striking a balance there also  
17 between that factor and the rates that consumers  
18 pay is the role of the Commission.

19 Q. Are you familiar with the three  
20 advisory opinions issued by the Review Committee  
21 dealing with attendance at legislative receptions,  
22 legislative caucus meetings, and political  
23 gatherings?

24 A. Yes, yes, and yes.

25 Q. Have you attended any legislative

1       receptions or legislative caucus meetings since  
2       submitting your application?

3             A.    I have not.  I have attended delegation  
4       meetings, county delegation meetings.

5             Q.    Have you attended any political  
6       gatherings since your submitting your application?

7             A.    The one exception to that is that I  
8       serve on a neighborhood board.  The city of  
9       Charleston has nonpartisan elections and our  
10      neighborhood board held a council district forum  
11      where no one endorsed a candidate.

12            It was an opportunity to come and learn  
13      what the two candidates for city council -- again  
14      nonpartisan -- what their perspectives were.

15            Q.    Could you please explain the general  
16      rule regarding ex parte communications as it  
17      relates to the Public Service Commission.

18            A.    Commissioners should not participate  
19      in any ex parte communication that relates to  
20      subject matter that is before the Public Service  
21      Commission in cases.

22            There is an opportunity certainly to  
23      have allowable ex parte communication and there's  
24      application process through which that can happen.

25            Q.    Assume you are serving on the

1 Commission and you are approached by someone  
2 wanting to discuss a matter that is or may become  
3 an issue in a proceeding. How would you handle  
4 that situation?

5 A. As quickly and as delicately but as  
6 clearly as possible I would indicate that we needed  
7 to stop that conversation.

8 I would ask them to consider the  
9 alternatives in terms of presenting that material  
10 and direct them to the office of regulatory  
11 services staff who could talk with them.

12 Q. Are you aware that commissioners are  
13 subject to the judicial code of conduct as well as  
14 state ethics law?

15 A. Yes, I am.

16 Q. Could you briefly describe the five  
17 canons in the Code of Judicial Conduct.

18 A. I think of them as all about integrity.  
19 So in my mind -- and this tells you a little bit  
20 about how I organize things -- there's public  
21 integrity. That really has to do with ensuring  
22 that nothing that you do is improper and that  
23 there's not even an appearance of impropriety and  
24 holding -- withholding the independence of the  
25 judiciary.



1           And then there's professional integrity  
2           and that really has to do with working in such a  
3           manner that you don't -- there's not a conflict  
4           of interest, that you're fair and impartial.

5           There's -- I'm always afraid I will  
6           forget one, but -- so there's also kind of the  
7           political integrity and fundraising and that'll  
8           really not being involved in any partisan or  
9           political matters and not fundraising unless it's  
10          with other judges.

11          And I've left one of them out and --  
12          personal. Personal, I think. And that's really  
13          about again avoiding conflict of interest, living  
14          your life in such a manner that you are not -- that  
15          you're not bringing any questions to the process.  
16          If you want me to go into more detail on any of  
17          these --

18           Q.    I think that's sufficient.

19           A.    Okay. Good.

20           Q.    Thank you. Would you -- what would you  
21          consider to be the appropriate use of social media  
22          pursuant to those judicial canons?

23           A.    Not making any statements about cases  
24          or about politics and really, really limiting your  
25          involvement. I have considered removing myself

1       except maybe for family because it does seem to  
2       me there's a slippery slope that when you read  
3       something that perhaps you shouldn't read or it  
4       causes a reaction it's maybe best to just stop and  
5       not expose yourself to that.

6                So that's -- that's a consideration  
7       that I'm willing to make.

8                Q.     Are you or a member of your immediate  
9       family employed by a utility regulated by the  
10      Public Service Commission either now or within  
11      the past two years?

12              A.     No.

13              Q.     Do you or a member of your immediate  
14      family stock or other financial interests that is  
15      directly controlled by you or your family member of  
16      a utility regulated by the Commission?

17              A.     We do not.

18              Q.     Do you or a member of your immediate  
19      family have stock or other financial interest that  
20      is directly controlled by you or your family member  
21      of a renewable energy company that appears before  
22      the Commission?

23              A.     No, we do not.

24              Q.     Are you or a member of your immediate  
25      family an officer, or director, or involved in the

1 management of any business enterprise?

2 A. Yes.

3 Q. Could you please identify the business,  
4 its purpose, and your family member's role.

5 A. Sure. My husband is the President of  
6 Osprey Construction. They build homes on Kiawah  
7 and Seabrook Islands. What more would you like  
8 to --

9 Q. I think that's sufficient. Thank you.

10 A. Okay.

11 Q. This next question is a little bit  
12 long; so if you need me to clarify please let me  
13 know.

14 A. Thank you.

15 Q. The question is, what entities did  
16 you or a member of your immediate family receive  
17 income within the previous year?

18 Now, this does not include IRA or  
19 deferred compensation funds, disability, mutual  
20 funds, pensions, retirement, or funds received from  
21 your financial institutions in the ordinary course  
22 of business.

23 A. Okay. My husband received a salary  
24 from Osprey Construction. I was an employee of  
25 Conservation Voters of South Carolina through

1 August of this year and then I am retired from the  
2 state. So I have the PEBA retirement account as  
3 well.

4 Q. If elected would there be any potential  
5 conflicts of interest, financial or otherwise?

6 A. I do not believe so. The only element  
7 in my application that I included is that my son  
8 works as a government affairs director for the  
9 Home Builders.

10 The Home Builders has had one case  
11 before the Public Service Commission. It is a  
12 choice that they made to be a party in that they  
13 will make a choice not to be a party on future  
14 cases. It's not a primary focus on their part.

15 Q. I understand. And the Conservation  
16 Voters, if they were a party?

17 A. I would not have any conflict of  
18 interest. I would -- I would certainly think  
19 they -- they are not a party. If they were then I  
20 think that would be something I would need to talk  
21 to the chairperson about, but personally I do not  
22 feel that I have an inherent conflict of interest.

23 Q. I understand. And a good segway would  
24 be, what would you do if a conflict of interest  
25 arose?

1           A.     Scrutinize within myself first and  
2 really understand what the dilemma and the dynamics  
3 are. I'd let the Chair of the Commission know.

4                     I have also seen -- if we decided  
5 that it could move forward I think that there are  
6 opportunities of the Commission to either identify  
7 the potential conflict of interest and then to ask  
8 if any of the parties have any concerns with my  
9 staying on the case --

10           Q.     You --

11           A.     -- but certainly recusing if it could  
12 be complicated.

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

16           A.     I am not.

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

19           A.     I do not.

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

22           A.     Fair, even-tempered, thoughtful, very  
23 aware of each participant in a case.

24           Q.     Does that apply only while you are on  
25 the bench or 24/7?

1 A. 24/7.

2 Q. If elected to serve as a commissioner  
3 how do you envision your work schedule?

4 A. I would imagine that I would -- and  
5 I've always seen my public work as being something  
6 that was full-time and -- and perhaps beyond  
7 full-time, making sure that the work got done.

8 It's really hard at this seat to be  
9 able to say what that would require, but I'm  
10 certainly willing to give it that.

11 Q. Could you briefly describe the term  
12 distributed energy resources.

13 A. That has to do with energy  
14 opportunities that are coming from a variety of  
15 locations. Often that might be renewable energy as  
16 compared to, you know, a gas plant or a coal-fired  
17 plant or a nuclear power plant that is, you know,  
18 isolated and in one location.

19 Q. Could you briefly describe the term  
20 basic facilities charge.

21 A. I'll be honest. I would be guessing.  
22 I might have a good guess, but I -- I mean, you  
23 know, I think that has to do with kind of the  
24 fundamental cost of -- I'm -- kind of at capital  
25 cost, but I'm guessing.

1 Q. Okay. Thank you. Is it appropriate  
2 for a commissioner to express a personal opinion on  
3 an issue that -- in the utility industry?

4 A. No, and I'm thinking about that because  
5 that is -- you know, whether that would be on the  
6 bench or off the bench the answer would be no.

7 MR. DAVIDSON: Thank you. At this  
8 time, Mr. Chairman, I'd ask that we go into  
9 executive session.

10 SENATOR ALEXANDER: Okay. Pursuant to  
11 our previous vote with each candidate we'll go into  
12 executive session.

13 (Off-the-record conference.)

14 SENATOR ALEXANDER: Okay. We are back  
15 in open session. No action was taken in executive  
16 session and I'll return --

17 MR. DAVIDSON: Thank you, Mr. Chairman.

18 BY MR. DAVIDSON:

19 Q. Ms. Williams, as you know, we do a  
20 DMV records check. The search report reported --  
21 revealed an incident report with an individual  
22 with a name similar to yours.

23 You have had an opportunity to  
24 review this. Can you confirm on the record  
25 that individual is not you?

1           A.     That individual is not me. Her middle  
2     initial is A and it's also not me.

3           Q.     Thank you. Also, we do a review of  
4     the public index which revealed 14 lawsuits that  
5     included a named party with a name similar or the  
6     same as yours.

7                     Again, Ms. Williams, you've had an  
8     opportunity to review those and indicated to me  
9     that none of those individuals are you. Could you  
10    confirm for the record that that is, in fact, the  
11    case.

12           A.     Again, I have not counted. So what I  
13    will tell you is that everything that you all have  
14    given me other than my driving record is not me.

15           Q.     Thank you. A few more quick questions.  
16    Have you made any contributions to members of the  
17    General Assembly since filing your application?

18           A.     I have not.

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

21           A.     I have not.

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

25           A.     I have not.



1           Q.    Have you asked any third parties to  
2           contact members of the General Assembly on your  
3           behalf before the final and formal screening report  
4           has been released?

5           A.    I have as I mentioned gone to county  
6           legislative delegation meetings.  As a part of  
7           doing that I did ask some long-term colleagues to  
8           reach out and to just let General Assembly members  
9           know that I was attending that legislative  
10          delegation meeting, but there was no request for --  
11          there was no discussion about a pledge.  It was  
12          purely about my qualifications.

13          Q.    Could you elaborate a little bit more  
14          about the request so that -- if I may to those  
15          individuals.  If I recall correctly I think you  
16          said you asked them to let members of the General  
17          Assembly know that you would be attending those  
18          meetings and --

19          A.    The county delegation meeting.

20          Q.    Did you reference your candidacy or  
21          anything to that effect or to contact them about  
22          you running for the Public Service Commission or  
23          was it simply -- if you may, please elaborate.

24          A.    I don't -- I don't know what was  
25          communicated to the members.  I just know that

1 members were contacted to let them know that I  
2 would be attending and at those county delegation  
3 meetings Commission candidates and judicial  
4 candidates had been attending.

5 What we have done is just announced  
6 who we are, where we're from, what district we're  
7 running in, and maybe depending on the circumstance  
8 less than a minute about your candidacy, what --  
9 your qualifications.

10 Q. Okay. And forgive me for --

11 A. No.

12 Q. -- continuing this same line of  
13 questioning. When you asked friends, colleagues,  
14 et cetera to reach out to members of the General  
15 Assembly when you phrased that did you mention as a  
16 candidate or as a part of your candidacy did you  
17 mention I'm running -- for example I'm running for  
18 your public service commission and will you let  
19 them know that I'll be there?

20 A. I'm not sure that I said that, but they  
21 all know that I'm running.

22 Q. Okay. Are you aware -- and you --  
23 you answered that somewhat. So forgive me. This  
24 question is building upon the last one.

25 Are you aware of any friends or

1 colleagues contacting members of the General  
2 Assembly on your behalf?

3 A. No, I mean, other than that  
4 circumstance.

5 Q. Other than what was previously  
6 mentioned?

7 A. Focused on the County delegation  
8 meetings.

9 Q. Thank you. Are you familiar with the  
10 48-hour rule which prohibits a candidate from  
11 seeking pledges for 48 hours after the report has  
12 been submitted to the General Assembly?

13 A. Yes, I am.

14 Q. Do you plan to serve a full term  
15 if elected?

16 A. Yes. I do.

17 MR. DAVIDSON: Mr. Chairman, I note for  
18 the record that Ms. Williams scored a 72 on the  
19 test and I have no further questions at this time.  
20 Thank you, Ms. Williams.

21 SENATOR ALEXANDER: Yes, sir. Thank  
22 you, ma'am. That will open this up to questions  
23 from members of the Committee. Representative  
24 Mack.

25 REPRESENTATIVE MACK: Mr. Chairman,

1 thank you.

2 EXAMINATION

3 BY REPRESENTATIVE MACK:

4 Q. Ms. Williams, thank you for offering  
5 to run. With your background -- and I, of course,  
6 live in the Charleston area -- you've been very  
7 involved, very impressive in terms of being  
8 involved in so many areas as relates to quality  
9 of life issues and our environment.

10 My question is, sort of going in  
11 what are sort of your general thoughts about  
12 where the PSC may be going in the next five to ten  
13 years, the issues that it would have to deal with  
14 as it relates to energy, telecommunications, water  
15 those type issues? The world is changing. The  
16 environment is changing. Just your general  
17 thoughts on that.

18 A. As I have listened to cases one of  
19 things that strikes me is that as technology  
20 expands what we can do and what we can charge for,  
21 you know, we can -- I have read a lot about time of  
22 use cost.

23 I don't have a sense of where that  
24 would go but it seems to me there is an opportunity  
25 to be more and more finite about the true cost of

1 different kinds of utilities because of digital  
2 opportunities.

3 So that I hope would help us in a more  
4 finite way be able to define actual cost, in an  
5 easier way than we have been able to do in the  
6 past. That's an example. You know, renewable  
7 energy is a great business opportunity in this  
8 state.

9 It is an opportunity that is making  
10 a difference commercially, but it's also an  
11 opportunity for our utility companies. They  
12 have -- you know, they are beginning to be full  
13 participants in that. So I think that's a change,  
14 you know, from the specific sited power plants that  
15 we've had in the past. So I think there will be a  
16 lot of change in that regard as well.

17 REPRESENTATIVE MACK: Thank you.

18 SENATOR ALEXANDER: Chairman Sandifer.

19 REPRESENTATIVE SANDIFER: Thank you,  
20 Mr. Chairman.

21 EXAMINATION

22 BY REPRESENTATIVE SANDIFER:

23 Q. Ms. Williams, thank you for offering  
24 again for this seat. You must be a glutton for  
25 punishment.

1           How does your experience in the various  
2 jobs that you've had over the last number of years  
3 prepare you for making the decisions that you would  
4 need to make on the Commission?

5           A.     The reason that I gave you the long  
6 preamble is that I recognize that there's a lot  
7 that I -- more that I have to learn and I really  
8 commit myself to that undertaking. But in addition  
9 I think that a planner brings the consumer interest  
10 to the table in a way that might not naturally  
11 occur in other potential commissioners.

12           A planner is somebody who in every  
13 meeting you're thinking about both the people who  
14 are there and present and the people who can't be  
15 there because they have a small business or they  
16 have multiple jobs. So I think that part of what I  
17 bring is that kind of understanding and awareness  
18 and listening for those opportunities.

19           I have a deep respect for data. I come  
20 from a family of mathematicians and think in a very  
21 linear kind of way. I think that that leads me to  
22 absorb the facts and then determine from that what  
23 my decision will be.

24           Q.     Okay. And as you look at these  
25 responsibilities how do you view the responsibility

1 of a consumer advocate who now has a role in --

2 A. Right.

3 Q. -- the making of decisions at the  
4 Commission?

5 A. You know, these are all great questions  
6 and obviously for somebody that doesn't serve on  
7 the Commission and without a consumer advocate in  
8 place now that's -- that's a tough question to  
9 answer.

10 But, I mean, I think it's fantastic  
11 that there will be a consumer advocate and somebody  
12 who has that as their one job and I would -- in  
13 terms of my role, you know, I think that that may  
14 be where I listen more closely to what that person  
15 is saying and, you know, dig deeper, ask more  
16 questions, you know, and understand exactly where  
17 they're coming from.

18 Q. And if I take your answer at face value  
19 can you tell me that you would be unbiased?

20 A. I would be. I have --

21 Q. You just told me that you're going  
22 to listen more carefully almost to the consumer  
23 advocate than to the proponents of --

24 A. No.

25 Q. -- whatever might be going on?

1           A.     That's fair and I appreciate your  
2 careful listening. I think I meant that in terms  
3 of the question that you had asked me.

4                     I have served as a foreperson of a  
5 jury and from that experience I can tell you that  
6 it's -- imagine data in and then evaluating and --  
7 and making a decision based on what is being heard.

8           Q.     And I think that that's a good --  
9 good analogy because it's an impartial position  
10 and you're supposed approach it that way. I just  
11 read that what you were saying was that you lean a  
12 little bit the opposite way and there should be no  
13 leaning at all.

14          A.     I agree and I appreciate your calling  
15 me on that.

16          Q.     Okay. And we've talked a lot about  
17 energy issues. What other issues might you be  
18 talking about?

19          A.     Well, one of the cases that I listened  
20 to was -- I think it's frontier communications and  
21 the service -- the lack of service that happened  
22 for a number of days, maybe 20 days.

23                     It was -- the case I think had to do  
24 with the Universal Service Fund and dollars that  
25 are allocated to that telecommunications company



1 that serves as a carrier of last resort. So, I  
2 mean, there's one example. I'm happy to give  
3 you --

4 Q. I mean, I understand communications or  
5 telecommunications and I understand energy of  
6 various types. Well, what else?

7 A. I mean, transportation carriers and  
8 certificate of necessity in need.

9 Q. Okay. Taxis? Buses?

10 A. Much of that happens in the ORS.

11 Q. I know.

12 A. Okay. But I do know that kind of  
13 the understanding of public need and necessity  
14 is a -- is a the role that the Public Service  
15 Commission plays.

16 Q. Okay.

17 A. I do -- I get the dockets. Again,  
18 that's another example of where I see the  
19 transportation carrier information is on the docket  
20 and that certificate of public need and necessity  
21 is there. I have not attended any of those cases.

22 Q. And on the list of things that you have  
23 a substantial background in one of the things you  
24 said was water and wastewater.

25 A. Right.

1 Q. Please describe how you gained that  
2 experience, if you will.

3 A. So that was with the City of Charleston  
4 and the public Charleston Water System which I  
5 understand is not regulated. But on the other  
6 hand --

7 Q. No. I understand.

8 A. -- grinder pump stations and  
9 capacity and, you know, sewage outfall and  
10 drainage, detention ponds are all part of what  
11 we had to consider as the City of Charleston was  
12 growing and the annexing and understanding the  
13 capacity and working closely with Charleston Water  
14 System to ensure that they could meet the needs as  
15 annexation and zoning occurred.

16 Q. Okay. And one of the statements that  
17 you made was fundraising with other judges.

18 A. Right.

19 Q. Tell me how that works.

20 A. I read in the judicial code of conduct  
21 where that the only place where a judge can solicit  
22 money for funds -- for fundraising is from other  
23 judges. I think it's a very tiny piece of the law,  
24 but --

25 Q. I don't -- I'm not aware of it. I'll

1 tell you that right now.

2 A. Okay.

3 Q. I've been doing this a little while and  
4 I was unaware.

5 A. Right.

6 Q. All right. One other thing. With --  
7 you talked about --

8 A. But --

9 Q. Go ahead.

10 A. -- Representative Sandifer --

11 Q. Please.

12 A. -- that was a tiny example of -- no  
13 fundraising is allowed. That was the one example  
14 that I read in the law where it was allowed.

15 Q. Okay. And you talked about the HBA and  
16 your son is here. I know him very well. Being a  
17 party to an issue before the commission and the  
18 Conservation Voters -- same thing -- how do you --  
19 would you recuse yourself in the event that either  
20 of those two bodies or those two organizations were  
21 a party to a case being heard by the Commission?

22 A. Absolutely. Absolutely.

23 Q. But would you ask the Chairman if you  
24 may recuse yourself or would you simply say I  
25 recuse myself because of --

1           A.    I don't know in a pragmatic kind of way  
2           how that works, but my inclination would be that  
3           that would be a circumstance where I could recuse  
4           myself.

5           Q.    Okay.

6           A.    What I was trying to say earlier  
7           is that typically Conservation Voters is not a  
8           party --

9           Q.    No.  I understand.

10          A.    -- and really typically --

11          Q.    I got that --

12          A.    Okay.

13          Q.    -- but I'm using that only as the  
14          example --

15          A.    No.  You're good.

16                    REPRESENTATIVE SANDIFER:  That's all  
17           because Alex is so available to pick on and we have  
18           to do that.  Mr. Chairman, that's all I have right  
19           now.

20                    SENATOR ALEXANDER:  Other questions by  
21           members?

22                                    EXAMINATION

23           BY SENATOR ALEXANDER:

24           Q.    I was just going to clear up one -- I  
25           want to go one place right quick or it may not be

1 quick along with -- I want to go back to this with  
2 contacting. Help me understand. Last night you  
3 and other members as you pointed out have been  
4 going to delegation meetings.

5 There was a Pickens delegation meeting  
6 last night. I was not aware that any of y'all  
7 would be there. How did you know about the  
8 meeting?

9 A. We knew that judicial candidates were  
10 going and --

11 Q. How did you know that?

12 A. I'm reflecting on --

13 Q. Sure. Sure.

14 A. I'm reflecting on how I know that. You  
15 know, I think it is because one of the candidates  
16 for Public Service Commission has friends with  
17 judges and we knew that they were doing that.

18 Q. Okay. So that's how you know knew  
19 about the meeting and then y'all decided --

20 A. Right. We attended Horry County. We  
21 attended Richland, Lexington. I mean, different  
22 ones of us attended different ones but there were  
23 about seven or eight that we've attended.

24 Q. So under those situations you --  
25 nobody -- you did not make a request to attend

1 the meeting?

2 A. We did. We -- we reached out to the  
3 delegation representative in most cases. Someone  
4 did or each of us did.

5 Q. Okay.

6 A. I should speak for myself. In some  
7 cases I did. In some cases I did not. But in most  
8 cases I knew, you know, we could add ourselves to  
9 the agenda or that there would be an opportunity to  
10 stand and present our qualifications.

11 Q. Okay. Okay. And then getting back  
12 to the -- where you -- how did you phrase that  
13 as far as the -- you had folks who contacted  
14 individuals to -- to -- can you rephrase to me  
15 what you asked folks?

16 A. Sure. To just let -- to let delegation  
17 members that they chose to reach out to know that I  
18 would be attending that delegation meeting. In two  
19 cases the Home Builders attended the delegation  
20 meeting and just kind of stood and said --

21 Q. So --

22 A. -- they were supporting that person and  
23 a judicial candidate as well.

24 Q. So why did you make the request?

25 A. I was not -- why did I make the

1 request? There's a sense when you run for Public  
2 Service Commission that you need to distinguish  
3 yourself from all of the other candidates that are  
4 running.

5 That was a way to begin to distinguish  
6 myself. I will be honest. When I read the  
7 transcript last week and when I read the -- from  
8 early 2019 I saw that in a new light.

9 I had -- I knew not to ask for a pledge  
10 of support, but what I did not realize was that  
11 there was a question as to any third party reaching  
12 out at this point.

13 REPRESENTATIVE: Okay. Chairman  
14 Sandifer.

15 EXAMINATION

16 BY REPRESENTATIVE SANDIFER:

17 Q. Ms. Williams, I want to follow up with  
18 what the Chairman has been discussing --

19 A. Right. I understand.

20 Q. I've got several questions about it.  
21 Were any other PSC candidates from the First  
22 Congressional District there?

23 Did they ask to be there and was  
24 anybody there standing up other than Home Builders  
25 saying that they supported you?

1           A.    The answer to the last question is no  
2    and --

3           Q.    Okay.  So it was only the Home  
4    Builders?

5           A.    Yes.  Yes --

6           Q.    Okay.

7           A.    -- and that was in two delegations'  
8    meetings.  I don't know who else might have asked  
9    or attended, but I have not seen anyone else from  
10   the First Congressional District at the legislative  
11   delegation meetings.

12          Q.    Okay.  And which two legislative  
13   delegation meetings did you attend?

14          A.    No.  I attended -- no.  What I was  
15   saying was that the Home Builders attended the  
16   Lexington and the Richland.

17          Q.    Okay.

18          A.    I attended six or seven of them.

19          Q.    So Charleston, Beaufort, Berkeley,  
20   Dorchester?

21          A.    Nope.

22          Q.    Okay.

23          A.    Horry, Pickens, Greenville,  
24   Spartanburg, Aiken, Anderson.  I'm missing one.

25          Q.    Okay.  Did anyone else at any of these



1 say that they supported you?

2 A. No.

3 Q. Okay.

4 A. I understand.

5 Q. This is kind of a slippery slope.

6 A. I understand. I did not when I did it.

7 I'll tell you that, you know, in the past when I  
8 have run I have been working full time. I am not  
9 now and it has given me --

10 Q. I know the difference.

11 A. It's given me the opportunity and  
12 I'll say on the one hand before I realized it was a  
13 questionable -- or maybe more than that -- area --  
14 it has been fascinating to get to know the state by  
15 attending the county delegation meetings. That's  
16 sincere and if I have -- if I did overstep, you  
17 know, I understand the consequences but I also did  
18 it without any understanding of --

19 Q. Well --

20 A. Like I said, I knew I could not ask for  
21 a pledge, a future pledge, a hint at a pledge. I  
22 was just presenting qualifications.

23 REPRESENTATIVE SANDIFER: That's all.

24 Thank you.

25 SENATOR ALEXANDER: Senator from Horry.

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EXAMINATION

BY SENATOR RANKIN:

Q. Ms. Williams, thank you for being back and ready, willing, and able yet again to offer for service. I want to commend you for that.

A. Thank you.

Q. I want to ask you specifically first in this line of this pledge prohibition and the rule is this, and I'm just -- I'll hear it and then I'll ask you a couple of questions: No candidate for or person intending to become a candidate for PSC may seek directly or indirectly a pledge of the member of the General Assembly's vote or contact directly or indirectly a member of the General Assembly regarding the screening for the PS Commission until qualifications for that office have been determined by PURC and, two, the Review Committee has formally released its report as to the qualification for all candidates for the office to the General Assembly.

For the purpose of this section, quote, indirectly seeking a pledge, end quote, means the candidate or someone acting on behalf of and at the request of a candidate requests a person to contact a member of the General Assembly on behalf of the candidate before nominations are formally made by

1 the Review Committee.

2 My question to you: Do you think you  
3 have violated that?

4 A. When I look at that single paragraph I  
5 have to agree. It was not my understanding until I  
6 read the transcripts from 2019 and went back and  
7 reread this section.

8 Q. So -- well, I appreciate that answer.  
9 I didn't expect that answer --

10 A. I am --

11 Q. -- with this banter, but nonetheless  
12 I'll give you another chance not to change your  
13 answer. But did you directly or indirectly seek  
14 the pledge of a member of the General Assembly's  
15 vote or contact them regarding screening?

16 A. I did not. I did not regarding  
17 screening.

18 Q. Right.

19 A. I presented qualifications. That was  
20 the intent. That was all that happened. But I  
21 recognize that there is -- the latter part of 935  
22 calls for some scrutiny there.

23 Q. So your attendance at these delegation  
24 meetings -- and I wasn't at the Horry delegation  
25 meeting. I think it was parents' weekend if this

1 is in the fall for my daughter.

2 So I didn't see you there. But you are  
3 there presenting yourself? I'm --

4 A. Exactly. It's your name, what you're  
5 running from for, where you're from, and maybe  
6 30 second of your background, your qualifications.

7 Q. All right. So, again, for the record  
8 you did not seek --

9 A. No.

10 Q. -- directly or indirectly --

11 A. No.

12 Q. -- a commitment or pledge to vote for  
13 you?

14 A. No. I did not.

15 Q. All right. Is there -- you said you're  
16 not employed now, but it doesn't look that way  
17 based on your resume and activities.

18 Are you still involved with everything  
19 going on in Charleston or just half of everything  
20 going on in Charleston? Spoleto.

21 A. Right.

22 Q. On, and on, and on. I mean, what are  
23 you going to have to give up if you're successful  
24 in this bid?

25 A. Spoleto is to be determined but I love

1 the hospitality element of that. It is a very  
2 short-term three-weekend-kind-of job. So I am  
3 willing to give it up and I alerted them a couple  
4 of days ago when we were talking about this session  
5 that I might.

6 I also might try to balance it all, you  
7 know, season by season. I did end my employment  
8 in August of this year and I am rolling off of my  
9 neighborhood association board. So I'm ready. I'm  
10 eager.

11 Q. Is that neighborhood association board  
12 tenure similar to HOA service? Perhaps your son  
13 might answer for you on that.

14 A. I roll off in January.

15 Q. Very good. Last -- two things and  
16 then I'm done hopefully. You were at Columbia  
17 College in '74 for some period of time. Did you  
18 meet Ms. Ludy?

19 A. I did not. I was there for the summer.  
20 If you named my chemistry professor I might be able  
21 to tell you who that -- I might be able to say,  
22 yes, I had him because he was gorgeous.

23 SENATOR RANKIN: Madam Court Reporter,  
24 strike that last response from the record without  
25 objection. Do I hear an objection? Son, you

1 didn't hear that either.

2 BY SENATOR RANKIN:

3 Q. Ms. Ludy, of course, was the famous  
4 olympic track star, I believe --

5 A. Okay.

6 Q. -- of the Ludy Bowl --

7 A. Okay.

8 Q. -- had you gone to school there.

9 A. I was there for two months in the  
10 summer as part of -- as being a high school  
11 student.

12 Q. Okay. The last question in terms  
13 of your -- now, how many times have you been  
14 before her?

15 A. This is the third.

16 Q. Has it gotten harder or easier?

17 Ultimately is this a fair process both  
18 in the testing and the interview and your vetting  
19 that we conduct?

20 Fair and are we -- are we going after  
21 the right information?

22 A. I would be happy to talk about that in  
23 more detail --

24 Q. But --

25 A. After --

1 Q. -- I'm not looking for a lot of detail.

2 A. I know, but I think that the test is  
3 the best thing about the process. I -- not that  
4 I -- no offense to you all, but I think that the  
5 test requirement is key to being able to understand  
6 capabilities and what someone knows now.

7 SENATOR RANKIN: Thank you.

8 SENATOR ALEXANDER: Other questions?

9 EXAMINATION

10 BY SENATOR ALEXANDER:

11 Q. Thank you for -- let me just go back  
12 one more time, not the attending. I get the  
13 attending delegation meetings. I get --

14 A. Right.

15 Q. -- getting to recognize and stuff.  
16 Okay. So if I understood you correctly somebody  
17 knows a delegation meeting and they kind of just  
18 spread the word? Is that kind of --

19 A. The judicial candidates do that. I  
20 don't know that Public Service Commission  
21 candidates have done it in the past, but knowing  
22 that the judicial candidates were doing it and we  
23 were kind of a judicial light screening process it  
24 made sense.

25 It also was not partisan. It was our

1 understanding that attending delegation meetings  
2 were allowed.

3 Q. Again, I hear that. I guess I'm going  
4 back to the part where you said that you had --  
5 if I understood you correct that you had  
6 individuals contact -- what -- what did you say  
7 about attending?

8 Help me again with what you said. You  
9 made contact with individuals to make them aware?

10 A. To have them reach out to attendees of  
11 the delegation meeting that -- that I was going to  
12 be attending.

13 SENATOR ALEXANDER: Okay. Thank you  
14 for being here this afternoon. We appreciate your  
15 willingness to serve and -- we appreciate you. So  
16 we'll go in according to this. Do I have a motion  
17 that we go into executive session?

18 REPRESENTATIVE SANDIFER: I so move.

19 SENATOR ALEXANDER: Pursuant to Section  
20 30-4-7 and for receiving legal advice pursuant  
21 to Section -- pursuant to Section 30-4-70(a)(2)  
22 we have a motion to do that. Do we hear a  
23 second?

24 REPRESENTATIVE FORRESTER: Second.

25 SENATOR ALEXANDER: We have a second.



1 Any revocation on the motion?

2 (No response.)

3 SENATOR ALEXANDER: All in favor, say  
4 aye.

5 (Board members stated aye.)

6 SENATOR ALEXANDER: Members and proxy  
7 accounted for. It's unanimous. We'll go into  
8 executive session.

9 (Off-the-record conference.)

10 SENATOR ALEXANDER: We are out of  
11 executive session. There was no action that was  
12 taken in executive session. Do I hear a motion  
13 that we adjourn?

14 REPRESENTATIVE SANDIFER: I so move.

15 SENATOR ALEXANDER: All in favor, say  
16 aye.

17 (Board members stated aye.)

18 SENATOR ALEXANDER: The ayes have it.  
19 We stand adjourned until 9:00 AM in the morning.

20 (The hearing was concluded at 5:20 PM  
21 on December 7th, 2019 to resume on December 8th,  
22 2019.)

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CERTIFICATE OF REPORTER

I, Priscilla Nay, Court Reporter and Notary Public for the State of South Carolina, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 3rd day of February, 2020 at Charleston, Charleston County, South Carolina.



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Priscilla Nay,  
Court Reporter  
My Commission expires  
December 2, 2021

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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign  
require rejection of the deposition in whole or in  
part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES  
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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