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SCREENING HEARINGS

July 20, 2020

South Carolina Public Service Commission

REPORTER: Kathryn Bostrom

1 STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE

2
3 PUBLIC SERVICE COMMISSION

4 SCREENING HEARINGS

5 MONDAY JULY 20, 2020
6
7

8 The within hearings, before the Public Utilities
9 Review Committee, reported by Kathryn B Bostrom, Court
10 Reporter and Notary Public in and for the State of South
11 Carolina; said hearings were taken at the Gressette
12 Building, 1101 Pendleton Street, Room 105, Columbia, South
13 Carolina, on Monday, the 20th day of July, 2020, commencing
14 at the hour of 11:12 a.m.
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APPEARANCES:

Senate Members:

Thomas C. Alexander, Chairman

Luke A. Rankin, Sr. (via Zoom)

Senate Public Member:

Margaret "Marti" Bluestein (via Zoom)

Don Jones (via Zoom)

House Members:

William E. Sandifer, Vice Chairman

P. Michael Forrester (via Zoom)

David J. Mack (via Zoom)

House Public Members

John S. Simmons (via Zoom)

Richele Taylor (via Zoom)

Committee Staff

Heather Anderson, Esquire

Steve Davidson, Esquire

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Court Reporter's Legend:

dashes [--] Intentional or purposeful
 interruption
 [ph] Denotes phonetically written
 [sic] Written as said

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

2 SENATOR ALEXANDER: Do I have a motion to go into
3 executive session to discuss potential employment
4 pursuant to Section 30-4-70, and to receive legal
5 advice pursuant to Section 30-4-70A2.

6 REPRESENTATIVE SANDIFER: So moved.

7 SENATOR ALEXANDER: So I have a motion represented from
8 Representative Sandifer, is there a second for
9 that motion?

10 REPRESENTATIVE FORRESTER: Second.

11 SENATOR ALEXANDER: Numerous seconds. Is there any
12 objection to us going into executive session?
13 Hearing none, the chair declares its unanimous
14 that we go into executive session for the
15 purposes outlined above.

16 EXECUTIVE SESSION WAS HELD FROM 11:13 - 11:32 AM

17 SENATOR ALEXANDER: I will tell you the veil has been
18 lifted and that no action was taken in executive
19 session.

20 I'm going to go ahead and make some opening
21 remarks if I could. I appreciate everyone's
22 patience as we get things addressed. And also
23 like to recognize that we are practicing social
24 distancing and all protocols to the best of our
25 ability to go through this process this week.

1 For a few opening remarks, this is the first day
2 of public hearings for the screening of
3 candidates for the public service commission,
4 seats 1, 3, 5 and 7. The application process
5 initially began in August 2019 and public
6 hearings were held on January 7 and 8th of this
7 year. Following those public hearings the review
8 committee found a total of six candidates
9 qualified. No action is taken in regards to
10 nominations. On February 5th, 2020, the general
11 assembly passed a joint resolution that required
12 the review committee to extend the screening of
13 the seats 1, 3, 5 and 7. Advertisements ran from
14 January 26, 2020 through February 23, 2020 and
15 applications were accepted from February 3rd
16 through February 28th, 30 completed applications
17 were received by the application deadline. Since
18 then a number of candidates have withdrawn. The
19 remaining candidates are being screened this
20 week. One of the duties of the review committee
21 is to screen candidates to determine whether they
22 meet statutory qualifications, a baccalaureate or
23 more advanced degrees and two, a background of
24 substantial duration in the expertise in at least
25 one of the following areas: a, energy; b,

1 telecommunications; c, consumer protection and
2 advocacy; d, water and wastewater; e, finance,
3 economics and statistics; f, accounting; g,
4 engineering and h, law. The review committee is
5 also required to consider: one; ability,
6 dedication, compassion, common sense and
7 integrity of the candidates and two; the race and
8 gender of the candidates and other demographic
9 factors to assure nondiscrimination to the
10 greatest extent possible of all segments of the
11 population of the state. We have conducted
12 background investigations of each candidate
13 including credit, law enforcement, and driver's
14 license checks. And accordance with previous
15 screenings by the review committee, the
16 candidates took a written examination to assist
17 us in determining the level of knowledge that
18 each candidate has with respect to substantive
19 public utility issues, ethical constraints
20 applicable to the commission and operation of the
21 commission. We are here today to further
22 question the candidates and give them an
23 opportunity to make any statement with respect to
24 the qualifications and desire to serve as a
25 commissioner. The review committee requests that

1 substantial information during the screening not
2 be shared until after the final candidate has
3 been screened. The candidates are sequestered
4 prior to their screening in order to ensure
5 fairness during the process. However, the
6 purpose of sequestration is defeated if the
7 candidates are contacted or read about what
8 questions are being asked or read about earlier
9 candidates screening online. A transcript of
10 these screenings will be posted online. So that
11 completes my opening comments. Further, I would,
12 as we have done in past screenings, would ask
13 that the committee meet in executive session with
14 each candidate following their public screening
15 to discuss potential employment pursuant to
16 Section 30-4-70A1 and other matters of personal
17 nature where public disclosure would constitute
18 an unreasonable invasion of privacy which are
19 exempt from public disclosure pursuant to Section
20 30-4-40A2. I would entertain a motion, a blanket
21 motion --

22 REPRESENTATIVE SANDIFER:: So moved.

23 SENATOR ALEXANDER: -- so that each applicant is part
24 of each person's screening so we have that
25 motion. Is there a second? Somebody raised

1 their hand there (indicating). Got numerous
2 seconds there on the screen and again from that
3 standpoint is there any discussion on that
4 motion? Hearing none, we'll go to a vote of
5 going into execu at the appropriate time as part
6 of their screening. All in favor, please say,
7 aye.

8 AUDIENCE: Aye.

9 SENATOR ALEXANDER: Is there any opposition to that?

10 So it's unanimous unless I see someone raise
11 their hand in opposition. So that concludes that
12 at this point. Our first candidate this morning
13 -- and this is District One. I'm going to ask
14 that Mr. Robert A. Callahan come forward. Good
15 morning, sir.

16 MR. CALLAHAN: Good morning. How are you?

17 SENATOR ALEXANDER: Doing fine, thank you.

18 WITNESS SWORN

19 EXAMINATION OF ROBERT ARTHUR CALLAHAN

20 BY MS. ANDERSON:

21 Q. Good morning, Mr. Callahan. I'm going to give a very
22 brief overview of your background. Mr. Callahan
23 received a bachelor's degree in civil engineering from
24 Clemson University. He has been employed by Health
25 Facility Solutions since November 2018 where he

1 working for the US Army Corps of Engineers performing
2 quality assurance and safety inspections on projects
3 in Charleston. From 2015 to '18, he worked for NASA
4 as a civil engineer project manager at Armstrong
5 Flight Research Center. During 2015, he served as a
6 civil engineer project manager for Acon. From 2014 to
7 '15, he was employed by the US Army Corps of Engineers
8 as a civil engineer project manager. From 2013 to
9 '14, he worked as a construction inspector for Chattam
10 County Engineering in Georgia. From 2009 to '13, Mr.
11 Callahan was self-employed as a personal, financial
12 planner in construction project consulting. From 2008
13 to '09, he was a senior project manager for Greenhorn
14 & O'Mara. From '92 to 2007, Mr. Callahan was employed
15 with the US Army Corps of Engineers in which he
16 managed and executed planning and programming phases
17 of construction projects. From 1980 to 1992, he was
18 director of public works at Fort Stewart. Mr.
19 Callahan was elected to serve on the Tybee Island City
20 Council from 2015 to '17 and he was appointed to the
21 Tybee Island Planning Commission on which he served
22 from 2011 to 2014. He also served on the GeoVista
23 Credit Union Board of Directors from 1985 to 2009 and
24 as its executive vice-president from 2009 to 2011. He
25 established and managed personal financial services of

1 Georgia from 1986 to 2011. Mr. Callahan do you have
2 any changes that you would like to make to the
3 personal data questionnaire you submitted with your
4 application or any changes you may have previously
5 submitted?

6 MR. CALLAHAN: No changes.

7 MS. ANDERSON: And I request that Mr. Callahan's
8 personal data questionnaire be entered into the
9 record with any confidential information being
10 redacted.

11 (EXHIBIT 1 MARKED FOR IDENTIFICATION
12 PURPOSES (8 pages) - Mr. Callahan's PDQ)

13 SENATOR ALEXANDER: So ordered.

14 MS. ANDERSON: As part of our background investigation
15 we obtained a credit check, driver's license and
16 SLED check on Mr. Callahan. Any questions of
17 confidential or person nature will be taken up in
18 executive session. Before we begin, do you have
19 a brief statement that you would like to make,
20 Mr. Callahan.

21 MR. CALLAHAN: I don't have any prepared remarks but
22 I'd like to thank you for the opportunity to
23 speak to you today and hope you'll look upon my
24 qualifications favorably and select me as one of
25 the public service commissioners.

EXAMINATION

BY MS. ANDERSON:

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

A. Robert Arthur Callahan, 228 Longford Drive, Summerville, South Carolina.

Q. Are you a registered voter?

A. Yes.

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

A. District One.

Q. Why are you interested in serving on the public service commission?

A. Well, I've been in public service pretty much my entire career in one form or another, but never with as influential body as the public service commission. I believe background that I have in engineering and finance, consumer protection and a few other areas qualifies me to be on a public service commission where I could be of service to the state and especially to residents of the state. And at the same time, do my best to be as fair as possible with industry.

Q. Have you attended any hearings at the Commission?

A. Never.

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

2 A. Yes.

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

5 A. Well, I've already attempted to at least to stay up to
6 speed as much as I can by reading newspapers articles
7 and other things that have come out since I moved back
8 to South Carolina about almost two years ago now. I
9 know there has been some problems that need resolution
10 particularly with Santee Cooper. But I have no
11 difficulty -- and I've had to do it at almost every
12 job I've ever had to study, to work hard and do all
13 the things necessary to prepare me to address issues
14 that would come before the planning commission.

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

17 A. Rate setting, areas of coverage.

18 Q. And what are key factors that a commissioner should
19 consider in a rate case?

20 A. Key factors? I would have to say the territory
21 served, the current rate structure and how applicable
22 that is to the current situation and the fairness of
23 any change that's being requested by any other utility
24 companies.

25 Q. And you mentioned fairness? What are some of the

1 parties that you would have to weigh the various
2 interests when you're looking at fairness?

3 A. Well, of course, utility consumers I think would be
4 the primary ones, attempting to set rate structure
5 that would be fair and equitable to the people of the
6 state or territory that's being served. Beyond that,
7 there is a necessity for all these different
8 utilities, of course, electrical, water, sewer, and
9 other utilities. And the companies that provide those
10 services need to be fairly compensated for the
11 services they provide. So I think between the two
12 somewhat competing factions there, the consumers and
13 the utility providers, there's a balancing act that
14 has to take place in order to provide that necessary
15 services at a reasonable cost.

16 Q. Are you familiar with the three advisory opinions
17 issued by the review committee dealing with attendance
18 at one, legislative receptions; two, legislative
19 caucus meetings and three, political gatherings.

20 A. I would say somewhat. I've read the information
21 about that.

22 Q. Have you attended any legislative receptions or any
23 caucus meetings since submitting your application?

24 A. No.

25 Q. And have you attended any political gatherings since

1 submitting your application?

2 A. No.

3 Q. Please explain the general rule explaining ex parte
4 communications as it relates to the public service
5 commission.

6 A. I don't believe I can answer the question.

7 Q. What would you do if someone who had an interest in a
8 case, either currently before the PSC or a matter that
9 could come before the PSC, and they wanted to talk to
10 you in the capacity as a commissioner; how would you
11 handle that?

12 A. Well, first of all, I would try to refuse to meet.
13 But if I were to meet I would think it would need to
14 be with not by myself, it should be with possibly with
15 counsel and other public service commissioners in
16 order to discuss anything with the private party.

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

19 A. Yes, ma'am.

20 Q. Can you describe the Five Canons in the Code of
21 Judicial Conduct?

22 A. I'm afraid I don't have them memorized. I have read
23 them several times.

24 Q. Do you have a general idea of the topics it covers?
25 And if you don't, it's okay. I'm trying to phrase it

1 so it's not as -- it sounds like your answers don't
2 have to be as restrictive.

3 A. I believe one of the topics deals with conflict of
4 interest but my -- I can't tell you any others, I'm
5 sorry.

6 Q. If anything comes to mind later on just let me know
7 and we can go back to that, okay? What would you
8 consider to be the appropriate use of social media
9 pursuant to -- well, if you're a commissioner, what
10 would be the appropriate use of social media?

11 A. I would think that topics or issues that come before
12 the Public Service Commission should not be discussed
13 on social media.

14 Q. Are you or a member of your immediate family employed
15 by a utility regulated by the public service
16 commission either currently or within the past two
17 years?

18 A. No.

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

23 A. No.

24 Q. Do you a or a member of your immediate family have
25 stock or other financial interests that is directly

1 controlled by you or your family member of a renewable
2 energy company that appears before the PSC?

3 A. No.

4 Q. Are you or a member of your immediate family an
5 officer or director or involved in the management of
6 any business enterprise?

7 A. No.

8 Q. What entities did you or a member of your immediate
9 family receive income within the previous year? Now
10 that is not the amount and it would not include things
11 such as IRA, deferred compensation, disability, mutual
12 funds, or funds received from a financial institution
13 in the ordinary course of business?

14 A. I'm sorry. Could you repeat the very first part of
15 that?

16 Q. Yes, sir. What entity did you or a member of your
17 immediate family receive income within the previous
18 year?

19 A. Well, I'm full-time employed as an engineer right now
20 with Health Facilities Solutions which you mentioned
21 in your speaking a while ago. That's where the
22 majority of my income has come from. Also, I'm a
23 recipient of social security and my retirement from my
24 federal/civil service.

25 Q. If elected, would there be any potential conflicts of

1 **interest, financial or otherwise?**

2 A. Not to my knowledge.

3 **Q. What would you do if a conflict arose?**

4 A. I would do whatever was necessary to de-conflict
5 anything that may come up of that nature including
6 excusing myself from any action or anything that even
7 appears to be conflict of interest.

8 **Q. Are you affiliated with any political parties, boards**
9 **or commissions that would need to be re-evaluated if**
10 **you are nominated and elected?**

11 A. No, ma'am.

12 **Q. Do you belong to any organization that discriminates**
13 **based on race, religion or gender?**

14 A. No.

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

16 A. Well, you've got to look good, right? I would say
17 being a good listener would be a good thing to do as
18 part of one's demeanor, with both consumers and
19 utility company representatives, speak out when
20 there's questions that need to be answered or to
21 express an opinion.

22 **Q. And would this demeanor apply solely while on the**
23 **bench or would it apply at all times?**

24 A. Well, I could see how speaking about issues before the
25 Public Service Commission and the context of other

1 than Public Service Commission meetings would be -
2 could cause problems so I don't think - I don't think
3 that should be done. You need to keep Public Service
4 Commission issues strictly with the Public Service
5 Commission.

6 **Q. If elected to serve as a commissioner how would you**
7 **envision your work schedule?**

8 A. Well, that's something I've been trying to figure out
9 to be honest with you. I've looked at the website a
10 number of times and it appears to me and I may be
11 incorrect that based on the different issues that come
12 first of all there's the need to travel to different
13 locales in order to have hearings on different issues
14 that arise. And it looks to me like there's two to
15 three days, maybe more, per week when hearings are
16 being conducted at various times of the day and night.
17 And in-between times from week-to-week, I would
18 imagine that the issues themselves would be what I
19 would concentrate on studying in order to be prepared
20 for each of the meetings.

21 **Q. Mr. Callahan, what are the industries and businesses**
22 **that are regulated by this Public Service Commission**
23 **and what are the commission's duties for each?**

24 A. Well electric utilities, I think, is one of the
25 primary ones, of course. There's also water and sewer

1 and transportation. I can't recall the others. I
2 think there's a total of eight.

3 Q. What are some of the duties of the PSC? What are some
4 of the things that the PSC looks at in regards to say,
5 for example, electric companies.

6 A. The rate structure, I think, is the primary issue
7 that's looked at and service territory is also
8 examined.

9 Q. Can you briefly describe the Public Utility Regulatory
10 Policy Act, also known as PURPA?

11 A. No. I cannot.

12 Q. Are you familiar with Act 62 of 2009 which is referred
13 to as the South Carolina Energy Freedom Act?

14 A. Non verbal response.

15 Q. Are you aware of any recent legislative changes or
16 decisions made by the general assembly in regards to
17 the public service commission, in regards to
18 utilities, not including VC Summer?

19 A. No, I don't believe I am.

20 Q. Okay. And your background and experience you had
21 worked on construction project during your employment
22 with the Army Corps of Engineers and at Fort Stewart.
23 Can you describe a little bit about what these
24 constructions projects were, a little bit more about
25 your work.

1 A. A wide variety of different projects. Buildings,
2 roads, utility systems to serve those buildings. I
3 was typically on the front-end of construction
4 projects, working on the planning phases and design
5 phases of a future construction. The job I have now,
6 however, is during the construction phase watching the
7 building actually, go up and of course, each of these,
8 as I mentioned has utility services and have to be
9 provided, electrical, water, sewer,
10 telecommunications, so forth.

11 **Q. What has been your experience working with the**
12 **different items such as the electric, the water and**
13 **the services to buildings?**

14 A. The analysis of the electrical requirements for a
15 particular facility. The design of the systems to
16 serve those facilities and I sometimes get involved
17 with the building owners in order to ensure that all
18 their utility requirements are taken care of.

19 MS. ANDERSON: Mr. Chairman, at this time would you
20 like to go into an executive session pursuant to
21 the previous motion?

22 SENATOR ALEXANDER: Pursuant to the motion, then we'll
23 go into executive session.

24 EXECUTIVE SESSION WAS HELD FROM 12:01 - 12:06 pm.

25 SENATOR ALEXANDER: Okay. No action was taken in the

1 executive session. So I'll recognize Ms.
2 Anderson.

3 MS. ANDERSON: Okay. So a few more questions, Mr.
4 Callahan. The first few questions are in regards
5 to the SLED check that was done. And there were
6 two lawsuits that involved a party named Robert
7 Callahan. We have spoken about this previously
8 but under oath if you could help the committee
9 with the circumstances of the lawsuits and if
10 they involved you or not.

11 BY MS. ANDERSON:

12 Q. The first one is Heather Lee Nathan versus Britt
13 Callahan in which a Robert Callahan is a named party
14 as a defendant. This lawsuit was filed in Pickens
15 County in July of 2016. Is this you?

16 A. No.

17 Q. And the second case that came back was Robert Andrew
18 Callahan versus Ann Martin and it's a 2009 case. Your
19 application papers indicated Robert A. Callahan? Is
20 this you?

21 A. Well, the "A" in my case stands for Arthur, not Andrew
22 so that is not me.

23 Q. Okay. All right. Thank you, Mr. Callahan. Have you
24 made any contributions to members of the general
25 assembly since filing your application?

1 A. No.

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

4 A. No.

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

8 A. No.

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

12 A. No.

13 Q. Are you aware of any friends or colleagues contacting
14 members of the general assembly on your behalf?

15 A. No.

16 Q. Are you familiar with the 48 hour rule which prohibits
17 a candidate from seeking pledges for 48 hours after
18 the report has been submitted to the general assembly?

19 A. I'm unfamiliar with rule but I'll be happy to abide by
20 it.

21 Q. This is the prohibition where candidates cannot
22 contact either directly or indirectly members of the
23 general assembly prior to 48 hours after the release
24 of a report to the general assembly. Would you plan
25 to serve a full-term if elected?

1 A. I would hope to serve a full-term and possibly more
2 than one.

3 MS. ANDERSON: Thank you Mr. Callahan. Mr. Chairman,
4 I have no further questions. And for the record,
5 Mr. Callahan made a 49 on the test.

6 SENATOR ALEXANDER: Okay. Thank you and we have
7 members that would - may have questions for you.
8 Let me start with one, if I could.

9 Mr. Callahan, during this process the
10 election is for the public service commission is
11 scheduled for I think, September 23rd, if you had
12 the opportunity to serve on the commission when
13 would you be available to begin that work?

14 MR. CALLAHAN: I could begin at any time. I obviously
15 would like to give a couple of weeks notice to my
16 current employer.

17 SENATOR ALEXANDER: Okay. Thank you. Also, you
18 mentioned in your information about consumer
19 affairs that were consumer protection and
20 advocacy and you mentioned the work with Tybee
21 Island, the planning commission and also on city
22 council. Could you just briefly tell me how you
23 would envision that aspect helping you with from
24 a consumer aspect on the commission?

25 MR. CALLAHAN: Well the planning commission dealt with

1 land development issues. Tybee Island is a very
2 small place, 3,000 permanent residents and a very
3 limited capability to accept any more development
4 because it's almost fully developed. But they're
5 always issues that came up where people either
6 wanted to change zoning or add-on to homes and
7 various other things that the planning commission
8 dealt with. I think - you have to understand
9 Tybee Island. Everything on Tybee Island becomes
10 a controversy so again, I think again a lot of it
11 was balancing the needs of the residents with the
12 needs of the island itself and you know, being
13 able to judge which way to go when it came time
14 to vote was - had the greatest influence on
15 consumer protection. And when I was elected to
16 the city council, not only did we deal with the
17 planning commission issues that were referred to
18 the city council but with any other issue that
19 would come up pertaining to the island. That
20 could be new ordinances that might come before
21 city council. It could be requests by citizens
22 on the island or off the island for use of parts
23 of the island for various functions that they
24 wanted to have on the beach. And in order to
25 protect the island, you know, we had to -

1 sometimes we had to modify the request or refuse
2 the request in order to protect the individuals
3 who own property on the island.

4 SENATOR ALEXANDER: Okay, thank you. Other members
5 have questions.

6 REPRESENTATIVE SANDIFER:: I'll yield to somebody --

7 SENATOR ALEXANDER: You'll yield to somebody on screen.
8 Is there anybody on the screen that has a
9 question? Representative Forrester? Don't forget
10 to un-mute.

11 REPRESENTATIVE FORRESTER: Mr. Callahan, thank you for
12 putting yourself up for service. After you took
13 the test and got your results what did you do in
14 preparation for this review?

15 SENATOR ALEXANDER: Did you hear the question?

16 MR. CALLAHAN: I didn't understand.

17 SENATOR ALEXANDER: The question was, if I understood
18 Representative Forrester correctly, is that once
19 you got your test result did you take any action
20 or do anything after receiving that information?
21 Is that right Mr. Forrester?

22 REPRESENTATIVE FORRESTER: That's right, Mr.
23 Chairman.

24 MR. CALLAHAN: Well, I have since I received the test
25 results tried to go back over all the information

1 we were given for the test which we're talking
2 about a stack of study materials that was two or
3 three inches high when you printed it out. But I
4 think obviously from my inability to answer some
5 of the questions I didn't study enough.

6 SENATOR ALEXANDER: Okay. Anything else
7 Representative Forrester?

8 REPRESENTATIVE FORRESTER: No.

9 SENATOR ALEXANDER: Okay. Then Chairman Sandifer.

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

11 Mr. Callahan, I want thank you very much for
12 being here with us today. I want to follow-up on
13 some of the questioning that was done earlier.

14 EXAMINATION

15 BY REPRESENTATIVE SANDIFER::

16 **Q. First of all, my understanding is that you've actually**
17 **been back in South Carolina for approximately two**
18 **years; is that correct?**

19 A. Yes, sir. I moved back from California where I was
20 working for NASA.

21 **Q. Okay. And in those two years how much exposure do you**
22 **feel that you have had to the operations of the public**
23 **service commission?**

24 A. The operations of the public service commission
25 itself, I've had very little exposure to but I've

1 attempted as I mentioned before to keep up with the
2 issues as well as I can.

3 **Q. And you indicated earlier that you did not know what**
4 **an ex parte communication is; is that correct?**

5 A. I can't answer the question, sir, I'm sorry.

6 **Q. Okay. Did you realize and one of the questions was:**
7 **What you thought that the job required as far as time**
8 **doing the job and you indicated two to three days-a-**
9 **week, is that correct?**

10 A. Well, I was trying to say that the two to three days-
11 per-week appear to be from the information I've seen
12 the time spent in hearings but that the time in-
13 between hearings was time to study the issues that
14 would come up in the hearings. It's at least five day
15 if not a seven day-a-week job the way I look at it.

16 **Q. Did you have - this is required to be a full-time job?**

17 A. Yes, sir. And I expect it to be so.

18 **Q. Okay. That was what I was trying to get to. Because**
19 **I was little bit confused by your answer. That's all.**

20 A. Well I may not have read the information correctly on
21 the website but trying to look at the Public Service
22 Commission's agendas it just appeared to me from what
23 I've seen that hearings were held in various locales
24 around the state two to three days-a-week average and
25 that the time in-between would be the time when the

1 study of those issues would take place. So yes, in my
2 opinion it would be at least a five day-a-week job, if
3 not, like I said, a seven day-a-week job.

4 **Q. And there were questions asked about social media. Do**
5 **you utilize social media now?**

6 A. Not very much. I do have a Facebook account.

7 **Q. Okay. And do you think it would be appropriate to put**
8 **any information on a Facebook account regarding**
9 **activities the of PSC?**

10 A. No, sir. That seems to me like it should not be done.

11 **Q. Okay. Thank you. And the question was raised about**
12 **what you would do if you had a conflict of interest**
13 **and as I recall you said that you would abstain from**
14 **voting on the matter; is that about correct?**

15 A. Well, I think I mentioned I would try to de-conflict
16 but if I couldn't I would recuse myself, yes, sir.

17 **Q. All right. Do you feel that you have a requirement to**
18 **report that to anyone? That conflict?**

19 A. Yes, I would think it should at least go to the PSC
20 Council.

21 **Q. And to the chairman or to -**

22 A. To the chairman, as well, yes, sir.

23 REPRESENTATIVE SANDIFER:: Okay. Thank you, sir.

24 That's all I have for now. Thank you, Mr.

25 Chairman. I appreciate it very much. Thank you,

1 Mr. Callahan.

2 SENATOR ALEXANDER: Let's go back to our screen. I
3 don't see any hands there. That would complete
4 the screening with Mr. Callahan. We appreciate
5 you being with us this morning and your
6 willingness to serve.

7 MR. CALLAHAN: Thank you, sir. I appreciate your time.

8 SENATOR ALEXANDER: We have Mr. John C. Delude coming
9 forward. And I will say for the record, as well,
10 that with those that are joining us virtually and
11 those that are present, a quorum has been and
12 continues to be present for the record.

13 Good afternoon, as it now, 12:23 in the
14 afternoon.

15 WITNESS IS SWORN

16 EXAMINATION OF JOHN COLSON DULUDE

17 BY MS. ANDERSON:

18 Q. I want to give a very brief of your background first.
19 Mr. Delude graduated from the Citadel with a bachelor
20 of science degree in civil engineering and he
21 graduated from Charleston Southern University with a
22 master's of business administration degree. Mr.
23 Delude is currently an equity partner with
24 environmental resources management in which he has
25 served since 2012. From 2008 to 2012 he worked at a

1 senior principal at Normandaeu Associates. From 2001
2 to 2008, he was manager at Santee Cooper in which he
3 managed the re-licensing of the Santee Cooper
4 HydroElectoic Project. From 1985 to 2001 Mr. Delude
5 was employed as a construction manager for Santee
6 Cooper. From 1981 to '85 he worked as a transmission
7 designer with Santee Cooper to 1980 to '81, he worked
8 as a civil engineer for the US Army Corps of
9 Engineers. Mr. Delude was appointed to the Moncks
10 Corner Planning Commission to serve from 2013 to '15.
11 He was elected to serve on Moncks' Corner Town Council
12 from '90 to '98 where he served as mayor pro-temps and
13 he also served on the Santee Cooper Credit Union Board
14 from 1997 to 2017. Mr. Delude, do you have any
15 changes that you would like to make to the personal
16 data questionnaire you submitted with your application
17 other than changes you may have already submitted.

18 A. I do not.

19 MS. ANDERSON: Mr. Chair, I request that Mr. DULUDE's
20 personal data questionnaire be entered into the
21 record with any confidential information being
22 redacted.

23 (EXHIBIT 1 MARKED FOR IDENTIFICATION

24 PURPOSES (9 pages) - Mr. Dulude's PDQ)

25 Q. As part of our background investigation we obtained a

1 credit check, driver's license check and a SLED check,
2 any questions of a confidential or personal nature
3 will be taken up in executive session. Before we
4 begin do you have a brief statement that you'd like to
5 make to the committee?

6 A. No, other than I'm looking forward to our discussion
7 today. Looking forward to answering any questions you
8 may have and hopefully satisfy any outstanding
9 questions about my background or my capability to do
10 the job.

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

13 A. John Colson DULUDE. My home address is 204 California
14 Avenue, Moncks Corner, South Carolina.

15 Q. Are you a registered voter?

16 A. I am.

17 Q. Which congressional district are you registered in?

18 A. District One.

19 Q. Why are you interested in serving on the public
20 service commission?

21 A. My interest in the public service commission is based
22 on the fact that I have 40 years of experience in the
23 power sector either working in the industry or as a
24 consultant to that industry. I've learned the
25 business from bottom up. I credit advise clients on

1 how to manage both their technical and non-technical
2 risks. I recognize how the power sector operates. I
3 understand their thought process. I understand their
4 culture. I understand their business models. But
5 more importantly I understand how the changes, how the
6 changes are occurring over last probably ten years. I
7 enjoy what I do now. But with that said, my
8 combination experience and knowledge based on the
9 description of the position here at the public service
10 commission it was quite clear that I thought I could
11 contribute both to the state and the Public Service
12 Commission working with fellow commission members to
13 deal with the tidal wave of changes coming not only in
14 our services but also in the way we assign value to
15 those services. As I said, I enjoy what I do but what
16 I've noticed is that in the state of South Carolina
17 both the state Public Service Commission, the
18 legislature, office of regulatory staff have been
19 going through a very challenging time, obviously over
20 the last few years. More importantly to that has been
21 negative in terms of reputation to all those
22 organizations. However, the most impact has been to
23 the least of our residents. Those who can least
24 afford the service and with that, I think that's our
25 highest priority to fix. South Carolina has some of

1 the highest residential rates in the southeast. In
2 fact, they are the highest in the south. In fact,
3 they're higher than the mid-Atlantic. Now, what's
4 interesting about that is that we are generation
5 surplus state which means we generate more electricity
6 than we need. We subsequently sell that electricity
7 to our adjoining states, North Carolina, South
8 Carolina, Virginia, you name the state. And they're
9 able to sell that power at a lower rate than we sell
10 it to our own ratepayers. Simply put, we're
11 subsidizing their ratepayers at the expense of our
12 ratepayers and that's a situation that I think
13 shouldn't be acceptable to any of us. So that's
14 primary reason based on those points and facts I think
15 that we need some heavy lifting and I'm here to do it.

16 **Q. Have you attended any hearings at the commission?**

17 A. I've attended virtually.

18 **Q. Okay. And have you read any of the Commission's**
19 **decisions?**

20 A. I have.

21 **Q. How would you expect to get up to speed on the issues**
22 **confronting the commission?**

23 A. If I'm privileged enough to join the Public Service
24 Commission, be selected and elected to the Public
25 Service Commission I would immediately researching the

1 dockets, all the rate cases. I would sit down with
2 the leadership and the Public Service Commission and
3 begin the process of asking them where the best
4 service I can provide to the commission and becoming
5 very familiar with every aspect of it, not just
6 electricity, but all the other critical public
7 services, as well.

8 **Q. And you mentioned as part of your current job you**
9 **advise clients regarding technical/non-technical**
10 **risks. Can you explain a little bit more about what**
11 **you currently do?**

12 A. Sure. So, ERM is a global provider of environmental
13 health and safety and risk management services. We
14 have a 160 offices across the globe. We have 50
15 offices here in US. Essentially what we do is we
16 assure that we go in at the request of the client and
17 we evaluate a particular situation they may have,
18 either, an event, in advance of a situation or
19 subsequent to that and come up with the best solution
20 to mitigate the risks, manage that risk and make sure
21 they're in compliance both with regulations and the
22 law.

23 **Q. And in compliance with applicable local law or federal**
24 **or both?**

25 A. All.

1 **Q. Okay. What role does the Public Service Commission**
2 **serve in regards to the regulation of utilities?**

3 A. Public Service Commission, the policy making of the
4 purview of the legislature. The Public Service
5 Commission's obligation is to carry out those
6 regulations and laws as provided by the legislature to
7 ensure those critical services both reliable,
8 available and finally, affordable.

9 **Q. And what are the key factors that a commissioner**
10 **should consider in a rate case?**

11 A. The key factors that they should consider in a rate
12 case? Well, the first thing they need to look at is
13 what is the request and what is it that they are
14 asking for? What is return on equity that they are
15 asking for as well so that's their information. I'd
16 look at the given and subsequently, evaluate whether
17 those requests are prudent because that's one of the
18 criteria. It must be prudent. And then how is that
19 going to effect the ratepayer at the end of the day?

20 **Q. How would you address trying to balance the interests**
21 **of competing interests in a case?**

22 A. Well first you know, you start with the law. Right?
23 And then you have a precedent and then subsequently
24 you have the facts, thus far, with the law. I look at
25 the precedent that's been set. What has the

1 commission generally doing and how is that align with
2 the policy making of the legislature and order the
3 facts.

4 Q. Are you familiar with the three advisory opinions
5 issued by the review committee dealing with attendance
6 at one legislative receptions, two; legislative caucus
7 meetings and three; political gatherings?

8 A. I am.

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

12 A. I have not.

13 Q. Have you attended any political gatherings since
14 submitting your application?

15 A. I have not.

16 Q. Please explain the general rule regarding ex parte
17 communications as it relates to the PSC?

18 A. The ex parte rule as it relates to the PSC, any docket
19 hearing or rate case coming before the Public Service
20 Commission is a - can only be discussed in those
21 forums. If someone approaches you or talks to you
22 outside of that forum then that would be ex parte
23 communication.

24 Q. And what would do if you were serving as commissioner
25 and someone were to approach you?

1 A. So immediately I would advise them that I can't talk
2 about that issue. If they won't stop, then I'll walk
3 away and then I would advise the chairman.

4 Q. Okay. And are you aware that commissioners are
5 subject to the judicial code of conduct as well as the
6 state ethics laws?

7 A. I am.

8 Q. Can you briefly describe the Five Canons in the Code
9 of Judicial Conduct. I can't define all five but I
10 can essentially being partial and not only being
11 partial but in actuality but in all we do. You know,
12 you must be impartial in your behavior, as well. You
13 need to avoid any type indication that you have a
14 particular bent one-way or another politically or in
15 terms of the decision-making.

16 Q. What would you consider to be appropriate use of
17 social media pursuant to the judicial canons if you
18 are a commissioner.

19 A. Social media is just another form of communication and
20 therefore, it would fall under the same requirements
21 of ex parte rule that you and I were talking.

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

25 A. No.

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

5 A. No, not to my knowledge.

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

10 A. No.

11 Q. Are you or a member of your immediate family an
12 officer, director or otherwise involved in the
13 management of any business enterprise?

14 A. I am not.

15 Q. But you are currently partner?

16 A. I am partner.

17 Q. What entities did you or a member of your immediate
18 family receive income from the previous year? Now
19 this would not include things like IRA, deferred
20 compensation funds, disability, mutual funds or
21 receipt from a financial institution in a regular
22 course of business?

23 A. Nothing other than my normal compensation.

24 Q. If elected would there be any potential conflicts
25 interest financial or otherwise?

1 A. No.

2 **Q. What would you do if a conflict arose?**

3 A. I'd immediately advise the chairman and take whatever
4 actions necessary to ensure that conflict goes away.

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

8 A. No.

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

11 A. No.

12 **Q. And you touched on this briefly earlier. But is the**
13 **appropriate demeanor for a commissioner?**

14 A. The appropriate demeanor for the commissioner
15 certainly is impartiality.

16 **Q. And would that apply only while you're on the bench or**
17 **would it apply all the times?**

18 A. At all times.

19 **Q. And if elected to serve as a commissioner how would**
20 **you envision your work schedule?**

21 A. Well, my current work schedule is - unfortunately, 50
22 to 75 hours-a-week and I work virtually at the moment
23 out of my home. I'm two hours away in Moncks Corner.
24 I have another home in Orangeburg so that puts me an
25 hour away. So as far as my work schedule I see the

1 same investment of time but also I can be at a face-
2 to-face meeting within an hour or two hours depending
3 on where I have to be.

4 **Q. Okay. What are the industries that are regulated by**
5 **the Public Service Commission and the commission's**
6 **duties within each?**

7 A. Electric utility is an investor-owned utilities and
8 their responsible for setting programs, Tariffs and
9 rate cases. Water and wastewater, they are the same
10 situation. They are responsible for establishing
11 carriers, whether its home goods, household goods or
12 taxies or any type of carry system. There's also
13 responsibility for the safety related to gas
14 pipelines. They are responsible for
15 telecommunications, components of the
16 telecommunications in terms of regulations, the USF
17 Fund they set - I think I hit most of them.

18 **Q. In regards to electric rate cases, what is the concept**
19 **and some of the issues regarding cross subsidization?**

20 A. About? Cross subsidization? I'm sorry.

21 **Q. That's okay.**

22 A. Cross subsidization is the concern that you have
23 various rate classes that may be supporting or
24 subsidizing other rate classes. An example would be
25 if you have a - you know, like I mentioned we have

1 high residential rates but our industrial rates are
2 very good in this state, excellent actually. But
3 that's not saying that we're cross subsidized, you
4 know, it's where the emphasis is being placed.

5 **Q. In 2019, the general assembly passed Act 62, which is**
6 **also referred to as the South Carolina Energy Freedom**
7 **Act. Can you describe a little bit of the context of**
8 **that action.**

9 A. Act 62, if I recall correctly involves around the
10 issue of net and energy metering. And everything
11 associated with that so you have essentially the
12 question of distributed energy resources, primarily
13 solar, and the impacts it might have on cost shift,
14 the impacts that it might have on delivery and
15 subsequently the question of whether or not how you
16 assign the value to that net energy metering
17 associated with distributive energy resources. I
18 think I've gotten that correct, I hope.

19 **Q. Should the commission have a primary focus on consumer**
20 **protection and rates or how would you - and again, I**
21 **know we talked about this generally earlier. But I'd**
22 **like to go a little bit more into how you would**
23 **balance competing interests for the utility consumers?**

24 A. So in the case of balance, in the Public Service
25 Commission they have to look at it, you know, you

1 basically balancing delivering a critical service with
2 how people are going to afford to pay for it. In the
3 case of a utility, you're submitting in a rate case,
4 we need to be impartial about what they're asking for
5 as long as it's prudent but more importantly we have
6 to understand that the return on equity is necessary
7 because if it is insufficient it will effect their
8 ability to borrow money, so it effects debt. It may
9 actually effect the overall health of that critical
10 infrastructure, on the other hand, you have a
11 ratepayer who is having to pay a basic facility charge
12 plus the unit rate of whatever the kilowatt hours that
13 they used and as I mentioned, it's rather high at the
14 moment and therefore, you know, we have to look at
15 that, as well. And so that balance is going to be
16 difficult going forward, particularly with the changes
17 in the utility industry and particularly with regard
18 to distributed energy resources.

19 **Q. What are some of the issues that would complicate**
20 **moving forward? Things that you would have to**
21 **consider?**

22 **A.** The biggest challenge in my mind is that you have a
23 distributed energy resource that is non-dispatchable
24 and intermittent meaning it's not base loaded and you
25 cannot dispatch it. The impacts that it has over time

1 on base load generation and the costing of rates could
2 be significant.

3 Q. You have obviously had a variety of work experience in
4 the power industry?

5 A. Yes, ma'am.

6 Q. Have you worked directly with utilities that are
7 regulated by the Public Service Commission in South
8 Carolina?

9 A. I have but it hasn't been recent, but I have.

10 Q. And is that in your current role with ERM or
11 Normandaeu or both?

12 A. It was both.

13 Q. With your business affiliations is there any concerns
14 with future conflicts of interest?

15 A. No.

16 Q. You were employed by Santee Cooper for a period of
17 time?

18 A. Yes, I was.

19 Q. And as you know, Santee Cooper has been a subsequent
20 discussion by the general assembly?

21 A. Absolutely.

22 Q. If Santee Cooper were to come under the jurisdiction
23 of the Public Service Commission could this post
24 potential conflict of interest?

25 A. No, it wouldn't.

1 Q. And NextEra has indicated an interest in purchasing
2 Santee Cooper.

3 A. Yes.

4 Q. NextEra were to become a regulated utility in South
5 Carolina would that bring any potential conflicts of
6 interest if you were commissioner?

7 A. No, it would not.

8 Q. Do you have a vision of where South Carolina's Energy
9 Market should go?

10 A. I have a concept and it's already being discussed. I
11 saw Senate Bill 998 in reference to an opportunity to
12 a potential energy and balance market. I think in, not
13 only the southeast, this is occurring in California,
14 not that we want to copy anything necessarily that's
15 going on in California. But let's face it, California
16 is so large they make a great laboratory on both
17 things to do and what things not to do. Their current
18 situation is they've decided that by 2045 they're
19 going to go to complete renewable, excluding all other
20 forms of generation. With that said, it's impossible
21 to accomplish given the current technology out there
22 today. You know, you're not going to do it with
23 battery storage even though battery storage is making
24 great improvements. Ultimately, you're going to need
25 to be able to connect or in a larger fashion, in a

1 bigger arena with other -- voluntarily in a case of an
2 energy imbalanced market or maybe involuntary if you
3 go to a RTO or ISO, where you are actually part of a
4 larger system that can give sub-hour economic
5 dispatch, meaning basically you check the value of
6 electricity and you economically dispatch it from the
7 node that best serves that load. To me, ultimately,
8 we're going to have to look outside our borders even
9 though we don't currently in South Carolina or the
10 Southeastern, for that fact find an RTO or ISO and I'm
11 not advocating it at this point but I do think the
12 idea of having a committee that looks at that I think
13 is extremely important and I think we can learn a lot
14 from those who are going before us, maybe do a better
15 job with it.

16 **Q. What has your work experience been with RTOs or ISOs,**
17 **similar organizations?**

18 A. Well, I've worked in their territories and what you
19 see when you go into a facility or a -- I've been to
20 California ISO Headquarters and when you go in there
21 and see realtime immediate pricing so that's --
22 they're looking at both generation. They're looking
23 at transmission and they're looking at constraints on
24 the system, which by the way, is another issue in
25 South Carolina because our transmission is going to

1 become constrained. If I can describe our electricity
2 system as a fine-tuned piece of equipment. If we take
3 a power plant out, which we have several that are
4 getting ready to retire, coal fire generation pitting.
5 You take them out and the system is still
6 interconnected but its no longer balanced. So that is
7 absolutely critical is assuring that you have proper
8 transmission infrastructure, gas infrastructure in
9 this case if you're going to be able to base load in
10 the interim between now and whatever technology comes
11 along that allows us to be able to take full advantage
12 of the distributing energy resources that are out
13 there, solar and wind.

14 **Q. And you said that you have done work with some of the**
15 **utilities for the PSC? What kind of time frame are**
16 **you talking about when you last worked with the**
17 **regulating utility?**

18 A. A regulated utility -

19 **Q. In South Carolina -**

20 A. - in South Carolina? I would say it has been at least
21 five years or better. I have not worked with Dominion
22 or either of the Duke entities in more than five years
23 that I'm aware of.

24 **Q. The Secretary of State's website lists you as an agent**
25 **for Journey Homebuilders, LLC, which was created back**

1 in 2006 and articles of termination were filed back in
2 March of this year?

3 A. Correct.

4 Q. Can you please confirm for the record your affiliation
5 and briefly describe the entity and your role.

6 A. Yes, it was myself and one partner and we were
7 residential home builders. And in addition to doing
8 everything else, our day jobs, and so he and I decided
9 that was a good idea. I'm not sure it was but
10 ultimately, my wife says it's not. And we ended the
11 partnership. He went into ministry and I went into
12 consulting and so we ended the partnership around
13 2008. We closed books. We closed everything about
14 it. Just, there was an oversight in closing the name
15 with the secretary of state so we've done that after
16 it was highlighted.

17 Q. And I jumped ahead. I have one last question going
18 back to your work with companies in South Carolina.
19 Have you done any work with renewable energy companies
20 in South Carolina that regularly appear before the
21 PSC?

22 A. Not that I am aware of.

23 Q. Okay. Have you made any contributions to members of
24 the general assembly since filing your application?

25 A. I have not.

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

3 A. I have not.

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

7 A. No.

8 Q. Have you asked any third-parties to contact members of
9 the general assembly on your behalf before the final
10 informal screening report has been released?

11 A. No, I haven't.

12 Q. Are you aware of any friends or colleagues contacting
13 members of the general assembly on your behalf?

14 A. I am not.

15 Q. Are you familiar with the 48 hour rule which prohibits
16 a candidate from seeking pledges for 48 hours after
17 the report has been submitted to the general assembly?

18 A. I am aware and no, I have not.

19 Q. And would you plan to serve a full-term if elected?

20 A. Absolutely.

21 MS. ANDERSON: Thank you, Mr. Dulude. Mr. Chairman, I
22 have no further questions. And for the record,
23 Mr. Dulude made a 60 on the test.

24 SENATOR ALEXANDER: So by previous ordered - Per my
25 previous motion, we'll go into executive session

1 at this time.

2 EXECUTIVE SESSION WAS HELD FROM 12:47 - TO 12:50 PM

3 SENATOR ALEXANDER: Okay. We are out of executive
4 session. and there was no action taken in
5 executive session. We appreciate you continuing
6 to be here with us today. At the time, if we have
7 questions from the committee. I'd like to --
8 you're gainfully employed now is my understanding
9 and your testimony. The schedule for the
10 election is the middle of September. If you were
11 chosen, elected to be on the commission, what
12 kind of a time frame would you need to be able to
13 available to begin that work?

14 MR. DULUDE: Generally, what a normal two-week or
15 three-week, actually the longer the better but a
16 couple of weeks I can be made available.

17 SENATOR ALEXANDER: Thank you, Sir. Are there members
18 on the screen that have questions.
19 Representative Forrester, down in the corner
20 there.

21 REPRESENTATIVE FORRESTER: Thank you for getting
22 with us this morning. I just wanted to ask have
23 you done anything to prepare yourself since you
24 took the test and got the results?

25 SENATOR ALEXANDER: So the question is: Once you got

1 the results of the test have you done anything
2 since that point to prepare yourself?

3 MR. DULUDE: Yes, sir. Obviously, I would to
4 perform better on the test but more importantly I
5 wanted to do, you know, I was more focused on the
6 technical and the analytical, of course being the
7 engineer, and less on policy and I think I've
8 done a fairly good job of going back and making
9 sure I understood the separation between the
10 office of regulatory staff, the Public Service
11 Commission and recognizing all the various
12 components of that.

13 SENATOR ALEXANDER: Other questions?

14 REPRESENTATIVE FORRESTER: No other questions.

15 SENATOR ALEXANDER: Thank you. Chairman Sandifer.

16 REPRESENTATIVE SANDIFER: Mr. Chairman. Thank you,
17 Mr. Dulude for your presentation and being with
18 us today. I know it's a little different
19 environment for all of us so we're doing the best
20 we can.

21 In your present position, you list yourself
22 as an acting partner. Describe the difference to
23 me for being an equity partner and a regular
24 partner and it appears that you do actively work?
25 I see equity partner usually as being a monetary

1 partner and I need an explanation of how you list
2 yourself?

3 MR. DULUDE: Well, Representative Sandifer, it's
4 actually partnered with equity ownership in the
5 company but we have a separate private equity
6 partner in the business but I am a partner with
7 equity ownership in shares. That's really a
8 partner. I wondered about it when I saw it
9 because that's an unusual way to see it listed.
10 And in your testimony you stated that we're the
11 highest in electric rates in the southeast, at
12 least, in residential rates, what would you do to
13 lower them? If you had the authority to do
14 something what would you do?

15 MR. DULUDE: That's a good question.

16 REPRESENTATIVE SANDIFER: Nobody's ever said that to
17 me.

18 MR. DULUDE: I think Representative Sandifer, you
19 know the challenges here that, you know, when I
20 deal with client and they are - if they approach
21 me before the problem, there's one solution. If
22 they approach after the problem, there's a
23 separate solution. And in this particular case,
24 rates have been established based on previous
25 rate cases and what debt and other prudent

1 capitalization has occurred. And so in my
2 opinion what needs to be done going forward is
3 looking at two things, one is how you deal with
4 the rates and I noticed -- encouraged by the most
5 rate cases to look at how scrutiny is being given
6 to the return on equity. I mean, let's face it,
7 the return on equity in South Carolina, is
8 approximately 10.2 percent, somewhere in that
9 neighborhood, where you can invest your money and
10 get 10.2 percent almost guaranteed, that's a
11 pretty good deal. So looking at equity, a return
12 on equity and the prudence of their requests is
13 one thing and being very careful to balance that.
14 Obviously, they need to be able to run their
15 business with their needs of rate there. The
16 second point is that we through - and of course
17 through policy-making but generally we need a
18 better mix of generation in this state.
19 Currently, we have a pretty good mix. We have -
20 I think we're third in the country in nuclear and
21 that's an important aspect because it's a very
22 cost effective base load but those are aging. We
23 have several large coal fire facilities for the
24 several of the utilities that are going to be
25 retired soon and we have to replace those. And

1 what are we going to replace them with and how
2 we're going to do that cost-effectively.
3 Obviously, if you do integrated resource planning
4 at any level, the result of any base load is
5 primarily going to come out of - it's going to be
6 gas. It's going to be combined cycle gas turbine
7 or combustion turbine support. And so I think
8 sending the right signals to assure that we move
9 towards a better mix of generation. Obviously,
10 we have to consider the environmental aspects of
11 all of that. And the second thing is that we
12 scrutinize very closely rate requests. I mean,
13 they're very complex and they're very
14 complicated. Determination, for example, just
15 for net energy metering has eleven components to
16 it, eleven and they are very complex. So all of
17 that needs to be looked at - I know office of
18 regulatory staff is very engaged in it but as
19 commissioners we need to understand it.

20 REPRESENTATIVE SANDIFER: And I think you do but I want
21 to make sure that you understood that this
22 position would be a full-time position.

23 MR. DULUDE: Yes, sir.

24 REPRESENTATIVE SANDIFER: Very good. And then you were
25 asked about the Energy Freedom Act, Act 62, does

1 it or does it not allow for much more solar or
2 any renewable resource to be utilized.

3 MR. DULUDE: As I understand it, there was an
4 opening of - you know, originally when renewables
5 and distributed energy resources were established
6 it was fixed amount. That's been opened up
7 somewhat. I've always questioned in my mind the
8 concern that utilities have necessarily for
9 distributive energy resources because I work in
10 other parts of the country where it's pretty
11 significant, you know, it's a significant portion
12 of it, of their generation. I think it is a good
13 thing. I think it does need to be balanced.
14 There's an appropriate mix of generation. So I
15 do - there is an increase, as I understood it. I
16 don't recall the percentages off the top of my
17 head but ultimately, those - the ability for the
18 people - there's a demand within the ratepayers,
19 within the state, within the residencies of the
20 states that they want more opportunity to do
21 viable renewable resources and I think we have to
22 understand that and that we have to oblige that
23 in a way that is cost-effective for both the
24 utilities and the ratepayer.

25 REPRESENTATIVE SANDIFER: All right. And in saying

1 that are you recommending that the legislature
2 require utilities to have more renewables?

3 MR. DULUDE: The way we set policy is through
4 signals or whether it's tax or whether it's by
5 regulation I think if the State of South Carolina
6 in its legislature decides that it is necessary
7 to increase the amount of distributive energy
8 resources based on the facts, then, they should
9 do so.

10 REPRESENTATIVE SANDIFER: And you talked for a moment
11 about visiting the California and seeing the what
12 they are doing as far as the energy being
13 generated in small increments? How small?

14 MR. DULUDE: Well actually in some cases it's
15 residential just like us but they have
16 significant generations both solar and wind.
17 Most of them can be several hundred megawatts
18 easily. In this state we have a current cap, as
19 I understand it, 75 megawatts, but they have huge
20 solar and it's effected their low curve so I
21 don't know if you've ever heard of the duck curve
22 but if you look at typical generation curves
23 during the day. It's low in the mornings, high
24 in the middle of the day and then drops off. In
25 California, it's completely different. It starts

1 low, goes up and then comes back down because of
2 the solar generation and it forms a real high
3 line going into the afternoon so it looks like a
4 "duck". They call it a duck curve. That wrap up
5 right there is 13,000 megawatts in three hours.
6 We couldn't meet that in this state. We couldn't
7 do it. And they are having a very difficult time
8 doing it there and that's why they've looked at -
9 they have gone and gone to Bonneville Power and
10 solicited getting in a relationship with them for
11 voluntarily for energy and balance market to help
12 them bring in large hydro and other forms of
13 generation to support that tremendous renewable
14 upsurge that occurs on that ramp. Ultimately, I
15 think we're all going to see it. I'm hopeful that
16 technology will come along in terms of storage to
17 be able to satisfy, to be able to satisfy that so
18 we don't have to worry about, you know, to have
19 to interconnect as you know, as using large
20 batteries, four-hour batteries, storage batteries
21 at the grid scale. The best storage is pump
22 storage. We have several in South Carolina.

23 REPRESENTATIVE SANDIFER: I know much about pump
24 storage.

25 MR. DULUDE: Well, it's a great technology and I am

1 a big supporter of pump storage.

2 REPRESENTATIVE SANDIFER: That's all I have Mr.

3 Chairman. Thank you very much, Mr. Dulude.

4 EXAMINATION

5 BY SENATOR ALEXANDER:

6 Q. A couple of other question you mentioned in one of
7 response I guess to Mr. Forrester about the test.
8 What was your thoughts on the test? You outlined
9 different components of what you did good and maybe
10 what you didn't?

11 A. Right.

12 Q. Overall, the benefit of the test as a candidate?

13 A. I think it's a useful candidate useful tool. I think
14 those that have more familiarity with - you know, have
15 been in the system, if you will for a long period of
16 time probably have a better opportunity to score
17 better on that test. The front end of that test I
18 think there's ten questions as I recall. And those
19 then questions as I read through them every time I
20 read one, I said, it's true, no, it's false, it's
21 true. And they were very, very subtle and I recognize
22 that and I should know the difference if I'm going to
23 eventually be in that role but at the time I'm looking
24 at it thinking that subtlety is very difficult for me
25 to be able to distinguish. The rest of the test on

1 the written part I think was appropriate and I wrote
2 and wrote and wrote but apparently I didn't write
3 enough.

4 Q. And going back to your answer to this with Ms.
5 Anderson. I just want to circle back around. We were
6 talking about your contracts, your work and that the
7 companies and business acquaintances and I think
8 you've said that it's been five years or longer since
9 you've done some work? How about other investments?
10 How would they be treated or the potential for
11 conflict of interest there for anything if you were on
12 the commission?

13 A. No, there's not. My only other investment is in the
14 company I currently work for.

15 Q. How about stocks or anything of that nature?

16 A. I don't know of any.

17 Q. Is there anything that could be perceived as - is
18 there anything that someone could perceive as a
19 conflict of interest?

20 A. Mr. Chairman, I don't know of any but if someone
21 brought one up I'd be happy to address it. I don't
22 know of any.

23 Q. You mentioned the generation mix and things from that
24 standpoint, is there a role for the commission in that
25 aspect of generation mix?

1 A. Yes, sir. I think there is and it comes down to I
2 think one of the important roles is establishing a
3 certificate of need, I'll use that term to shorten it
4 up. And for a power facility or any project more than
5 75 megawatts in the State of South Carolina, if you
6 look at generation in the State of South Carolina and
7 they, you know, an analogy would be a health service
8 where they have certificates of needs, same thing. I
9 think in South Carolina utilizing that certificate of
10 environmental compatibility and public convenience
11 would be a good way to really scrutinize where or not
12 the generation is both prudent, correct, cost-
13 effective and would be the return on equity is
14 appropriate for it.

15 **Q. Is there any signals for wanting to be a better mix**
16 **for our state?**

17 A. I think a better mix at the moment would be figuring
18 out where we need to go with our coal retirements. I
19 think the ultimate replacement in transition would be
20 the gas-fired generation however, the concern I have
21 and I'm sure you all share is infrastructure and
22 that's in fact, one of the top two of the energies of
23 the state plan is to improve gas infrastructure. You
24 know with the cancellation of the Atlanta coast
25 pipeline recently that's a significant impact to the

1 State of South Carolina because the intention would be
2 eventually to extend that right on into South Carolina
3 and it would have - there's a good opportunity there
4 for being able to bring in some fairly low cost, base
5 load in some locations that are co-existing with other
6 generation and I think would effectively cover our
7 generation going forward even though I mentioned
8 earlier that we do - our generation surplus state is
9 not the question of surplus pool, it's a question of
10 meeting capacity and demand at a particular point of
11 the peak.

12 **Q. One final thing. You mentioned a couple of times and**
13 **certainly early on in your comments the word**
14 **"culture". Can you define to me what that means to**
15 **you and what type of a culture there should be if you**
16 **were on the commission from that standpoint?**

17 **A.** Yes, you're talking about the utilities themselves and
18 the culture of the power sector. When I mention the
19 word "culture" their - the best description is
20 generally utilities are very risk adverse. Out there
21 they wear belts and suspenders. They don't like
22 making investments if they don't have a return on
23 them. And the reason why is it's a natural monopoly
24 and that's why they come under the burden of a
25 government entity here to review them and to make

1 decisions about the rate. Their culture in that
2 regard is again, risk adverse. But they're very - I
3 think if you've been a regulated utility for your
4 entire career then your job is to do integrated
5 resource planning and assure that a rate case is
6 submitted and that rate case produces the best return
7 in shareholder equity, but more importantly covers
8 their cost for investment in new capital and facility,
9 whether it's transmission or generation. That's
10 changing, not just - it's changing across the country
11 and with increased distributed energy resources
12 particularly as they start hitting 75 megawatts and
13 larger, they're going to be competing - they're just
14 going to be in a competition mode that is not
15 comfortable for some regulatory - regulated utilities.
16 Now most of the regulated use utilities haven't de-
17 regulated component, for example, Dominion and they
18 would have a - you know, they understand that side of
19 it. But the majority I noticed retracted to their
20 regulatory roots because they struggle in the de-
21 regulated market. It's a difficult market because the
22 capital investment is so large.

23 SENATOR ALEXANDER: Thank you. Anything from our
24 virtual members on our screen? Seeing none, then
25 I think that completes our time with you today.

1 Thank you for being here, your willingness to
2 serve and be responsive today.

3 MR. DULUDE: Thank you, Mr. Chairman. I just want
4 to thank Ms. Anderson and Mr. McGee for all their
5 help in coordinating all the applicants. I want
6 to thank this committee for being so persevering
7 during very difficult time and I appreciate it.

8 SENATOR ALEXANDER: Thank you for being patient with
9 us, as well. I think that brings us to a break.

10 (off the record)

11 SENATOR ALEXANDER: We will continue. Why don't you
12 give us your full name for the record.

13 MR. HAGAN: Brigadier General Emory J. Hagan, III.

14 SENATOR ALEXANDER: Thank you for being here this
15 afternoon. And we will ask the court reporter to
16 swear you in.

17 WITNESS SWORN

18 SENATOR ALEXANDER: We have before us members of the
19 committee here and those that are joining us
20 virtually and we have a quorum that's present.
21 And we'll turn it over to staff. They have some
22 questions that we'd ask you to respond to sir.

23 GENERAL HAGAN: Yes, sir.

24 MR. DAVIDSON: At this time I'm going to briefly
25 summarize your background and work experience for

1 the other members of the committee. General
2 Hagan obtained his bachelor of science degree in
3 business administration from the Citadel in 1971.
4 In 1975, General Hagan obtained a master in art
5 of psychology from Pepperdine University. He
6 also attended Tulane University, the University
7 of South Carolina and Catholic University at
8 various times to take courses relating to either
9 to his bachelor's or master's degree. General
10 Hagan also attended the John F. Kennedy School of
11 Government at Harvard University in April of 2013
12 where he received a certificate in strategic
13 management of regulatory and enforcement
14 agencies. General Hagan currently serves as the
15 director for strategic claims J-5 with the Joint
16 Services Department of the South Carolina
17 Military Department. He's held this position
18 since 2018. Also from 2014 to the present
19 General Hagan owns and operates E.J. Hagan & Son
20 Company which provides consulting services and/or
21 training in several areas including mentoring,
22 coaching, leadership and resource management.
23 From 2012 to 2014, General Hagan served as the
24 Director of the Safety Enforcement Division of
25 the California Public Utilities Commission in San

1 Francisco. From 2010 to 2012, General Hagan
2 served as a special agent for the Division of Law
3 Enforcement of the California Department of
4 Justice in Sacramento. From 2003 to 2009,
5 General Hagan served as the Deputy Director of
6 the Training and Exercise Division of the
7 California Governor's Office of Homeland Security
8 in Sacramento. From 2003 to 2009, General Hagan
9 also served in the California State Military
10 Reserve as a Brigadier General. From 1998 to
11 2003, and in 2009 to 2010, General Hagan served
12 as a special agent for the California Bureau of
13 Investigation of the California Department of
14 Justice in Sacramento. General Hagan also served
15 in the Marine Corp from '71 to '99, having
16 attained the rank of Lieutenant Colonel and also
17 General Hagan previously ran for the board of
18 directors of South Carolina State University.
19 General, do you have any changes you would like
20 to make to the personal data questionnaire that
21 you submitted other than the amendments that
22 you've already submitted to staff?

23 GENERAL HAGAN: Question 26, I spent \$51 on flyers.

24 And Question 32 is the newspaper article which
25 had some interesting comments about a manangement

1 disagreement. I think we want to discuss those
2 later?

3 MR. DAVIDSON: Yes, sir. And is your microphone on?

4 Yes, sir. I appreciate those amendments and we
5 will mention that a second time before we get to
6 it.

7 Mr. Chairman, I would request that General
8 Hagan's personal data questionnaire be entered
9 into the record with any confidential information
10 being redacted.

11 SENATOR ALEXANDER: So ordered.

12 (EXHIBIT 1 MARKED FOR IDENTIFICATION
13 PURPOSES (20 pages) - General Hagan's
14 PDQ)

15 MR. DAVIDSON: As part of background investigation of
16 the candidate we obtained a credit check,
17 driver's license and SLED check, any questions of
18 a confidential or personal nature will be taken
19 up in executive session. Before we begin the
20 questioning, General Hagan do you have a brief
21 statement that you would like to make?

22 GENERAL HAGAN: Yes, sir. I do.

23 Thank you, Senator Alexander and members of
24 the review committee for giving me this honor to
25 return to public service. In this unprecedented

1 time of the Covid virus, the pandemic crisis
2 rapidly changing information, too much
3 information, conflicting information, national
4 policy being described by Twitter and the lack of
5 trust in confidence that the public is having our
6 public utilities, the government regulatory
7 agencies and government in general. I think the
8 public service commission needs leadership. It
9 needs a leader that's proactive, results
10 oriented, innovative, adaptive, flexible, someone
11 who is visionary, who can express complex
12 problems and simple solutions and action items
13 that everyone can understand, who can rally
14 people through a common goal, who can build team
15 through collaboration and cooperation who has the
16 statute and integrity to exude confidence and
17 presents a positive image, strong work ethic,
18 holds himself and others accountable and has
19 energy drive and passion for the job. I am that
20 kind of a leader. I have the credentials. I
21 have the previous experience. I have the
22 education. I have the core values. I can make
23 things happen in a win/win positive way. That's
24 why I'm applying for this position.

25 MR. DAVIDSON: Thank you, sir.

1 EXAMINATION OF BRIGADIER GENERAL EMORY J. HAGAN

2 BY MR. DAVIDSON:

3 Q. And you previously stated your name for the record.

4 Could you also state your home address for the record.

5 A. 85 Alexander Street, Charleston, South Carolina.

6 Q. Are you a registered voter?

7 A. I am, sir.

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

10 A. District 1.

11 Q. Have you attended any hearings at the commission, at
12 the public service commission?

13 A. Yes, sir. I have.

14 Q. Have you read any commission decisions?

15 A. Yes, sir. I have.

16 Q. With that in mind how would you expect to get up to
17 speed on the issues before the commission?

18 A. Same way I've gotten up to speed in every job I've
19 held, which I never had any experience I had going
20 into. Asking a lot of questions, listen, read, Nay
21 Book has a lot of educational courses along with the
22 John F. Kennedy Harvard School of Business that
23 educates specifically designed to educate regulators.
24 This is not a new thing for me to have a job with a
25 steep learning curve but when I think about the

1 background coming from the public utilities commission
2 in California gives me a leg up on understanding, at
3 least terms and terminology.

4 **Q. Thank you. What role does the public service**
5 **commission serve in regards to the regulation of**
6 **utilities?**

7 A. It's a balance between providing, ensuring that will
8 reliable utilities are provided to citizens at a fair
9 price while balancing the rate of return or profit
10 from the utility company. If the utility company
11 makes no money then they cannot continue in business.
12 People won't invest in them. Unfortunately, rate
13 payers don't see that. All they see is the rates go
14 up. But it's to give reliable energy to the rate
15 payer at a fair price and also helping our
16 environmental issues being a steward and a shepherd of
17 the environment.

18 **Q. From the perspective of a commissioner could you**
19 **please explain the difference between "activism or**
20 **being an advocate verses impartial application of the**
21 **law?**

22 A. Well, an advocate is one who rallies for a specific
23 point of view. Impartial - what was the other word
24 that you used?

25 **Q. Impartial application of the law.**

1 A. Impartial application of the law is just what it says,
2 you look at the law, you take the elements of the law
3 and you fairly and impartially weigh the evidence that
4 you're presented to come up with the right decision.

5 **Q. And is there a role for activism for commissioners?**

6 A. No.

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

9 A. What is he going to do? What is the rate case about?
10 What's the mission? The utility company wants to
11 raise the rate. What are they going to do with the
12 money? Why do they want it? Where's the money going?
13 That's the most important thing in a rate case.
14 What's the rate of return going to be and what are
15 they going to use it for?

16 **Q. Are you familiar with the three advisory opinions**
17 **issued by this review committee dealing with**
18 **attendance of one; legislative receptions, two;**
19 **legislative caucus meetings and three, political**
20 **gatherings?**

21 A. Yes, sir. I am.

22 **Q. Have you attended any legislative receptions or any**
23 **legislative caucus meetings since submitting your**
24 **application?**

25 A. No, sir. I have not.

1 Q. Have you attended any political gatherings since
2 submitting your application?

3 A. No, sir. I have not.

4 Q. Please explain the general rule regarding ex parte
5 communications as it relates to the public service
6 commission.

7 A. General rule of ex parte is that you cannot talk to
8 one party without the other party being present. That
9 means to talk to one but not both at the same time.

10 Q. Assume you are serving on the commission and you are
11 approached by someone wanting to discuss a matter that
12 is or may become an issue in a proceeding. How would
13 you handle that situation?

14 A. Well, that becomes an ex parte conversation and so I
15 would advise them that I'm not allowed to do that.
16 And to change the subject.

17 Q. Now, are you aware that commissioners are subject to
18 the judicial code of conduct, as well as state ethics
19 laws?

20 A. Yes, sir. I am.

21 Q. Are you able to briefly describe the Five Canons in
22 the Code of Judicial Conduct? And if you are
23 generally speaking, you don't have to describe them
24 word-for-word if you want to generally cover the
25 judicial canon, as well.

1 A. We have to be ethical. You can't take things of
2 value. I'm sorry. That one just went right out of
3 head for a minute.

4 Q. I understand. We can circle back later too.

5 A. All right.

6 Q. Next question: What do you consider to be appropriate
7 use of social media pursuant the judicial canons for
8 commissioners.

9 A. Only in the "receive mode". I have a Facebook account
10 only so I can keep track of what my children and
11 grandchildren are doing. But I don't transmit on it.
12 But social media is probably the wave of the future as
13 far as communications go. But it's not appropriate
14 for commissioners to be in the "transmit mode".

15 Q. And is there a distinction between using social media
16 in your personal capacity and your private life as
17 opposed to as a commissioner.

18 A. I don't think so. No.

19 Q. Are you or a member of your immediate family employed
20 by a utility regulated by the public service
21 commission, either currently or within the past two
22 years?

23 A. No, sir.

24 Q. Do you or a member of your immediate family have stock
25 or other financial interests that is directly

1 controlled by you or your family member of a utility
2 regulated by the public service commission?

3 A. No, sir.

4 Q. And General Hagan, allow me the opportunity to perhaps
5 clarify that one? I believe - do you own any ETF's
6 that have utility stock in them? That may fall in
7 line with this question? For example, there are
8 Vanguard Utility -

9 A. Oh, yes, I do own some mutual funds that are an
10 umbrella investment that have investments buried in
11 there -

12 Q. Understood.

13 A. - with utility companies, yes.

14 Q. Do you imagine there's any conflict with that? With
15 that ownership and serving on the commission?

16 A. I don't believe so. And I would have that checked
17 with the ethics committee before I accepted it - a
18 position and if it was I would divest myself of that
19 mutual fund.

20 Q. Thank you. Do you or a member of your immediate
21 family have stock or other financial interests as
22 directly controlled by you or your family member of a
23 renewable energy company that appears before the
24 public service commission?

25 A. Not that I'm aware of.

1 Q. Are you or a member of your immediate family an
2 officer or director or involved in the management of
3 any business enterprise? If so, please identify the
4 business's purpose and you and your family member's
5 role?

6 A. Only myself and I own my own consulting company. DUJ
7 Hagan & Sign Company which we talked about earlier.

8 Q. And just generally speaking that company, what does
9 that company provide?

10 A. I provide consulting services to teach leadership,
11 strategic planning, zero-based budgets, mentoring,
12 coaching, training, exercise, force protection,
13 firearms training, weapons, everything but cyber
14 security. I don't do cyber security.

15 Q. And this next question is a bit long so if you want me
16 to repeat it I will: What entities did you or a member
17 of your immediate family receive income from within
18 the previous year? Now, this does not include IRA or
19 deferred compensation funds, disability, mutual funds
20 or funds received from your financial institution in
21 the ordinary course of business.

22 A. In 2020?

23 Q. Yes, sir.

24 A. The only organization I receive funds from was GLG.

25 Q. And what is GLG, for the record?

1 A. Gleason - it's an abbreviation of three words.
2 They're a consulting company. They put together
3 clients who are usually investment companies and
4 consultants who can answer specific questions that
5 these investors have about - my speciality is the
6 wildfires and the utilities in California.

7 **Q. And was that income through your consulting?**

8 A. Yes, sir.

9 **Q. And just for clarification you would also have income**
10 **from the state military department, also?**

11 A. No, sir.

12 **Q. Okay, thank you.**

13 A. Hold on. I have retirement from the Marine Corps and
14 I get money from the VA and a retirement from the
15 State of California.

16 **Q. Okay. If elected would there be any potential**
17 **conflicts of interest financial or otherwise that we**
18 **haven't already discussed?**

19 A. No, sir.

20 **Q. How would you handle a situation if a conflict of**
21 **interest did arise?**

22 A. I would ask for a review by the ethics committee and
23 then make whatever appropriate changes where
24 necessary.

25 **Q. Are you affiliated with any political parties, boards**

1 or commissions that would need to be reevaluated if
2 you are nominated and elected?

3 A. No, sir.

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

6 A. No, sir.

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

8 A. Professional, respectful, polite, to be approachable
9 and to listen to all sides and give respect to
10 everybody that's available.

11 Q. And does that apply only while you're on the bench or
12 24/7?

13 A. No, that's a 24/7.

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

16 A. I like to come to work early and leave late. I put in
17 a full-day. I would probably - I would go to the
18 office - well, the Covid's thing has thrown everything
19 kind of-whack but normally I work five days-a-week,
20 seven to seven.

21 Q. Full-time job?

22 A. Oh, definitely.

23 Q. Could you briefly describe PURPA, which stands for the
24 Public Utility Regulatory Policy Act and its role in
25 South Carolina law and policy.

1 A. No, sir. That one I'm not familiar with.

2 **Q. Could you briefly describe the term avoided cost?**

3 A. Avoided costs are the ones that are set aside that
4 should have been paid for and people are not paying
5 for it. They're trying to kick them down the road.

6 MR. DAVIDSON: Mr. Chairman, do you want to go to
7 executive session now?

8 SENATOR ALEXANDER: That'd be fine.

9 MR. DAVIDSON: At this time I'd ask that we go to
10 executive session.

11 SENATOR ALEXANDER: As previously ordered by each
12 candidate so we'll ask you to stay at the podium
13 and we'll ask members of the audience to step out
14 and we'll go into executive session.

15 EXECUTIVE SESSION WAS HELD FROM 2:03 TO 2:06 PM

16 SENATOR ALEXANDER: We are back out of executive
17 session. No action was taken in the executive
18 session and I recognize Mr. Davidson to continue.

19

20 BY MR. DAVIDSON:

21 **Q. General Hagan, referring back to the question of**
22 **income, sources of income, just for clarification are**
23 **there any other sources of income?**

24 A. Yes, I have now three rental properties, two on the
25 Isle of Palms and one here in Columbia.

1 Q. And an Internet search revealed a lawsuit regarding
2 General Hagan suing the California Military
3 Department. Gernal Hagan, could you please briefly
4 describe the case and circumstances surrounding it.

5 A. Yes, sir. I filed a wrongful termination with the
6 California Military Department. It was a disagreement
7 over the interpretation and application of the
8 California Military Code and the California Military
9 Department of Regulations about the mandatory
10 separation age of a state active-duty, of how it was
11 being applied. After discussions with the active
12 general I went through my suit in October of whatever
13 year that was.

14 Q. Thank you. And for the record that was not listed or
15 was not disclosed previously on your PDQ, could you
16 please just briefly explain why that was left off
17 originally?

18 A. I forgot about it.

19 Q. Thank you.

20 A. I put it - I would - well, I didn't do anything with
21 it, never went to court, you know, we just - slipped
22 my mind.

23 Q. Thank you. Charleston County Property Records
24 revealed delinquent property taxes on two properties.
25 Could you briefly explain what lead to those

1 delinquent -

2 A. Yes, those were the two rental properties on the Isle
3 of Palms. I had the date that I was supposed to pay
4 the taxes mixed up so I ended up being three days
5 late, cost me \$400. You know, bad recording error.

6 Q. Thank you. As you know, there are several articles
7 from California referencing you directly or your time
8 working for the California Public Utilities
9 Commission, mostly concerning the treatment of PG&E
10 following the San Bruno Pipeline Explosion in 2010.
11 General Hagan, I'm going to read - there's about a
12 page of them. Word - I'll read word-for-word. That
13 way I don't put any editorializing on them of these
14 articles. And then after I get through those you'll
15 have an opportunity to provide a response.

16 One article in the San Francisco Chronicle
17 states, the commission's general counsel, Frank Lindh,
18 had come under fire for reassigning Commission
19 Attorney's who wanted PG&E fined for the natural gas
20 pipeline explosion which killed eight people and
21 destroyed 38 homes. The article states, the attorneys
22 had clashed with the head of the commission's safety
23 division, Jack Hagan, who argued that the money PG&E
24 is spending to improve its gas system was penalty
25 enough and that a fine would only go into the state's

1 general fund. The article goes on to say, general
2 counsel Lynn reassigned the attorneys after May 31st,
3 confrontation with Hagan in which the safety division
4 chief told them to help him build a case against
5 fining PG&E or else. According to confidential e-
6 mails from the lawyers of the Chronicle obtained.
7 Some of the attorneys told Lynn in those e-mails that
8 they felt threatened by Hagan who has acknowledged
9 that he used to carry a concealed gun in the office.

10 Another article in the San Francisco Chronicle
11 titled, "PUC Official, I didn't threaten anyone",
12 states several of the attorneys who have been working
13 on the regulatory case against PG&E raised Hagan's
14 conduct as an issue in confidential e-mails to their
15 boss which the Chronicle obtained from a third-party
16 this week. They cited past instances in which he had
17 carried a gun or knife in commission offices. An
18 article by the Courage Campaign Institute states Jack
19 Hagan, consumer and protection and safety director for
20 the CPUC overruled the attorneys who had been working
21 on the San Bruno case for two-and-a-half-years pushing
22 for lower flat fines, claiming PG&E's investments in
23 safety were enough and dismissively telling those who
24 objected that the fairies were supplying him with all
25 the information he needed.

1 In another article in the Chronicle, titled "PUCS
2 Gun-toting enforcer denies threats to attorneys", it
3 states, the attorneys have maintained that PG&E should
4 be fined as much as \$2.25 billion for the San Bruno
5 blast and for failing to maintain a safe, natural gas
6 system. When Hagan demanded at a May 31st meeting
7 that they help him build his case so the utilities gas
8 systems spending should suffice they wrote, they
9 objected and asked him where he had obtained that -
10 where he had obtained information about some of PG&E's
11 expenditures according to one of the lawyers Hagan
12 replied that the information came from some fairies, I
13 don't have to tell you. He added that they should
14 accept the data or else, wrote Commission Attorney,
15 Patrick Berdge. In his e-mail to his boss Commission
16 General Counsel, Frank Lingh, Berdge wrote the Hagan's
17 angry demeanor must be placed in the context of his
18 past habit of carrying a concealed gun and knife on
19 his person while at the commission. Another attorney,
20 Robert Cagen told Lynn in an e-mail, I don't have any
21 intention to be in the same room as Hagan, regardless
22 of whether he is unarmed at the time. The
23 commission's internal dispute prompted the City of San
24 Bruno to ask federal officials to assume control over
25 natural gas regulation in California away from the

1 utilities commission saying the commission is on the
2 verge of becoming a national disgrace. The city asks
3 the US Pipeline & Hazardous Material Safety
4 Administration to assume the job of regulating PG&E's
5 gas operations. San Bruno's officials also zeroed in
6 on Hagan's reference to having been advised by fairies
7 asking the commission to hand over documents that went
8 into the safety division chief's recommendation that
9 PG&E not be fined. Mayor Jim Ruane said in a statement
10 we demand to know who the fairies are, their
11 identities and the telephone, e-mail or other records
12 that shed light on who really directed Hagan's
13 recommendation not to fine PG&E. State Senator Jerry
14 Hill who's district includes the devastated San Bruno
15 neighborhood also called for the state attorney
16 general to investigate the reassignment of the PG&E
17 case attorneys and whether there was workplace at the
18 commission. Hill said it is ironic that employees
19 that work for the head of the safety division don't
20 feel safe around his presence. General Hagan, do you
21 have a response that you'd like to provide to the
22 commission?

23 A. Oh, absolutely. And thank you for bringing that up
24 because it actually speaks to my core competencies and
25 personal competencies of critical decision-making and

1 thinking, courage, honor and integrity. First I'd
2 like to put a couple of things into perspective before
3 I start. First is: All that information that was in
4 those articles came out of privileged client/attorney
5 conversations that were deliberately released by those
6 attorneys to make their case in public. They violated
7 their ethical standards.

8 Second, I was specifically hired for two reasons:
9 one, to change the culture of safety. To move it from
10 a technical box mentality to a risk assessment, risk
11 management culture, And two, to clean up the San
12 Bruno mess.

13 At 6:11 p.m. on nine September, 2010 a 30-inch
14 natural gas transmission line blew up in a residential
15 area in San Bruno, about two miles from San Francisco
16 Airport. It registered 1.1 on the earthquake scale,
17 shot flames a thousand feet in the air, demolished 35
18 homes, killed eight people, two of which were
19 Jacqueline Greig, 44, and her daughter Janessa, 13.
20 Jacqueline is an employee of the Public Utility
21 Commission who worked in natural gas safety. Four
22 hundred firefighters fought an eight-alarm blaze, Cal
23 Fire sent 25 engines, four air tankers, two air attack
24 aircraft and a helicopter to fight the blaze. The
25 blaze wasn't put out until the next day at 11:00. It

1 blew a 28-foot piece of 30-inch steel pipe 100 feet
2 out of the ground, created an equator 167-feet-long,
3 26-feet-wide and 40-feet-deep, which is bigger than a
4 crater for a 2000-pound bomb. The investigation that
5 ensued by federal, state, local officials found that
6 PG&E had diverted over 100-million dollars in safety
7 funds to executive compensation and bonuses. PG&E
8 paid out \$565-million in compensation to 499 victims.
9 They were convicted of six felony convictions for
10 obstructing justice and violation of the Federal
11 Pipeline Safety Act. The Public Utilities Commission
12 found that PG&E had violated 96 articles of the public
13 utility code. Now, the standard for the fine was
14 \$50,000 per violation times the number of days that
15 that violation had occurred. PG&E in 1956 put a
16 substandard piece of pipe in the ground that was
17 substandard in 1956, connected it together with five
18 couplings called pups that were substandard by 1956
19 standards and put a visual - put a well that had a
20 visual crack in it in the ground. So if you take the
21 standards of the fine of \$50,000 times 96 violations
22 times 54 years times 365 days, you're calculator won't
23 do the number. And it matches the national debt it's
24 so big. We did an independent audit of PG&E's books
25 and came up with 2.25 billion dollars was what PG&E

1 could absorb in a penalty without going bankrupt. The
2 state had just bailed them out of bankruptcy in 2001.
3 In the process of this investigation and settling this
4 case we were now at the penalty phase in which the
5 state enforcement division had to make a
6 recommendation to the administrative judges as to what
7 the penalty should be. I met with representatives of
8 the advocacy groups, the City of San Bruno, the County
9 of San Francisco, Contra Costa County, other cities
10 and my five-man lawyer team about what do we do for
11 this recommendation. And the recommendations were all
12 over the page. San Bruno wanted 9 to 12 billion
13 dollars in a fine. Plus they wanted another 100
14 million to the city. PG&E had already given them 90
15 million. Those - the city manager and the mayor and
16 Jerry Hill, the state representative or senator, they
17 were just rabid over this thing. If they had their
18 way every PG&E executive would have been strung up and
19 hanging on a lamppost in San Francisco. We had two
20 choices in this. We could put money in a fine, which
21 had to go to the general fund or we could put money in
22 remediation, which would make PG&E pay for safety out
23 of rate payer out of shareholder money that they
24 should have done all along, replace pipe, do safety
25 inspections, clear right-of-ways, and make them -

1 force them to do that out of shareholder money, not
2 rate payer money. There was a feeling that if we
3 didn't have a fine, a significant fine, then it
4 wouldn't send a "true message" and I still today
5 believe that it didn't matter because if you took a
6 \$20 bill out of your wallet and I send it to the
7 general fund or I make you pay to do something you
8 should have done anyway or we sit here on fire right
9 here in front of us, that \$20 bill is still not in
10 your pocket. It came out of your pocket and you don't
11 have it anymore, so it hurts. Doesn't matter. I did
12 - and my lawyers were just rabid about how much money
13 should go to the general fund. I did some very
14 serious soul searching about this. One of the things
15 they said was: Well, we find PG&E \$56 million when
16 there was an accident a couple of years ago and it
17 killed somebody. So it can't be less than \$56
18 million. I said, "Oh, so at \$56 millions times eight
19 people, that's the minimum it can be"? "Where did you
20 get that number from"? "Well, it was what we did last
21 time. It can't be any lower than that". Well, how
22 much is the human life worth? I got blank stares. I
23 went back and thought about that. So what is a human
24 life worth? I fought a war where we paid villagers
25 \$50 if we accidentally killed one of their family

1 members. We paid them \$500 if we accidentally killed
2 their water buffalo. Water buffalos were worth more
3 than people. I asked myself what would the people of
4 San - that were dead want done with this money? Where
5 would they want this money to go? Would they want it
6 to go to the general fund where it would just be used
7 for whatever on anything, that it would just be a
8 windfall to the legislators? What would they want
9 that money to be used for? Wouldn't they want that
10 money to be put into safety to protect the other
11 people who were still alive? The rest of their family
12 members who lived in Northern California? Why put it
13 in the general fund? Put it all in safety. My
14 lawyers refused to do that. I did threaten them that
15 if they didn't do it I'd get myself a new lawyer team,
16 that they were fired. The chief lawyer - I went down
17 to see him, the head of my legal team about making
18 changes to the brief. And he refused. And he started
19 badgering me about where I was getting my information
20 from and he accused to talking to PG&E and getting it
21 from PG&E. And that's when I made the statement, bad
22 choice of words, that I got it from little fairies and
23 I waved my hand like it was magic. I just was tired
24 of listening to this guy. So I told him to do it or
25 else I'd fire them all. And they didn't do it so I

1 fired them all. And I wrote the brief myself. And
2 they said they wouldn't sign it. I said, I didn't
3 care. It's not your brief, it's mine. It comes from
4 me, the Director of Safety and Enforcement, not the
5 lawyers in safety and enforcement. This whole thing
6 can be summed up in a comment that one of the lawyers
7 made in an e-mail that he sent to the 120-something
8 people in the PFC legal department that said, he
9 refuses to do what we tell him to do. My lawyers had
10 forgotten the fact that they only made
11 recommendations. They don't make decisions. I had to
12 make the decision and live with it. And I made it.
13 And I live with it today. Now, in April of 2015, the
14 PUC made its final determination. The commissioners
15 voted unanimously for \$1.6 billion penalty to PG&E.
16 Now, as this was ramping up, all of those people,
17 Jerry Hill, the mayor of San Bruno, the city manager,
18 all those people who were demanding nine and twelve
19 billion dollar fines to the general fund changed their
20 tune. And you don't see the articles that say, don't
21 give any money to the general fund, put it all in
22 safety. So the final outcome was 300 million as a
23 fine to the general fund, the president of the PFC at
24 that time, Mike Picker said I really didn't want to do
25 that but I felt that I had to. And all the rest of

1 the money went to safety. I was told later by several
2 people in the legal world that reviewed this that that
3 brief that was written was the clearest, simplest,
4 most concise brief they ever wrote. I asked them did
5 they know why? And they said, no. and I said, it's
6 because I wrote it and not the lawyers. So it was
7 finally determined that that was a management dispute
8 and the PUC disciplined the lawyers.

9 **Q. Thank you, General. Another article in the San**
10 **Francisco Chronicle titled, "Hagan retires from PUC,**
11 **resisted finding PG&E states, the safety division was**
12 **forced to withdraw a \$375,000 fine against PG&E for**
13 **not having a policy tracking leaks and developments**
14 **around its pipeline system. Hagan's division levied**
15 **the fine without checking with the utilities**
16 **commission's legal arm and PG&E suggested that the**
17 **fine count against San Bruno. Do you have a response**
18 **to provide to the committee?**

19 **A.** Yes, we had just instituted a new system of ticketing.
20 Basically we could write a ticket for a safety
21 violation and the head of the gas safety division went
22 ahead and wrote that for \$375,000,000 for a separate,
23 not related to San Bruno incident. And we just didn't
24 cross all the T's and dot all the I's on that and so
25 we were forced by a technicality to withdraw that

1 penalty at the time.

2 Q. Thank you. And the last one in that same article it
3 also stated in October Hagan came under new criticism
4 for seeking seven million dollars to study a culture
5 makeover at the safety office state legislators urged
6 that such a study amount of outsourcing his leadership
7 in the plan that was quickly scuttled. Would you like
8 to provide any response to that aspect of the article?

9 A. Sure. We were trying to develop a strategic campaign
10 plan for the whole public utilities commission which
11 would be a five-year strategic plan, an integrated
12 safety management system based on aviation and nuclear
13 safety, zero-based budgets for all the departments and
14 I had put - I had developed an RF request for
15 proposals and had put that out on the public market
16 and we'd gotten several bids back one of which was six
17 million dollars for a ten-year program and again,
18 someone released the information to the press before
19 we had anything, before it was ready to be released.
20 We hadn't awarded a contract. We hadn't done
21 anything. We were in a hiring freeze. We were
22 already like a hundred and something people down in
23 personnel and couldn't hire anybody. And the critics
24 said we should get people inside to do it. There was
25 no way we could get people inside our organization to

1 do it. We needed a consultant. And so the whole
2 thing blew up before it was ever - ever came to
3 fruition.

4 **Q. Thank you General Hagan. The last thing, we'll run**
5 **through the final questions.**

6 A. Hold on. I would like to comment on one thing. I'm a
7 retired special agent for California Bureau of
8 Investigations. I was entitled to carry a concealed
9 weapon in the building.

10 **Q. Thank you for the clarification. Have you made any**
11 **contributions to members of the general assembly since**
12 **filing your application?**

13 A. No.

14 **Q. have you sought and received the pledge of any**
15 **legislator prior to this date?**

16 A. No.

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

20 A. No.

21 **Q. Have you asked any third-parties to contact members of**
22 **the general assembly on your behalf before the final**
23 **and formal screening report has been released?**

24 A. No.

25 **Q. Are you aware of any friends or colleagues contacting**

1 **members of the general assembly on your behalf?**

2 A. No, I'm not.

3 **Q. Are you familiar with the 48 hour rule which prohibits**
4 **the candidate from seeking pledges for 48 hours after**
5 **the report been submitted to the general assembly?**

6 A. Yes, sir. I am.

7 **Q. Do you plan to serve a full-term if elected?**

8 A. I'd like to serve two.

9 MR. DAVIDSON: Mr. Chairman, I'd note that for the
10 record General Hagan scored a 51.5 on the test.
11 Mr. Chairman, I have no further questions and
12 thank you General Hagan.

13 SENATOR ALEXANDER: Thank you Mr. Davidson and thank
14 you General. Before we get started with
15 questions I've got just one for you kind of
16 following up on that last one. The election is
17 scheduled, I believe, for September 23rd, if you
18 are successful to become a member of the
19 commission when would you be available to start
20 those duties?

21 GENERAL HAGAN: September 24th.

22 SENATOR ALEXANDER: Okay. The day after?

23 GENERAL HAGAN: Yes, sir.

24 SENATOR ALEXANDER: Questions? Okay, do we have some
25 on the screen from those joined with us virtually

1 that have any questions? I don't believe I see
2 any hands raised. If you do after, I'll
3 recognize Chairman Sandifer and then we'll go
4 from there.

EXAMINATION

6 BY REPRESENTATIVE SANDIFER:

7 Q. General Hagan, first of all, thank you very much for
8 your service to our country. I know you are a
9 patriot, as I am. And I most appreciate what you've
10 done.

11 Let me go through a few questions that I have
12 that tie back into some of your statements earlier .

13 A. Yes, sir.

14 Q. First of all, when did you move back into South
15 Carolina?

16 A. 2015, sir.

17 Q. So you've been back in South Carolina for five years?

18 A. Yes, sir.

19 Q. And by being here five years you know all about what
20 it takes to run the utilities of this state?

21 A. No, sir. I do not.

22 Q. All right. And the factors in a rate case does the
23 price that the customer ultimately pays for utilities
24 and their viability have an impact on those rates?

25 A. There is a problem with that because we have low

1 income people who can't afford the rates that are
2 being demanded these days. If I understood your
3 question correctly, sir.

4 **Q. What I'm asking you is: In the factors that the public**
5 **service commission should take into consideration, I**
6 **know you said that they have an ROE and other things**
7 **but does it matter what the effect on all classes? It**
8 **could be residential, business, industrial, otherwise**
9 **and use handling that rates, what those rates are**
10 **sustainable for the utility? Do those things go in to**
11 **a decision on rates?**

12 **A. Yes, sir. It's a balance, it's a balancing act of**
13 **giving fair rates to all the customers, as you've**
14 **said, and still being able to maintain a utility**
15 **company for them to be able to get investors to**
16 **invest, to keep improving the infrastructure, which is**
17 **crumbling around us, to just keep the lights on and**
18 **operate. It's a balancing act. Both sides have to be**
19 **taken into consideration very carefully.**

20 **Q. One of the questions that you answered was what you**
21 **thought the demeanor of a commissioner should be and**
22 **your response in part was, approachable.**

23 **A. Yes, sir.**

24 **Q. Do you feel like you would be approachable and by**
25 **whom?**

1 A. I think I'm approachable by staff. My people talk to
2 me because I care about them. I think I could solicit
3 public opinion in the open forum that I'm allowed to
4 talk to people about. When I left the PUC my
5 employees cried when I left. I do believe I'm
6 approachable, sir.

7 Q. All right. And when we got into the discussion of
8 some of the articles that were in the media, the first
9 part of it was that you said, that this was
10 attorney/client privilege and that it should not have
11 been released. However, the one thing I did note was
12 you never denied the fact that the conversation
13 occurred? Did it occur?

14 A. Some of the conversations did the way were stated.
15 Some of them did not, no, sir. Oh, and something else
16 that I failed to point out in that was that those
17 attorneys tried to claim that I did - that I was
18 demanding that they do illegal and unethical things
19 and that what I was doing was illegal and unethical.
20 But they never cited a law, a regulation or a statute
21 that I was violating or any ethical thing that I was
22 violating other than I just wanted to make them do
23 what they didn't want to do.

24 Q. Okay. And in the testimony that you gave in this
25 regard, you did not deny actually I think you admitted

1 **in a sense that you did carry a gun and/or a knife.**

2 A. Yes, sir. That's correct. I did.

3 **Q. Was it done to intimidate those around you?**

4 A. No, sir.

5 **Q. What was the purpose then?**

6 A. The public utility commission was Van Ness Avenue and
7 Van Ness Avenue is the western border of the
8 tenderloin district of San Francisco. It's a pretty
9 seedy crowd. And I lived in that neighborhood. And I
10 carried a weapon going back and forth to work. And
11 I've been carrying a gun for most of my life.

12 **Q. Did you carry one in here today?**

13 A. Oh, no, sir.

14 **Q. Okay. And that leads me to the rest of the question,**
15 **did you have security where you worked?**

16 A. No, sir.

17 **Q. There was no security in that building? So you were**
18 **providing the security?**

19 A. Well, let me rephrase that, sir. We had people at the
20 desk that you had to walk through to get on the
21 elevator. But I would not have called them security,
22 at all. They were a contracted rent-a-cops. They
23 weren't armed. They weren't trained. They barely had
24 uniforms on. So no, I didn't have any security in
25 that building as far as I was concerned.

1 Q. So you had to provide it for yourself and your
2 colleagues?

3 A. I believe I did, yes, sir.

4 Q. All right. What I've heard from you is: You've
5 excused all of your actions using a description of the
6 tragedy itself. Is that accurate?

7 A. No, sir. That is not accurate at all.

8 Q. Okay. I'm asking a question, that's all.

9 A. No, sir. I'm not excusing anything that I did. I
10 accept what I did and I'm not ashamed of it. I was
11 trying to put for the whole committee the perspective
12 of what San Bruno was like. The emotional impact that
13 that had on people and this was a very, big deal. And
14 especially since it happened about four miles down the
15 road from where we were and an employee and her
16 daughter were killed in it.

17 Q. Got it. And the last thing is I noticed that you
18 talked about the value of human life and compared the
19 value during a war in a war-torn country at 50 bucks
20 and then, the value of a human life that occurred in
21 that tragedy and I'm shocked by that, sir.

22 A. Why, sir?

23 Q. I don't think that that's pertinent to this question
24 that we're dealing with of whether or not you are, in
25 fact, the appropriate type of person to put in this

1 **position. Defend it, if you'd like.**

2 A. I said that because I - that is the measure that I use
3 to determine what the penalty should have been. What
4 was a human life worth? I tried to evaluate that
5 because my staff was trying to tell me that it was
6 worth -- that is wasn't worth anything. That it
7 should be a fine to the general fund. I was trying to
8 determine what - what we were trying - where was the
9 money best spent was what I was trying to determine.
10 And why? And part of that evaluation was my deep soul
11 searching over what was a human life worth. When they
12 were trying to tell me that we'd already fined PG&E 56
13 million for an accident that killed one person so it
14 couldn't be less than 56 million. That's where that
15 all came about.

16 REPRESENTATIVE SANDIFER: Thank you, sir. Thank you,
17 Mr. Chairman. That's all I have.

18 SENATOR ALEXANDER: Thank you Chairman Sandifer.

19 MR. FORRESTER: I've got a couple for him.

20 SENATOR ALEXANDER: Back on the screen. And I'll go
21 to Representative Forrester before I conclude.
22 So I think I saw your hand go up.

23 REPRESENTATIVE FORRESTER: What have you done -
24 once you got the test result have you done
25 anything to respond to that; is that right? To

1 improve your knowledge?

2 GENERAL HAGAN: Let me see if I've got the question
3 right. The question is: Since I got my test
4 results what have I done to improve my -

5 SENATOR ALEXANDER: Or have you done anything to
6 improve your knowledge as a result of getting
7 that test result I believe is what Representative
8 Forrester is asking?

9 GENERAL HAGAN: And I'm embarrassed at that dismal test
10 results. I have a bad day. I went back and
11 looked at some of the questions. I did that
12 actually after the test was over. The questions
13 that I didn't do very well at, I looked back
14 through that to see what it was that missed.

15 SENATOR ALEXANDER: Anything else, Representative
16 Forrester?

17 REPRESENTATIVE FORRESTER: No.

18 EXAMINATION

19 BY SENATOR ALEXANDER:

20 **Q. So following up on that, how would you describe the**
21 **test itself: fair, valuable, any response of having**
22 **participated in taking the test.**

23 **A.** I found it very difficult. I thought I answered some
24 of the questions right on the money and I know that I
25 missed a couple because there was one that I know I

1 didn't study and I ran out of time and just skipped
2 over that portion of the book I was looking at. So
3 that one I know I missed, totally. But I found the
4 test difficult.

5 Q. Okay. And just a couple other questions to finish
6 this up this afternoon. The company that I understand
7 that you're president/ceo of now, E.J. Hagan & Son,
8 Company. It's a management consulting company?

9 A. Yes, sir.

10 Q. And it talks about mentoring and different things but
11 could you just - and I read over what it said but who
12 are some - as far as your clients are there any that
13 could - that have been in the utility business?

14 A. No, sir. Not in the utility business.

15 Q. Is it private sector or is it private individuals?

16 A. Well, it's private - so far it's been all private
17 sector.

18 Q. And one final thing here on Question 8 was have you
19 been employed or held any position in any of the
20 following areas and you mentioned energy issues,
21 telecommunications, consumer protection, finance
22 economic statistics. I assume all that's from your
23 work there or is that from your work in California?

24 A. That's from my work in California and the rest of my
25 career in finance specifically because I had

1 organizations where I had budgets up to \$44 million
2 dollars that I had to manage and take care.

3 **Q. And then you also go onto mark law.**

4 A. Well I get that from law enforcement.

5 **Q. Law enforcement?**

6 A. Yes, sir.

7 **Q. But not -**

8 A. - not law as a lawyer. That was when - I can read a
9 law book as good as a lawyer can. That was where our
10 dispute came from.

11 **Q. Well, I understand that but it just says up there**
12 **under 8, have you been employed or held any position -**
13 **so you're referring to law enforcement at that point.**

14 A. Law enforcement and my time in the Marine Corps in
15 which I did non-judicial punishments, some of the
16 court marshals and I handled legal issues as a
17 commanding officer.

18 **Q. I just wanted clarification, sir. You don't have a**
19 **law degree?**

20 A. Oh, no, sir.

21 SENATOR ALEXANDER: Are there any other questions?

22 Anybody? If not, you've been very generous with
23 your time. We thank you for your willingness to
24 serve and again, following up with Chairman
25 Sandifer, I appreciate your service to our

1 country and appreciate your willingness to be
2 with us this afternoon.

3 GENERAL HAGAN: May I make a closing comment?

4 SENATOR ALEXANDER: Please sir, yes, sir.

5 GENERAL HAGAN: I stand by what I did in San - at the
6 PUC in San Bruno, you know, maybe I could have
7 handled some of the interactions with the lawyers
8 a little better, you know, I used - probably
9 picked a bad choice of words there. But I'd
10 stand by in what I did and I don't deny any of
11 it. And I'm accountable for my actions. And my
12 actions turned out to be correct. The penalty
13 came out almost the way I wrote it in the initial
14 recommendation. And the lawyers were disciplined
15 for their unethical conduct. So I still think
16 I'm probably one of the best candidates for this
17 job. And I want the job.

18 SENATOR ALEXANDER: Thank you, sir. Thank you for
19 being here today.

20 Next we have Mr. Bradford E. Love. You'll
21 come forward and pick up on of those little
22 microphone covers and place that over the
23 microphone if you will and you can either address
24 us with your mask on or without. It's your
25 preference from that standpoint.

1 MR. LOVE: I'd prefer to go without.

2 SENATOR ALEXANDER: And for the benefit of those who
3 are here virtually, I know she will ask you to
4 state your name, but if you could go ahead and
5 say your full name and do a sound check for our
6 friends that are virtual.

7

8 MR. LOVE: Brad Love. Formally Bradford E. Love.

9 WITNESS SWORN

10 SENATOR ALEXANDER: Thank you, sir. We appreciate you
11 being here this afternoon and Mr. Davidson has
12 some questions that you can answer - we ask that
13 you respond to them and we'll proceed with it.

14 MR. DAVIDSON: Good afternoon, Mr. Love. I'm going to
15 briefly summarize your background for the
16 committee. Mr. Love graduated from the Citadel
17 in 1989 with a bachelor of science in business
18 administration. Mr. Love is currently employed
19 as a CPA at Bradford E. Love, CPA, LLC started in
20 January 2002. Mr. Love reported that he provides
21 tax returns preparation, tax planning and
22 business consulting services. From '98 to 2001
23 Mr. Love reported he was self-employed as a sole-
24 proprietor CPA. From '95 to '97 Mr. Love worked
25 for Itel Terminals. From '94 to '95 Mr. Love

1 worked for Intermodel Management Incorporation as
2 an in-house controller from 1990 to 1994 Mr. Love
3 worked for Farera, Calloway & Co. CPA providing
4 accounting services. Mr. Love is also a board
5 director and treasurer for Camp Rise Above, a
6 non-profit benefitting children. Mr. Love, do
7 you have any changes that you would like to make
8 to the personal data questionnaire you submitted
9 with your application other than changes you've
10 already submitted?

11 MR. LOVE: Yes, sir.

12 MR. DAVIDSON: Mr. Chairman, I'd request that Mr.
13 Love's PDQ be entered into the record with any
14 confidential information being redacted.

15 SENATOR ALEXANDER: So ordered.

16 (EXHIBIT 1 MARKED FOR IDENTIFICATION
17 PURPOSES (6 pages) - Mr. Love's PDQ)

18 MR. DAVIDSON: As part of our background investigation
19 of the candidate we obtained a credit check,
20 driver's license, and SLED check. Any questions
21 of a confidential or personal nature will be
22 taken up in executive session. Before we begin
23 do you have a brief opening statement that you
24 would like to make?

25 MR. LOVE: No, sir.

EXAMINATION

BY MR. DAVIDSON:

Q. I believe you stated your name for the record. Could you also state your home address for the record?

A. 1537 Strathmore Lane, Mt. Pleasant, South Carolina, 29464.

Q. Are you a registered voter?

A. Yes.

Q. In which congressional district are you registered?

A. First.

Q. Why are you interested in serving on the public service commission?

A. I received an invitation from LLR saying I may have the qualifications for it so I started looking into it. I thought that it would be a job that I would enjoy. It would be a great challenge to me. I'm ready for a career change. Prior to getting that e-mail I'd already made the decision that I was selling off all or most of my practice and heading in a different direction. I saw this as something I think I would be great for and really enjoy doing.

Q. Have you attended any hearings at the commission?

A. I have not.

Q. Have you read any commission decisions?

A. I have.

1 Q. How do you expect to get up to speed on the issues
2 confronting the commission?

3 A. Studying. Studying and studying. I'm at a
4 disadvantage here because I don't have any experience
5 in public utilities. My biggest asset is probably the
6 fact that I've been reading, interpreting and applying
7 tax law for the last 30 years. And I think with that
8 I am certain that I can do it with the utility laws as
9 well.

10 Q. What role does the public service commission serve in
11 regards to the regulation of utilities?

12 A. To make decisions adjudicated.

13 Q. And is there a difference between activism versus
14 impartial application of the law?

15 A. I think there is. Partial application should be what
16 you're after.

17 Q. And how would that apply to commissioners? Is there a
18 role or a time for being an advocate or activism?

19 A. Not in my interpretation of what they do. To me that's
20 ORS, the legislator, they're the ones that would be
21 activists. We would simply rule accordingly.

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

24 A. The user needs a fair rate. The utility company needs
25 to make a fair profit, a sustainability. I'd say that

1 would be some of the keys.

2 Q. Are you familiar with the three advisory opinions
3 issued by this review committee dealing with
4 attendance at one, the legislative receptions; two,
5 legislative caucus and three, political gatherings?

6 A. Yes, sir.

7 Q. Have you attended any political gatherings since
8 submitting your application?

9 A. No, sir.

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

13 A. No, sir.

14 Q. Could you please explain in general rule regarding ex
15 parte communications as it relates to the public
16 service commission?

17 A. You should not discuss anything that's going to become
18 in front of the commission.

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

23 A. Simply tell them that I couldn't discuss it. And
24 again, that falls in line with my business for the
25 last 30 years. I have a lot of secrets that I don't

1 discuss it with anybody.

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

4 A. Yes, I am.

5 Q. Could you briefly describe the five canons in the Code
6 of Judicial Conduct? And if you just wanted to
7 generally touch on what you believe the canons to be
8 that would be acceptable also.

9 A. I read this back in February. But at the moment, I
10 can't answer.

11 Q. What do you consider to be the appropriate use of
12 social media? And this is pursuant to the judicial
13 canons but also as a commissioner of the subject to
14 those canons.

15 A. Well, I, for one, don't believe in social media and
16 but I definitely don't think it should be used as
17 anything to get information out of there.

18 Q. Are you or any member of your immediate family
19 employed by a utility regulated by the public service
20 commission either currently or within the past two
21 years?

22 A. No, sir.

23 Q. Do you or a member of your immediate family have stock
24 or other financial interests that is directly
25 controlled by you or your family member of a utility

1 regulated by the PSC?

2 A. No, sir.

3 Q. Do you or a member of your immediate family have stock
4 or other financial interests that is directly
5 controlled by you or your family member of a renewable
6 energy company that appears before the commission?

7 A. Not to my knowledge.

8 Q. Are you or a member of your immediate family an
9 officer or director or involved in the management of
10 any business or enterprise, if so, please identify the
11 business's purpose and you or your family member's
12 role.

13 A. Well, I'm the managing member of my LLC. Also, as you
14 stated treasurer for Camp Rise Above, other than that,
15 no.

16 Q. And what entities did you or a member of your
17 immediate family receive income from within the
18 previous year? Now, this does not include IRA,
19 deferred compensation funds, disability funds, mutual
20 funds or funds received from your financial
21 institution in the ordinary course of business, so
22 just general income.

23 A. My income strictly from my practice. My wife's income
24 from the law firm she works for.

25 Q. If elected would there be any potential conflicts of

1 **interest of financial or otherwise?**

2 A. No, sir.

3 **Q. What would you do if a conflict rose?**

4 A. Bring it before the board.

5 **Q. Are you affiliated with any political party's boards**
6 **or commissions that would need to be re-evaluated if**
7 **you were nominated and elected?**

8 A. No, sir.

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

11 A. No, sir.

12 **Q. What is the appropriate demeanor for a commissioner?**

13 A. Impartial.

14 **Q. And the demeanor for a commissioner would that apply**
15 **only while serving on the bench or is that 24/7?**

16 A. That's 24/7.

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

19 A. Whatever it takes to get the job done. I mean I would
20 like to think that I did not have to commute to
21 Columbia every day since it's about a two-and-a-half
22 hour drive but I would certainly be here when needed
23 and I would still put in all the hours that needed
24 while I was working remotely or here in Columbia.

25 **Q. As far as hours, do you envision it being a full-time**

1 job?

2 A. Oh, absolutely.

3 Q. Could you please briefly describe an integrated
4 resource plan and its purpose.

5 A. I'm not going to try to baffle you.

6 Q. And let's try, could you briefly describe the term
7 "avoided costs"?

8 A. No, sir.

9 MR. DAVIDSON: Thank you. At this time Mr. Chairman,
10 pursuant to the previous motion I'd ask that we
11 go into executive session.

12 SENATOR ALEXANDER: Okay. This is ongoing that you're
13 doing with each candidate and it's been adopted
14 by a previous motion. If you'll stay there at
15 the podium and we'll ask the parties to step out
16 for few minutes.

17 EXECUTIVE SESSION WAS HELD FROM 3:01 TO 3:04 PM

18 SENATOR ALEXANDER: Okay. We are back out of
19 executive session and no action was taken in
20 executive session. We have before us Mr. Love
21 and I will recognize Mr. Davidson.

22 CONTINUED BY MR. DAVIDSON:

23 Q. As you know we do a review of the public index. The
24 commission of public works for the Town of Mt.
25 Pleasant placed a lien on a property owned by you in

1 **1994. Could you please briefly describe the**
2 **circumstances.**

3 A. Yes. The former owner tapped into the sewer and was
4 making monthly payments when I acquired the property.
5 The lien came with it. I paid it off six or seven
6 years after I acquired the property.

7 **Q. The review also revealed a 2012 lien on your business**
8 **property. Could you also provide -**

9 A. That was because of a error in a payroll tax filing
10 the fourth quarter to be exact and even though I had
11 changed the business address since 2008 with SCDOR,
12 they sent the notice letters to the old address. I
13 never received them. I forget how I realized that
14 lien was out there. But immediately I called SCDOR
15 and told the person and he took it off. It was an
16 error.

17 **Q. Thank you. A review of the public index also showed**
18 **three cases of what you were named party. The first**
19 **case, or at least some of the name same or similar as**
20 **yours. The first case is: Mildred Adams vs. Linda**
21 **Brinkley, filed in 2004 and it had a Mr. Love as a**
22 **plaintiff.**

23 A. Yes, the neighborhood I lived in was unincorporated so
24 we didn't really have a HOA. Ms. Brinkley was
25 operating a hair salon out of her home. Some of the

1 neighbors had a problem with that so they did a
2 lawsuit to prevent her from doing that. I honestly
3 don't remember if I ever signed up on that lawsuit or
4 maybe it was because I was one of the property owners.
5 I did not have a problem because when I went out on my
6 own I started working out of my home so it would have
7 been somewhat hypocritical for me to put that -

8 **Q. The second one: Mary Lee Wright vs. Bradford Love**
9 **filed in 1996. I believe it was motor-vehicle**
10 **accident?**

11 A. It was. She turned left in front of me and I t-boned
12 her. She later sued me for personal injuries. The
13 jury found in my favor.

14 **Q. And lastly, State of South Carolina versus Bradford**
15 **Love filed 2000?**

16 A. That was one of my high school friends that apparently
17 baited a dove field that I was shooting over and I no
18 knowledge of it until DNR ticketed all of us.

19 **Q. And you were fined and paid it?**

20 A. Yes.

21 **Q. Have you made any contributions to members of the**
22 **general assembly since filing your application?**

23 A. No, sir.

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

1 A. No, sir.

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

5 A. No, sir.

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

9 A. No, sir.

10 Q. Are you aware of any friends or colleagues contacting
11 members of the general assembly on your behalf?

12 A. No, sir.

13 Q. Are you familiar with the 48 hour rule which prohibits
14 a candidate from seeking pledges for 48 hours after
15 the report has been submitted to the general assembly?

16 A. Yes, sir.

17 Q. You plan to serve a full-term if elected?

18 A. Yes, sir.

19 MR. DAVIDSON: Mr. Chairman, I'd note for the record
20 that Mr. Love scored a 27 on the test. Mr.
21 Chairman, I have no further questions. Thank
22 you, Mr. Love.

23 MR. LOVE: Thank you.

24 SENATOR ALEXANDER: Thank you, Mr. Davidson. Do we
25 have questions on what - first to our friend who

1 are virtually they've joined us? Are there any
2 questions from any of those individuals? We've
3 got Representative Mack, then I'll go to
4 Representative Forrester. Representative Mack.

5 REPRESENTATIVE MACK: Thank you. You're scores on
6 the test. You responded how many questions you
7 did well you had one bad spot but the test seemed
8 to be hard for you. What's your perspective of
9 the written test that you just took?

10 SENATOR ALEXANDER: Did you get that question okay?

11 MR. LOVE: I think he's asking me about the written
12 test.

13 SENATOR ALEXANDER: Yes, sir. Your perspective on that
14 test?

15 MR. LOVE: That test was difficult to say the least.
16 We were given an idea of a lot of materials to
17 study over less than a three-week-period. I was
18 not prepared for the test. I doubt that anybody
19 was. But it was a difficult test.

20 SENATOR ALEXANDER: Okay. Thank you. Anything else,
21 Representative Mack?

22 REPRESENTATIVE MACK: Yes. So do you think more time
23 would help or did you have trouble comprehending
24 the test? What you thought specifically was
25 problematic with the test?

1 MR. LOVE: Too much information, too little time.

2 SENATOR ALEXANDER: Anything else Representative Mack?
3 Representative Forrester?

4 REPRESENTATIVE FORRESTER: What have you don't since
5 taking that test to improve your knowledge going
6 forward?

7 MR. LOVE: I can honestly say not much of anything. I
8 am a tax CPA. I just finished the July 15th tax
9 deadline. Just got through a really rough tax
10 season with helping my business clients shutter
11 their business, apply for unemployment, get
12 emergency loans. Since I already had an
13 obligation there that's where I've kept my
14 obligation focused. So up to now not much. If
15 it looks like this is going to work out for me I
16 can assure you I'll get up to speed quick.

17 SENATOR ALEXANDER: Does that conclude you,
18 Representative? Okay. Anybody else on the
19 screen? Chairman Sandifer?

20 EXAMINATION

21 BY REPRESENTATIVE SANDIFER:

22 Q. Thank you, Mr. Love. We appreciate you being here
23 with us and being very candid with us.

24 A. Thank you for having me.

25 Q. Let me - and one of the questions that Mr. Davidson

1 asked was about the canons of judicial conduct. Would
2 you agree that some of them, and this is not all of
3 them, would be honesty, integrity, demeanor and
4 impartial and diligent hearings.

5 A. Absolutely. And as I said back in February, first
6 part of March, I read through that and to me it made
7 common sense.

8 Q. It did. I had staff give me an actual copy of them
9 just for my own edification and that kind of
10 summarizes them in a sense right there (indicating)
11 and I would hope that you would conduct yourself in
12 that way. Integrated Resource Plan, does that have
13 any meaning to you at all? You were unable to answer
14 that question.

15 A. I wasn't. So if I had to come up with a theory based
16 on the words, its integrating all the resources to
17 best power our state.

18 Q. Okay. When you say resources please tell me what
19 you're talking about.

20 A. We've got coal. We've got hydro-power. We use the
21 dams to produce the electricity. We've got nuclear
22 power. So those are all of our resources.

23 Q. All right. But do we not have solar? And potentially
24 wind?

25 A. Yes, we do.

1 Q. And pump storage which ^^ applies to the chairman in
2 me because we have it in upstate.

3 A. South Carolina doesn't produce any natural gas but we
4 get it piped in. I have a great friend who put solar
5 panels on his roof. He no longer has any electrical
6 bill except maybe one or two months out of the year.
7 But then, at the end of the year, because of the net
8 metering the company sends him a check. So yes, solar
9 is definitely a great resource.

10 Q. Okay. And I think it's important and that's the
11 reason for my asking the question. I think you knew
12 the answer but you didn't give the answer when Mr.
13 Davidson asked.

14 A. Thank you.

15 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

16 That's all I have.

17 EXAMINATION

18 BY SENATOR ALEXANDER:

19 Q. Thank you and I've got just a couple two or three here
20 for you. If you were selected to be the commissioner
21 for the election for the middle of September can you
22 give us a feel for when you would be available to
23 begin your service.

24 A. Almost immediately. I've already negotiated for an
25 individual to buy out all or a good part of my

1 practice. Of course, if I got this position, I'd
2 obviously have to give up all of the practice. So I
3 would need to make sure I transitioned out of that.
4 Considering my tax season runs from January to October
5 15th, I would need to be on top and make sure that the
6 commitments I've already made as far as getting the
7 tax returns prepped that that's handled either by me
8 or someone else who is ready to take over. Yeah, I
9 would say within a two-week notice.

10 **Q. And you're on the board of Camp Rise Above?**

11 A. Yes, sir.

12 **Q. And is that a non-profit that does what?**

13 A. It's a non-profit that we hold, well, until this year,
14 we hold summer day camps for children. We break it
15 down into maybe one day maybe sickle cell, another day
16 would be cranial facial disorders, another may be
17 autism. We hold the camps or have been holding the
18 camps at James Island County Park. That's it. And
19 we're transitioning hopefully next summer to
20 partnering with a camp here in Columbia where we're
21 going to have overnight camps either four or five days
22 where the kids going to be able to go to. Great
23 organization. I urge all of you CampRiseAbove.org,
24 please check it out.

25 **Q. Thank you for that. In some of your letters it**

1 references they certainly referring to your financial
2 concepts, your abilities and your work ethic as far as
3 financial aspects of that and being a CPA in the
4 financial rim. How do see that being able to most
5 effectively be of value on the commission itself?

6 A. Well, it shows - actually I'm not going to have the
7 checkbook of the service commission or the state's
8 checkbook but I think that it shows that I'm diligent.
9 I for the best part, follow the rules. I do my job
10 the way I'm supposed to do it. I think most
11 importantly it just shows that I am a professional and
12 I take my job seriously.

13 Q. But sir, wouldn't you agree that a lot of the work
14 that they do is looking at financial statements and
15 things of that nature that I would assume you've got
16 how many years of service?

17 A. Thirty years of service on that, yes, sir.

18 Q. Now, you mentioned if I understood you correctly that
19 your wife is an attorney?

20 A. Yes, sir.

21 Q. Does she or the firm here before the public service
22 commission, have they appeared before the public
23 service commission?

24 A. Not to my knowledge. They're basically a real estate
25 law firm so I don't think they would have ever had any

1 reason to be before the public service commission.

2 Q. Okay. And obviously if you were on the commission
3 anytime in the future something would occur what would
4 your position be from that standpoint?

5 A. Well, I would have to report it and probably step away
6 from it.

7 SENATOR ALEXANDER: Any other questions? If not, Mr.
8 Love we appreciate you being here with us this
9 afternoon, your willingness to serve and thank
10 you. Thank you, very much.

11 MR. LOVE: I thank you for the opportunity.

12 SENATOR ALEXANDER: Good afternoon. We have now before
13 us Mr. William R. Sloger, Jr. And we appreciate
14 your being here with us. And if you would maybe
15 just do a mike check for us so I can make sure
16 that the members that are on with us virtually
17 can hear you.

18 MR. SLOGER: Good afternoon.

19 SENATOR ALEXANDER: So the court reporter will swear
20 you in.

21 WITNESS SWORN

22 WILLIAM RICHARD SLOGER, JR.

23 SENATOR ALEXANDER: And we have Mr. Davidson has some
24 questions that we'd appreciate your responding to
25 and then we'll get into other questions as well.

1 MR. DAVIDSON: Good afternoon, Mr. Sloger, I'm going to
2 briefly summarize your background for the
3 committee. Mr. Sloger obtained his degree in
4 civil engineering from Clemson University in
5 1977. And 1991 Mr. Sloger obtained a master's
6 degree in civil engineering from the University
7 of South Carolina. In 1997, Mr. Sloger graduated
8 with a master's of science in environmental
9 studies and a joint program through the medical
10 university of South Carolina in the College of
11 Charleston. Mr. Sloger served as a project
12 manager with the South Carolina Department of
13 Transportation since 2019 where he manages
14 roadway construction project throughout DOT
15 District Six. From 2016 to 2019, Mr. Sloger was
16 employed as a senior NEPA Project manager for
17 HDR, Inc. Where he developed project proposals,
18 fee estimates and technical proposals for a
19 variety of environmental documents from 2008 to
20 2016 Mr. Sloger worked CSA Ocean Sciences Inc. As
21 a senior scientist where he developed project
22 proposals including fee estimates and technical
23 proposals for environmental assessments,
24 biological assessments, environmental condition
25 of properties and associated permits. From '82 to

1 2008, Mr. Sloger worked for the Naval Facilities
2 Engineering Command Southeast serving in various
3 capacities including as a structural engineer, an
4 environmental engineer and head of the NEPA
5 Compliance Branch. From '80 to '82, Mr. Sloger
6 worked as a nuclear engineer for the Charleston
7 Naval Shipyard and from 1977 to 1980, Mr. Sloger
8 worked as a structural engineer for J.E. Ceran &
9 Co. Mr. Sloger do you have any changes you would
10 like to make to your personal data questionnaire
11 that you submitted with your application not
12 including any of those that you've already
13 submitted. Do you have any new changes to make?

14 MR. SLOGER: No.

15 MR. DAVIDSON: Mr. Chairman, I would request that Mr.
16 Sloger's PDQ be entered into the record with any
17 confidential information redacted.

18 MR. CHAIRMAN: So ordered.

19 (EXHIBIT 1 MARKED FOR IDENTIFICATION
20 PURPOSES (6 pages) - Mr. Sloger's PDQ)

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

1 Mr. Sloger, do you have a brief opening statement
2 that you would like to make?

3 MR. SLOGER: Just a couple of things. I'd like to
4 thank you all for holding this hearing and as a
5 citizen of South Carolina, I have to say, I'm
6 really encouraged by the process. I think it
7 really speaks well to the intent of the state and
8 how things are executed in this whole process.
9 As an individual, I'm really flattered just to be
10 here and look forward to all of your questions.

11 MR. DAVIDSON: Thank you.

12 EXAMINATION

13 BY MR. DAVIDSON:

14 **Q. Could you please state for the record your home**
15 **address.**

16 A. 706 Nomad Lane, Mt. Pleasant, South Carolina.

17 **Q. And are you a registered voter?**

18 A. I am.

19 **Q. And which congressional district are you registered to**
20 **vote?**

21 A. District one.

22 **Q. Why are you interested in serving on the public**
23 **service commission?**

24 A. In a word V.C. Summer. I think it's been about three
25 years since that project was abandoned and it's really

1 brought much of the whole regulatory process relative
2 to utilities into the public eye. I have been
3 following that whole process very closely ever since
4 and I think certainly, much as changed since we've
5 seen in the last few years since then. I'm sure there
6 are many more changes that will occur in future. Many
7 of them very big that we read about in the paper. But
8 a lot of even quite small things just down to how
9 these hearings are held in y'all choosing the future
10 commissioners. I think that the future looks
11 especially bright from a citizen's perspective. I
12 know many more changes will be occurring in the future
13 years. I'd really like to be a part of that.

14 **Q. Have you attended any hearings at the commission?**

15 A. I have not.

16 **Q. Have you read any commission decisions?**

17 A. Yes.

18 **Q. How do you expect to get up to speed on the issues**
19 **confronting the commission?**

20 A. Well, I think like everybody that's involved a huge
21 amount of reading is a big part of that, I think
22 initially try to embed myself as much as possible with
23 ORS Staff. Obviously, there many very educated, legal
24 and technical people on staff here. And I think
25 spending a lot of time with them would be very

1 beneficial. Of course there's the National Association
2 of Regulated Utility Commissioners. I think many
3 members of the commission have joined that group and
4 it seems like a very good group to help give bigger
5 picture perspective on things.

6 **Q. What role is the public service commission serve in**
7 **regards to the regulation of utilities?**

8 A. It's primary role is to set and regulate rates
9 relative to investor owned utilities. I think there
10 are a lot of other smaller details but I guess that's
11 the primary focus.

12 **Q. Do commissioner's have a role for activism or being an**
13 **advocate?**

14 A. No.

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

17 A. Well, I think there are three big areas. I think he
18 would have to focus on the applicable laws initially.
19 After that, I think that it's very important to look
20 at the impact on the consumer. That our rates are
21 fair and reasonable. Then finally, I think it's
22 important to, of course, consider the utility itself.
23 Is it a reasonable rate-of-return that they might be
24 earning on something they proposed.

25 **Q. Are you familiar with the three advisory opinions**

1 issued by this review committee dealing with
2 attendance at one, legislative receptions; two,
3 legislative caucus meetings and three, political
4 gatherings?

5 A. Yes.

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

9 A. No.

10 Q. Have you attended any political gatherings since you
11 submitted your application?

12 A. No.

13 Q. Could you explain the general rule regarding ex parte
14 communications as it relates to the public service
15 commission?

16 A. Well, basically, a commissioner can't have a one-sided
17 conversation with somebody out of - out of the formal
18 process, so if someone were to approach a commissioner
19 that person approaching the commissioner would have to
20 told that sort of conversation isn't allowable under
21 the ex parte rules. I think you'd have to then
22 explain to the person where they might perceive, if
23 they wanted to pursue it, obviously there are ex parte
24 communications that occur. There's quite a list of
25 them on the commission docket. And I'd suppose the

1 last step in the process would be to record that
2 contact.

3 **Q. Assume you're serving on the commission and you're**
4 **approached by someone wanting to discuss a matter that**
5 **is or may become an issue and in proceeding how would**
6 **you handle that situation?**

7 A. Stop and right off and then explain who they would
8 need to talk to and send them in a particular
9 direction. And then of course, finally report the
10 contact.

11 **Q. Are you aware that commissioners are subject to the**
12 **judicial code of conduct as well as state ethics laws?**

13 A. Yes.

14 **Q. Are you able to briefly describe the five cannons in**
15 **the code of judicial conduct?**

16 A. Let's see, first of all conduct oneself in a
17 professional manner. No involvement in any sort of
18 political party or gathering. Not using the position
19 to benefit oneself or any other particular individual.
20 That's three, I can't think of the other two.

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

23 A. I would say that I don't think that there is an
24 appropriate use. It would best that a commissioner
25 completely avoid that.

1 Q. And is there a distinction between the use of social
2 media as a commissioner and the use of social media
3 from the commissioner in his private life?

4 A. I suppose one could argue that. I'm not sure that
5 that's really possible. I think it best just to avoid
6 social media, period.

7 Q. Are you or a member of your immediate family employed
8 by a utility regulated by the public service
9 commission either currently or within the past two
10 years?

11 A. No.

12 Q. Do you or a member of your immediate family have stock
13 or other financial interest that is directly
14 controlled by you or your family member of the utility
15 regulated by the Public Service Commission?

16 A. No.

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

22 A. No.

23 Q. Are you or a member of your immediate family an
24 officer or director are involved in the management of
25 any businesses enterprise?

1 A. No.

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

8 A. Outside of normal work or -

9 Q. - it would include your normal work income.

10 A. I can't think of any.

11 Q. Allow me to help you. Perhaps your current job?

12 A. Of course, yes.

13 Q. Which is?

14 A. I'm an engineer. I work for the Department of
15 Transportation.

16 Q. And anybody else living under the same roof with you?
17 Do they receive any income -

18 A. Yes, my wife works for Roper Hospital.

19 Q. Thank you. If elected would there be any potential
20 conflicts of interest financial or otherwise?

21 A. Not that I'm aware of.

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

23 A. Well I'd certainly do whatever necessary to resolve
24 it. I suppose in the short-term I might have to
25 recuse myself perhaps from particular item on the

1 docket.

2 Q. Are you affiliated with any political parties, boards
3 or commissions that would need to be re-evaluated if
4 you're nominated and elected.

5 A. I am not.

6 Q. You belong to any organization that discriminates
7 based on race, religion or gender?

8 A. No, I do not.

9 Q. What is the appropriate demeanor for a commissioner?

10 A. To act professional. I think much of the job
11 particularly if it relates to any interactions with
12 the public is to listen and to hear whoever's before
13 the commission.

14 Q. And that demeanor of a commissioner, does that apply
15 only while you're on the bench or is it 24/7?

16 A. No, I think that would be all-the-time, 24/7.

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

19 A. Well, it's a full-time job but I would envision
20 spending an awful lot of time here, certainly as I
21 mentioned with the staff. It's a huge amount of
22 reading, certainly a lot of meetings to attend.

23 Q. Could you please describe the term - forget that - let
24 me refer back to that. And you envision the job being
25 full-time?

1 A. Yes.

2 **Q. Please describe the term "demand side management".**

3 A. Demand side management is basically an attempt to
4 influence consumer demand either through financial
5 incentives or perhaps education.

6 **Q. Are you able to describe the term "avoided costs"?**

7 A. Avoided costs are basically costs that somehow an
8 entity looking to pass onto others.

9 **Q. How about the term "cross subsidization"?**

10 A. Well, that gets to rate structure and I suppose in a
11 nutshell that that's referring to one class of rate
12 payers in some way paying a premium that subsidizes
13 another class of rate payer.

14 MR. DAVIDSON: Mr. Chairman, I'd ask at this time that
15 pursuant to the previous motion that we go into
16 executive session.

17 SENATOR ALEXANDER: Okay. So we'll take time to go
18 into executive session with you as we have with
19 all candidates. And we ask members of the
20 audience to excuse themselves and we'll get them
21 back at the conclusion of the executive session.

22 EXECUTIVE SESSION WAS HELD FROM 3:34 to 3:47 pm

23 CONTINUED BY MR. DAVIDSON:

24 **Q. Thank you, Mr. Chairman. Mr. Sloger, the Charleston**
25 **County Public Index shows a delinquent property tax**

1 for the 2019/2020 period with the name same as yours.
2 Could you just briefly describe the circumstances for
3 the commission.

4 A. I have to blame that all on my wife. She handles
5 that. I'm not sure why that payment was late,
6 property tax for our home? She didn't send it in
7 time.

8 Q. And for the record, the records shows it as being paid
9 and you can confirm that, right?

10 A. Yes.

11 Q. As you know, we also do a review of public index for
12 any cases that would have your name or the
13 substantially similar name. The first one that came
14 up was a 2002 case, Southcoast Community Bank vs.
15 William Sloger, a foreclosure action. Mr. Sloger, I
16 believe mentioned that this was his father's and you
17 were not involved in this case; is that correct?

18 A. That's correct.

19 Q. So you were not a named party whatsoever with this
20 case?

21 A. That's correct.

22 Q. And the second one is a 1999 case, William Sloger
23 versus Coldwell. Could you please describe the
24 circumstances around this case.

25 A. At that time I was in an automobile accident. I was

1 rear-ended by a truck that was driven by, I guess
2 Coldwell was the driver's name but it was for a
3 construction company and my car was totaled and so I
4 was offered some payment on the car which didn't seem
5 really fair at the time to me so I filed for
6 arbitration and went through an arbitration process to
7 consider the value of the car.

8 **Q. Have you made any contributions to members of the**
9 **general assembly since filing your application?**

10 A. No.

11 **Q. Have you sought or received a pledge of any legislator**
12 **prior to this date?**

13 A. No.

14 **Q. Have you sought or been offered a conditional pledge**
15 **of support by any legislator pending the outcome of**
16 **your screening?**

17 A. No.

18 **Q. Have you asked any third-parties to contact members of**
19 **the general assembly on your behalf before the final**
20 **formal screening report has been released?**

21 A. No.

22 **Q. Are you aware of any friends or colleagues contacting**
23 **members of the general assembly on your behalf?**

24 A. I am not.

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

1 a candidate from seeking pledges for 48 hours after
2 their report has been submitted to the general
3 assembly?

4 A. Yes.

5 Q. Do you plan to serve a full-term if elected?

6 A. I do.

7 MR. DAVIDSON: Mr. Chairman, I note for the record that
8 the candidate scored a 67 on the test. I have no
9 further questions. Thank you, Mr. Sloger.

10 SENATOR ALEXANDER: So we'll now open it up to
11 questions. I'm going to yield to our virtual
12 committee members. Are there any questions from
13 any of our members?

14 REPRESENTATIVE FORRESTER: Just one question, after
15 you got your report on your scores from your
16 test, have you done anything to improve your
17 knowledge?

18 SENATOR ALEXANDER: Did you hear that question?

19 MR. SLOGER: Could you restate the last part -

20 SENATOR ALEXANDER: Basically, since you got your
21 score have you done anything to study up or do
22 anything else to as a result of your score from
23 the test. Is that right Representative
24 Forrester?

25 REPRESENTATIVE FORRESTER: That's correct.

1 MR. SLOGER: I continued to do what I had been doing.

2 Prior to taking the test, I spent a lot of time
3 online going over a myriad of things that apply
4 to the public service commission. Looking at the
5 dockets and many of the cases there. And of
6 course, looking at a lot of the legislation that
7 goes into the whole process. So for me that
8 reading process has continued since then.

9 SENATOR ALEXANDER: Thank you. Other questions
10 virtually?

11 Hearing none - Chairman Sandifer?

12 EXAMINATION

13 BY REPRESENTATIVE SANDIFER:

14 **Q. Thank you for being here this afternoon. I hope it's**
15 **not raining too badly on all of when we leave. In the**
16 **question from Mr. Davidson, the role of PSC, you**
17 **indicated it was to handle the investor-owned**
18 **utilities and rate making and does it do anything**
19 **else?**

20 **A.** Yes, it does quite a lot of else. Obviously, it
21 covers electrical utilities, water utilities, a
22 variety of transportation type companies,
23 telecommunications. Seems like it's involved in awful
24 lot of things, an awful lot of permitting actions.
25 One thing I've noticed while certainly the commission

1 deals with a lot of high profile things like SCE&G,
2 now Dominion Energy, seems like the majority of its
3 activities involve a lot of minor little permit type
4 actions as transportation companies.

5 **Q. Ex parte, you said that you've seen a number of those**
6 **on the docket. Are all ex parte communications on the**
7 **docket?**

8 A. I don't know that I have any way of knowing that. I
9 would hope so.

10 **Q. Let me go into a little bit. Do you understand that**
11 **there are ex parte communications and there are**
12 **allowable ex parte communications?**

13 A. Yes.

14 **Q. The ones you see on the docket what would you think**
15 **they are?**

16 A. They're certainly the allowable ones.

17 **Q. What is the differentiation between the two terms?**

18 A. Well, the formal ones on the docket are the allowable
19 ones, I guess, anything other, the "un-allowable" is
20 what is often what is focused on. Those where, you
21 know, an individual approaches another individual?
22 That by-and-large wouldn't be allowed and so I think a
23 big part of those are simply educating a person about
24 what is allowed and the process they need to pursue.

25 **Q. All right. Could you please tell me what the term**

1 integrated resources means?

2 A. Integrated resources I think is referring largely to
3 those resources that might be involved or impacted by
4 a particular action.

5 Q. Would it have anything to do with the various of
6 generalization for electrical utilities?

7 A. Yes, of course, so there of course, we're talking
8 about a lot of different possibilities in this state,
9 nuclear, of course, thinks that would be the biggest.
10 But a lot of other possible generating has I suppose
11 when it comes to integration of those things perhaps
12 the most problematic and most discussed might be how
13 renewable energy fits into a program.

14 REPRESENTATIVE SANDIFER: Mr. Chairman, that's all I
15 have. Thank you Mr. Sloger.

16 EXAMINATION

17 BY SENATOR ALEXANDER:

18 Q. Just a couple two or three items here. If you were
19 successful to become the commissioner what kind of a
20 time frame would it be that you have the ability to
21 assume that responsibility? The elections are going
22 to be scheduled I think for September 23rd, so what
23 type of time frame would there need to be before you
24 could actually assume the role, just for the record.

25 | A. I think my current circumstances are such that with

1 reasonable notice to my current employer, the plan
2 changed, I don't know two weeks to perhaps as much as
3 a month.

4 **Q. And as a follow-up to Representative Forrester as far**
5 **as the test is concerned do you have any thoughts or**
6 **comments about the overall process of the test or the**
7 **value or benefit or lack of about the test that you'd**
8 **like to share with the committee?**

9 A. I do, I have a lot of thoughts about that test. That
10 test almost kept me from being here today. But my
11 wife said I needed to follow through. Frankly, a 67,
12 actually it was a 66.75 and that wasn't what I was
13 hoping for by any stretch. Then I got to thinking
14 about it and I really understand the point of the
15 test. I think it is a very good component of the
16 whole process but the fact that I got a 66.75, to me
17 suggested perhaps someone was sharpening their pencil
18 a little too sharp. I did generally like the test but
19 it sure seemed best suited for a lawyer or perhaps one
20 that had direct involvement with the commission or the
21 office of regulatory staff. Aside from that I
22 certainly agree with the general point of having the
23 test.

24 **Q. Okay. Thank you. In your profession what do you see**
25 **as the strongest part of your experience that would**

1 **help you in doing the job as a member of the**
2 **commission.**

3 A. Most of my career I've worked as a environmental
4 planner. Of course, I was educated as an engineer
5 which I think has a lot of value, you know, the
6 ability to read plans and specs and the general
7 orientation to detail. But I really think my
8 experience as environmental planner is perhaps my most
9 valuable asset. The National Environmental Policy
10 Act, of course, is a federal act and it deals with
11 federal actions but what it does is it requires an
12 agency to consider the impacts of major federal action
13 and evaluate alternatives. And so in the production
14 of an environmental impact statement, you look at an
15 awful lot of different areas, socioeconomic, physical,
16 biological, and you have to assess all those areas as
17 far as existing conditions and impact and you're doing
18 that while looking at alternatives to a particular
19 action and so it really causes an agency to have to
20 really investigate something thoroughly and of course,
21 a very big part of NEPA is public involvement, a lot
22 of public meetings to get the public's input on
23 things. So having gone through that process I think
24 I've managed over the course of my career seven or
25 eight environmental impact statements but having gone

1 through that process you really learn to be a
2 generalist in that you have to really know a little
3 bit about everything. So many different areas. So
4 you also have to be pretty detail oriented to really
5 understand each one of those areas and how to evaluate
6 them. And of course, there's a big regulatory
7 involvement with many of these actions so you have to
8 be able to respond to that as well. But it seems like
9 NEPA brings together so many things in the
10 environmental world when evaluating alternatives to a
11 major action I think that's pretty applicable to how
12 one has to look at so many of the things that come
13 before the public service commission. You really have
14 to be familiar with and aware of a whole variety of
15 topics. Thank you.

16 SENATOR ALEXANDER: Okay. Thank you. We're going to
17 go back and if no one virtually has anything? If
18 not, Chairman Sandifer, you good? We appreciate
19 you being with us this afternoon, your
20 willingness to serve and appreciate your time. So
21 I believe that concludes our work for this
22 afternoon or for the day. And we will reconvene
23 at 10:00 a.m., tomorrow, Tuesday, July 21st to
24 continue the process at that standpoint. So I
25 appreciate your time. All members thank you for

1 being with us and staff for their continued great
2 work and great efforts. We'll stand adjourned
3 until 10:00 a.m.

4 (There being no further questions, the deposition
5 concluded at 4:02 p.m.)
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1 CERTIFICATE OF REPORTER

2
3 I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC
4 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
5 CERTIFY THAT I REPORTED THE HEARINGS ON MONDAY, THE 20TH
6 DAY OF JULY 2020, THAT THE WITNESS WAS FIRST DULY SWORN BY
7 ME AND THAT THE FOREGOING 142 PAGES CONSTITUTE A TRUE AND
8 CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID
9 DEPOSITION.

10 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
11 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
12 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
13 INTERESTED IN SAID CAUSE.

14 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT
15 WAS THEREAFTER SEALED BY ME AND DELIVERED TO HEATHER
16 ANDERSON, GRESSETTE BUILDING, 1101 PENDLETON STREET,
17 COLUMBIA, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED
18 ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING
19 SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH
20 MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

21 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
22 3RD DAY OF AUGUST 2020.

23 

24 KATHRYN B. BOSTROM, COURT REPORTER

25 MY COMMISSION EXPIRES AUGUST 28, 2022

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