



1226 Pickens Street  
Columbia, South Carolina 29201  
info@garberreporting.com  
Telephone: (803) 256-4500 | Fax (803) 256-1999

## **SCREENING HEARINGS**

*July 21, 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  
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, Room 105, Columbia, South Carolina, on Tuesday,  
13 the 21st day of July, 2020, commencing at the hour of 10:12  
14 a.m.  
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APPEARANCES:

Senate Members:

Thomas C. Alexander

Luke A. Rankin, Sr. (via Zoom)

Senate Public Member:

Margaret "Marti" Bluestein (via Zoom)

House Members:

William E. Sandifer

P. Michael Forrester (via Zoom)

House Public Members

John S. Simmons (via zoom)

Richele Taylor (via Zoom)

Committee Staff

Heather Anderson, Esquire

Steve Davidson, Esquire

Bryan Triplett, Esquire

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24  
25

CONTENTS:	
(Hearings)	
	PAGE
Exhibit Index . . . . .	4
Examination of Mr. Newman . . . . .	7
Examination of Mr. Boling . . . . .	11
Examination of Mr. Hyatt. . . . .	45
Examination of Mr. Morgan . . . . .	80
Examination of Ms. Kennen . . . . .	104
Examination of Mr. Fairey . . . . .	131
Certification of Reporter . . . . .	171
Word Index	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXHIBITS

Exhibit No. 1	(1 Pages)	. . . . .	9
	(Mr. Newman's info sheet)		
Exhibit No. 1	(12 Pages)	. . . . .	13
	(Mr. Boling's PDQ)		
Exhibit No. 1	(6 Pages)	. . . . .	47
	(Mr. Hyatt's PDQ)		
Exhibit No. 1	(10 Pages)	. . . . .	82
	(Mr. Morgan's PDQ)		
Exhibit No. 1	(8 Pages)	. . . . .	106
	(Ms. Kennan's PDQ)		
Exhibit No. 1	(6 Pages)	. . . . .	134
	(Mr. Fairey's PDQ)		

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: Good morning. I'll call this  
3 meeting of the Public Service Commission Review  
4 Committee to order on this July 21st, 2020. I  
5 would entertain a motion that we go into  
6 executive session to discuss potential employment  
7 pursuant to Section 30-4-70 and for the receipt  
8 of legal advise pursuant to Section 30-4-78.

9 REPRESENTATIVE SANDIFER: So moved.

10 SENATOR ALEXANDER: I have a motion from  
11 Representative Chairman Sandifer. Do I hear a  
12 second? Can I have a raise of a hand of a second  
13 there on the screen, maybe?

14 REPRESENTATIVE FORRESTER: Second.

15 SENATOR ALEXANDER: I've got numerous ones, okay.  
16 It's been duly seconded. Is there any objection?  
17 Hearing none and seeing none, then it's unanimous  
18 that we will go into executive session.

19 EXECUTIVE SESSION WAS HELD FROM 10:14 TO 10:28 AM.

20 SENATOR ALEXANDER: We are out of executive session,  
21 and no action was taken. I will refer the brief  
22 opening comments that we're today, July 21st,  
23 2020 to further question the candidates and give  
24 them the opportunity to make any statement with  
25 respect to their qualifications and desire to

1 serve as a commissioner. The review committee  
2 requests the standard information during the  
3 screening not be shared until after the final  
4 candidate has been screened. The candidates are  
5 sequestered prior to their screening in order to  
6 ensure fairness during the process. However, the  
7 purpose of the sequestration is defeated if the  
8 candidates are contacted or read about what  
9 questions are being asked or read about other  
10 candidates' screening online. A transcript of  
11 these screenings will be posted online. Further  
12 for the record and for reminder of the members of  
13 the committee that we had a motion yesterday for  
14 executive session that will carry through the  
15 remainder today and tomorrow and Thursday with  
16 any candidates we have that will go into  
17 executive session with each individual candidate,  
18 and that was the motion yesterday that was get  
19 started? If not, then we will call for -- the  
20 first individual today is Mr. Robert Newman, and  
21 he was found qualified during the January 2020  
22 hearings for District One screening. And we are  
23 accommodating his schedule today. We will hear  
24 from others at the appropriate time throughout  
25 this week that also were found qualified at that

1 time.

2 MR. NEWMAN: Good morning.

3 SENATOR ALEXANDER: Good morning. Will you make sure  
4 that green light is on there?

5 MR. NEWMAN: Green light? I see a green button.

6 MS. ANDERSON: Green button.

7 SENATOR ALEXANDER: Okay, great. Thank you. And  
8 would you state your name so that we can do a  
9 test with out individual members that have joined  
10 us virtually, please?

11 MR. NEWMAN: George Robert Newman.

12 SENATOR ALEXANDER: Okay, welcome. Thank you for  
13 being here. I'm gonna recognize the court  
14 reporter to administer the oath to you, sir.

15 SENATOR ALEXANDER: I'm gonna recognize staff, Mr.  
16 Davis.

17 WITNESS WAS SWORN

18 EXAMINATION OF GEORGE ROBERT NEWMAN

19 BY MR. DAVIS:

20 **Q. Good morning, Mr. Newman.**

21 **A. Good morning.**

22 **Q. If you'd prefer to take off your mask, it's your**  
23 **preference. I don't need to handle that.**

24 **A. Okay.**

25 **Q. Could you also please state for the record your**



1           **address?**

2       A.     1836 Delacourt Avenue, Mt. Pleasant, South Carolina  
3           29466.

4       **Q.     At the hearing in January you stated that you are a**  
5           **registered voter in the First Congressional District;**  
6           **is this correct today?**

7       A.     Yes.

8           MR. DAVIDSON:   Mr. Chairman, candidates who are found  
9                           qualified by the review committee during  
10                          screening for Public Service Commission seats 1,  
11                          3, 5 and 7 in January of this year were asked to  
12                          submit an affidavit indicating if there were  
13                          substantial or substantive changes from the  
14                          application materials previously submitted to the  
15                          review committee.   Mr. Newman submitted an  
16                          affidavit indicating that there were no  
17                          substantial or substantive changes.

18       CONTINUED BY MR. DAVIDSON:

19       **Q.     Mr. Newman, are there any changes you'd like to make**  
20           **to the affidavit?**

21       A.     No.

22           MR. DAVIDSON:   Mr. Chairman, I'd request that the  
23                           affidavit be entered into the record.

24

25                           (EXHIBIT 1 MARKED FOR IDENTIFICATION)

1                   PURPOSES (1 pages) - Affidavit)

2           SENATOR ALEXANDER:    So ordered.

3   CONTINUED BY MR. DAVIDSON:

4   Q.   Mr. Newman, at the January public hearing you  
5       indicated that you are familiar with the three  
6       advisory opinions issued by the review committee  
7       dealing with attendance at legislative receptions,  
8       legislative caucus meetings and political gatherings.  
9       Have you attended any legislative receptions or any  
10      legislative caucus meetings since your screening in  
11      January?

12   A.   No.

13   Q.   Have you attended any political gatherings since  
14      submitting your -- since your screening in January?

15   A.   No.

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

18   A.   No.

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

21   A.   No.

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

25   A.   No.

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

4 A. No.

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

7 A. No.

8 Q. And are familiar with the 48 hour rule which prohibits  
9 a candidate from seeking pledges for 48 hours after  
10 the report has been submitted to the General Assembly?

11 A. Yes.

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

13 A. Yes.

14 MR. DAVIDSON: Mr. Chairman, I have no further  
15 questions for Mr. Newman.

16 SENATOR ALEXANDER: Okay, thank you. Mr. Newman,  
17 elections are scheduled for September 23rd. If  
18 you were nominated and were elected, what type of  
19 time frame would it be that you would be able to  
20 assume a position on the Commission.

21 MR. NEWMAN: I would be ready right away.

22 SENATOR ALEXANDER: Thank you, sir. Are there any  
23 questions from anyone that's with us virtually?  
24 Hearing none, again, you've been before us prior  
25 to this, and this is a continuation of that

1 process, and we certainly wanted to have you back  
2 with us. We went into detail at that particular  
3 time, and I see no other questions that are  
4 before us. So, thank you for taking the time to  
5 be with us today.

6 MR. NEWMAN: Well, thank you very much.

7 SENATOR ALEXANDER: Good morning.

8 MR. BOLING: Good morning.

9 SENATOR ALEXANDER: I tell you, if you will just  
10 state your name for the record so that we can do  
11 a mike test for our virtually -- and you're  
12 welcome to either -- to take your mask off and be  
13 with us, sir.

14 MR. BOLING: Okay. My name is Terry Thomas Boling.

15 SENATOR ALEXANDER: Hopefully, we got -- thumbs up  
16 from the folks there, so I want to again thank  
17 you for being here, and I'm gonna recognize the  
18 court reporter to administer the oath for you.

19 WITNESS IS SWORN

20 SENATOR ALEXANDER: And then we have staff that will  
21 have some questions for you, and then we'll go  
22 into additional questions as well, but thank you  
23 again for being here this morning.

24 MR. BOLING: No, thank you for seeing me.

25 EXAMINATION OF TERRY THOMAS BOLING

1 MS. ANDERSON: Good morning, Mr. Boling.

2 MR. BOLING: Good morning.

3 MS. ANDERSON: I'm going to give a very brief overview  
4 of your background, and then we'll go into  
5 questions, okay.

6 MR. BOLING: Okay.

7 MS. ANDERSON: Mr. Boling obtained a bachelor of  
8 science degree in management from the University  
9 of Phoenix and a master of science in engineering  
10 management from Rowing University. He is  
11 currently a lead specialist at General Electric  
12 and has been an employee at GE since 2008 and  
13 previously worked for GE as a contractor from  
14 2002 to 2008. In his current role, he researches  
15 and designs the testing of gas turbines and their  
16 components used for generating electricity. He  
17 also conducts fuel analysis and emissions  
18 measurements and works with emissions and fuel  
19 and analysis systems and equipment. From 1991 to  
20 2002, Mr. Boling worked at AMP-AKZO as an  
21 environmental technician where he operated a  
22 wastewater system. From 1993 to '96, Mr. Boling  
23 was employed as a wastewater lab technician at  
24 Cooper Industries. And from 1991 to '93, he was  
25 an environmental technician at UWASA Exide where

1           he operated an earth filtration system and  
2           conducted lab testing, among other duties. Since  
3           2012, Mr. Boling has been adjunct instructor for  
4           Central Carolina Technical College, teaching  
5           environmental courses. He also has a small  
6           business for residential rentals and a horse  
7           boarding business. Mr. Boling has also written a  
8           number of articles on topics related to music and  
9           motorcycles and has recently published a book  
10          regarding his experience with motorcycles.

11       CONTINUED BY MS. ANDERSON:

12       **Q.   Mr. Boling, do you have any changes you'd like to make**  
13       **to the personal data questionnaire you submitted with**  
14       **your application, other than changes you may have**  
15       **already submitted?**

16       A.   No, I do not.

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

21       SENATOR ALEXANDER: So ordered.

22                       (EXHIBIT 1 MARKED FOR IDENTIFICATION

23                       PURPOSES (12 pages) - Mr. Boling's PDQ)

24       MS. ANDERSON: As part of the background  
25               investigation, we obtained a credit check,

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

6 MR. BOLING: No, I did not prepare one.

7 MS. ANDERSON: Okay. Please state your name and home  
8 address for the record.

9 MR. BOLING: Terry Thomas Boling, 99 Liberty Road,  
10 Iva, South Carolina 29655.

11 BY MS. ANDERSON:

12 **Q. Are you a registered voter?**

13 A. Yes.

14 **Q. And in which Congressional district are you registered**  
15 **to vote?**

16 A. District 3.

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

19 A. I kind of view it the same way as I view teaching. I  
20 never had aspirations to become a public figure. I  
21 never had ambitions to be a teacher, but over the  
22 years through my experiences, my education, I feel  
23 like I have things that I share with the community,  
24 with my students that I believe would be beneficial.  
25 As you heard, I have quite a diverse background, and I

1       also have four associate degrees. I've got state  
2       licenses, and I've just -- there's so many different  
3       things that I feel that this position is responsible  
4       for and covers that I've got experience and education  
5       with, and I just believe that I have a lot of  
6       beneficial background that would be helpful to the  
7       people within my district.

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

9       A. No, I have not.

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

11      A. Yes. I've read some of the decisions, and I've  
12      watched some of the videos that are archived on the  
13      website.

14      **Q. How would you expect to get up to speed on the issues  
15      confronting the Commission, if elected?**

16      A. A lot of reading and a lot of video watching. There's  
17      a lot of information out there. I remember one of the  
18      videos. It was over 13 hours of public hearings, so  
19      there is a lot of information on the website.

20      **Q. What role does the PSC serve in regards to the  
21      regulation of utilities?**

22      A. I view it more as, from my understanding it's  
23      predominantly to make sure that everything is fair and  
24      just between the customers of the utilities but also  
25      to the companies themselves. We don't need a lopsided



1 relationship with the Commission, and one of those or  
2 the other -- we're looking for unity and looking for  
3 cooperation. We're looking for what's best for the  
4 people within the state and with the utilities to take  
5 into consideration, especially our energy management  
6 plan, the state plan. Yeah, I'd just -- the more I  
7 looked into and the more I've read up on the  
8 Commission, I like seeing that it's there for not only  
9 the companies but also the people. And it's got to --  
10 the Commissioner's got to take into consideration both  
11 sides.

12 **Q. And that leads me into my next question. What are**  
13 **some of the key factors that a Commissioner would have**  
14 **to consider or should consider in a rate case?**

15 A. In a rate case?

16 **Q. Yes, sir.**

17 A. Well, one would have to make sure that it's justified  
18 for the company who want to raise the rates, and we'd  
19 also have to consider the customers, whether or not  
20 they can afford the rates. Those would be the main  
21 two, but then we'd have to look into other aspects of  
22 this to whether it's beneficial overall, and we'd have  
23 to look at the impacts on all the stake holders within  
24 the community, which also includes the environment.

25 **Q. Is the PSC an entity that sets policy, or are they an**

1           entity in which they have to follow the law  
2           impartially?

3   A.    I kinda wish I would have studied up a little bit  
4           more.

5   Q.    And this just kinda goes back to the general role,  
6           what the PSC serves.

7   A.    Yeah. I'd give it more as following the law and not  
8           making the law.

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

13   A.    I'm sure I read that, but I don't remember it.

14   Q.    Okay. Let me follow up. Have you attended any  
15           legislative receptions or caucus meetings, legislative  
16           caucus meetings since submitting your application?

17   A.    No, none. I'm too busy.

18   Q.    Okay. And have you attended any political gatherings  
19           since submitting your application?

20   A.    No, none.

21   Q.    Okay. Please explain the general rule regarding ex  
22           parte communications as it relates to the Public  
23           Service Commission.

24   A.    Yeah, I don't remember that either.

25   Q.    Okay. Assume that you're on the Commission and

1       someone approaches you wanting to talk about a matter  
2       that's either before the Commission or could come  
3       before the Commission. How would you handle that?

4   A. From what I remember, I'm not supposed to. So I would  
5       tell them that I'm not in the position to talk to them  
6       at that time. I'm not -- I don't have the proper  
7       authority.

8   Q. Okay.

9   A. I remember there was one thing that I was reading  
10       where people weren't supposed to directly talk to the  
11       Commissioner. They were supposed to get another  
12       representative.

13   Q. If someone were to approach you one on one to talk a  
14       matter before the Commission, would you just handle it  
15       there? Would you report it to anyone else what had  
16       occurred?

17   A. If it was a person with a company, I would definitely  
18       feel obligated to report it. If it was just a  
19       citizen, I'd probably still want to report it, but I  
20       wouldn't think that just an average Joe off the  
21       street, like my neighbor, would be as crucial of a  
22       person than one that may have a high -- a high  
23       position in a company that may be able to benefit.

24   Q. Is there a distinction as to what you could discuss  
25       with your neighbor versus, say for example, a utility

1           **representative?**

2       A.    There is.  I don't remember some of the stuff I read.

3       **Q.    Okay.**

4       A.    But, yeah, there are -- it's sure not a free for all.

5       **Q.    Okay.  Are you aware that --**

6           MR. FORRESTER:  Could y'all speak up?

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

9       A.    I'm sorry.  Could you repeat that?

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

13      A.    Yes, I believe there was a document on that, wasn't  
14           there?

15      **Q.    Okay.  And can you briefly describe the five canons in**  
16           **the code of judicial conduct?**

17      A.    No, but that was on the test.  I don't remember it.

18      **Q.    Okay.  What do you think would be appropriate social -**  
19           **- use of social media if you were elected as**  
20           **Commissioner?**

21      A.    I believe a Commissioner should be politically  
22           unbiased because the Commissioner is representing  
23           everyone within that district, so you cover everyone  
24           of every political affiliation and belief.  And I  
25           believe that a Commissioner should also be very choosy

1 with their words and make sure that it's more along  
2 the lines of a -- I'm trying to think of the word that  
3 I'm looking for -- I don't want to say politically  
4 correct, but that could be part of it, more diplomatic  
5 in choices of words.

6 Q. And would there be a difference between a Commissioner  
7 using social media as a public official or having a  
8 separate account for private purposes?

9 A. I believe that at any given time that person is  
10 representing the people within the district and the  
11 government.

12 Q. Mr. Boling, I'm going to ask you about some Facebook  
13 entries --

14 A. Yes.

15 Q. -- that we've talked about back from 2019, prior to  
16 you submitting your application.

17 A. Yes.

18 Q. Okay. One is opposed from November which regarded  
19 firearm safety.

20 A. Yes.

21 Q. And you stated in part: One of the easiest ways to  
22 get my blood boiling and to give me the strong urge to  
23 knock a person's teeth down their throat is to have a  
24 firearm pointed at me or near someone near me. I see  
25 these people at the range. I see them in the gun

1 shops. Sure, 99.999 percent of the unholstered  
2 firearms in a shop are unloaded, but waving one around  
3 and pointing it at people, even the knowingly, just  
4 tells me you're an idiot and not aware of what you're  
5 doing. There's another post from December, and which  
6 you stated again in part: Some people are just effing  
7 morons and are trying to find something to complain  
8 about, naturally on Facebook, it was just a got you  
9 moment as you can't punch the other person. Yep, it's  
10 just a game, you stupid, ignorant fools. Again, these  
11 were posted before you submitted the application --

12 A. Yes.

13 Q. -- but would you like to comment on these?

14 A. Well, neither one of them would be appropriate in any  
15 way, shape or form for a Commissioner. I knew that a  
16 background check was gonna be performed and especially  
17 with social media, because I do the same thing with my  
18 tenants, and I viewed it two ways. One is I leave it,  
19 and the other one is I go back and try to cover it all  
20 up and hide it and do things like that, like my  
21 websites. There's actually a website where they  
22 archive it, and you can go back and see what my  
23 website had in 2006. So instead of going back and  
24 trying to cover it all up, I'd potentially look  
25 deceitful. I decided to leave everything up as it was

1 and did not change anything. The first post that you  
2 mentioned about firearm safety is I'm a very strong  
3 advocate for firearm safety. If we follow the four  
4 golden rules of firearm safety, we would eliminate all  
5 accidental shootings, and I believe in that post I  
6 actually mentioned I was shot when I was 13. It was  
7 only a BB gun, but I had a person walking behind me  
8 and did not have proper trigger discipline, and he  
9 stumbled and shot me in the inside of the arm, and I  
10 had to dig the BB out of my arm. But at that time  
11 when I made that post, a father in the upstate of  
12 South Carolina not far from me did not follow the four  
13 rules, and he accidentally shot and killed his 11 year  
14 old daughter. So the four rules are that you treat  
15 every firearm as though it's loaded always. You don't  
16 point it at anything you don't plan to destroy or  
17 kill. You don't put your finger on the trigger until  
18 you're on your target and you know your target and  
19 what's beyond. If you follow those four, no  
20 accidental shootings or deaths will ever happen again.  
21 But, yeah, that post is not appropriate for one, for  
22 political bias and also for some of the wording, some  
23 of my verbiage. It's not acceptable for a  
24 Commissioner. The other one refers to a game that I  
25 remember that my peers in high school back in the '80s

1 playing. And somehow recently it's been distorted  
2 into some white supremacy symbol. And I have friends  
3 on Facebook that were still playing that game. I  
4 don't know why, but they still are. I know up until  
5 about a year ago, and it just -- I believe in that  
6 post I mentioned something about some people are just  
7 getting a little overly sensitive here lately, which  
8 is a political bias that a Commissioner shouldn't  
9 have, but a recent event is, I think, notable where a  
10 famous actress accepted a job, a position in a movie,  
11 and then this -- they call it a cancel culture -- they  
12 complained about her accepting a position or accepting  
13 a job to act like someone she isn't. And I thought  
14 that was the actual definition of acting where you  
15 portray someone you're not. And so there are just  
16 weird things that happen on occasions, and that was  
17 inappropriate for a person that would be a  
18 Commissioner or even wanting to become a Commissioner,  
19 but like I said, I didn't want to go and try to censor  
20 everything and be deceitful, especially if I did that  
21 and then you had looked before I had deleted the post  
22 or you had access to like that one website, and you  
23 went back and noticed that I went and cleaned  
24 everything up. You definitely don't want a deceitful  
25 person in this position.



1 Q. Okay. Thank you, and thank you for your honesty. Mr.  
2 Boling, are you or a member of your immediate family  
3 employed by a utility regulated by the Public Service  
4 Commission, either currently or within the past two  
5 years?

6 A. No.

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

11 A. Not that I am aware of. I've got some mutual funds.  
12 There may be some wrapped up in that, but I don't keep  
13 up with them.

14 Q. But there's nothing that you directly control --

15 A. No, definitely --

16 Q. -- for example, Dominion or --

17 A. -- definitely not.

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

23 A. No.

24 Q. Are you or a member of your immediate family an  
25 officer or director or involved in the management of

1           **any business enterprise?**

2       A.   No.  Oh, wait, I'm sorry.  A business enterprise?

3       **Q.   Yes, sir.**

4       A.   Would my --

5       **Q.   For example, a rental company?**

6       A.   Okay, yes, my rental company.  I have two rentals.  I  
7       have a third one I'm restoring, and then the horse  
8       boarding operation.

9       **Q.   Okay.  And the Secretary of State's website lists you**  
10      **as the registered agent for Clayton Thomas**  
11      **Enterprises.  Can you describe this entity and your**  
12      **role?**

13      A.   My goal was to roll my rentals and the horse boarding  
14      operation into it, which is why I used the word  
15      enterprises.  And I thought it would be a neat little  
16      catchall, make it sound official.  It's not like,  
17      well, I have a couple of rental properties.  I can say  
18      I've got this small business, and a lot of people  
19      recommended I get an LLC for various protections.  
20      Well, once I filled out the form and got the LLC I  
21      started hearing differences of opinion as to whether  
22      an LLC was beneficial or not, whether or not the State  
23      of South Carolina actually had a true definition of an  
24      LLC and whether it would help me when it came into  
25      some type of lawsuit.  Then I had other people tell me

1       that ideally I should have one rental per LLC, and it  
2       just got to the point where I was hearing all these  
3       different stories. And it's just been sitting there  
4       for like six years. I haven't done anything with it  
5       officially. Now on my Linked In page, I actually have  
6       it listed as the company for my rentals and the horse  
7       boarding operation, but I've not done anything  
8       official. I've not moved like the deed to a house  
9       over to it. I don't have any vehicles under it. I --  
10      there's nothing. It's just a name.

11   **Q.   Okay. What entities did you or a member of your**  
12       **immediate family receive income within the previous**  
13       **year? Now this would not include items like an IRA,**  
14       **deferred compensation funds, disability, mutual funds**  
15       **or funds received from your financial institution in**  
16       **the ordinary course of business?**

17   A.   It'd just be the rentals, the horse boarding and my  
18       books.

19   **Q.   And salaries?**

20   A.   Oh, yeah, with GE and with Central Carolina Technical  
21       College.

22   **Q.   And any member of your immediate family receive**  
23       **salaries?**

24   A.   No, my wife's disabled.

25   **Q.   Okay. If elected, would there be any potential**

1           **conflicts of interest, financial or otherwise?**

2       A.   None that I'm aware of.

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

4       A.   I would definitely let everyone know.  I would need to  
5           consult with someone to know what I should do.

6       **Q.   Okay.  Are you affiliated with any political parties,**  
7           **boards or commissions that would need to be**  
8           **reevaluated if you were nominated and elected?**

9       A.   No, none.

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

12      A.   Absolutely not.

13      **Q.   What is the appropriate demeanor for a Commissioner?**

14      A.   Well, I touched on that a little bit earlier where I  
15           really should not have any political bias, and I  
16           should be very careful as to what I say and how I say  
17           it.

18      **Q.   And would this be only while on the bench or at all**  
19       **times?**

20      A.   It would be at all times.  It would be a little bit  
21           different being a Commissioner, though, than it would  
22           be like when I went to California with my job with GE,  
23           where I was representing the company and only with  
24           those people I was dealing with.  A Commissioner is  
25           working 24/7, so everyone that I have an interaction

1 with, I am representing that position. I am  
2 representing the people of my district, and I am  
3 representing the state government.

4 **Q. And if elected to serve as a Commissioner, how would**  
5 **you envision your work schedule?**

6 A. It looks like there are a lot of hearings, a lot of  
7 public hearings. There's going to be a lot of  
8 traveling involved. The only current job I have that  
9 has a set schedule is the one with GE, which I've quit  
10 that job, because it could conflict with the  
11 Commissioner's position, especially when it comes to  
12 time. Teaching, and I teach online, so quite often  
13 I'm up at 2:00, 3:00 in the morning teaching, doing  
14 the class work. We don't have set aside class  
15 schedules. The rental properties and the horse  
16 boarding, there's no set schedule on that, so I'm  
17 openly and readily available for any schedule any day  
18 of the week. And that's the way I've pretty much been  
19 my whole life. I've worked odd schedules, night  
20 shift, weekend shifts. I would be available whenever  
21 I'm needed.

22 **Q. Okay. What are some of the industries and businesses**  
23 **that are regulated by the Public Service Commission,**  
24 **and what are the Commission's duties as to each?**

25 A. We've got the power generation facilities, water,

1 waste water facilities, telecommunications. What was  
2 -- what taxi cabs was involved too, interesting.  
3 There were a couple more, but a lot of what I was  
4 seeing has to do with rate hikes and other concerns.  
5 One of the hearings that I watched, there was a delay  
6 because of Covid, and the power company was asking for  
7 a surety bond to float them over for a certain period  
8 of time, because we weren't able, the commission  
9 wasn't able to vote on something that they submitted,  
10 and that was actually passed, but there seemed to be a  
11 lot of concerns raised by the public, especially when  
12 it comes to price hikes. And then there's also  
13 concerns with the companies when they want to make an  
14 improvement, or they want to come up with a new  
15 system, new equipment that would be beneficial both to  
16 the company and for customers. So it's the  
17 Commissioner's position to weigh all the pros and cons  
18 and see what's most beneficial for everyone.

19 **Q. What is an integrated resource plan?**

20 A. If you would have asked me three months ago, I would  
21 have told you. I don't remember.

22 **Q. Okay.**

23 A. It's --

24 **Q. What is meant by the term net metering?**

25 A. That was one I knew for the test.

1 Q. I'll tell you what. We'll move on, and if you think  
2 of --

3 A. Yeah, I --

4 Q. -- it, then we'll come back to it.

5 A. I haven't gone back over any of these things between  
6 the two classes I was teaching and the class I took,  
7 the businesses -- yeah, it's -- I haven't -- I haven't  
8 really studied any of this stuff over the last three  
9 or four months, so some of that I quickly forgot.

10 Q. All right.

11 MS. ANDERSON: Mr. Chair, at this time, pursuant to  
12 the earlier motion, I would request that we go  
13 into executive session.

14 SENATOR ALEXANDER: Okay. We'll go into executive  
15 session, so if you'll stay at the podium, and  
16 we'll ask the member of the audience to leave us,  
17 and -- appreciate you being here.

18 MR. BOLING: Thank you.

19 EXECUTIVE SESSION WAS HELD FROM 11:04 TO 11:08

20 SENATOR ALEXANDER: We're back out of executive  
21 session. No action was taken, so we will  
22 continue our screening of Mr. Boling. We'll  
23 continue, Ms. Anderson.

24 Q. Okay. Mr. Boling --

25 MR. RANKIN: Heather, before you continue, I just want

1 to compliment Representative Forrester's Spartan  
2 and spark look and the jacket today, by the way.  
3 I like you better without the jacket. It's a lot  
4 cooler.

5 SENATOR ALEXANDER: Duly noted, thank you for that.

6 CONTINUED BY MS. ANDERSON:

7 **Q. Okay. Mr. Boling?**

8 A. Yes.

9 **Q. We're going to discuss a few items that came back with**  
10 **your SLED check, DMV report. Obviously, this check**  
11 **included your driving record, which lists the**  
12 **following items: there was a ticket for speeding, ten**  
13 **miles an hour or less in March of 2019, a reportable**  
14 **accident in November of 2019, and it indicates that**  
15 **you did not contribute to that accident, and three, a**  
16 **suspension for cancellation of insurance in 2019. Can**  
17 **you please explain the circumstances regarding the**  
18 **suspension?**

19 A. Oh, the suspension?

20 **Q. Yes, sir.**

21 A. Yes. I had just had that accident, in which it was no  
22 fault of my own, and my car was totaled. So I wasn't  
23 sure if I was going to replace that car or if I was  
24 just going to use a backup that we've got. So I  
25 decided to turn in the license plate. At the same



1 time, I had two motorcycles in the garage that I'd  
2 been paying taxes and insurance on for six years and  
3 never drove them, because my wife was involved in an  
4 accident that further enhanced her disability, which  
5 was also from a motorcycle accident, but the first one  
6 she had was in 2003 and the second was in 2012. Her  
7 left leg is actually paralyzed from the knee down. So  
8 these two bikes sat there, and the ethanol fuel did  
9 nasty things inside the gas tank, and they won't run.  
10 And so what I decided to do when I turned in the tag  
11 for the car that was totaled, I decided to turn both  
12 tags for the motorcycles. One of them I took off the  
13 bike, the other one I couldn't find, so I filled out  
14 the form for a lost tag. So I turned technically  
15 three tags, and I canceled the insurance on all three  
16 of them. I never received any notification whatsoever  
17 that there was a threat of suspension on my license or  
18 that it had been suspended. And I went for the real  
19 ID finally -- I think it was in April or something --  
20 and the woman looks at the screen, and she goes, uh-  
21 huh, takes my license and drops it in the drawer and  
22 says, your license has been suspended. And I'm like,  
23 what, when did this happen. And she claimed that one  
24 of the license plates I turned in was ten years old.  
25 It was the one I took off the motorcycle, and I

1     couldn't see how it could be ten years old. And I  
2     didn't check the receipt to make sure that the tag  
3     number matched that that was on the receipt that was  
4     the one I turned in. So the whole time I never got  
5     notification of this issue, because, yeah, I didn't  
6     have either the tag or any of the three tags, didn't  
7     have any vehicles on the road, so I cancelled the  
8     insurance. And it wound up costing me like \$300.00,  
9     and I had to fill out that lost tag, but it was just a  
10    clerical issue, but I -- if I would have gotten  
11    notification, I would have definitely clarified it,  
12    because a year, two years prior to that, I sold a car,  
13    transferred the tag from that car to another car. The  
14    dealership had checked I wanted a new tag, so I got  
15    this brand new tag wrapped up in plastic, and I took  
16    it straight to the DMV and turned it in. Well, about  
17    three years ago or whatever it was, the DMV did not  
18    communicate with the treasury department that I'd  
19    turned it in. So I got a notification that I was  
20    about to lose my license due to not paying taxes on  
21    that tag. And I had to go down there twice, and the  
22    last time the woman at the treasurer's office had to  
23    contact the DMV, the DMV had to fax information back  
24    to her, and then she gave me a letter saying that  
25    everything's fine and dandy just in case I got pulled

1 over. And I think that's still in my glove box, but,  
2 yeah, I would have definitely taken care of it if I  
3 would have known anything about it, but I got no  
4 notification whatsoever of a threat of suspension and  
5 definitely did not receive one for suspension. I'm  
6 just thankful I wasn't pulled over for something and  
7 arrested.

8 Q. And to be clear, everything on your record shows  
9 that's it's current --

10 A. Yes.

11 Q. -- that this was a temporary suspension --

12 A. Yes.

13 Q. -- that it's been addressed, but I wanted to give you  
14 the opportunity to explain for the record what  
15 happened with that.

16 A. Yeah. I would have definitely taken care of that well  
17 in advance of it being suspended, if I was aware of  
18 it.

19 Q. Okay. And there were two cases, two lawsuits, that  
20 you were involved in. The first one, Terry Boling v.  
21 Tyrone Hughes. This was filed in October of 2016 in  
22 Pickens County for rule to vacate.

23 A. Yes.

24 Q. Can you please explain what happened with that?

25 A. He just quit paying me.

1     **Q.     Quit paying you for what?**

2     A.     Oh, he quit paying rent, and he wasn't maintaining the  
3             yard, and the house was trashed pretty good after only  
4             being there for five months.  Yeah, he was evicted for  
5             nonpayment of rent.

6     **Q.     And then the second lawsuit was Terry Boling as**  
7             **plaintiff v. Angela Marie Duncan, and this was filed,**  
8             **again, in Pickens County in 2015.**

9     A.     Yes, that's actually the same house.  Yeah, she moved  
10            in.  I tried to cut her a deal.  I gave her -- I let  
11            her move in with a pro rated amount for the first  
12            month, because it was like the last two weeks of the  
13            month, and I decided to help her out and cut the  
14            security deposit in half between two months.  She paid  
15            me just enough to move in and never paid me another  
16            penny.  She did write two bad checks, and I handed  
17            those over to the solicitor's office.  They handled  
18            that for me, but, yeah, both of those were evictions  
19            due to nonpayment for rent.

20    **Q.     Mr. Boling, have you made any contributions to members**  
21             **of the General Assembly since filing your application?**

22    A.     No, I have not.

23    **Q.     Have you sought or received the pledge of any**  
24             **legislator prior to today?**

25    A.     No, I have not.

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

4 A. No.

5 Q. Have you asked any third parties to contact members of  
6 the General Assembly on your behalf before the final  
7 informal screen report has been released?

8 A. No.

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

11 A. No.

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

15 A. Yes, I remember reading that.

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

17 A. Yes.

18 MS. ANDERSON: Thank you, Mr. Boling. Mr. Chairman, I  
19 have no further questions, and for the record,  
20 Mr. Boling made a 52 on the test.

21 EXAMINATION

22 BY SENATOR ALEXANDER:

23 Q. Thank you. If the elections are scheduled for  
24 September 23rd, if you are nominated and if you were  
25 elected, what kind of a time frame would you have to

1       **be available to be on the Commission?**

2       A.    I would like to work a two week notice, but there are  
3           -- there's a strong chance the way that the business  
4           has been and with my flexible time -- because right  
5           now we've been doing a lot of work from home, and I do  
6           a lot of work at night, if there's a little bit of an  
7           overlap, I should be able to work that out, but in  
8           general, I like to work a two week notice.

9       **Q.    You also mentioned the test score. Do you have any**  
10       **comments about the test or your perception of the**  
11       **test?**

12       A.    Other than I wasn't prepared, because I had so much  
13           going on, and I wasn't able to study that much, I  
14           thought it was quite fair. I did not commit to memory  
15           as much as I should have, but at the time of the test  
16           I was working 50 hours or committing 50 hours a week  
17           to GE. I was teaching two classes. I started taking  
18           a class, and I was reading like four chapters a week,  
19           and I just -- I think I was still advertising one of  
20           my rentals, trying to find a new tenant, so I  
21           generally these days put in between 60 and 80 hours a  
22           week, which is less than I used to. I used to put in  
23           80 to 100 between all of my little projects and  
24           working on the farm and everything, so, yeah, I just  
25           didn't have that much time to study. I could have

1           done considerably better if I had more time.

2   **Q.   Sure.  And in one of the questions -- then I'll turn**  
3       **to others -- could you briefly kind of tell me -- you**  
4       **talk about studying and tests and things as an adjunct**  
5       **instructor there for Central Carolina, environmental**  
6       **courses.  You teach one course a semester or two**  
7       **courses, and kind of just briefly give me a feel for**  
8       **what those courses are.**

9   **A.   Okay.  Generally, in the spring I've been teaching two**  
10       **classes.  I've been teaching health effects of**  
11       **hazardous materials and the other one, I think, is air**  
12       **pollution control.  And in the summer I've been**  
13       **teaching environmental management systems, which is**  
14       **like what they ended up doing making the state energy**  
15       **plan.  It's the exact same process, and I wish I would**  
16       **have known about that and the meetings that were in**  
17       **Greenville, because I would have loved to have**  
18       **attended them, especially I taught a class that's**  
19       **every step on how to form one.  I'm not teaching this**  
20       **summer because of low enrollment at CCTC, and my**  
21       **manager with the school's actually teaching the class**  
22       **that I created, so he's using my materials.  In the**  
23       **fall I teach one class, and I'm drawing a complete**  
24       **blank -- oh, that's emergency -- I forget what it's**  
25       **called.  It has to do with emergency response and**

1 talks about Homeland Security and stuff like that.  
2 But also, what I have been doing is -- because as a  
3 perk for employees, every semester I teach I can take  
4 a class, so I've been taking classes just for the sake  
5 of taking them. I think I've taken five or six  
6 classes just because I'm interested in the topic.

7 **Q. Okay, thank you.**

8 **A.** You're welcome.

9 SENATOR ALEXANDER: I need to yield to the virtual --  
10 Do we have any questions from the virtually  
11 members that are joined us virtually. Any hands?  
12 Representative Forrester.

13 REPRESENTATIVE FORRESTER: Thank you, Mr. Chairman.  
14 Mr. Boling, thank you for being here. This is  
15 following up on the Chairman's question about the  
16 test. What have you done since receiving your  
17 score to improve your knowledge?

18 MR. BOLING: I have not gone back and gone over any of  
19 that material. I've mainly been looking at the  
20 processes and procedures that have been -- that  
21 the Commissioner goes through, and that's where  
22 I've been reading a lot of the previous cases,  
23 the dockets, and I've been watching several of  
24 the videos, but I have not gone back and reread  
25 any of that material. One of my faults is that



1           when I study now, because I've been creating  
2           classes from scratch, is that when I study as  
3           though I'm going to teach it, and there is a lot  
4           of material for the Commissioner position. I  
5           think that I had over 600 pages of materials, and  
6           I just haven't gone back and restudied any of  
7           that.

8       REPRESENTATIVE FORRESTER: Okay, thank you.

9       SENATOR ALEXANDER:   Anybody else?  Chairman Sandifer.

10      REPRESENTATIVE SANDIFER:  Thank you, Mr. Chairman.

11                               EXAMINATION

12   BY REPRESENTATIVE SANDIFER:

13   Q.    I noticed that you are from Iva.

14   A.    Yes.

15   Q.    I have to ask do you know two friends of mine in Iva,  
16           Ted McCullough or Teddy, his son and Donnie Kelly.  
17           They served with me in the National Guard many years  
18           ago.  They were fine gentlemen.  I think the world of  
19           both of them.

20   A.    Yeah.  The McCulloughs sound familiar --

21   Q.    Yeah.

22   A.    -- especially Teddy, but I --

23   Q.    Yeah.  His father, Ted, I think, died a few years ago.  
24           Nonetheless, that's neither here nor there.  I just --  
25           I don't see many Ivaranians, and so I have to ask

1           about them when I see them. And that's a term used  
2           with great love. These were great guys that I worked  
3           with.

4   A.    I love the town. I moved there from Easley --

5   Q.    Okay.

6   A.    -- I lived in Easley for 18 years.

7   Q.    When you're looking at the key factors in a rate case,  
8           an electrical rate case, is one of the things that you  
9           would look at the ROE, the return on equity?

10   A.    Oh, I'm used to it being an ROI, return on investment.

11   Q.    Yeah. Equity is the way this one is --

12   A.    Okay, yeah. That is one thing that I would definitely  
13           consider, because anything I take into consideration,  
14           I want to know what my returns going to be, like with  
15           the rental properties. I look and say, you know, when  
16           am I going to hit that break even point. When am I  
17           finally going to start turning a profit off of it, and  
18           that's a key and crucial item when it comes to  
19           business.

20   Q.    All right. And in the question regarding what the  
21           role of the Public Service Commission or Commissioners  
22           is, is policy one of the roles that they play?

23   A.    Following policy, definitely.

24   Q.    All right. Who establishes policy?

25   A.    A legislative branch. Yeah, I'm not exactly sure --

1 Q. I think you're right.

2 A. Yeah, that's who would do it then, depending what  
3 level of government you're in.

4 Q. Yeah, okay. Thank you. All right. On ex parte  
5 communication, is there such a thing as an allowable  
6 ex parte communication?

7 A. You're going to have to define ex parte again.

8 Q. Okay. Ex parte would mean that you are discussing  
9 business with someone with whom you might not should  
10 be discussing it.

11 A. Oh, well, I would have to review what I'm supposed to  
12 -- where my limitations are, and unless I know those,  
13 I'm not going to volunteer any information. I'm not  
14 going to talk to anyone, because I would want to  
15 review that because I sure don't like putting my foot  
16 in my mouth.

17 Q. Understood, okay. The code of conduct, the judicial  
18 code of conduct, do you think that it would include  
19 such things as honesty, integrity, demeanor?

20 A. Oh, definitely.

21 Q. Okay --

22 A. Yes.

23 Q. -- so you think that those would be three parts of it?

24 A. Yeah, they should be.

25 Q. Okay. On social media, you talked about that, and

1           **apparently you use social media to some extent.**

2   A.    Just Facebook.

3   Q.    **Okay. That's part of it.**

4   A.    Yes.

5   Q.    **And you made some comment about a game that had**  
6           **continued on. Are you continuing to be in that game?**

7   A.    Oh, no, I've never done that --

8   Q.    **Okay.**

9   A.    -- I thought it was silly.

10  Q.    **Okay, good deal.**

11  A.    Back in high school, my peers would hit each other on  
12           the shoulder so hard they would leave bruises, and I  
13           didn't want any part of it. I just thought it was  
14           silly.

15  Q.    **And then in relationship to the job itself, I know you**  
16           **have a lot of things going on --**

17  A.    Yes.

18  Q.    **-- but do you understand this is a full time job?**

19  A.    Oh, yes, definitely --

20  Q.    **So why --**

21  A.    -- that's why I would quit my GE job.

22  Q.    **All right. But what about your other enterprises?**

23  A.    There's no conflict of interest there, and --

24  Q.    **That isn't the question, sir.**

25  A.    There really isn't any time constraint on that. I

1 mean, it's like bush hogging the pastures for the  
2 horse boarding and mending fences, which I would do in  
3 any case, because it's my property. And the rental  
4 properties, instead of doing work myself I can have a  
5 friend of mine do the work for me, which I actually  
6 had him do some work for me earlier this year because  
7 I didn't have the time to do it myself.

8 **Q. That's where I was going --**

9 A. Yes.

10 **Q. -- with it. Okay. Do you know what the term**  
11 **integrative resource plan means?**

12 A. I remember reading it, but I don't remember what it  
13 is.

14 **Q. Okay. One of the things you said in the latter of**  
15 **your talk to us was that you had not studied over**  
16 **these things in the last three or four months. How**  
17 **much lead time did you have leading up to knowing that**  
18 **you would be here for a hearing?**

19 A. Two or three months. I wasn't aware I was going to be  
20 tested again, though. I should have realized that,  
21 but, no, I didn't go back and study anything.

22 **Q. Okay. Thank you, appreciate you being here.**

23 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

24 SENATOR ALEXANDER: Thank you, Chairman Sandifer. I  
25 don't believe there's any unless there's someone

1           else. I don't see anyone else. I think that  
2           concludes this this morning. We appreciate your  
3           willingness to serve and you being here with us  
4           today.

5       MR. BOLING: Thank you for talking with me.

6       SENATOR ALEXANDER: Be safe and healthy. And if you  
7           would, drop that microphone cap in the trash can.

8       MR. BOLING: Okay.

9       SENATOR ALEXANDER: Thank you. Good morning, and we  
10           have before us Mr. Lonnie R. Hyatt. Good to have  
11           you with us this morning.

12      MR. HYATT: Thank you, good to be here.

13      SENATOR ALEXANDER: And thank you for responding. I  
14           do want to do a check with the folks that are  
15           joined us virtually. Hopefully the microphone's  
16           coming through good for you from that standpoint.  
17           So it sounds good. Thank you for that, and I'm  
18           going to recognize Kathryn, our court reporter to  
19           administer the oath for you this morning.

20      WITNESS WAS SWORN

21      SENATOR ALEXANDER: Thank you. And I'm going to  
22           recognize Ms. Anderson to ask some questions, and  
23           then we'll proceed as part of the screening  
24           process this morning.

25      MR. HYATT: Sure.

## EXAMINATION

BY MS. ANDERSON:

**Q. Good morning, Mr. Hyatt.**

A. Good morning.

**Q. I'm going to give a very brief overview of your background and then go into questions, okay?**

A. Okay.

MS. ANDERSON: Mr. Hyatt graduated from Clemson University and obtained a bachelor of science degree in electrical and computer engineering. He worked as a project and site manager of industrial projects for Jacobs Engineering Group from 1994 to 2018. From 1983 to 1991, he worked for CRS Sirrine --

MR. HYATT: Sirrine.

MS. ANDERSON: -- Sirrine, as an electrical engineer and project manager on industrial projects. And from 1971 to 1982, he worked for J.E. Sirrine Company as an electrical engineer and field engineer. Mr. Hyatt, do you have any changes you would like to make to the personal data questionnaire that you submitted with your application other than changes that you've already submitted?

MR. HYATT: No, that's accurate.

1 MS. ANDERSON: Mr. Chair, I would request that Mr.  
2 Hyatt's personal data questionnaire be entered  
3 into the record with any confidential information  
4 being redacted.

5 SENATOR ALEXANDER: So ordered.

6 (EXHIBIT 1 MARKED FOR IDENTIFICATION  
7 PURPOSES (6 pages) - Mr. Hyatt's PDQ)

8 MS. ANDERSON: As part of the background  
9 investigation, we obtained a credit check,  
10 driver's license check and a SLED check. Any  
11 questions of a confidential or personal nature  
12 will be taken up in executive session. Before we  
13 begin, do you have a brief statement that you'd  
14 like to make, Mr. Hyatt.

15 MR. HYATT: Yes, I do. Thank you for hearing me this  
16 morning and understanding a little bit why I  
17 believe I could serve well on the Public Service  
18 Commission. I have, I say, a lot of technical  
19 experience, as you've seen, but I've also had a  
20 lot of people experience, a lot of experience  
21 working with clients, working with other junior  
22 folks, bringing them along, mentoring them and  
23 also understanding what drives people, what  
24 drives projects, what drives economics and what  
25 drives another's desire for a project to be



1           successful. And all of those things enter into  
2           your demeanor and your ability to be pragmatic  
3           and to understand people's concerns. As a  
4           project manager, you're continuously working with  
5           people, because the majority of that job is not  
6           technical. It is a job of understanding people,  
7           motivating people and making sure that everyone  
8           is communicated well with. So those are some of  
9           the things I think that from a background  
10          standpoint qualify me for a position for the  
11          Public Service Commission.

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

14   A. Lonnie Richard Hyatt, 155 Fathers Drive, Piedmont,  
15   South Carolina.

16   **Q. Are you a registered voter?**

17   A. Yes, I am.

18   **Q. And in which Congressional district are you registered**  
19   **to vote?**

20   A. Congressional District District 3.

21   **Q. Mr. Hyatt, you included in your PDQ that you've worked**  
22   **for the Sirrine Company and Jacobs Engineering Group.**  
23   **Can you please provide a little more background about**  
24   **what it was you did in these positions?**

25   A. Sure. Well, it put me on a scope again, and I did

1 primarily design work with J.E. Sirrine Company. And  
2 by the way, these are legacy companies. Pretty much  
3 my career was with the various companies that was  
4 founded really by J.E. Sirrine back in 1902. That  
5 was, like I say, a legacy company that proceeded as  
6 things happened and mergers and buyouts and those  
7 kinds of things occurred along the way. But again, I  
8 designed electrical projects, primarily on the outset,  
9 again, working with a team of people, which again,  
10 you've got to understand how other people work, how  
11 they -- how they think and act. You can fit in with,  
12 you know, what they're goals are, and as I progressed  
13 through through that, I moved again into project  
14 management. And there, basically, you become  
15 responsible to the owner for the project, for the  
16 success of the project and to your company. So you're  
17 looking at all the concerns, all the issues that are  
18 driving both sides. You're always looking at the  
19 quality of things, how they work, how they are built,  
20 but you also have to watch costs. And again, that  
21 relates to people understanding the scope,  
22 understanding the basis of what you're doing and why  
23 you're doing it. So through that progression of  
24 project management experience then you get responsible  
25 for larger projects as you to through. Some of the

1 projects, you know, in the range of 100 million dollar  
2 projects. So there again, the project manager is  
3 responsible. He, like I say, understands what's  
4 driving the project and how to work with people. You  
5 still need to understand the technical side as well,  
6 but you need to understand the people side of the  
7 business as well. But it's a lot of coordination.  
8 It's a lot of reading, a lot of understanding, very  
9 similar to what a Commissioner has to do. I know  
10 there's a lot of reading, a lot of understanding of  
11 what the true issues are as things come before the  
12 Public Service Commission.

13 **Q. Can you give some examples of the technical experience**  
14 **that you've had?**

15 A. I can. Very recently, as far as technical experience,  
16 I managed for the owner a vendor land rebuild of a  
17 large turbine generator on the client's site, where  
18 basically the generators are taken down about every  
19 eight to ten years for a major rebuild. And there  
20 you're coordinating the outage time. You're  
21 coordinating with the vendor, who has the  
22 responsibility actually to do the rebuild on the  
23 equipment, and then the other design discipline,  
24 design folks who must do their part, make sure things  
25 are interconnected and put back together properly and

1 go online properly. And all the time, again, you're  
2 working with people. You're working with costs.  
3 You've got to think through what's going on and to a  
4 great degree anticipate things that can interfere so  
5 you can take proactive action to make sure those  
6 things are addressed.

7 **Q. Okay. Why are you interested in serving on the Public**  
8 **Service Commission.**

9 A. Okay. Well, I think I have a lot of experience. I  
10 think I have the demeanor. I think I have the  
11 knowledge to serve the people of District 3 on all the  
12 issues that come up. I know there's lots of different  
13 issues that come up, obviously rate, rate changes.  
14 Rate increases are obviously a big one. There's  
15 carbon issues. There's reliability issues,  
16 distributive energy resource issues, and if we move  
17 forward on the electrical side, energy metering  
18 obviously is going to be a big one, its more renewable  
19 energy resources are brought online. So those things  
20 have to be addressed along the way. The other thing  
21 on the telecom side, certainly internet is playing a  
22 bigger and bigger role in communication, so I think  
23 those issues that I have some background and knowledge  
24 in will come to play and be an issue that the Public  
25 Service Commission will need to address.

1     **Q.    Have you attended any hearings at the Commission?**

2     A.    I have not.  I have especially seen newscasts, kind of  
3           kept up with it, kept with editorials reading and so  
4           forth that's right on the computer.

5     **Q.    Okay.  Have you read any of the Commission's**  
6           **decisions?**

7     A.    Not per se, no.

8     **Q.    Okay.  How would you expect to get up to speed on the**  
9           **issues confronting the Commission, if you are elected?**

10    A.    Okay.  Well again, it takes a lot of reading, a lot of  
11           work.  I think you need to dig in basically to the  
12           energy policy for the state, understand what the  
13           specific issues are relative to not only rate  
14           increases but, as I mentioned, carbon energy  
15           reliability.  You're just going to have to undertake a  
16           lot of reading, a lot of understanding, a lot of  
17           communication with the Commission, Commissioners, and  
18           through those discussions, interactions, a lot of  
19           study.  That's how you're going to come up to speed.

20    **Q.    What role does the Public Service Commission serve in**  
21           **regards to the regulation of utilities?**

22    A.    Well, as I said, they certainly address rate, rate  
23           increases, rate changes, the understandings of that.  
24           They must understand what's coming as far as  
25           distributed energy resources as more solar, more wind

1 comes online. You've got to understand that is an  
2 issue coming up. Carbon, what's going to happen  
3 there. I know the electric utilities certainly have  
4 plans for that with basically monitoring, make sure  
5 those make sense and keeping abreast of that. So  
6 those are the kind of things we have to monitor going  
7 forward.

8 **Q. Are there other industries that are regulated by the**  
9 **PSC?**

10 A. Yes. Yeah, certainly gas distribution is, water,  
11 water systems, waste water systems. Those are  
12 certainly regulated, the telecom industry, as I  
13 mentioned earlier and especially the movement of goods  
14 and services through carriers. Those must be  
15 regulated and looked at and those applications for  
16 changes or additions to those services must be  
17 evaluated by the Commission.

18 **Q. And you mentioned the internet earlier. Is the**  
19 **internet that the Public Service Commission regulates?**

20 A. It doesn't regulate the internet. It regulates how,  
21 for instance, voice over internet, how the telecom  
22 companies will move from regular analog type  
23 communication to the use of the internet for voice.  
24 For instance, not only data as it is today, but voice,  
25 and that will impact the local telephone companies.

1 And I know in District 3 there's service providers  
2 such that you can go with different providers, and  
3 basically they have different technologies.

4 **Q. And is the role of Commissioner to be an advocate for**  
5 **one party or one position of an issue, or does -- let**  
6 **me start over again, please. For the role of a**  
7 **Commissioner, do they serve as an advocated either for**  
8 **a particular party that may have an interest in a case**  
9 **or for an issue that a Commissioner may feel should**  
10 **end up one way or the other, or is the Commissioner's**  
11 **role to apply the law?**

12 A. Well, it's applying the law, but the bottom line is  
13 you're protecting the rate payers, the consumers, the  
14 citizens. That's the bottom line. That's who you're  
15 an advocate for, okay.

16 **Q. Are there other considerations in cases other than**  
17 **consumers?**

18 A. Oh, absolutely. I mean, the entity that's involved,  
19 whether it's a rate increase or a change to how their  
20 technology works, yes, those must be addressed,  
21 absolutely. Those are certainly key parties, and  
22 their input has to be understood and addressed,  
23 obviously.

24 **Q. Are you familiar with the three advisory opinions**  
25 **issued by the Review Committee dealing with attendance**

1           at one, legislative receptions, two, legislative  
2           caucus meetings and three, political gatherings?

3       A.   Well, the first two I certainly have read the  
4           guidelines associated with that where a Commissioner  
5           does not participate in the first two that you  
6           mentioned. I think political gatherings, I think that  
7           has to be very carefully handled. Certainly you're  
8           not advocating from your position. I mean, voting's a  
9           different matter, but you're not advocating from your  
10          position as a Commissioner, one candidate, for  
11          instance, over another.

12      Q.   Okay. Have you attended any kind of political  
13          function or gathering since you submitted your  
14          application materials?

15      A.   No, I have not.

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

19      A.   No.

20      Q.   Please explain the general rule regarding the ex parte  
21          communications as it relates to the Public Service  
22          Commission.

23      A.   Okay. Well, those reviews, if a party to a particular  
24          issue requests information or discussion, then there  
25          is a process and a protocol that has to be followed



1       that that's submitted through the proper channels so  
2       that all parties that have an interest in the  
3       particular issue can make a decision whether they want  
4       to attend or be a party to that discussion, but  
5       certainly the intent is to avoid private conversations  
6       with one party or another, but basically follow the  
7       procedure where all parties are notified that a  
8       briefing will take place. And then basically they're  
9       given the opportunity to participate and everyone hear  
10      the same information.

11   **Q.   If you are serving as a Commissioner and someone were**  
12   **to approach wanting to talk about a matter that either**  
13   **is before the Commission or could be a matter before**  
14   **the Commission, how would you handle that.**

15   A.   Yeah. Well, it depends on what the issue is. I think  
16       if it's in the public domain, newspapers, TV, radio,  
17       certainly that part could be talked about, but in  
18       general, no, you cannot discuss any particular issue  
19       without going through the ex parte process and have  
20       those -- the interested parties participate.

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

24   A.   Yes.

25   **Q.   Please briefly describe the five canons in the code of**

1        **judicial conduct.**

2        A.    Okay. Go through the five canons, right. Give some  
3               guidance as to what -- how you interact with people,  
4               how you interact with other government people and how  
5               you basically proceed in various issues that come up  
6               through the Commission or anything in government. And  
7               primarily, as it says, it's judicial conduct, so it  
8               covers the issues, the five canons cover issues that  
9               may come up and how those are to be handled.

10       Q.    Okay. So under your interpretation of the code of  
11               judicial conduct, if someone wanted to talk with you  
12               about a matter that's in the public domain, it's a  
13               matter either, again, before the PSC or could be, what  
14               do you think that the code of judicial canons would  
15               permit you to -- how far could you go with that  
16               conversation?

17       A.    Well, it'd depend on what the issues is, and I think  
18               probably the recommendation in most cases would be to  
19               do it through an ex parte briefing where all parties  
20               have an opportunity to hear what's going on. If  
21               someone certainly asks something that's on the  
22               internet, it's certainly in the public domain. You  
23               could probably discuss that, but you'd have to be very  
24               careful with that and keep it very narrow as to what's  
25               going on.

1 Q. And if you felt that the conversation started to go  
2 outside the lines of what was permissible, what would  
3 you do then?

4 A. Well, I think you'd have to recommend -- just say,  
5 hey, okay, that's a great question. Let's put it, you  
6 know, as part of an ex parte briefing. Let's go --  
7 you know, go through the proper channels and give  
8 everyone that's involved with a particular issue the  
9 opportunity to hear the discussion.

10 Q. Are you or a member of your immediate family employed  
11 by a utility regulated by the Public Service  
12 Commission either currently or within the past two  
13 years?

14 A. No.

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

19 A. The only thing I can think of, my brother retired from  
20 Duke Power. I don't know if he has any Duke energy  
21 stock at this point. I would just be guessing, but he  
22 retired, so he may have some, you know, as a result of  
23 his work, but I have no knowledge of what that is.

24 Q. Do you think that anyone may feel that it is a  
25 potential conflict of interest that your brother used

1 to work for Duke?

2 A. No, no.

3 Q. Okay. Do you or a member of your immediate family  
4 have stock or other financial interest that is  
5 directly controlled by you or your family member of a  
6 renewable energy company that appears before the  
7 Public Service Commission?

8 A. No.

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

12 A. No.

13 Q. What entities did you or a member of your immediate  
14 family receive income from in the previous year? Now  
15 this does not include IRAs, deferred compensation  
16 funds, disability, mutual funds or funds received from  
17 your financial institution in the ordinary course of  
18 business?

19 A. My wife received a salary as a parenting specialist,  
20 and also she works part time at Brookwood Community  
21 Church --

22 Q. And is there any --

23 A. -- and that's all.

24 Q. -- rental income?

25 A. Pardon?

1     **Q.    Is there any rental income?**

2     A.    The only rental income is my mother's and father's  
3           home.  There was a -- we do rent that out, yes.

4     **Q.    What would you consider to be the appropriate use of**  
5           **social media pursuant to the judicial canons?**

6     A.    The judicial canons?  I think just making sure the  
7           public understands what the limitations are and what  
8           Commissioners can do and what they are able to do in  
9           the -- you know, as far as dealing with particular  
10          issues that come up.  Now as far as, you know,  
11          publicizing, I know there's restraining of hearings  
12          and so forth, making sure that continues and I think  
13          making sure that people are aware that's out there.  I  
14          don't know that the public in general knows that those  
15          -- you know, that those streaming telecasts are  
16          available.  So I think it's communicating those things  
17          out that, hey, this is available, that the -- media,  
18          social media is available, and I think putting things  
19          out on social media results from particular issues  
20          would be appropriate for the Commission.

21    **Q.    Let's assume that you're elected to the Commission.**  
22           **What use of social media would you think would be**  
23           **appropriate for you as a Commissioner?**

24    A.    Well, I think where there's particular hearings coming  
25          up, I think those could be put on several platforms of

1 social media so that people are aware. I mean, most  
2 people these days -- I'm assuming most people have  
3 like Facebook. Certainly that could be put out there.  
4 And maybe -- and I think there is -- that's already  
5 probably out there, that and Twitter and so forth --  
6 to make sure those issues, upcoming meetings, upcoming  
7 hearings, et cetera, are well communicated through  
8 social media.

9 **Q. If you were elected to the Commission, would there be**  
10 **any potential conflicts of interest, financial or**  
11 **otherwise?**

12 A. No.

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

14 A. Well, I think you need to bring it forward, bring it  
15 forward probably to the ethics commission, committee -  
16 - commission, I guess, ethics commission -- to bring  
17 it forth and say, okay, here's the particular issue.  
18 I need guidance on what to do with this particular  
19 issue and then get guidance and direction from the  
20 committee.

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

24 A. No.

25 **Q. Do you belong to any organization that discriminates**

1       **based on race, religion or gender?**

2       A.    No.

3       **Q.    And you touched on this a little bit previously, but**  
4       **what is the appropriate demeanor for a Commissioner?**

5       A.    Well, I think calm and cool is the first guideline and  
6       being able to understand people's points of view,  
7       because I'm sure if you're talking rate increases, you  
8       know, people get very excited about that when they  
9       say, hey, my monthly budget is this and now you're  
10      asking for more money type of situations. So you've  
11      got to be able to address that and understand that and  
12      understand why the particular utility, whether it's  
13      gas, water, waste water, electrical -- why that is  
14      needed. And we haven't talked about it before, but I  
15      think that you need to understand how to work with the  
16      Office of Regulatory Staff. You certainly can't get  
17      into all the nuts and bolts of a lot of issues,  
18      because the Commission is a very, very detailed, a  
19      very complicated situation many times. So you're  
20      going to have to understand and be able to work with  
21      the Office of Regulatory Staff and to help understand  
22      that, what the guidelines are and particularly when  
23      rate increases for any of these utilities are in play  
24      why what's -- you know, why they're there, why they're  
25      needed and so forth.

1     **Q.     Okay.  And for the demeanor, would that apply while**  
2         **you're on the bench, or would it apply at all times?**

3     A.    Oh, I think it -- if you're a member of the Public  
4           Service Commission, you got to maintain your demeanor  
5           at all times, because if someone knows, you know, that  
6           you're a part of that, you know, they're going to hit  
7           you up and ask questions and this and that and be --  
8           say, hey, I need you to do certain things, which  
9           obviously you're going to have to go by the guidelines  
10          that you're supposed to.

11    **Q.     And if elected to serve as a Commissioner, how would**  
12         **you envision your work schedule?**

13    A.    Well, I think you're going to have to spend -- plan to  
14           spend a lot of time reading, studying, what's going  
15           on, what the issues coming up, because it's -- as I  
16           said, it's a very complicated process what this  
17           Commission has to look at.  So you've got to  
18           understand, read a lot of material, understand that,  
19           and then when you understand that -- and it may be  
20           just from your own reading, from getting other input,  
21           like I said, Office of Regulatory Staff, and maybe you  
22           need input from them.  But then the bottom line is  
23           you've got to understand where people are coming from  
24           as well.

25    **Q.     Okay.**



1 A. And the people that you're watching out for as far as  
2 rate increases and other things that impact their  
3 daily lives and financials.

4 **Q. What is an integrated resource plan?**

5 A. An integrated resource plan?

6 **Q. Yes, sir.**

7 A. Is basically how a utility is going to deal with --  
8 whether it be solar -- it may be other energy sources,  
9 particularly -- I'm not speaking primarily about  
10 electrical -- how they are going to accommodate that,  
11 how they're going to meter in the case of solar, that  
12 metering, how that will be dealt with. And also it  
13 somewhat gets into avoided costs, you know, how that  
14 is handled, how that -- you know, how -- what are the  
15 components of that. I know that's probably an issue  
16 that resurfaces from time to time, where are the  
17 avoided costs. So all those things fall into that.

18 **Q. What is avoided cost?**

19 A. Well, it's just the cost of -- say, in the case of  
20 electrical, what it takes a company, all their costs  
21 to produce, say, a kilowatt hour of energy, what is  
22 all the background, what builds up and makes up that.  
23 There's a whole slew of things that go into that, so  
24 you're got to understand how -- what that cost is to  
25 know what the avoided cost is. And again, I think

1       that's probably revisited many times, what the avoided  
2       cost is and what components go into it. And if -- you  
3       know, depending on how that is handled, is it passed  
4       along as far as a rate increase. Is it a -- you know,  
5       in the fuel clause, where does it land.

6       **Q. What is meant by the term demand side management?**

7       A. Demand side management is basically where you're  
8       looking at the -- primarily the users, what they're  
9       doing and how they're using for the case of  
10      electricity, or it could be gas, whatever, how energy  
11      efficient the energy is being used, for instance and  
12      what can be offered through the utility providers case  
13      to assist owners in making sure and managing demand  
14      side, because the utilities have to be able to produce  
15      and meet the demand of what the users need. And so  
16      they have to understand how their energy is being  
17      used. Is there opportunities for energy conservation,  
18      energy resources better use and so forth. So they  
19      have to understand that.

20      **Q. And for -- use, for example, electric rates, the term**  
21      **cross subsidization, can you explain what that means**  
22      **or what some of the concerns are regarding cross**  
23      **subsidization?**

24      A. Well, I'm not that familiar with the term and how it's  
25      being applied here today, but I'm saying I would feel

1       that it involves what you're looking for a utility to  
2       provide to a user to basically assist them in  
3       efficient use of energy.

4       MS. ANDERSON: At this time, Mr. Chairman, I'd ask  
5       that we go into executive session pursuant to the  
6       previous motion.

7       SENATOR ALEXANDER: So with each candidate we take a  
8       time to go into executive session, so if you'll  
9       just stay at the podium, and I'll ask members of  
10      the audience to take a break, and we'll announce  
11      when we come back. We do appreciate you taking  
12      time to be with us today.

13      MR. HYATT: Okay. Thank you so much for having me and  
14      kind of hearing my spiel and my take on it.

15      SENATOR ALEXANDER: She'll have some questions, and  
16      then we'll have some questions for you.

17      MR. HYATT: Okay.

18      EXECUTIVE SESSION WAS HELD FROM 11:59 AM TO 12:03PM

19      SENATOR ALEXANDER: We are out of executive session,  
20      and no action was taken in executive session.  
21      And we'll continue with the review and screening  
22      of Mr. Hyatt.

23      CONTINUED BY MS. ANDERSON:

24      **Q. Again, as was stated earlier, as part of the**  
25      **background check, there was a SLED, DMV check, and I'd**

1       like to take this opportunity to just clarify for the  
2       record some of the items that came back --

3   A.   Okay, sure.

4   Q.   -- with the driving record and SLED check.  So on the  
5       driving record, the only thing was an accident back  
6       from June of 2018 in which Mr. Hyatt was indicated as  
7       not contributing to that accident.  There were a few  
8       lawsuits that came up, so we're going to walk through  
9       those, and then you can comment on the case, okay?

10  A.   Okay.

11  Q.   So the first one, 1986.  It was filed in Greenville  
12       County Common Pleas.  It was filed by Young Phillips  
13       Sales, and Richard Hyatt is one of the named  
14       defendants.  Was this you?

15  A.   No, no.  As far as I know, that was a couple that had  
16       a photography -- because I remember getting some phone  
17       calls actually, people, I guess, looking for these  
18       folks, and I think they had a photography studio, and  
19       I think maybe they had some outstanding issues  
20       relative to that, but, no, that was not --

21  Q.   Okay.  And then there was another lawsuit back in 1986  
22       as well, Greenville County, Michael Snyder v. Richard  
23       L. Hyatt.

24  A.   That's not me.

25  Q.   And then there was a 1985 case back in Greenville

1 County, Bankers Life Company v. South Carolina Tax  
2 Commission in which a Richard L. Hyatt was named as a  
3 defendant.

4 A. Not me.

5 Q. And then there was a lawsuit that was filed in U.S.  
6 District Court, District of Charleston back in 2019 in  
7 which Richard Hyatt is named as a plaintiff.

8 A. Not me.

9 Q. All right. And that covers everything from the SLED  
10 report. Mr. Hyatt, have you made any contributions to  
11 members of the General Assembly since filing your  
12 application?

13 A. No.

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

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.

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

6       A.    I read about that, yes.

7       **Q.    Would you plan to serve a full term, if elected?**

8       A.    Yes.

9       **Q.    Thank you, Mr. Hyatt.**

10       MS. ANDERSON:   Mr. Chair, I have no further questions,  
11                       and for the record, Mr. Hyatt made a 52 on the  
12                       test.

13       SENATOR ALEXANDER:   Thank you, Ms. Anderson.  
14                       Questions? I'm going to yield to the virtual.  
15                       We'll yield to our colleagues that are joining us  
16                       on the screen virtually. Do we have any  
17                       questions there? Representative Forrester,  
18                       nothing from Spartanburg?

19       MR. FORRESTER:   Thank you, Mr. Chairman.

20                               EXAMINATION

21       BY REPRESENTATIVE FORRESTER:

22       **Q.    Mr. Hyatt, were you pleased with your score?**

23       A.    No, I was not.

24       **Q.    Did you do anything after receiving that to improve**  
25           **your knowledge?**

1 A. I took a look at my notes to see -- particularly some  
2 areas that I really had not addressed or look at  
3 previously, yes.

4 **Q. All right, thank you.**

5 SENATOR ALEXANDER: Okay, thank you, Representative  
6 Forrester. Others, virtually? Okay. I  
7 recognize Chairman Sandifer.

8 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

9 EXAMINATION

10 BY REPRESENTATIVE SANDIFER:

11 **Q. Mr. Hyatt, thank you for being here today. Several**  
12 **questions that just popped into my mind as we're**  
13 **interviewing. First of all, as looking at your**  
14 **information, last employment I see ended in 2018. Are**  
15 **you presently employed?**

16 A. No.

17 **Q. Okay, thank you. And then in a question that was**  
18 **asked about the role of the PSC, you answered that**  
19 **they need to understand. Does the PSC make policy?**

20 A. Does it make policy?

21 **Q. Policy.**

22 A. Not per se, no.

23 **Q. When you say, not per se, tell me what you mean.**

24 A. Well, it evaluates requests. It evaluates the status  
25 of particular utilities, what they're doing and taking

1 input from, for instance, the Office of Regulatory  
2 Staff, to understand -- and what I mean understand,  
3 understand what that input is. I think understanding  
4 all of the input, all of the drivers from the rate  
5 payers, consumers of the state. So all of that goes  
6 into what I mean about understanding --

7 **Q. All right. But --**

8 A. -- the issues.

9 **Q. -- let me bore down a little bit. Who sets policy?**

10 A. Who sets policy?

11 **Q. Uh-huh.**

12 A. Well, the Section 58 sets the policy for --

13 **Q. Who sets 58?**

14 A. That's the state legislature.

15 **Q. Okay. That's what I was asking you for.**

16 A. Sorry it took so long.

17 **Q. That's who sets policy.**

18 A. Sorry it took so long.

19 **Q. Okay. I thought you knew it --**

20 A. Yeah.

21 **Q. -- I was just trying to help you to say it.**

22 A. Yeah, sometimes you've got to dig it out.

23 **Q. I understand. And when you were asked about**  
24 **advocating, you said that you would advocate to**  
25 **protect the consumers. Is there an advocacy role to**



1           **protect the providers?**

2       A.    Yes.  You've got to weigh what the issues are and  
3           you've got to dig deep to understand where, for  
4           instance, a rate increase is coming from and why it's  
5           needed.  And I think the Office of Regulatory Staff,  
6           one of their roles that you rely -- the Commission  
7           should rely on -- is for them to really bore into why  
8           a particular increase is needed, how it's going to be  
9           used and what the particular situation is, to kind of  
10          look at, hey, if you're -- say, hey, consumer, I need  
11          -- you know, I need more of your funds.  I need more  
12          money.  You need to understand why they need that and  
13          what are they going to do with it and how -- and  
14          basically how the funds are managed.  You have to kind  
15          of bore into it, and I think you can understand  
16          somewhat on the Commission, but you have so many  
17          things to deal with, you need some specialists  
18          available to provide input there.

19       **Q.    Okay.  So do you think we have a responsibility to**  
20           **assure that the utilities or the trucking industry or**  
21           **any of the others that the PSC regulates have an**  
22           **opportunity for enough financial stability to stay in**  
23           **business?**

24       A.    Absolutely.

25       **Q.    Okay.**

1 A. Because if they're not in business -- I mean, you  
2 know, we're all up the creek.

3 Q. Yeah, okay --

4 A. We've got have them to make it a reasonable profit.

5 Q. All right. In discussing ex parte communication, you  
6 said if it were in the public domain that it would be  
7 okay, in other words, if it was in a media release.  
8 What if that media release was saying that the PSC was  
9 to look at this and that particular media outlet did  
10 not agree with what was being done? Is that public  
11 domain?

12 A. Well, I think you've got to be careful. What I'm  
13 saying there is you can't -- if you have a question  
14 outside of a session from a citizen, a rate payer, if  
15 it's public information and you know that it's  
16 correct, I think you could actually have a --

17 Q. Wouldn't it be better just to say this is something I  
18 couldn't discuss?

19 A. Well, yes, you could say, hey, I want to take it --  
20 you know, take it to an ex parte briefing --

21 Q. And --

22 A. I'm just saying --

23 Q. -- that's fine.

24 A. -- if you --

25 Q. That's fine, okay.

1 A. Yeah. All right, okay.

2 Q. All right. On the canons of judicial conduct, do you  
3 think that honesty, integrity and demeanor are parts  
4 of that?

5 A. That's part and parcel of the whole five canons.

6 Q. Okay.

7 A. Is honesty and integrity.

8 Q. All right.

9 A. Absolutely.

10 Q. And on social media, you were saying that you felt  
11 like you would want to publicize things that were  
12 happening at the Commission, or that's what I read  
13 from what you said. Would it not be better to have  
14 the Commission do that themselves as a whole, so it  
15 covers the whole state?

16 A. Yes, yes, absolutely. Yes.

17 Q. Okay, good. Thank you very much.

18 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

19 SENATOR ALEXANDER: Okay, thank you, Chairman  
20 Sandifer.

21 EXAMINATION

22 BY SENATOR ALEXANDER:

23 Q. If you were nominated and if you were elected, the  
24 elections are set for September 23rd, what type of a  
25 schedule would be available to begin as a member of

1        **the Commission after the September 23rd date?**

2        A.    Well, I think you've got to make yourself available  
3            pretty much full time, say five days a week, not that  
4            you will always have, you know, five days a week, but  
5            I think you've got to make yourself available right  
6            away, because I think once you undertake this mission  
7            as a Commissioner, you've got to really dig in and  
8            understand the issues, particular somebody coming in  
9            that hasn't had the experience of that information  
10          previously. You've got to understand --

11      **Q.    So it is a full time job?**

12      A.    Yes, plus, probably for the immediate future  
13          thereafter. It's more than a full time job.

14      **Q.    And as far as your availability to start the job after**  
15          **the 23rd, would there be a period of time that you**  
16          **could not start, or could you start within a day, a**  
17          **week, two weeks to a month?**

18      A.    I could start immediately. I'm available.

19      **Q.    Okay. So they mentioned earlier the test score and**  
20          **things. Do you have any comments of your having**  
21          **participated in taking the test, your perspective of**  
22          **the test as presented?**

23      A.    Yeah. I mean, like I say, there's some areas I  
24          probably -- I studied, you know, the kind of suggested  
25          material. I went through it pretty well, so looking

1 back what I should have done is probably widen my  
2 scope of looking at things to be in a little better  
3 position, yes.

4 **Q. Did you fill like it was a fair and reasonable test?**

5 A. Yes. I mean, what was there, yes, absolutely.

6 **Q. So you mentioned, I think, the majority of your time**  
7 **has been as a project manager --**

8 A. Pretty much.

9 **Q. -- and that you had the relationship between the**  
10 **owners of the company, customers and employees. Is**  
11 **that what you had to manage from that standpoint of**  
12 **making sure obviously you were looking after the**  
13 **interest of the company making a profit but obviously**  
14 **you were doing this work for customers? How did -- so**  
15 **you balanced that; is that an accurate --**

16 A. Right. You have to balance that and what you're  
17 always doing there in that particular situation,  
18 depending on the industry. I spent much of my time in  
19 the pulp and paper industry, for instance. That's not  
20 -- I mean, it's a big industry, but there's --

21 **Q. I'm sorry. Which industry?**

22 A. Pulp and paper --

23 **Q. Okay.**

24 A. -- industry, but you've got to have repeat customers.  
25 They have got to be satisfied with what you did, how

1       you do it, how you manage their money and basically  
2       met their objectives.

3   Q.   Right.  So it wasn't just the employer -- it wasn't  
4       your company.  You had to make sure you met the  
5       project --

6   A.   Oh, absolutely, yes.  Yeah.

7   Q.   And you mentioned a turbine generator's project.  I  
8       was just curious.  What was the most significant  
9       project dealing with energy issues that you were a  
10      project manager?  Does any particular project come to  
11      mind from that standpoint?

12   A.   Well, a lot of the projects had to do with energy,  
13       energy distribution, electrical distribution, as far  
14       as switch gear interfacing all over a plant, for  
15       instance.  Kind of going way back, one that I had an  
16       opportunity pretty early in my career to work with was  
17       a utility, actually in the State of Washington, and  
18       most of their production of energy was based on hydro,  
19       and there was a severe drought.  So we had to put in a  
20       turbine generator.  I actually found one I think that  
21       the Navy had ordered and decided not to use it, but  
22       anyway, we actually found one that had been  
23       manufactured and basically installed the turbine  
24       generator to provide power for the plant.  And of  
25       course, there's a lot of interface with the utility at

1           that point.

2   **Q.   And just from your perspective, what do you think**  
3       **would be -- if you were a Commissioner, what would be**  
4       **the greatest challenge before the Commission from your**  
5       **view at this particular time?**

6   A.   Well, I think there's -- you know, to try to narrow it  
7       down to one, I think that basically carbon -- making  
8       sure that carbon reduction is occurring per plant that  
9       the utilities have agreed to, and then I think the net  
10      metering, energy metering is going to be an issue as  
11      more and more renewable resources are brought online.  
12      I think that's going to be a big one that the  
13      Commission has to deal with as you go bac and you get  
14      into discussion about the avoided cost and how that  
15      plays into what that net metering issue looks like.

16   **Q.   Okay.  And I want to follow up from Ms. Anderson and**  
17       **Chairman Sandifer there on social media.  How would**  
18       **you -- I want to make sure I understand you clearly.**  
19       **How would you personally use social media if you were**  
20       **a member of the Commission, or would you use social**  
21       **media if you were a member of the Commission?**

22   A.   I personally would not use it.  I think it needs to  
23       come through -- anything related to the Commission  
24       needs to come through the appropriate party as far as  
25       the Commission is concerned.  When I say -- you know,

1 Facebook, Twitter, some of the other things about  
2 keeping the public informed about various issues of  
3 what's going on. That's not a personal thing that you  
4 undertake.

5 **Q. Would you comment on pending matters before the**  
6 **Commission or potential matters that may come before**  
7 **the Commission, you personally?**

8 A. No, not as -- personally, no, no. That has to be a  
9 Commission driven communication.

10 SENATOR ALEXANDER: Okay, thank you. Any other  
11 questions? Okay. Well, we appreciate your time  
12 with us today, your willingness to serve. Stay  
13 safe and healthy.

14 MR. HYATT: Okay. Thank everyone her for listening to  
15 me. Appreciate it very much.

16 SENATOR ALEXANDER: If you would be kind enough as  
17 you leave maybe take that cap off of the  
18 microphone and just place that into the trash  
19 can.

20 MR. HYATT: Okay.

21 SENATOR ALEXANDER: Good, thank you. Appreciate you  
22 coming. Thank you.

23 MR. HYATT: Thank you very much. Thank everyone  
24 virtually.

25 SENATOR ALEXANDER: Is there any objection to us



1 taking a break seven minutes early? If y'all are  
2 okay with that with our projected time of being  
3 back with us about 12:35, 12:45. So we'll take a  
4 recess until 12:45. Thank y'all.

5 (Off the record.)

6 SENATOR ALEXANDER: Good afternoon, Mr. Morgan.

7 MR. MORGAN: Good afternoon, Chairman. How are you  
8 doing?

9 SENATOR ALEXANDER: Doing great, and thank you for  
10 being here. And I think our dialog -- I trust  
11 that folks virtually with us can hear Mr. Morgan  
12 okay. So I'm seeing anybody say no, so -- And  
13 your preference, whether you prefer to keep the  
14 mask on or if you take it off, it'll be your  
15 preference as far as part of the screening goes,  
16 so it's up to you.

17 MR. MORGAN: Okay, thank you.

18 SENATOR ALEXANDER: Yes, sir. And we'll ask the court  
19 reporter to swear you in for the testimony.

20 WITNESS WAS SWORN IN

21 WILLIE J. MORGAN

22 SENATOR ALEXANDER: Thank you, ma'am. And I'll  
23 recognize our able staff, Mr. Davison to start us  
24 off.

25 EXAMINATION

1 BY MR. DAVIDSON:

2 Q. Good afternoon, Mr. Morgan.

3 A. Good afternoon, Mr. Davison.

4 Q. I'm going to briefly summarize your background for the  
5 Committee members.

6 MR. DAVIDSON: Mr. Morgan graduated from the  
7 University of South Carolina in 1985 with a B.S.  
8 in engineering. He also earned a master's in  
9 management from Webster University in the year  
10 2000. Mr. Morgan is currently employed with  
11 Southeast Rural Community Assistance Project,  
12 serving as South Carolina State Manager. Mr.  
13 Morgan began this job in 2019. In his capacity,  
14 Mr. Morgan reports that he plans, directs and  
15 coordinates the daily activities of the utility  
16 rates team as well as performing regulatory  
17 analysis related to electrical, natural gas,  
18 water and waste water utilities. From 2004 to  
19 2019, Mr. Morgan worked for the Office of  
20 Regulatory Staff and served as the Deputy  
21 Director of Utility Rates. From 1985 to 2004,  
22 Mr. Morgan served as a permitting liaison for  
23 S.C. DHEC. Mr. Morgan also serves as a USC  
24 University Affiliate for the Partners for  
25 Minorities and Engineering and Computer Science.

1 He has served in this capacity since 1990.  
2 Additionally, Mr. Morgan served as an adjunct  
3 faculty member for Midlands Technical College  
4 from 1989 to 1991, teaching introductory college  
5 of math courses. Mr. Morgan, do you have any  
6 changes you would like to make to the personal  
7 data questionnaire you submitted with your  
8 application, not including any of those you've  
9 already submitted?

10 MR. MORGAN: No additional changes, other than those  
11 that I've submitted.

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

16 SENATOR ALEXANDER: So ordered.

17 (EXHIBIT 1 MARKED FOR IDENTIFICATION

18 PURPOSES (10 pages) - Mr. Morgan's PDQ)

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

1 MR. MORGAN: Yes, sir. Thank you, Mr. Davidson, Mr.  
2 Chairman and other members of the Committee. I'd  
3 like to thank you for this opportunity. I feel  
4 like it's an honor and a pleasure to be here  
5 today, and I thank you, and I look forward to  
6 sharing with you my credentials and my reasoning  
7 for being here. And I hope to be able to answer  
8 all of your questions, and I look forward to the  
9 possibility of serving at the Commission. Thank  
10 you.

11 BY MR. DAVIDSON:

12 **Q. Thank you, sir. Could you please state again your**  
13 **name and home address for the record?**

14 A. My name is Willie Joe Morgan. My address, permanent  
15 address, is 298 Morgan Ware Drive, 29 -- that's Clarks  
16 Hill, South Carolina 29821.

17 **Q. Are you a registered voter?**

18 A. Yes, sir.

19 **Q. In which Congressional District are you registered to**  
20 **vote?**

21 A. That's the 3rd Congressional District.

22 **Q. Could you please explain why you are interested in**  
23 **serving on the Public Service Commission?**

24 A. Yes, sir. I believe my experience dating back to  
25 entry into the utility regulatory sector in 1993 has

1       allowed me to gain a lot of experience that I feel  
2       that would be beneficial to the Commission as well as  
3       the State of South Carolina, and I believe that that  
4       experience working at the South Carolina Department of  
5       Health and Environmental Control as a permitting  
6       liaison and working with the Department of Commerce  
7       has allowed me to understand the importance of  
8       economic development for the state, the capital  
9       investment that utilities make in the state as well as  
10      experience in managing the Consumer Service Department  
11      briefly at the Office of Regulatory Staff has allowed  
12      me to understand the importance of customer  
13      satisfaction. And that experience gave me a great  
14      understanding of the costs associated with the  
15      division of utility service as well as understanding  
16      that it is important for these utilities to provide  
17      adequate service and promote good customer service in  
18      dealing with varied customers.

19   **Q.   Have you attended any hearings at the Commission?**

20   A.   Yes, I attended a number of hearing at the Commission.  
21       I testified in approximately 50 of them and attended a  
22       number of others as the Deputy Director, Program  
23       Manager at the Office of Regulatory Staff as well.

24   **Q.   And have you read any Commission decisions?**

25   A.   Yes, I've read a number of their decisions. I helped

1 draft or provide review of some of those that were  
2 submitted as a recommendation by the Office of  
3 Regulatory Staff as well.

4 **Q. Thank you. And how would you expect to get up to**  
5 **speed on the issues currently before the Commission?**

6 A. Well, I think it's important to try to review the  
7 current docket matters at the Commission, and I think  
8 it's important to also review some of the guidance  
9 material that's put out by NARUC, the National  
10 Association of Utility Regulatory Commissioners. I  
11 think those are good, helpful tools to get up to  
12 speed. And also the staff there at the Public Service  
13 Commission, I believe that they have done a great job,  
14 and they could be very helpful in helping me to get up  
15 to speed on the current issues that are there.

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

18 A. Well, basically they set rates, and also they assign  
19 territories for these utilities. They also help  
20 settle complaints that may be filed against utilities  
21 that aren't satisfied before they reach the ORS and  
22 then also if they're not satisfied at that point as  
23 well.

24 **Q. Is there a role for activism on the part of**  
25 **Commissioners versus impartial application of the law?**

1 A. No, sir.

2 Q. What are key factors that a Commissioner should  
3 consider in a rate case?

4 A. Well, they should consider a number of factors,  
5 including the investment that the utility is trying to  
6 recover from its rate payers. That includes whether  
7 or not the investment was prudent. They should also  
8 look at whether or not the investment is in service,  
9 providing service to the customers. Those are some of  
10 the main things that the Commission should consider  
11 when reviewing a case, a rate case.

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

17 A. Yes, sir, I am.

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

21 A. No, sir, I have not.

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

24 A. No, sir, I have not.

25 Q. Could you explain the general rule regarding ex parte

1           **communications as it relates to the Public Service**  
2           **Commission, please?**

3       A.   Basically, you cannot participate in any conversation  
4           of a potential case that may become before the  
5           Commission or a case that's online with the Commission  
6           unless you're hearing it as a Commissioner, as a group  
7           in case an ex parte request has been made on behalf of  
8           a party and they are sitting or presenting that  
9           information to the Commission.

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, basically I would politely inform them that I  
15           cannot be a part of the conversation or the discussion  
16           and let them my know my role and excuse myself from  
17           the conversation.

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

20      A.   Yes, sir.

21      **Q.   Could you briefly describe the five canons in the code**  
22           **of judicial conduct?**

23      A.   Basically a Commissioner needs to be fair and  
24           impartial, can't present themselves as -- in a  
25           compromising position associating with groups that may



1 have a case before the Commission and basically being  
2 -- presenting themselves in a professional manner at all  
3 times.

4 **Q. What do you consider to be appropriate use of social**  
5 **media pursuant to the judicial canons?**

6 A. Appropriate could be basically -- basically you're not  
7 to be putting information about cases out there, and,  
8 you know, if you want to put pictures of your cat or  
9 your dog out there, I think that would be appropriate,  
10 but avoid any potential compromise in information  
11 being shared out there.

12 **Q. In using social media, do you see there being a**  
13 **distinction between the usage of social media in your**  
14 **private life versus as a Commissioner, or would you**  
15 **treat it the same??**

16 A. Well, as far as Commissioner, I wouldn't be putting  
17 anything out there that related to my role as a  
18 Commissioner period, but in my personal life, yes, you  
19 know, if I see a picture of a nice scenery, you know,  
20 I might post that. Of course, provided it's not  
21 related to a potential case that may come before the  
22 Commission.

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

1 A. No, sir.

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

6 A. No, sir.

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

11 A. No, sir, I do not.

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

15 A. No, sir.

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

24 A. None outside of those that you mentioned. I mean --

25 Q. So --

1 A. -- dividends and things like that from stocks, yes.

2 **Q. Your current job?**

3 A. My current job, yes.

4 **Q. And then is there anybody else within your household**  
5 **that's employed, receiving income?**

6 A. No, sir, not from a job, I mean.

7 **Q. Okay, thank you. If elected, would there be any**  
8 **potential conflicts of interest, financial or**  
9 **otherwise?**

10 A. No, sir.

11 **Q. And if you held stock of a company that's not**  
12 **currently or never has been before the Public Service**  
13 **Commission, but eventually did come before the Public**  
14 **Service Commission, how would you handle that**  
15 **ownership of stock?**

16 A. Well, two ways. One would be, of course, to get rid  
17 of it, and the other would be to inform the Commission  
18 of the -- the Commission or the PURPA that -- you  
19 know, that did occur, but it was immediately -- I  
20 immediately disposed of it.

21 **Q. And then, just more generally speaking, what would you**  
22 **do if a conflict of interest arose?**

23 A. I would share. If it's a case involving a case before  
24 me or before the Commission, I would share that  
25 information with the group and either asked to be

1       excused or inform them and give them an opportunity to  
2       voice their concerns.

3     **Q.   Are you affiliated with any political parties, boards**  
4       **or commissions that would need to be reevaluated if**  
5       **you were nominated and elected?**

6     A.   No, sir, I'm not.

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

9     A.   No, sir.   Back in college I was a member of the  
10       fraternity, but I haven't been active since then.

11    **Q.   Thank you.  What is the appropriate demeanor for a**  
12       **Commissioner?**

13    A.   To be polite, to be fair in their dealings with  
14       parties and those who may appear before the Commission  
15       as well as -- even if not during a case, outside of  
16       the case, to be fair and to give each party that may  
17       be before the Commission an opportunity to be heard.

18    **Q.   Does that apply only while you're serving on the**  
19       **bench, or do those rules apply 24/7?**

20    A.   24/7.

21    **Q.   If elected to serve as a Commissioner, how do you**  
22       **envision your work schedule?**

23    A.   Basically to try to get a clear understanding of the  
24       schedule and looking at that schedule to do my best to  
25       prepare and do what is necessary to accomplish the

1 task, whether it be a night hearing, whether it be a  
2 Mayor's hearing, a Commission meeting. Basically try  
3 to plan my schedule around that and do what I can to  
4 prepare for those cases.

5 **Q. And do you see it as a full time job, at least all day**  
6 **Monday through Friday?**

7 A. Yes, and some weekends perhaps.

8 **Q. Thank you. What are the rules, generally speaking,**  
9 **regarding a Commissioner expressing a personal opinion**  
10 **on an issue within the utility industry?**

11 A. Well, they should be doing that outside of the formal  
12 hearing or case, and they should be fact finding  
13 during the case. So as far as their opinion, there is  
14 the order which gives the Commission an opportunity to  
15 express their position on the matter, and that's how  
16 it should be done.

17 **Q. Could you please briefly describe PURPA, the Public**  
18 **Utility Regulatory Policy Act and its role in South**  
19 **Carolina law and policy?**

20 A. That particular act relates to the conservation of  
21 energy that was enacted back in the late '70s, I  
22 believe. President Carter signed it into law, and  
23 that particular act delve into encouraging energy  
24 conservation and the faces that are before the  
25 Commission, there needs to be some consideration of

1 conservation of energy and the promotion of that  
2 during the cases that are heard.

3 **Q. Thank you, sir.**

4 MR. DAVIDSON: Mr. Chairman, at this time, pursuant to  
5 the previous motion, I'd ask that we go into  
6 executive session as we do with all candidates.

7 SENATOR ALEXANDER: Okay. So at this time, if you'll  
8 just stay at the podium, and we'll ask members of  
9 the audience to be removed and enjoy their break,  
10 and --

11 EXECUTIVE SESSION WAS HELD FROM 1:16 TO 1:19 PM

12 SENATOR ALEXANDER: We're out of executive session,  
13 and no action was taken, and I want to recognize  
14 Mr. Davidson to continue with Mr. Morgan.

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

16 **Q. Mr. Morgan, a review of the public index showed five**  
17 **cases which included a name the same or substantially**  
18 **similar to yours. I'll ask about those at this time.**

19 A. Okay.

20 **Q. The first one was the S.C. Department of Mental Health**  
21 **v. Willie Morgan in 2009, and I believe you stated**  
22 **that this case is not related to you in any way; do**  
23 **you concur with that?**

24 A. It's not. It's not related to me at all.

25 **Q. Thank you. The second one is Willie Joe Morgan v.**

1 Willie A. Tompkins, a 1991 case. Would you mind  
2 briefly providing the circumstances surrounding that  
3 case?

4 A. Sure. That was a case involving me. Back in 1988, I  
5 assisted my cousin or relative at the time to start a  
6 funeral home and provided him some funds to help do  
7 that, him and another individual. And the funeral  
8 home basically was established at that time, and I  
9 utilized his attorney, Casey Manning, at the time to  
10 assist me with getting out of the business later, and  
11 that was the reason for that filing. And he assisted  
12 me with that, and the case was settled. Everything  
13 worked out for him and me.

14 Q. Thank you. And then the three remaining cases have  
15 the same caption, so I'll lump those together. It's  
16 Consec Finance Servicing v. Willie Morgan in 2001 and  
17 2002. You reported that these cases in no way relate  
18 to you or do not relate to you personally in any  
19 capacity; can you confirm that for the record, please.

20 A. That's correct, they do not relate to me. I don't  
21 know the individual. My wife says she knows the  
22 person, but I don't have a clue who that is.

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

1 A. No, sir, I have not.

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

4 A. No, sir, I have not.

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, sir, I have not.

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, sir, I have not.

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

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

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

20 A. Yes, sir, I am.

21 Q. And do you plan to serve a full term, if elected?

22 A. Yes, I do.

23 MR. DAVIDSON: Mr. Chairman, I note for the record  
24 that Mr. Morgan scored a 54 on the test. I have  
25 no further questions for Mr. Morgan. Thank you,



1 Mr. Morgan.

2 SENATOR ALEXANDER: Thank you very much, and we'll  
3 open it up to questions from members of the  
4 Committee. And I'll start, as we have been  
5 starting with those that are with us virtually,  
6 so are there questions from members of the  
7 Committee? I recognize Representative Forrester.

8 REPRESENTATIVE FORRESTER: Thank you, Mr. Chairman.

9 EXAMINATION

10 BY REPRESENTATIVE FORRESTER:

11 Q. Mr. Morgan, thank you for being here today and  
12 participating and putting yourself out there. Just a  
13 question under score. Once you received notification  
14 of what your score was, did you do anything to bring  
15 yourself up to speed on the things that you missed?

16 A. Yes, I did. I looked over some of the acts, in  
17 particular the acts related to renewables and also the  
18 PURPA Act. I had looked over some of that beforehand,  
19 but it had been a while earlier, and the preparation  
20 time didn't work out because of some other  
21 circumstances at that time.

22 Q. And just out of curiosity, would your other job be a  
23 conflict if you were to be selected to serve on the  
24 bench?

25 A. My other job, I would resign from that and focus

1 solely on being a Commissioner.

2 **Q. Thank you.**

3 A. Thank you.

4 SENATOR ALEXANDER: Thank you. All right. Anybody  
5 else virtually? If not, I recognize Chairman  
6 Sandifer.

7 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

8 EXAMINATION

9 BY REPRESENTATIVE SANDIFER:

10 **Q. Mr. Morgan, thank you for being here.**

11 A. Thank you, appreciate it. Thank you.

12 **Q. In the factors involved in a rate case, should return**  
13 **on equity be a part of that?**

14 A. It's a major part for the larger utilities, and that  
15 includes both electric, gas and a few of the water,  
16 waste water utilities as well. And that determines  
17 the revenue requirement that's necessary to dictate  
18 the rates in rates that the customers end up paying.

19 **Q. Okay. And when you talk about the five canons of the**  
20 **code of conduct, do honesty and integrity fit into**  
21 **those?**

22 A. Being a Commissioner, that's very important. You must  
23 be honest, and I feel like that is a high priority in  
24 terms of when you are a Commissioner.

25 **Q. Okay. And then I think you answered the social media**

1 question appropriately, saying that if you were  
2 sending a picture of your dog or cat --

3 A. Yes, sir.

4 Q. -- that might be okay.

5 A. Yes, sir.

6 Q. I don't think I'd go much further than that.

7 A. Yes.

8 Q. Thank you, Mr. Morgan.

9 A. Thank you.

10 REPRESENTATIVE SANDIFER: That's all I have, Mr.

11 Chairman.

12 SENATOR ALEXANDER: Thank you, Mr. Chairman.

13 EXAMINATION

14 BY SENATOR ALEXANDER:

15 Q. Could you tell me -- well, I guess first off, let's go  
16 with the -- if you're nominated, if you were elected -  
17 - the election is scheduled for September 23rd. When  
18 would you envision being able to be available to start  
19 your duties as a Commissioner after September 23rd?

20 A. I think that's something that could be done almost  
21 immediately, you know, at least in a couple of days,  
22 but not much beyond that. I think definitely within a  
23 week.

24 Q. Okay. So Representative Forrester talked to you about  
25 the test and what you did afterwards and stuff. I

1 would just obvious about -- interested in your  
2 observation about the test in general. Do you have  
3 any thoughts of the test, the material, things of that  
4 nature?

5 A. I thought it was a fair test. It was heavily electric  
6 and gas, but I felt that was fair, because that's  
7 where a lot of the money is in terms of what cases are  
8 heard at the Commission, but I would hope that anybody  
9 who is preparing for it don't have issues like Covid  
10 19 to deal with and preparation for an office move and  
11 all that to do all at the same time separate from  
12 preparing for the case, but that's more of a personal  
13 issue than it is in terms of the test itself.

14 Q. I understand. In talking about that, can you help me  
15 understand your duties, responsibilities with your  
16 current employer?

17 A. Basically it's a lot of the same of what have been  
18 doing at the Office of Regulatory Staff. You work  
19 with the various communities across the state, but at  
20 the same time it's not those entities that are  
21 regulated by the Public Service Commission. It's the  
22 municipalities and counties across the state and also  
23 some community action agencies or even, you know,  
24 we've been assisting some of the senior citizens. If  
25 they need a new building, like in Darlington, there

1 was a discussion I had with the executive director  
2 there to come up with some funding for a new building,  
3 a new facility there, but largely water and waste  
4 water, but if they have a gas operation, you know, we  
5 would assist them with some of the technical matters  
6 as well as giving them some opportunities that they  
7 can look into for funding for the various projects  
8 that they need to get themselves involved in.

9 **Q. Okay. And prior to that you were with the Office of**  
10 **Regulatory Staff, I guess really since the beginning**  
11 **of that agency; was that about right or --**

12 A. Yes, sir, it was October of 2004 there.

13 **Q. So maybe could you go into just a little bit more**  
14 **detail of what you did with the Office of Regulatory**  
15 **Staff and from that standpoint during that tenure**  
16 **there?**

17 A. Yes, sir. At the beginning, I was hired there as the  
18 program manager for the water and waste water program,  
19 did testimony, reviewed rate cases and prepared  
20 testimony to be presented at the Commission. I  
21 testified in a number of cases there when I first --  
22 one of the first projects that we had to deal with was  
23 a utility owner that basically was an absent owner in  
24 a sense, and I worked with the Department of Commerce  
25 to try to secure some funding for the local

1 municipalities to assist with taking over those  
2 systems. And that worked out well. Also later on, in  
3 2016, I became a deputy director for the utility rates  
4 group. Prior to that, and there was a couple of  
5 incidents -- or actually, I guess two instances where  
6 I was asked for my professional opinion on a couple of  
7 electric and waste projects. One was they showed me  
8 some wells related to the project on the electrical  
9 side and wanted to get my opinion of it. And I gave  
10 them my opinion. Separate from that, there was a  
11 crane for the Rad waste project that was being  
12 purchased. They wanted to get my opinion on the  
13 service life that was being put forward by the company  
14 on that. In 2016, as I mentioned, I became the deputy  
15 director for utility rates. For briefly, for about  
16 four months before then, I was over the consumer  
17 service department as well, handling complaints from  
18 customers from a managerial prospective, in addition  
19 to my role as the program manager for the water and  
20 waste water group. But in 2016, there was some  
21 retirements and departures from individuals, so we had  
22 a restructuring, and I became deputy director for  
23 utility rates, which included both gas, electric and  
24 water and waste water. We handled a few cases for the  
25 electric utilities as well as the gas cases for the

1 two gas companies that are regulated by the Public  
2 Service Commission. In addition to that, I maintained  
3 oversight of the water and waste water program as  
4 well, continued to -- either providing testimony or  
5 getting witnesses prepared for providing testimonies  
6 to the Commission. So -- and I continued that all the  
7 way to the second half of 2019.

8 **Q. Okay, thank you. And those duties that you're**  
9 **outlined with the Office of Regulatory Staff, would**  
10 **there be any potential -- if you were on the**  
11 **Commission, is there any potential conflicts with any**  
12 **of those responsibilities that you had when you were**  
13 **affiliated with the Office of Regulatory Staff?**

14 **A.** I don't believe so. I mean, if there's something that  
15 gets remanded back from the Supreme Court, perhaps  
16 there, but I think there's an opportunity to share  
17 with the parties, and they would know or be familiar  
18 with what role I play then and make that information  
19 available, and we can decide at that point or they can  
20 decide as to whether to allow me to participate, but  
21 other than that, I don't see any conflict.

22 **Q. Ultimately I think, if what I'm hearing you say, if**  
23 **they decided that was the case, then you'd recuse**  
24 **yourself?**

25 **A.** Yes, sir.

1 Q. And the same -- and I think you said that your current  
2 employment's is really not with any of those that are  
3 before the Commission, but I would assume if something  
4 did present itself, what action would you take from  
5 that standpoint?

6 A. Well, first divulging the issue before the parties and  
7 then recusing myself, if that is the issue, but I  
8 really don't see that being a problem. I mean, what  
9 has happened, I have had to deal with a couple of  
10 projects that went the other direction because the  
11 municipality wasn't into that. Ended up in the system  
12 because of a problem that the private investor on the  
13 utility was not doing.

14 Q. So you've not had any municipalities volunteer and  
15 wanted to go and have to appear before --

16 A. No.

17 Q. -- under the Public Service Commission?

18 A. No, sir.

19 SENATOR ALEXANDER: All right. Are there any other  
20 questions? If not, thank you very much for being  
21 here, for your willingness to serve and for your  
22 making yourself available to us this afternoon.

23 MR. MORGAN: Thank you, sir, and I appreciate all of  
24 y'all's attention and time this afternoon. Thank  
25 you.



1       SENATOR ALEXANDER:   Stay safe and healthy, and if you  
2                               would be kind enough to take that little cap off  
3                               and dispose of it in the trash can there.

4       MR. MORGAN:   All right, thank you.

5       SENATOR ALEXANDER:   Thank you.   Good afternoon.   We  
6                               have Ms. Maria Jonelle Kennan.   Delighted to have  
7                               you here with us this afternoon.

8       MS. KENNAN:   Thank you.

9       SENATOR ALEXANDER:   And we'll first have the court  
10                              reporter to swear you in for your screening  
11                              today.

12       MS. KENNAN:   Okay.

13       THE WITNESS WAS SWORN IN

14       MARIA JONELLE KENNAN

15       SENATOR ALEXANDER:   And I'll recognize Mr. Davidson.  
16                              He has some questions, and then the Committee  
17                              will have some questions for you.

18       MS. KENNAN:   Okay.

19       MR. DAVIDSON:   Good afternoon, Ms. Kennan.   I will  
20                              briefly summarize your background for the rest of  
21                              the Committee members.   Ms. Kennan attended Duke  
22                              University from 1991 to '97, and she graduated  
23                              with a bachelor of science and civil and  
24                              environmental engineering.   Ms. Kennan currently  
25                              works as a design engineer at PRC Precast

1 Concrete, where she has been employed since April  
2 of 2019. She was the lead engineer from 2017 to  
3 2019 with Duke Energy at the Oconee Nuclear  
4 Station. In 2014 until 2017, she was the  
5 engineering manager at Civil Design Basis. Prior  
6 to that, from 2005 until 2014, Mr. Kennan was the  
7 senior engineer for civil design in the Design  
8 Basis Group at Oconee Nuclear Station. Ms.  
9 Kennan was an engineer in training with Areva  
10 from '99 to 2005, and before that she was a  
11 substitute teacher in Durham County Schools from  
12 '97 to '99. Ms. Kennan also notes that she  
13 previously worked for the North Carolina  
14 Department of Transportation. Ms. Kennan also  
15 notes in her PDQ that she's currently building a  
16 wedding venue on her property.

17 MS. KENNAN: Yes.

18 MR. DAVIDSON: Ms. Kennan, do you have any changes that  
19 you would like to make to the personal data  
20 questionnaire you submitted with your  
21 application, not including any amendment you've  
22 already submitted?

23 MS. KENNAN: No.

24 MR. DAVIDSON: Thank you. Mr. Chairman, I would  
25 request that Ms. Kennan's personal data

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

3 SENATOR ALEXANDER: So ordered.

4 ( EXHIBIT 1 MARKED FOR IDENTIFICATION PURPOSES  
5 (8 pages) - Ms. Kennan's PDQ)

6 MR. DAVIDSON: As part of our background investigation  
7 of the candidate, we obtained a credit check,  
8 driver's license and SLED check. Any questions  
9 of a confidential or personal nature will be  
10 taken up in executive session. Before we begin  
11 the questioning, do you have a brief opening  
12 statement that you would like to make?

13 MS. KENNAN: Sure. This has been an interesting  
14 journey, and I'm very happy to be here, and  
15 regardless of the outcome, I've learned a lot in  
16 this process, and you will see me again in some  
17 form, whether it's here or another way.

18 EXAMINATION

19 BY MR. DAVIDSON:

20 **Q. Thank you. Could you please state your name for the**  
21 **record?**

22 A. My name now is Maria Jonelle Kennan. I have been  
23 recently married, and so when I started the  
24 application I was Maria Jonelle Pacheco Ratliff, but  
25 we dropped the Pacheco Ratliff, and now we're Maria

1 Jonelle Kennan.

2 Q. And just to clarify, you had it legally changed --

3 A. Yes.

4 Q. -- after you submitted the application?

5 A. Yes.

6 Q. And could you also please state your home address?

7 A. It's 1626 Walhalla Highway, Pickens, South Carolina  
8 29671.

9 Q. And are you a registered voter?

10 A. Yes.

11 Q. In which Congressional district are you registered to  
12 vote?

13 A. Three.

14 Q. Three. Why are you interested in serving on the  
15 Public Service Commission?

16 A. I had worked in nuclear for 13 years, and when I got  
17 laid off and I started my new job, I had the  
18 opportunity to go to the South Carolina Engineering  
19 Conference in Greenville last year, and one of the  
20 panel boards mentioned doing public service and that  
21 they actually like engineers on panels and stuff like  
22 that, because we tend to be a little more practical  
23 than maybe -- I'm not trying to insult anybody, but  
24 maybe some other fields. And I was like, you know,  
25 that's something I really like to do. I moved to

1 South Carolina when my eldest son was three, so 17  
2 years ago, and I've made it my home. This is the  
3 place I've lived the longest, and I love it here. And  
4 the opportunity -- I got an email and the opportunity  
5 came up, and I'm like, you know what, I'm going to  
6 give it a shot because I love the state, and I would  
7 love to see us move forward in a innovative and strong  
8 direction, so --

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

11 A. Attended, no. I've watched a few online.

12 **Q. Have you read any Commission decisions?**

13 A. Yes.

14 **Q. How do you expect to get up to speed on the issues**  
15 **confronting the Commission?**

16 A. I'm going to have to study a lot, but I enjoy that,  
17 though. It's kind of -- I love learning new things.  
18 I'm presently taking days off from work right now to  
19 be here, but -- and I love my -- I love the people at  
20 my job, but honestly I'm bored. There's not much  
21 incentive to learn anything new or to advance, and so  
22 I'm constantly finding things to read and learn about,  
23 and this would be a whole new area that I'm like, oh,  
24 new stuff to dig in, so --

25 **Q. What role does that Public Service Commission serve in**

1       **regards to the regulation of utilities?**

2       A.   The way I look at it is they serve as the place where  
3           you try to balance the public interests and the  
4           corporate interests and South Carolina interests to  
5           get everybody moving forward positively. So it means  
6           sometimes you're going to make one a little mad as  
7           opposed to the other one, but it's trying to find that  
8           unique mix and balance to move the state forward in  
9           terms of energy and telephone and whatever else we've  
10          got going on.

11      **Q.   As a Commissioner, is there a role for activism or**  
12       **being an advocate versus impartial application of the**  
13       **law?**

14      A.   I would say no. I do think that you need to be aware  
15           and up to speed on the various interests, but it's not  
16           your job to be out in front picket lining. On the  
17           other hand, if it's not any source of a conflict with  
18           something coming up before the board, there is in --  
19           several other statutes talk about promulgation about  
20           putting information out there for people to look at.

21      **Q.   Allow me to clarify it.**

22      A.   Yeah.

23      **Q.   More specifically, in the role of a Commissioner while**  
24       **serving in a hearing --**

25      A.   Uh-huh.

1 Q. -- is there any role for a Commissioner to take an  
2 activism --

3 A. Oh, no.

4 Q. Impartial application of the law?

5 A. It's impartial.

6 Q. Thank you. What are the key factors that a  
7 Commissioner should consider in a rate case?

8 A. In a rate case, key factors. The -- don't mind me  
9 looking. I've written notes just in case I got  
10 flubbed a little bit. But the -- in terms of a rate  
11 case the key things are what is fair and reasonable,  
12 and that would include what is going to work for the  
13 utilities and for the people at the same time, which  
14 is tricky.

15 Q. Are you familiar with the three advisory opinions  
16 issues by this Review Committee dealing with  
17 attendance at one, legislative receptions, two,  
18 legislative caucus meetings and three, political  
19 gatherings?

20 A. I remember reading those, and I don't have them  
21 memorized, but if I recall, it is generally  
22 discouraged not to attend those type of things.

23 Q. Have you attended any legislative receptions or any  
24 legislative caucus meeting since submitting your  
25 application?

1 A. No, sir.

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

4 A. No.

5 Q. Would you explain the general rule regarding ex parte  
6 communications as it relates to the Public Service  
7 Commission?

8 A. The general rule is it's not to be done unless it's  
9 one of those exceptions, and there's a whole list of  
10 them in the law that I would have to go back and look  
11 over.

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

16 A. I would attempt to cut them off and stop the  
17 discussion and then report it to probably the Chairman  
18 of the Commission and figure out where to go from  
19 there.

20 Q. Are you aware that Commissioner's are subject to the  
21 judicial code of conduct as well as state ethics laws?

22 A. Yes.

23 Q. Are you able to briefly describe the five canons in  
24 the code of judicial conduct?

25 A. With a little help from my notes, yes. Okay. The



1 first one is uphold the integrity and independence of  
2 the word. Second is avoiding impropriety and the  
3 appearance of impropriety. The third is be impartial  
4 and diligent or conduct outside activities to minimize  
5 the risk of conflict. And five is refrain from  
6 inappropriate political activity.

7 **Q. And what do you consider to be appropriate use of**  
8 **social media pursuant to the judicial canons?**

9 A. I know where you're going with this. In terms of  
10 social media, there shouldn't be anything that is  
11 racist or is activist or is hateful, anything that  
12 would be deemed hate speech, that kind of thing. You  
13 wouldn't post anything that is coming before the  
14 Committee or opinions outside of the court. Let's  
15 see, what else?

16 **Q. Is there a distinction between the use of social media**  
17 **in your private life versus as a Commissioner?**

18 A. Is there a distinction. There's things that I would  
19 say in my private life that I wouldn't say in front of  
20 the Commission.

21 **Q. Yes. So for example, assume you are a Commissioner --**

22 A. Yeah.

23 **Q. -- and there are -- subject to the code of judicial**  
24 **conduct --**

25 A. Right.

1 Q. -- is how you handle your private social media usage -  
2 - is there a different between that and how you would  
3 handle your social -- say you've had a Commissioner  
4 account and then your personal account --

5 A. Well, yeah --

6 Q. -- do those apply equally or --

7 A. Well, I think in terms of the hate speech and stuff  
8 like that, yes, the rules definitely apply equally.  
9 In terms of would I say an off color joke that doesn't  
10 fall into, you know, being racist or something like  
11 that on my private -- I don't know. That's a fuzzy  
12 line for me. Having read the code, the area that I  
13 think that falls under is the second canon in part A,  
14 but if you read in the comment section it says the  
15 appearance of impropriety is whether the conduct would  
16 create in a reasonable mind the perception that the  
17 judge's ability to carry out judicial responsibilities  
18 with integrity, impartiality and competence is  
19 impaired. So anything that would fall into that  
20 category would have to stay off private social media,  
21 but there's a lot of stuff that, well, may not be to  
22 everybody taste, but might not necessarily fall under  
23 that.

24 Q. Are you or a member of your immediate family employed  
25 by a utility regulated by the PSC, either currently or

1           within the past two years?

2       A.    No.

3       Q.    Maybe within the past two years?

4       A.    Oh, okay, because, yeah, I used to work for Duke.

5       Q.    Thank you. Do you or a member of your immediate  
6           family have stock or other financial interest that is  
7           directly controlled by you or your family member of a  
8           utility regulated by the PSC?

9       A.    No.

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

14      A.    No.

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

18      A.    Just my wedding venue, which really is more of a side  
19           hobby, but maybe we'll get it going.

20      Q.    Thank you. And then what entities did you or a member  
21           of your immediate family receive income from within  
22           the previous year? Now this does not include IRA or  
23           deferred compensation funds, disability, mutual funds  
24           or funds received from your financial institution in  
25           the ordinary course of business, so generally

1       **speaking, regular income.**

2       A.   In the past year.   If you're going actually calendar  
3       year, if you're talking 2019, that's a different  
4       answer.

5       **Q.   Yes, in the preceding 12 months.**

6       A.   Okay.   Preceding 12 months, it was, yeah, just my  
7       paycheck from my job, yeah.

8       **Q.   And just for the record, in the past year you've been**  
9       **employed by and received income from --**

10      A.   Oh, PRC, Precast.

11      **Q.   And then anybody else within your household?**

12      A.   My son works for Ingle's or he worked for Ingle's, and  
13      my husband worked for Mattress Firm.

14      **Q.   Thank you.   And then if elected, would there be any**  
15      **potential conflicts of interest, financial or**  
16      **otherwise?**

17      A.   No.

18      **Q.   Do you envision there would be any potential conflicts**  
19      **from your previous employment at Duke?**

20      A.   I wouldn't think so.   I worked strictly in nuclear in  
21      the engineering department, so we didn't really get  
22      into the regulation side, although I did deal directly  
23      with the NRC, but that's a government -- that's  
24      federal, but -- so I have experience with that type of  
25      thing, but not directly on the state level.

1 Q. And what would you do if a conflict of interest arose?

2 A. I would bring it to immediate attention and probably  
3 have to recuse myself from whatever it was.

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

7 A. No.

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

10 A. No.

11 Q. What is the appropriate demeanor for a Commissioner?

12 A. I would say -- I would -- let's see. I would say  
13 being honest, forthright, sticking to topic, acting in  
14 -- I know what the word is, and it's escaping me --  
15 acting in an appropriate manner.

16 Q. And does that apply only while serving on the bench,  
17 or does apply 24/7?

18 A. I would have to say that in terms of -- I would say it  
19 would definitely apply serving on the bench, but in  
20 terms of 24/7 I've got a big personality. I mean, I'm  
21 trying to keep it toned down right now, you know. I  
22 mean, I do, and if that's an issue, then, you know,  
23 that's an issue, but, you know, I go dragon con. I do  
24 fun things, and so my down time I enjoy, and so -- can  
25 I be silly? Can I be seen singing karaoke out there

1            somewhere, yeah? Yes, I can. So, yeah, there's work  
2            and then home, and I do like to relax at home, so --

3    **Q.    So just to clarify -- and I don't want to put words in**  
4            **your mouth --**

5    **A.    No, it's all right.**

6    **Q.    -- I guess you do see a distinction between private**  
7            **life versus life on the bench --**

8    **A.    Yeah, yeah, I do.**

9    **Q.    -- as far as demeanor's concerned?**

10   **A.    Yeah.**

11   **Q.    Okay, thank you. If elected to serve as a**  
12           **Commissioner, how do you envision your work schedule?**

13   **A.    Well, I've heard it's full time, and I asked a few**  
14           **questions, which I'm fine with. I'm assuming it would**  
15           **be part time down in Columbia and part time at home,**  
16           **because you're supposed to live in the district you**  
17           **represent, right? So it would involve some travel,**  
18           **and I don't know, a hotel here a couple of nights a**  
19           **week. My kids are old enough that they can handle a**  
20           **few nights on their own without having mom there 24/7.**

21   **Q.    Do you view it at a minimum of Monday, Friday, full**  
22           **time job?**

23   **A.    I would say probably, yeah, yeah.**

24   **Q.    Could you please briefly describe PURPA, which is the**  
25           **Public Utility Regulatory Policy Act and its role in**

1       **South Carolina law and policy?**

2       A.    PURPA, yeah.  PURPA came up in -- passed in 1978, and  
3           its role is -- it was to encourage competition and  
4           conservation of energy as part of a reaction to the  
5           energy crisis of the '70s.

6       **Q.   And could you define net metering?**

7       A.    Net metering is the way utility measures how much  
8           energy a consumer can put -- uses from the grid and  
9           takes back from the grid in order to figure out if  
10          they're going to get a rebate or whatnot.

11      **Q.   And distributed energy resources?**

12      A.    Distributed energy resources has to do with all the  
13           different -- let's see -- has to do with -- yeah,  
14           renewable energy resources and how they all tie in  
15           together with our existing resources.

16      MR. DAVIDSON:  Mr. Chairman, at this time, pursuant to  
17           the previous motion, I'd ask that we go in  
18           executive session, as we do with all candidates.

19      SENATOR ALEXANDER:  Yeah.  So, okay, so we're at that  
20           point of the process, so if you'll just stay  
21           there at the podium, and I'll ask that the  
22           members of audience to excuse themselves while we  
23           go into executive session.

24      MS. KENNAN:  Okay.

25      EXECUTIVE SESSION WAS HELD FROM 1:55 TO 2:05

1           SENATOR ALEXANDER:    So we're back out of executive  
2                                   session. Continuing the screening process, and  
3                                   I'll recognize Mr. Davidson.

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

5   CONTINUED BY MR. DAVIDSON:

6   Q.    Ms. Kennan, you reported on your PDQ that you had a  
7           Chapter XIII bankruptcy in 1999. Would you mind  
8           briefly explaining or providing an explanation of the  
9           circumstances surrounding that?

10   A.   Okay. All right.

11   Q.    Yes, ma'am. We're now back in open session --

12   A.   Okay.

13   Q.    -- and on the record, and because that bankruptcy is a  
14           public record --

15   A.   Yeah.

16   Q.    -- we'll just need to ask you to briefly provide a --

17   A.   Right, that was --

18   Q.    -- background explanation.

19   A.   -- that was my first marriage, and we did not do well  
20           managing our finances back when we were young, and I  
21           got pregnant with my eldest son. We realized we were  
22           way in over our heads, and we opted to do Chapter XIII  
23           bankruptcy. We paid that back, as agreed.

24   Q.    Thank you. And Ms. Kennan, you also reported that you  
25           have an offbeat podcast --



1 A. Yes.

2 Q. -- and, quote, may contain adult themes that some  
3 might find offensive --

4 A. Yes.

5 Q. -- unquote. And as you know, we do an internet search  
6 and review the website where the podcast is located,  
7 and I'm going to read at this time some of the titles  
8 or descriptions. They're not all titles, but some of  
9 them are captions on the podcast website. The web  
10 page had included the following phrases: Jonelle  
11 divulges nuclear secrets, the cult of Jonelle, the  
12 cult of happiness and random asshole memory, how to be  
13 a cult leader, Jonelle and the cult and the pedophile,  
14 scientology, multiple lives and infidelity and open  
15 marriage, reptilians and racist people, why do people  
16 pick on the Jews. And Ms. Kennan, would you like to  
17 provide a response about the podcast for the members  
18 of the Committee?

19 A. Sure. Sure, I have something I wrote up to explain  
20 it. It is offbeat, it's off color, it's comedy, but  
21 in order to explain the podcast I have to tell you a  
22 little bit about my life. I have in the past  
23 struggled with depression, dysfunctional  
24 relationships, trauma and loss. I've been divorced, a  
25 single mom with three kids, one of whom's autistic and

1 widowed. Since 2015, I lost my dad to cancer and my  
2 mom two years after that of a suspected drug overdose.  
3 The same year I got laid off from my job of 13 years.  
4 At that moment I became a single mom of three teens  
5 and no income. I didn't let these events knock me  
6 down for long, and I have persevered, and now I have a  
7 new love and a job I enjoy, but that's unchallenging.  
8 My current husband and best friend, Scott, suffered  
9 severe abuse as a child and as a consequence has been  
10 diagnosed with dissociative identity disorder, which  
11 is multiple personalities. We are both extremely  
12 resilient people, and we both love to learn and are  
13 constantly working on improving our lives. We do our  
14 podcast to share our struggles, to laugh, to help and  
15 to hopefully reduce the stigma associated with mental  
16 illness. We are very frank and open about our lives.  
17 It's part therapy and part nonsense, hence the name  
18 love and madness. In thinking about the question of  
19 whether this podcast would violate the judicial code  
20 of conduct, I would have to say no, because being a  
21 truly open and honest person can be scary but also  
22 freeing. I know -- I own my own mistakes, and I try  
23 to learn from them. Part of that is admitting the  
24 mistakes I have made. I understand that those who  
25 ears are a little more delicate could be shocked by

1 being that open, but it also makes me essentially  
2 unblackmailable, because it's all out there. My  
3 favorite Bible verse of all time is John 8:32, the  
4 truth will set you free. I firmly believe this. The  
5 truth is my late husband, my current husband, my  
6 awesome friends and my kids all love me for who I am.  
7 And if anyone listened to the podcast as a whole and  
8 not just sound bytes, they would realize that I'm very  
9 honest, very fair, very practical and occasionally  
10 funny. I would hope that these would make desirable  
11 qualities in a Commissioner. As it is, the podcast  
12 has nothing to do with the issues that are covered by  
13 the Commission, and if it's a deciding factor against  
14 me, then the position's not right for me. So, thanks  
15 for listening to that.

16 **Q. Thank you for providing that background information.**  
17 **Just a few final questions, Ms. Kennan.**

18 A. Uh-huh.

19 **Q. Have you made any contributions to members of the**  
20 **General Assembly since filing your application?**

21 A. No.

22 **Q. Have you sought or received the pledge of any**  
23 **legislator prior to this date?**

24 A. No.

25 **Q. Have you sought or been offered a conditional pledge**

1 of support by any legislator pending the outcome of  
2 your screening?

3 A. No.

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

7 A. No.

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

10 A. No.

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

14 A. I was not familiar with that, but I wouldn't be  
15 seeking pledges anyway. No.

16 Q. The information --

17 A. Yeah.

18 Q. -- would have already been provided to you. It is  
19 also available.

20 A. Yeah, yeah. It was probably one of those things I  
21 read, and I'm like, I'm not going to do that anyway,  
22 and I filed it.

23 Q. Just a recommendation --

24 A. Yes.

25 Q. -- to review that.

1 A. Yeah.

2 **Q. And do you plan to serve a full term, if elected?**

3 A. Oh, yes.

4 MS. DAVISON: I note for the record, Mr. Chairman, the  
5 candidate scored a 37 on the test. I have no further  
6 questions, and thank you, Ms. Kennan.

7 A. Thank you.

8 SENATOR ALEXANDER: Thank you for being here. We'll  
9 go into some question from members of the  
10 Committee for just a few minutes there. I'm  
11 first going to go to Committee members that have  
12 joined us virtually, and I will recognize anyone  
13 that has -- and we have Representative Forrester  
14 that has a question for you.

15 REPRESENTATIVE FORRESTER: Thank you, Mr. Chairman.

16 EXAMINATION

17 BY REPRESENTATIVE FORRESTER:

18 **Q. Ms. Kennan, thank you for being here today and**  
19 **presenting as well as you have. And I just want to**  
20 **know, the score of 37, when you received that score,**  
21 **did you do anything to better prepare yourself?**

22 A. Well, yeah, I was very -- going into the test I was  
23 actually -- well, no, coming out of the test, I was  
24 really perplexed, because I realized, you know, the  
25 first essay question asked about PURPA, and that

wasn't actually on the list of references provided, although it was referenced in a lot of the references provided. And if I had started there, I think I would have done a lot better on the test. So I did go through and look at avoided costs and what an IRP is and all that based on what I recalled of the test afterwards, yes.

Q. That's good. I kind of thought that would be your answer. I was impressed that you had notes.

A. I like my notepad.

SENATOR ALEXANDER: Anything else, Representative.

Okay. Other members that are with us virtually.

Okay. Chairman Sandifer.

REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

## EXAMINATION

BY REPRESENTATIVE SANDIFER:

Q. Ms. Kennan, thank you for being here with us today.

A. Thank you.

Q. Just two or three questions. First of all, one of the questions that Mr. Davison asked you about was the demeanor and whether it meant only during those times that you were on the bench, or was that something that would apply 24/7 --

A. Uh-huh.

Q. -- and I think you said that it would not apply 24/7;

1 is that correct?

2 A. Yes, with caveats, but, yes.

3 Q. Okay. All right. And I think the demeanor for a  
4 person in a judicial seat applies all the time.

5 A. Okay.

6 Q. So I'm just clarifying how I think we understand that  
7 term. Then in one of the things that was asked is  
8 about the appearance of impropriety --

9 A. Uh-huh.

10 Q. -- and appearance being, could that be by anyone,  
11 anyone that sees or hears your podcast? If it's  
12 offensive to anyone, or if anyone feels it's  
13 inappropriate, does that affect the ability to serve  
14 on the Commission?

15 A. I don't believe it does.

16 Q. Okay.

17 A. And I respect the fact that you may disagree with  
18 that, though.

19 Q. That's fine. I'm asking a question. That's it.

20 A. Yeah.

21 Q. Okay. And then the last one. This is the last  
22 question. When we talked about that was involved, I  
23 think you indicated that it was roughly 9:00 to 5:00  
24 full time, and you would make trips back and forth to  
25 Columbia. Are you aware that many times during the

1        year the Commission holds night hearings all over the  
2        State of South Carolina?

3 | A. Yeah, I was aware of that. Yes.

4 Q. Okay. And would that create a problem?

5	A.	No.
---	----	-----

6 Q. Okay, good. Thank you very much. Appreciate you  
7 being here.

8 | A. Thank you.

9 SENATOR ALEXANDER: Okay.

10 EXAMINATION

11 BY SENATOR ALEXANDER:

12 Q. The election for the Public Service Commission for  
13 Seats 1 through 5 and 7 are scheduled for September  
14 23rd. Just as a matter of record, if you were  
15 nominated and elected, what type of a time frame would  
16 it be that you would be able to assume the duties on  
17 the Commission?

18 A. Almost immediately. I would need some time to wrap up  
19 the engineering work at the job I'm at right now, but  
20 other than that I could.

21 Q. Okay. And representative Forrester mentioned the test  
22 and things from that standpoint. Just asking  
23 different candidates what they perceived, so your  
24 perception on the test or the process from that  
25 standpoint; do you have anything you'd like to share



1           **with the Committee?**

2       A.   Well, I was perplexed at the first essay question.  It  
3           was something that wasn't listed on the reference  
4           sheet we got.  I thought that was a little  
5           interesting.  The other thing is I don't know how a  
6           closed book test would accurately reflect the ability  
7           to do the job as a Commissioner.  I would expect that  
8           any ruling that comes out of Committee would require  
9           research and notes and all that before any writing was  
10          put out.  If I were you guys and I wanted a test that  
11          better reflected the candidate's ability to break down  
12          situations, doing an open book essay type test where  
13          they get like a week, an imaginary problem and a week  
14          to write an answer and have to do all the research  
15          work for that.  Something like that would be -- I  
16          think would be more in line with what the actual job  
17          is, but that's my thought.

18       Q.   And I appreciate it, thank you for that.  And you  
19           mentioned -- marked under your application two areas  
20           of expertise or experience -- not expertise but  
21           experience that would be there.  One was under energy,  
22           and I guess your work in nuclear was how many years?

23       A.   It was 15 total.

24       Q.   Total.  And what would you think that experience just  
25           briefly would bring to your work on the Commission?

1 A. I'm glad you asked that. There was a situation when I  
2 was design basis engineer manager at Oconee Nuclear  
3 where we had an engineering problem where we had a  
4 very long list of things that the NRC didn't like.  
5 I'm trying to keep it short and dumb it down --

6 **Q. Okay, thank you.**

7 A. -- but -- and we had a bigger list than any other  
8 nuclear plant in the country of these things that the  
9 NRC didn't like. They were not nuclear safety related  
10 issues, just to make that clear, but they were things  
11 that they didn't like. And so I took on the job and  
12 ended up doing a three month benchmark to try and  
13 figure out how to make this list smaller. And what we  
14 realized going through the benchmark and all that was  
15 that we had actually put things on that list that  
16 didn't belong there. According to the NRC's own  
17 rules, about half our list didn't belong on there. So  
18 I was immediately cutting that list in half. Now that  
19 was me spending hours going through NRC regulations  
20 and inspection reports and all that stuff, and I had a  
21 great time doing it. And that's the kind of stuff  
22 that I think I could bring to the Commission. It's  
23 like I like to dig in, and it's like I've got enough  
24 of a creative mind, so even though I'm an engineer,  
25 I'm creative enough that sometimes I see that little

1 light, wait a second here. This doesn't belong on our  
2 list. It's making us look dumb to the NRC. That's  
3 not smart. Let's fix the list.

4 **Q. Very well said. I appreciate it. And one final**  
5 **thing, too. You mentioned -- marked on there**  
6 **engineering and you reference engineering. You have**  
7 **an engineer's license --**

8 A. Yes.

9 **Q. -- for the State of South Carolina?**

10 A. Yes, yes, I'm a professional engineer and civil  
11 engineer.

12 **Q. Great. Well, thank you.**

13 A. Thank you very much.

14 SENATOR ALEXANDER: Appreciate your time being with  
15 us.

16 MS. KENNAN: I thank you for the opportunity. This  
17 has been an interesting experience, and I've  
18 learned a lot through this process.

19 SENATOR ALEXANDER: Thank you again for being here.  
20 Please stay safe and healthy, and if you would be  
21 kind enough to maybe take that little cap off the  
22 --

23 MS. KENNAN: Sure. I'll put my mask on first.

24 SENATOR ALEXANDER: Do that. That would be great.

25 That would be fine. In these times that we are

1 in, so appreciate it.

2 MS. KENNAN: And good luck making y'all's decision.

3 SENATOR ALEXANDER: Thank you.

4 MS. KENNAN: I wouldn't want to be in your shoes.

5 SENATOR ALEXANDER: It was a pleasure to have your  
6 husband with us.

7 MS. KENNAN: Oh, thank you. He's my rock.

8 SENATOR ALEXANDER: Good afternoon.

9 MR. FAIREY: Good afternoon to you, sir.

10 SENATOR ALEXANDER: I'd be delighted if you'd just  
11 speak again. I want to do a voice check for our  
12 -- or if you'd maybe just state your -- they're  
13 going to ask you two or three times, but if you  
14 would go ahead and state your name so I can do a  
15 check for those that are listening to us on the  
16 screen.

17 MR. FAIREY: I'm Lyle Wilson Fairey, Jr.

18 SENATOR ALEXANDER: Welcome, Mr. Fairey, and can we  
19 get a thumbs up there from our folks? Okay. So  
20 we'll first ask that the court reporter swear you  
21 in for the screening this afternoon.

22 MR. FAIREY: All right.

23 THE WITNESS WAS SWORN IN

24 SENATOR ALEXANDER: I'm going to recognize Bryan. He  
25 has some questions for you, then we'll get into

1           some questions from the Committee as well.

2           MR. FAIREY:   Okay.

3           MR. TRIPLETT:   Thank you, Chairman.

4                           EXAMINATION

5   BY MR. TRIPLETT:

6   **Q.   Hello, Mr. Fairey.**

7   A.   Hello.

8   **Q.   I'm going to briefly summarize your educational**  
9       **background, experience and other relevant information**  
10      **for the Committee.**

11   MR. TRIPLETT:   Mr. Fairey went to Clemson University  
12                    from August of '65 to May of '69, where he  
13                    received his bachelor's of science and electrical  
14                    engineering.  He went from 1970 to 1972 to  
15                    Lynchburg College, taking graduate business  
16                    courses leading to his master's of engineering.  
17                    Clemson University again in '73 to '75, where he  
18                    received his master's in engineering and then the  
19                    University of South Carolina from -- oh, I'm  
20                    sorry -- in 2003 and 2011 took two nuclear  
21                    engineering courses to further his career.  His  
22                    work experience at V.C. Summer Units 2 and 3 for  
23                    four years -- Mr. Fairey -- his position in  
24                    construction areas and electrical system, mostly  
25                    grounding to conform it to specifications.  On

1 the reactor containment building, for example,  
2 the grounding conductors embedded in the concrete  
3 wall had no provision for connecting to the steel  
4 covering. The electrical drawings were  
5 incomplete, and he designed the connections while  
6 consulting with mechanical engineering and  
7 construction. As a responsible engineer for 6.9  
8 kilovolt switchgear, Mr. Fairey led weekly  
9 conferences with Eaton, the manufacturer to  
10 correct nonconforming design drawings and  
11 manufacturing. He also led testing of switchgear  
12 at the Eaton factory and corrected electrical  
13 performance defects. As responsible engineer for  
14 Isophase Bus, he led weekly conferences with AZZ,  
15 the manufacturer to correct nonconforming design,  
16 testing reports and manufacturing. Mr. Fairey  
17 also mentored a junior engineer who was  
18 responsible for a 480 volt switchgear. At URS,  
19 Mr. Fairey completed a conceptual design of a  
20 Department of Energy waste treatment facility.  
21 At the Savannah River Nuclear Solutions as  
22 instrument engineer he led and facilitated the  
23 replacement and calibration of defective process  
24 equipment, such as instruments, heat tracing and  
25 wiring. As site utilities engineer for the next

1 five and a half years he identified errors in  
2 utilities 13.8 kilovolt metering, installed 480  
3 volt distribution panels and led troubleshooting  
4 of site infrastructure equipment, including  
5 standby generator sets. And he also checked work  
6 performed by contract engineers. During the  
7 summers before his graduation he worked for the  
8 Orangeburg Department of Public Utilities  
9 updating distribution system maps. At this time  
10 I would request that Mr. Fairey's personal data  
11 questionnaire be entered into the record with any  
12 confidential information being redacted.

13 SENATOR ALEXANDER: So ordered.

14 (EXHIBIT 1 MARKED FOR IDENTIFICATION

15 PURPOSES (6 pages) - Mr. Fairey's PDQ)

16 MR. TRIPLETT: Mr. Fairey, as part of our background  
17 information of candidates, we obtained a credit  
18 check, driver's license and SLED check. Any  
19 questions of a confidential or personal nature  
20 will be taken up in executive session. Before we  
21 begin, would you -- do you have a brief statement  
22 that you would like to make?

23 MR. FAIREY: Yes. Let me just go back for a second  
24 about my education. I did become registered as a  
25 professional engineer in South Carolina in the

1           '70s and electrical engineering and added control  
2           systems engineer, and a discipline to that in  
3           1995, I believe it was, but I'd like to go back,  
4           though, about the PDQ. I answered -- mistakenly  
5           answered Item 20 as no. What it asked for was I  
6           named in any lawsuits. I guess I thought that if  
7           you were named, you are a defendant, and if  
8           you're a plaintiff, you actually did the naming,  
9           but I was mistaken, because I have been the  
10          plaintiff in three lawsuits.

11   **Q    Okay. And Mr. Fairey, if you don't mind, could you**  
12           **step a little bit closer to the mike. I think some of**  
13           **our members who are virtually joining us -- and if you**  
14           **like, you may take your mask off.**

15           SENATOR ALEXANDER: It's your preference whether you  
16           want to leave your mask on or take it off.

17           MR. FAIREY: I think I'll take off.

18           SENATOR ALEXANDER: Okay. I'm sorry. I should have  
19           done that earlier.

20           MR. FAIREY: No problem.

21   **Q.   All right. So, Mr. Fairey, if you would, please state**  
22           **your name and home address for the record.**

23    A.   I'm Lyle Wilson Fairey, Jr., and I live at 1211  
24           Peninsula Drive, Prosperity, South Carolina.

25   **Q.   Are you a registered voter?**



1 A. Yes.

2 Q. In which Congressional district are you registered to  
3 vote?

4 A. Well, I'm district 5.

5 Q. Why are you interested in serving on the Public  
6 Service Commission?

7 A. Well, I want South Carolina -- I'd like for South  
8 Carolina to reduce its dependence on electricity  
9 that's generated from coal, not reduce it altogether.  
10 And I think that most consumers, electrical consumers,  
11 feel the same way. I mean, the summers are getting  
12 hotter, the winters are warmer, and I think if  
13 consumers are encouraged to do so, they will  
14 appreciate electric rates that give them the  
15 opportunity to reduce their demand and reduce their  
16 energy consumption and maybe even interconnect a  
17 distributed energy resource. So I think they're  
18 entitled to those rates that would encourage them to  
19 do that. And I think utilities as well could be  
20 encouraged and would react positive to encouragement  
21 to use supply side activities like maybe -- I think  
22 they would react positively to encouragement to use  
23 supply side activities to increase their efficiency as  
24 well. And that could very well reduce our dependence  
25 on coal and still keep our electricity production at

1 the same level.

2 **Q. Okay, thank you. Have you attended any hearings at**  
3 **the Commission?**

4 A. No.

5 **Q. Have you read any Commission decisions?**

6 A. Yes, I have. I read the -- I read about a lawsuit,  
7 but I don't think I read the ultimate decision in the  
8 lawsuit.

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

11 A. Well, the only way I know of to do that would be to  
12 look at some Commission -- the results of some  
13 Commission activities, and I have looked at one, which  
14 was a -- it was a hearing between the Commission and  
15 South Carolina Electric and Gas where the Solar  
16 Business Alliance of South Carolina intervened, and  
17 basically they felt that the awarded cost calculations  
18 should not have been revised without the capacity  
19 component. And SCE&G believed that the capacity  
20 component wasn't relevant. So the end result was the  
21 intervener required a request for reconsideration, and  
22 that meant the hearing had to occur again. And I do  
23 believe there that if there would have been witnesses  
24 available to the intervener, that maybe more facts  
25 could have been brought out and satisfied the

1           intervener, who was the Solar Business Alliance, that  
2           the avoided cost calculations were correct without the  
3           capacity component.

4   **Q.   Thank you.  What role does the PSC serve in regards to**  
5   **the regulation of utilities?**

6   A.   They determine rates and supervise rates.  Also they  
7       determine standards of performance for utilities,  
8       standards of measurement, of performance, standards  
9       for calibrating the instruments that are used to  
10      measure performance, basically everything that would  
11      be involved in the supervision of utilities, because  
12      they set rates and they ascertain rates of public  
13      utilities and also supervise public utilities.

14  **Q.   All right, thank you.  As a Commissioner, is there a**  
15  **role in being an activist or advocate versus an**  
16  **impartial application of the law?**

17  A.   As Commissioner, well, that would be -- that would --  
18      as an advocate I think that would probably fall under  
19      -- well, that would be covered somewhere in the five  
20      canons of judicial conduct, and I don't think a  
21      Commissioner would have any role as being an advocate,  
22      not while he was a Commissioner, unless it was in a  
23      private conversation with other judges.

24  **Q.   Do you think this role should be modified?**

25  A.   Now he could be an advocate for the improvement of the

1 law or the improvement of the administration of  
2 justice where possibly -- I'm not sure what the law  
3 encompass, but it may encompass actually some of the  
4 facts surrounding cases, but he could be an advocate  
5 for the improvement of the law as he administered the  
6 law.

7 **Q. Okay, thank you. What are the key factors that a**  
8 **Commissioner should consider in a rate case?**

9 A. Well, he should certainly consider that the rate  
10 should be fair to the consumer and to the utility. He  
11 should -- in a rate case, well, he should -- if the  
12 utility is seeking a fuel cost adjustment, he should  
13 consider whether the utility is operated the best he  
14 could and if it's operated at 92 and a half percent of  
15 designed efficiency, the presumption is it has  
16 operated well. He should consider the need for  
17 investment of the rates. He should consider whether  
18 the rates are fair to the utility and will help them  
19 maintain investment in their facilities and  
20 maintenance to their facilities certainly. That's all  
21 I can think of right now.

22 **Q. Okay. Are you familiar with the three advisory**  
23 **opinions issues by the Review Committee dealing with**  
24 **attendance at one, legislative receptions, two,**  
25 **legislative caucus meetings and three, political**

1           gatherings?

2       A.    No, I'm not familiar with those opinions.

3       Q.    Have you attended any legislative receptions or any  
4           legislative caucus meetings since submitting your  
5           application?

6       A.    No.

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

9       A.    No.

10      Q.    Explain the general rule regarding ex parte  
11           communications as it relates to the Public Service  
12           Commission.

13      A.    Well, the general rule -- well, the rule is stated in  
14           paragraph 3-260, and I think that's a -- that goes  
15           into a little more detail than the general rule, but  
16           the general rule is a judge shall not allow any  
17           Commissioner and also Commission employee to  
18           communicate directly or indirectly with any party or  
19           person about any issue which is or may become an issue  
20           in a proceeding nor shall -- or nor shall any party or  
21           person communicate with a Commissioner or an officer  
22           or Commission employee about such an issue without  
23           giving all parties an opportunity to participate in  
24           that.

25      Q.    Okay, thank you. Assume you're serving on the

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

4       A.    I'd just tell them I could not discuss that. If I did  
5           discuss it, it might affect my impartiality and try to  
6           change the subject to something else. I would assure  
7           them that the Commission would uphold the law in  
8           whatever decision it made.

9       Q.    Okay. Are you aware that Commissioner's are subject  
10           to the judicial code of conduct as well as state  
11           ethics laws?

12      A.    Yes.

13      Q.    Briefly describe the five canons in the code of  
14           judicial conduct.

15      A.    Well, canon one is a judge or in this case a  
16           Commissioner will uphold the integrity and  
17           independence of the judiciary. And even though that's  
18           a short canon, it's very important because if a  
19           Commissioner or a judge makes a decision out of fear  
20           of retribution or a sense of owing a favor to  
21           somebody, he could be perceived as impartial by others  
22           around him, and also that will affect the reputation  
23           of the judiciary, the standards of the judiciary. So  
24           that's a short one, but it is kind of global. And of  
25           course the second one, it relates to impropriety. He

1 shall avoid impropriety or the appearance of  
2 impropriety in all of his acts, personal as well as  
3 professional. And the third is he will perform the  
4 duties of the judiciary impartially and diligently.  
5 And then the fourth is he will so manage his extra  
6 judicial activities so as to avoid the risk of  
7 conflict with his judicial activities. And the  
8 important thing is avoid the risk, not avoid conflict,  
9 and risk could be associated or in fact is the same  
10 thing as appearance. So he wants to avoid the  
11 appearance of conflict. And of course that canon give  
12 behaviors to avoid in order to do that. And then  
13 canon five is to avoid inappropriate political  
14 activity or refrain from inappropriate political  
15 activity. And in that case there are a number of  
16 categories there that's -- the rule applies to judge  
17 and judge candidates, but a judge candidate could be a  
18 candidate for appointment or a candidate for election.  
19 And a judge can be a incumbent judge. So all of those  
20 really have somewhat different requirements, and they  
21 all are a little confusing to me frankly.

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

24 **A.** Anything related to the advancement of the law, and  
25 I'm not sure that there are many instances where it --

1 I'm not sure of many instances where social media  
2 would be appropriate. If it's related to the  
3 advancement of the law or the administration of  
4 justice, if it promotes those, then I think that it  
5 can be used.

6 **Q. Is there a distinction between using social publicly**  
7 **versus privately?**

8 A. Yes, there would be. Yes, that's a good distinction  
9 to draw, but using it publicly is really what I was  
10 thinking about, because there could be an intranet  
11 here among Commissioners that could be used, and ex  
12 parte communication allows communication among  
13 Commissioners and with Commission employees as long as  
14 the employees are involved in formulating an order or  
15 something like that. So an intranet might be  
16 considered some type of social media, as long as its  
17 not available to the outside, outside of the  
18 Commissioners or Commission employees or hearing  
19 officers.

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

23 A. No.

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



1           controlled by you or your family member of a utility  
2           regulated by the PSC?

3       A.    Yes, I have some in Dominion, which was at one time  
4           SCE&G stock.

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

9       A.    No.

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

13      A.    Yes, I'm involved in the management of a small farm in  
14           Orangeburg.  Actually it's farmland.  I rent the  
15           property out to someone, and I basically maintain the  
16           vegetation around it to keep it at bay.

17           SENATOR ALEXANDER:  Excuse me.  Could you maybe just  
18           speak up just a little bit so our folks can --

19           MR. FAIREY:  I'll be glad to.

20      A.    Yeah, I do manage a small farm where I rent out the  
21           property to someone.  It requires -- I go about one  
22           day every two weeks to do various things there.

23      Q.    Any other businesses?

24      A.    I have three rental houses.

25      Q.    What entities did you or a member of your immediate

1 family receive income within the previous year? This  
2 does not include IRA, deferred compensation funds,  
3 disability, mutual funds or funds received from your  
4 financial institution in the ordinary course of  
5 business?

6 A. My wife received a pension from the State of South  
7 Carolina. I receive a small pension from Savannah  
8 River Site and from Michelin Tire Corporation.

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

11 A. No. No, there wouldn't be, and I say that. I am a  
12 member of the State Guard. If I -- and the code of  
13 conduct 4-2 is relevant to that, and I believe I can  
14 serve because it's devoted to the administration of  
15 the law, administration of justice. It's organized  
16 according to law, but if I were elected, I could go  
17 into an inactive mode there. That could require time  
18 during periods of hurricanes and so on. I could do  
19 that. I don't see -- I really don't see any other  
20 conflict.

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

23 A. If it was one I couldn't resolve, giving priority to  
24 the Commission, I would simply have to resign from the  
25 Commission. I can't imagine what it would be unless

1 maybe a member of -- maybe a member of my family,  
2 immediate family required full time care in the  
3 household or -- I can't think of anything that might  
4 happen right now. The three lawsuits that are going  
5 on -- one was -- both of them were back in the '70s --  
6 two of them were back in the '70s relating to my  
7 residence in Lexington, and that will not be a  
8 conflict. The one now relates to property that my  
9 mother owned that she left to my sister, and there's a  
10 dispute about whether my sister owned all or half of  
11 it when she died. Of course, the other half will go  
12 to me. That's still under appeal, but it doesn't  
13 require much of my time.

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

17 A. No.

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

20 A. No.

21 **Q. What is the appropriate demeanor for a Commissioner?**

22 A. Well, it should be a professional demeanor. It should  
23 be a demeanor that would not cause a reasonable person  
24 to doubt his confidence or his impartiality or his  
25 independence. It would have to be -- and when I say

1           cause a reasonable person to doubt, would not cause a  
2           reasonable person the perception that his  
3           independence, confidence or impartiality was impaired.

4   **Q.   Does that apply only while you're on the bench, or do**  
5   **these rules apply at all times?**

6   A.   Oh, they apply at all times.

7   **Q.   If elected to serve as a Commissioner, how do you**  
8   **envision your work schedule?**

9   A.   I really -- I envision it to be three days a week.  I  
10   have no idea what it would be.  I know Commissioners  
11   can be called to meet, and have to be on short notice.  
12   I didn't know how many days it would be, but I do know  
13   there would be reading, independent reading, to stay  
14   up to date on matters that were relevant.  So if you  
15   consider that, it would probably more than three,  
16   maybe five.

17   **Q.   Do you believe it would be a full or part time job?**

18   A.   I'm really not sure.  I'm prepared for a full time  
19   job, but I'm sure whether it would be full or part  
20   time.

21   **Q.   Okay.  If you could briefly describe the Public**  
22   **Utility Regulatory Act, also known as PURPA, include**  
23   **it's role in South Carolina law and policy and current**  
24   **discussions regarding the PURPA.**

25   A.   Well, PURPA was passed in '78, and it was in response

1 to the energy crisis. And the purpose of PURPA -- one  
2 purpose of PURPA that we're most concerned with is it  
3 gave small utilities the same footing in the wholesale  
4 energy market for electricity that large utilities  
5 had. In order to do that, it created a class of  
6 smaller utilities known as small power producers, and  
7 initially they were 18 megawatts or less, and that was  
8 the threshold below which PURPA deemed that they  
9 needed assistance gaining access to energy markets.  
10 Now FERC in 2005 modified that so that small power  
11 producers became those in size below two megawatts,  
12 and what PURPA before that required utilities to file  
13 open access tariffs so that smaller utilities could  
14 interconnect with them. In 2005 the small producer  
15 limit was -- the threshold was reduced to 20  
16 megawatts. Now there hasn't been any reform to PURPA  
17 since that time, and the Federal Energy Regulatory  
18 Commission has the power to regulate and the power to  
19 enforce PURPA, but there's not been any reform since  
20 then. There are other rules that they promulgated  
21 that govern the interconnection of renewable energy  
22 resources and also the rates that have to be paid.  
23 And there's been a need for reform for some time, and  
24 FERC has issued in 2019 a notice of proposed rule  
25 making to change some of the rules, and it hasn't been

1 approved yet, but it's probably imminent that there  
2 will be some reform in the FERC regulations on the  
3 PURPA. The size of the small power producer, for  
4 example, that'll probably be modified. Also there's a  
5 rule on what distance facilities have to be from the  
6 facility they interconnect with, called the one mile  
7 rule. They might modify that. They also may lower  
8 the size of the small power producer to one megawatt,  
9 the threshold, instead of 20, but leave the coal  
10 generation facilities at 20. A small power producer  
11 is a producer that generates from a renewable source  
12 or cogenerates, and they may lower the small -- the  
13 ones that general from renewable sources to one  
14 megawatt from 20. So that's one of their proposals.  
15 Those are the high points of what I know about PURPA  
16 and FERC. I do know that most of the rules that we  
17 have are patterned after, and they certainly comply  
18 with the PURPA rules. In fact, our terminology is  
19 borrowed from PURPA.

20 **Q. Thank you. What is an integrated resource plan?**

21 A. Well, that's a plan that a utility formulates where  
22 they predict what their business will look like in the  
23 future, up to 15 years from the date. An integrated  
24 resource plan is a means of helping utilities and  
25 encouraging utilities to evaluate different scenarios

1 in their future growth. There are new requirements  
2 for the integrated resource plans, but it is a plan  
3 that utilities and coops use to forecast their future  
4 activity. The utilities submit it to the PSC, and the  
5 coops submit theirs to the energy office. And Santee  
6 Cooper, they submit theirs to the energy office as  
7 well, instead of the PSC.

8 **Q. Thank you.**

9 MR. TRIPLETT: At this time, Mr. Chairman, I request  
10 that we go into executive session pursuant to the  
11 previous motion.

12 SENATOR ALEXANDER: Okay. With each candidate, we've  
13 taken the time to go into executive session, so  
14 if you will just stay at the podium.

15 MR. FAIREY: All right.

16 SENATOR ALEXANDER: And we'll ask the members of the  
17 audience in attendance to step out.

18 EXECUTIVE SESSION WAS HELD FROM 2:52 TO 2:59.

19 SENATOR ALEXANDER: So we're back out of executive  
20 session. No action was taken in executive  
21 session. And then I'm going to have us continue  
22 with the screening of Mr. Fairey.

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

1 A. Yes, the employment. The first employment I listed  
2 there was with Savannah Nuclear Solutions, and I  
3 listed that -- the implication there is that I worked  
4 for them for 11 years -- for nine years, excuse me,  
5 but actually I worked at Savannah River Site for nine  
6 years, and Savannah River Site was operated by  
7 Washington Savannah River for the first four, and  
8 Savannah River Nuclear Solutions was for the next  
9 five. So actually I worked for Washington Savannah  
10 River for the first four years and Savannah Nuclear  
11 Solutions for the second five years out of the nine.  
12 My duties were the same, and the amount I spent on  
13 each category my duties are the same, but I worked for  
14 two firms instead of one, because the site changed  
15 their operating contract after four years.

16 **Q. Anything else you would like to add?**

17 A. No.

18 **Q. The South Carolina Secretary of State has your name**  
19 **listed as the registered agent for two domestic LLCs.**  
20 **LWF Rental One, LLC and LWF Rental Two, LLC. What is**  
21 **the nature of those businesses?**

22 A. Those are businesses to protect my rental houses or to  
23 protect my personal investments and my personal assets  
24 from suits arising from my rental houses. Actually  
25 I've never deed my rental houses into those LLCs, so



1           basically they're doing nothing.

2   **Q.   Okay.  And your SLED report indicates involvement in**  
3       multiple lawsuits starting in 1978 with a judgment  
4       against Lydia Lee Fairey, in favor of Lyle Wilson  
5       Fairey in the Richland County Court of Common Pleas.  
6       What are the circumstances surrounding that case?

7   **A.   Oh, that was a divorce.  That was my divorce.**

8   **Q.   And in 2003, there's a Summons and Complaint filed in**  
9       the Irmo Magistrate Court versus Remax Metro  
10      Associates.  What that you that brought that lawsuit?

11  **A.   Oh, yeah, it was.  Yeah.**

12  **Q.   What were the circumstances of that case?**

13  **A.   We thought -- we actually had a signed contract and**  
14       earnest money on the sale of our house, and the buyer  
15       backed out, and at the time I thought that we were  
16       entitled to the earnest money deposit.  And after  
17       thinking about it for a while I began to realize why  
18       they backed out, and there wasn't any reason to pursue  
19       it.  I mean, I couldn't really justify pursuing it,  
20       because they had a good reason for backing out.

21  **Q.   Okay.  And there's a progeny of cases beginning in**  
22       2016 dealing with Martha Ann Gillespie as defendant  
23       and respondent.  There is a 2016 lis pendens filed in  
24       the Orangeburg Common Pleas Court, a 2016 appeal from  
25       the Probate Court to Orangeburg County Court of Common

1       **Pleas and a 2019 action filed in the Orangeburg Master**  
2       **of Equity Court. Could you explain those cases?**

3       A. Yes, yes, I'll be glad to. The property in question,  
4       I believe that when my sister died I obtained  
5       ownership of it, but my sister's personal  
6       representative placed all of the property in the  
7       inventory and appraisal for the estate, which meant  
8       that the estate owned it all in fee simple. Well, I  
9       had to challenge that, so I challenged that in probate  
10      court. The probate judge disagreed with me and my  
11      attorney, so I appealed that, still asserting that she  
12      did own it fee simple when she died, and I actually  
13      owned half of it when she died. So we appealed that  
14      to the Master in Equity, and he ruled against us as  
15      well. So that was -- we appealed it to the Master in  
16      Equity around 2019. That appeal was heard sometime --  
17      yeah, it was heard in 2019. So we filed a request to  
18      reconsider, and that's where that stands now. All of  
19      those -- and the lis pendens was filed by me after the  
20      probate judge ruled that my sister owned it in fee  
21      simple when she died, and it's still in effect. To  
22      prevent the property from being sold until the  
23      matter's resolved.

24      **Q. So just a few final questions, and thank you for that.**

25      A. You're welcome.

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

3 A. No.

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

6 A. No.

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

10 A. No.

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

14 A. No.

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

17 A. No.

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

22 A. No, I'm not.

23 Q. You're not familiar with the 48 hour rule?

24 A. I am not familiar with the 48 hour rule, but I've not  
25 made any pledges of any type or sought any pledges of

1 any type.

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

3 A. Yes. A full term is four years, correct?

4 MR. TRIPLETT: So I note for the record that the  
5 candidate scored a 41.5 on the test, and with  
6 that, Mr. Chairman, I have no further questions.

7 SENATOR ALEXANDER: Thank you very much. We'll open  
8 it up, but I want to clarify before we go too  
9 much further here on the question of a request,  
10 you have here an acknowledgment that's been  
11 signed that has the -- on the 26th of February,  
12 2020 the different items that have been provided  
13 to you and acknowledgment as a candidate that I  
14 am responsible for reviewing the following  
15 documents. And these documents are provided on a  
16 flash drive, and that includes the three advisory  
17 opinions that --

18 MS. ANDERSON: There were two at the time. One was  
19 emailed to him afterwards.

20 SENATOR ALEXANDER: Okay. I'm clarified that there  
21 were two at the time, and one was emailed and  
22 then the judicial.

23 MR. FAIREY: I did sign it, and I did not do it.

24 SENATOR ALEXANDER: You've got them available to you;  
25 is that correct?

1 MR. FAIREY: I do, and I forgot to do it.

2 SENATOR ALEXANDER: Okay. I just wanted for the  
3 record to make sure that you --

4 MR. FAIREY: I do have that.

5 SENATOR ALEXANDER: -- that is your signature, and  
6 you do have them.

7 MR. FAIREY: Yeah, I remember it now.

8 SENATOR ALEXANDER: Okay, thank you. And if you're  
9 nominated and if you were elected by the  
10 Commission -- to the Commission, that date of  
11 election, I believe is September 23rd. At what  
12 point would you be available to assume the role  
13 of Commissioner after the 23rd?

14 MR. FAIREY: Well, the first day after the 23rd. I  
15 could be here the first weekday after the 23rd.  
16 I don't know which day the 23rd falls on, but I  
17 don't have anything --

18 SENATOR ALEXANDER: That's a Wednesday.

19 MR. FAIREY: Yes, I could assume the role on the 23rd,  
20 if I'm asked to do so.

21 SENATOR ALEXANDER: Okay. So I'm going to go to --  
22 if it's okay, again, I'm going to go to the  
23 virtual folks, and so I'll recognize anybody on  
24 the screen that has a question. Mr. Forrester?  
25 No questions? So I'm going to ask a question.

## EXAMINATION

BY SENATOR ALEXANDER:

**Q. As far as the test and the test score, do you have any thoughts about the test?**

A. I do have some thoughts. I remember I was sitting at that table, and I took too long on the first part of the test, and then in the last 15 minutes I was trying to rush through it. I really found that for some reason or another I could not write as fast and legibly as I used to, as I thought I'd be able to, and I'd like to blame it on the pencil and the hard table, but I'm not sure. Also, I didn't know all of the material on the test thoroughly, and I -- subsequently I've studied what I missed, but I know my thoughts -- I was disappointed in that score, but I knew I didn't do well after I took, and if I would have had a little more time -- the proctor had to remind me my time was up and to hand in my paper, because I was still writing when the time was up. I could have probably done better in ten minutes, but, you know I didn't.

**Q. But if I heard you correctly, that since the test you've -- what have you done since the test?**

A. I've studied the areas that I missed except for one that had some terminology I could not find anywhere in the chapters that we were given by Ms. Anderson at the

1 beginning to look over. I can't even remember those  
2 terms. I think they had to do with fund raising or  
3 management funds. I'm not sure. I could not find  
4 that. I couldn't remember the terms exactly, so no  
5 wonder I couldn't find them, but I studied everything  
6 but that.

7 **Q. Okay, thank you.**

8 SENATOR ALEXANDER: Anybody else on the screen?

9 Hearing none, then I'll go to Chairman Sandifer.

10 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

11 EXAMINATION

12 BY REPRESENTATIVE SANDIFER:

13 **Q. Thank you, Mr. Fairey. Appreciate you being here and**  
14 **being so cooperative --**

15 A. You're welcome.

16 **Q. -- in responding to questions.**

17 A. You're welcome.

18 **Q. One of the questions that Mr. Triplett asked you was**  
19 **how you would get up to speed, and I was a little**  
20 **taken aback on how you felt that you would get up to**  
21 **speed, and I want to ask you if you think that looking**  
22 **at some of the cases that have been heard, either**  
23 **seeing them on tape or video or reading those cases,**  
24 **would those things not help you to get up to speed on**  
25 **the operations of the Commission?**

1 A. Yes, sir, they would really, and I've already read  
2 several times the case between the Solar Business  
3 Alliance of South Carolina and SCE&G, but that first  
4 hearing was in 2018, and then I think a request for  
5 reconsideration was filed in '19. I don't know if --

6 Q. Yeah, that's been a long term case, but there are a  
7 number of other interesting cases, one particularly  
8 with a waste water company, for example, water and  
9 waste water. So you might want to look at those.

10 A. You make a good point, because I don't have expertise  
11 in waste water, and I do need to do that as well as  
12 maybe even garbage collection.

13 Q. All right. And then you said that a Commissioner  
14 should advocate possibly for changes in the law. How  
15 would you recommend being a Commissioner and  
16 advocating for changing a law?

17 A. Well, I did say changing, and I think what I meant was  
18 improvement of a law.

19 Q. Well, that's a change.

20 A. An improvement is a change, isn't it?

21 Q. Yes, sir.

22 A. Yeah, yeah. Probably -- well, one thing would be  
23 shortening the time to resolve interconnection  
24 disagreements.

25 Q. That's not what I'm asking you. I'm asking about the



1 fact that you're saying as a sitting Commissioner you  
2 should advocate to the General Assembly to change the  
3 law; is that not what you said?

4 A. That's what I said, but I don't -- yeah, that's what I  
5 said.

6 Q. I think you might want to review what you said.

7 A. You know, and let me just say this. I think I had in  
8 the back of my mind some things that I thought needed  
9 to be changed in the chapters. That's all. In 27,  
10 the time required an interconnection dispute --

11 Q. I understand. I'm not --

12 A. That's what I was talking about, but --

13 Q. -- I'm not suggesting, but there are ways to do that  
14 rather than saying you advocate those changes, because  
15 we make the laws.

16 A. Yeah, that's right, that's right.

17 Q. And then we give them to y'all to carry out. We own  
18 that. Social media -- this is the last question.  
19 Social media, one of the things you said or I  
20 understood you to say was that the Commission should  
21 not use social media except if they were communicating  
22 with each other.

23 A. That's what I said, yeah.

24 Q. All right. Should the Commission not utilize social  
25 media as a platform to notify residents all over the

1 state and businesses that a hearing is coming up --

2 A. Oh, yeah.

3 Q. -- and that the public is invited or that they're  
4 having a special hearing in Orangeburg at night?

5 A. Oh, yeah, absolutely, absolutely. Yeah, they need to  
6 advise the public of rate hearings.

7 Q. So it's not as closed as --

8 A. No, I didn't think about that.

9 Q. And the last one -- it's on another page. That's why  
10 I said that was the last one. The work schedule, and  
11 you said probably three days a week, something like  
12 that. Are you aware that there are multiple night  
13 hearings all over the state and that you would be  
14 required to travel to various places to hold night  
15 hearings, and that the law prescribes this is a full  
16 time job? It's very specific.

17 A. Yeah. Under the canons it does say a judge's judicial  
18 responsibilities take priority.

19 Q. Yeah. But I mean, this is very specific in the laws  
20 dealing with this --

21 A. Yes.

22 Q. -- it says it's a full time job.

23 A. Okay, thanks.

24 Q. Thank you, sir.

25 REPRESENTATIVE SANDIFER: Thank you, Mr. Chairman.

1           SENATOR ALEXANDER:   Thank you, Chairman Sandifer.

2                                   EXAMINATION

3   BY SENATOR ALEXANDER:

4   Q.    I certainly commend you for your military service and  
5           being a member of the State Guard, I think the South  
6           Carolina  
7           State Guard, that you --

8   A.    Yes, almost three years.

9   Q.    I would assume in the engineering division?

10   A.    Engineering detachment, yes, sir.

11   Q.    So help me with your schedule of employment.   What  
12           years were you with -- out there at V.C. Summer Two  
13           and Three?   And what were your responsibilities there?

14   A.    V.C. Summer, I joined them in 2012, and I left the  
15           first half of 2016.   When I first came, I was  
16           responsible for making electrical modifications to  
17           support construction activities, and that went on for  
18           two or three -- three or four months, but then I was  
19           given the additional responsibility of the 6.9  
20           kilovolt switchgear and balance the plant.   And then  
21           about a year later, I was given responsibility also  
22           for the isophase Bus and segphase Bus that carried  
23           power from the alternator out to the step up and step  
24           down transformers.

25   Q.    Okay.   Did I see somewhere or did I hear from you that

1           **maybe you would have meetings with the contractors?**

2       A.    Yes, you did, you did. That was a part of the  
3           responsibility. That was the responsible engineers --  
4           one of his duties to have weekly telephone conferences  
5           with the manufacturer and other the stake holders of  
6           the 6.9 KV switchgear. The manufacture was Eaton  
7           Corporation. And for Bus the manufacturer was  
8           Calvert.

9       **Q.    So when you were there, who were you employed by?**

10      A.    Well, when I first joined, I was employed by Shaw, and  
11           then Chicago Bridge and Iron bought Shaw's interest,  
12           so I was employed by Chicago Bridge and Iron, CB&I.  
13           And then due to some legal arrangement, Westinghouse  
14           took over CB&I's responsibilities, and then I was  
15           employed by Westinghouse for the last year that I was  
16           there, so three employers.

17      **Q.    Okay. But they were contractors and not South**  
18           **Carolina Electric and Gas?**

19      A.    They were not, no.

20      **Q.    So did you see deficiencies during that period of time**  
21           **that you were involved there?**

22      A.    Yeah, I did. I saw some deficiencies, and I think  
23           that would be one of the strengths that I could offer  
24           if I was nominated, the ability to work with subject  
25           matter experts and point out deficiencies in what they

1           were providing to my client. In other words, places  
2           where their work product didn't meet my client's  
3           specifications and convince them to change it to meet  
4           out specifications, because they're experts. You've  
5           got to convince them with facts that the change needs  
6           to be done.

7   **Q. I want to make sure that I understand. While you were**  
8   **employed there, you brought deficiencies to those that**  
9   **employed you or to the --**

10 A. Yeah. I brought them to those that employed me, but I  
11 had the authority to correct deficiencies myself.

12 **Q. So were they corrected or not corrected?**

13 A. Yes, they were corrected.

14 **Q. So these were not deficiencies that were not corrected**  
15 **--**

16 A. No.

17 **Q. -- that didn't need to be brought to the attention of**  
18 **someone else, instead that had the impact on the plant**  
19 **and its schedule?**

20 A. No, no, they didn't impact the plant. They did impact  
21 the schedule probably, because after one set of  
22 deficiencies were corrected, you could look deeper  
23 into what they were providing and see some others. So  
24 it may have affected the schedule some, and that  
25 wasn't really fair to the manufacturer, but that's

1       just -- there were just deficiencies there, and when  
2       we found them we had to have them corrected to meet  
3       the specifications.

4   **Q.   Was there a time that you felt that you needed to go**  
5       **outside of those you reported to to make those**  
6       **deficiencies known?**

7   A.   No, I really didn't, I really didn't.  They -- no, the  
8       manufacturers always worked with me to correct them.  
9       Now behind the scenes I think they communicated with  
10      supervision that, you know, we just can't keep our  
11      schedule if you keep pointing out these things that we  
12      didn't do or these things we need to do, but they were  
13      always willing to work with me once I explained what  
14      the error was.  And not just anybody could have  
15      explained the error and not just anybody would have  
16      even seen it.  And that -- I'll just say one thing and  
17      I'll stop.  That's evident because I took over both of  
18      these projects, the responsibility for the switchgear  
19      and the responsibility for the Bus from other  
20      engineers who had had them for a year or two and then  
21      gone on to something else.  And the manufacturer  
22      probably didn't understand why these things were being  
23      pointed out when I got the project when they hadn't  
24      been pointed out before, but I was able to convince  
25      them that they needed to make the change.  And in one

1 case, which was an extensive case for AZZ, I had to  
2 actually go my supervisor and have them talk with AZZ,  
3 and then they worked back and forth.

4 **Q. But I want to make sure again that I heard you**  
5 **correctly. When you brought these deficiencies or**  
6 **changes to them, 100 percent of the time they were**  
7 **addressed?**

8 A. Except in the last six months, because they -- the  
9 time line for fixing one of the major changes extended  
10 beyond my tenure there, because it required AZZ to  
11 ship the Bus to Switzerland to be tested, and so I was  
12 gone at that time. And that was pointed out to them  
13 probably in 2014 or 2015, and we wrangled over it. I  
14 finally went to my supervision, and they tried to  
15 solve it with pencil and paper, but we required the  
16 test. They finally agreed to do it, but it didn't get  
17 done before I left, and I don't really -- you know, it  
18 certainly doesn't matter now whether they did it or  
19 not, but they had agreed to do it when I left.

20 **Q. Thank you. So switching just a bit from that**  
21 **standpoint. You mentioned the dependency on coal,**  
22 **reducing that, but you didn't say about energy**  
23 **consumption. Can you give me something about your**  
24 **thoughts on consumption?**

25 A. Yes, sir, I sure can, I sure can. I don't think we

1 can reduce energy consumption in this state and  
2 continue to develop at the pace we want to go  
3 economically. Aluminum plants require energy, steel  
4 plants require -- I mean, I think electrical energy's  
5 got to be available at competitive rates everywhere in  
6 the state, but it needs to be generated another way,  
7 and we need to work toward that.

8 **Q. Does energy efficiency have a role in that?**

9 A. It does, yeah. Even with energy efficiency, it still  
10 needs to be available, and, you know, we can encourage  
11 consumers to be more efficient and manage their demand  
12 and employ distributed generation resources, and we  
13 can become more efficient, but when we become more  
14 efficient energy prices will stabilize or drop, and  
15 that will attract more industry. So we've got to have  
16 the energy there to attract industry, people in the  
17 northeast corner of the state. We've got to find  
18 another way. And I guess my vision for the state  
19 before I read the news last week was that we would use  
20 South Carolina Electric and Gas, continue to own them,  
21 and since they planned to close all of their winger  
22 units in the next decade, have them or work with them  
23 to create a long term contract for natural gas,  
24 because those winger units are worth about 1,100 or  
25 1.1 gigawatts, and a combined cycled natural gas unit



1 will generated about 350 to 500 megawatts. So there's  
2 enough capacity there to attract an anchor tenant for  
3 a pipeline, but now that I know the pipeline from the  
4 Appalachian area has so much to go through, it would  
5 have to be a pipeline from another direction, but that  
6 was my hope for South Carolina, but in the absence of  
7 that, I believe that the energy could be supplied  
8 sometime at the end of the decade by small modular  
9 reactors.

10 **Q. Okay. You mentioned you have tree farm there. Is**  
11 **that in Orangeburg?**

12 A. Yes, it is.

13 **Q. Do you have any arrangements with biomass companies or**  
14 **anybody with that farm?**

15 A. No.

16 **Q. Okay. And could you just basically define for me what**  
17 **a public utility is or the difference in a public**  
18 **utility and another utility?**

19 A. Well, an investor owned utility -- well, yeah, coops  
20 are classified as public utilities as well as  
21 facilities that generate. A utility is a company that  
22 generates or transmits or both, so a coop can be a  
23 public utility as well as Dominion who generates can  
24 be a public utility. So I think the distinction is  
25 what is called a coop, whether it's called a public

1 utility. They're all utilities in the broad sense.

2 **Q. And what would you classify Santee Cooper?**

3 A. Well, that's a public service authority. It's really  
4 a utility, but it's owned by the state, so it's really  
5 accountable to the energy office instead of the Public  
6 Service Commission.

7 **Q. Okay. So one final question then. Of these different**  
8 **categories, which one are under the purview of the**  
9 **Public Service Commission to be regulated?**

10 A. Dominion and the five Duke energy utilities. No, I  
11 think it's actually six. Duke Energy Catawba's got  
12 two and Progress one and then the three at Oconee plus  
13 Dominion, so that's a total of seven, and then there's  
14 one, Lockhart up in the upper part of the state that  
15 we would regulate. No, no, if that's municipally  
16 owned we wouldn't, and I'm not sure. I'm not sure  
17 about that. So we would regulate Duke and Dominion  
18 for sure.

19 **Q. And other utilities?**

20 A. Other utilities, if there are any. I'm not sure there  
21 are any. Yes, we would also regulate the -- I believe  
22 we would also regulate coops, but coops don't have to  
23 submit their IRPs to us. We review their IRPs, but  
24 they submit them to the energy office, so I'm not sure  
25 if we have the power to regulate coops or not. I know

1 we review their IRPs, but I don't know if we can  
2 regulate them or not.

3 SENATOR ALEXANDER: Any other questions? Any further  
4 questions from those that are on the screen?

5 Okay, I didn't see any, so we thank you for being  
6 with us this afternoon. This completes the  
7 screening, and we appreciate your time and  
8 attention and hope you stay safe and healthy.

9 MR. FAIREY: I will try to. I hope you do as well.

10 SENATOR ALEXANDER: Thank you, and if you would be  
11 kind enough to maybe take that little cover off  
12 of the -- and put that in the waste basket, we'd  
13 appreciate it.

14 MR. FAIREY: Okay.

15 SENATOR ALEXANDER: Thank you very much.

16 MR. FAIREY: Thank you so much.

17 SENATOR ALEXANDER: Okay. According to my agenda,  
18 that concludes our screening for the day, so we  
19 will stand adjourned unless there is objection  
20 with us reconvening at 10:00 a.m. Is there any  
21 objection? We stand adjourned.

22 (There being no further questions, the deposition  
23 concluded at 3:29 p.m.)

24

25

CERTIFICATE OF REPORTER

I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC  
IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
CERTIFY THAT I REPORTED THE HEARINGS ON TUESDAY, THE 21ST  
DAY OF JULY 2020, THAT THE WITNESS WAS FIRST DULY SWORN BY  
ME AND THAT THE FOREGOING 170 PAGES CONSTITUTE A TRUE AND  
CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID  
DEPOSITION.

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

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

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS  
5TH DAY OF AUGUST 2020.



KATHRYN B. BOSTROM, COURT REPORTER

MY COMMISSION EXPIRES AUGUST 28, 2022

<div>Exhibits</div> <div>200721KB.PSC_</div> <div>Exh 1_Newman</div> <div>4:2,3 8:25 9:1</div> <div>200721KB.PSC_</div> <div>Exh 1_Boling</div> <div>4:4,5 13:22,23</div> <div>200721KB.PSC_</div> <div>Exh 1_Hyatt</div> <div>4:6,7 47:6,7</div> <div>200721KB.PSC_</div> <div>Exh 1_Morgan</div> <div>4:8,9 82:17,18</div> <div>200721KB.PSC_</div> <div>Exh 1_Kennan</div> <div>4:10,11 106:4,5</div> <div>200721KB.PSC_</div> <div>Exh 1_Fairey</div> <div>4:12,13 134:14, 15</div> <div>\$</div> <div>\$300.00</div> <div>33:8</div> <div>1</div> <div>1</div> <div>8:10,25 9:1</div> <div>13:22 47:6</div> <div>82:17 106:4</div> <div>127:13 134:14</div> <div>1,100</div> <div>167:24</div> <div>1.1</div> <div>167:25</div> <div>10</div> <div>82:18</div> <div>100</div>	<div>37:23 50:1</div> <div>166:6</div> <div>10:00</div> <div>170:20</div> <div>10:14</div> <div>5:19</div> <div>10:28</div> <div>5:19</div> <div>11</div> <div>22:13 151:4</div> <div>11:04</div> <div>30:19</div> <div>11:08</div> <div>30:19</div> <div>11:59</div> <div>66:18</div> <div>12</div> <div>13:23 115:5,6</div> <div>1211</div> <div>135:23</div> <div>12:03PM</div> <div>66:18</div> <div>12:35</div> <div>80:3</div> <div>12:45</div> <div>80:3,4</div> <div>13</div> <div>15:18 22:6</div> <div>107:16 121:3</div> <div>13.8</div> <div>134:2</div> <div>15</div> <div>128:23 149:23</div> <div>157:7</div> <div>155</div> <div>48:14</div> <div>1626</div> <div>107:7</div> <div>17</div> <div>108:1</div>	<div>18</div> <div>41:6 148:7</div> <div>1836</div> <div>8:2</div> <div>19</div> <div>99:10 159:5</div> <div>1902</div> <div>49:4</div> <div>1970</div> <div>132:14</div> <div>1971</div> <div>46:18</div> <div>1972</div> <div>132:14</div> <div>1978</div> <div>118:2 152:3</div> <div>1982</div> <div>46:18</div> <div>1983</div> <div>46:13</div> <div>1985</div> <div>67:25 81:7,21</div> <div>1986</div> <div>67:11,21</div> <div>1988</div> <div>94:4</div> <div>1989</div> <div>82:4</div> <div>1990</div> <div>82:1</div> <div>1991</div> <div>12:19,24 46:13</div> <div>82:4 94:1</div> <div>104:22</div> <div>1993</div> <div>12:22 83:25</div> <div>1994</div> <div>46:13</div> <div>1995</div> <div>135:3</div>	<div>1999</div> <div>119:7</div> <div>1:16</div> <div>93:11</div> <div>1:19</div> <div>93:11</div> <div>1:55</div> <div>118:25</div> <div>2</div> <div>2</div> <div>132:22</div> <div>20</div> <div>135:5 148:15</div> <div>149:9,10,14</div> <div>2000</div> <div>81:10</div> <div>2001</div> <div>94:16</div> <div>2002</div> <div>12:14,20 94:17</div> <div>2003</div> <div>32:6 132:20</div> <div>152:8</div> <div>2004</div> <div>81:18,21 100:12</div> <div>2005</div> <div>105:6,10</div> <div>148:10,14</div> <div>2006</div> <div>21:23</div> <div>2008</div> <div>12:12,14</div> <div>2009</div> <div>93:21</div> <div>2011</div> <div>132:20</div> <div>2012</div> <div>13:3 32:6</div> <div>162:14</div>	<div>2014</div> <div>105:4,6 166:13</div> <div>2015</div> <div>35:8 121:1</div> <div>166:13</div> <div>2016</div> <div>34:21 101:3,14, 20 152:22,23,24 162:15</div> <div>2017</div> <div>105:2,4</div> <div>2018</div> <div>46:13 67:6</div> <div>70:14 159:4</div> <div>2019</div> <div>20:15 31:13,14, 16 68:6 81:13, 19 102:7 105:2, 3 115:3 148:24 153:1,16,17</div> <div>2020</div> <div>5:4,23 6:21 155:12</div> <div>21st</div> <div>5:4,22</div> <div>23rd</div> <div>10:17 36:24</div> <div>74:24 75:1,15</div> <div>98:17,19 127:14</div> <div>156:11,13,14, 15,16,19</div> <div>24/7</div> <div>27:25 91:19,20</div> <div>116:17,20</div> <div>117:20 125:23, 25</div> <div>26th</div> <div>155:11</div> <div>27</div> <div>160:9</div> <div>29</div> <div>83:15</div>
--	--	--	--	---

<b>29466</b> 8:3	<hr/> <b>4</b> <hr/>	<b>600</b> 40:5	<b>99</b> 14:9 105:10,12	<b>accidentally</b> 22:13
<b>29655</b> 14:10	<b>4-2</b> 145:13	<b>65</b> 132:12	<b>99.999</b> 21:1	<b>accommodate</b> 64:10
<b>29671</b> 107:8	<b>41.5</b> 155:5	<b>69</b> 132:12	<b>9:00</b> 126:23	<b>accommodating</b> 6:23
<b>298</b> 83:15	<b>48</b> 10:8,9 36:12,13 69:3,4 95:16,17 123:11,12 154:18,19,23,24	<hr/> <b>7</b> <hr/>	<hr/> <b>A</b> <hr/>	<b>accomplish</b> 91:25
<b>29821</b> 83:16		<b>7</b> 8:11 127:13	<b>a.m.</b> 170:20	<b>account</b> 20:8 113:4
<b>2:00</b> 28:13		<b>70s</b> 92:21 118:5 135:1 146:5,6	<b>aback</b> 158:20	<b>accountable</b> 169:5
<b>2:05</b> 118:25	<b>480</b> 133:18 134:2	<b>73</b> 132:17	<b>ability</b> 48:2 113:17 126:13 128:6,11 163:24	<b>accurate</b> 46:25 76:15
<b>2:52</b> 150:18	<hr/> <b>5</b> <hr/>	<b>75</b> 132:17	<b>abreast</b> 53:5	<b>accurately</b> 128:6
<b>2:59</b> 150:18	<b>5</b> 8:11 127:13 136:4	<b>78</b> 147:25	<b>absence</b> 168:6	<b>acknowledgmen t</b> 155:10,13
<hr/> <b>3</b> <hr/>	<b>50</b> 37:16 84:21	<hr/> <b>8</b> <hr/>	<b>absent</b> 100:23	<b>act</b> 23:13 49:11 92:18,20,23 96:18 117:25 147:22
<b>3</b> 8:11 14:16 48:20 51:11 54:1 132:22	<b>500</b> 168:1	<b>8</b> 106:5	<b>absolutely</b> 27:12 54:18,21 72:24 74:9,16 76:5 77:6 161:5	<b>acting</b> 23:14 116:13,15
<b>3-260</b> 140:14	<b>52</b> 36:20 69:11	<b>80</b> 37:21,23	<b>abuse</b> 121:9	<b>action</b> 5:21 30:21 51:5 66:20 93:13 99:23 103:4 150:20 153:1
<b>30-4-70</b> 5:7	<b>54</b> 95:24	<b>80s</b> 22:25	<b>accepted</b> 23:10	<b>active</b> 91:10
<b>30-4-78</b> 5:8	<b>58</b> 71:12,13	<b>8:32</b> 122:3	<b>accepting</b> 23:12	<b>activism</b> 85:24 109:11 110:2
<b>350</b> 168:1	<b>5:00</b> 126:23	<hr/> <b>9</b> <hr/>	<b>access</b> 23:22 148:9,13	<b>activist</b> 112:11 138:15
<b>37</b> 124:5,20	<hr/> <b>6</b> <hr/>	<b>92</b> 139:14	<b>accident</b> 31:14,15,21 32:4,5 67:5,7	<b>activities</b> 81:15 112:4 136:21,23 137:13 142:6,7
<b>3:00</b> 28:13	<b>6</b> 47:7 134:15	<b>93</b> 12:24	<b>accidental</b> 22:5,20	
<b>3:29</b> 170:23	<b>6.9</b> 133:7 162:19 163:6	<b>96</b> 12:22		
<b>3rd</b> 83:21	<b>60</b> 37:21	<b>97</b> 104:22 105:12		

162:17	7:14 11:18	8:12,16,20,23	44:24 45:6,9,13,	<b>AMP-AKZO</b>
<b>activity</b>	45:19	9:1	21 47:5 66:7,15,	12:20
112:6 142:14,15	<b>administered</b>	<b>Affiliate</b>	19 69:13 70:5	<b>analog</b>
150:4	139:5	81:24	74:19,22 79:10,	53:22
<b>actress</b>	<b>administration</b>	<b>affiliated</b>	16,21,25 80:6,9,	<b>analysis</b>
23:10	139:1 143:3	27:6 61:21 91:3	18,22 82:16	12:17,19 81:17
<b>acts</b>	145:14,15	102:13 116:4	93:7,12 96:2	<b>anchor</b>
96:16,17 142:2	<b>admitting</b>	146:14	97:4 98:12,14	168:2
<b>actual</b>	121:23	<b>affiliation</b>	103:19 104:1,5,	<b>Anderson</b>
23:14 128:16	<b>adult</b>	19:24	9,15 106:3	7:6 12:1,3,7
<b>add</b>	120:2	<b>afford</b>	118:19 119:1	13:11,17,24
151:16	<b>advance</b>	16:20	124:8 125:11	14:7,11 30:11,
<b>added</b>	34:17 108:21	<b>afternoon</b>	127:9,11	23 31:6 36:18
135:1	<b>advancement</b>	80:6,7 81:2,3	130:14,19,24	45:22 46:2,8,16
<b>addition</b>	142:24 143:3	103:22,24	131:3,5,8,10,18,	47:1,8 66:4,23
101:18 102:2	<b>advertising</b>	104:5,7,19	24 134:13	69:10,13 78:16
<b>additional</b>	37:19	131:8,9,21	135:15,18	155:18 157:25
11:22 82:10	<b>advise</b>	170:6	144:17 150:12,	<b>Angela</b>
162:19	5:8 161:6	<b>agencies</b>	16,19 155:7,20,	35:7
<b>Additionally</b>	<b>advisory</b>	99:23	24 156:2,5,8,18,	<b>Ann</b>
82:2	9:6 17:9 54:24	<b>agency</b>	21 157:2 158:8	152:22
<b>additions</b>	86:12 110:15	100:11	162:1,3 170:3,	<b>announce</b>
53:16	139:22 155:16	<b>agenda</b>	10,15,17	66:10
<b>address</b>	<b>advocacy</b>	170:17	<b>Alliance</b>	<b>another's</b>
8:1 14:8 48:12	71:25	<b>agent</b>	137:16 138:1	47:25
51:25 52:22	<b>advocate</b>	25:10 151:19	159:3	<b>anticipate</b>
62:11 83:13,14,	22:3 54:4,15	<b>agree</b>	<b>allowable</b>	51:4
15 107:6 135:22	71:24 109:12	73:10	42:5	<b>Appalachian</b>
<b>addressed</b>	138:15,18,21,25	<b>agreed</b>	<b>allowed</b>	168:4
34:13 51:6,20	139:4 159:14	78:9 119:23	84:1,7,11	<b>apparently</b>
54:20,22 70:2	160:2,14	166:16,19	<b>alternator</b>	43:1
166:7	<b>advocated</b>	<b>ahead</b>	162:23	<b>appeal</b>
<b>adequate</b>	54:7	131:14	<b>altogether</b>	146:12 152:24
84:17	<b>advocating</b>	<b>air</b>	136:9	153:16
<b>adjourned</b>	55:8,9 71:24	38:11	<b>Aluminum</b>	<b>appealed</b>
170:19,21	159:16	<b>ALEXANDER</b>	167:3	153:11,13,15
<b>adjunct</b>	<b>affect</b>	5:2,10,15,20	<b>ambitions</b>	<b>appearance</b>
13:3 38:4 82:2	126:13 141:5,22	7:3,7,12,15 9:2	14:21	112:3 113:15
<b>adjustment</b>	<b>affected</b>	10:16,22 11:7,9,	<b>amendment</b>	126:8,10 142:1,
139:12	164:24	15,20 13:21	105:21	10,11
<b>administer</b>	<b>affidavit</b>	30:14,20 31:5	<b>amount</b>	<b>appears</b>
		36:22 39:9 40:9	35:11 151:12	24:22 59:6

89:10 114:13 144:8 <b>application</b> 8:14 9:17 13:14 17:16,19 20:16 21:11 35:21 46:23 55:14,18 68:12 82:8 85:25 86:20,23 94:25 105:21 106:24 107:4 109:12 110:4,25 111:3 122:20 128:19 138:16 140:5,8 150:25 154:2 <b>applications</b> 53:15 <b>applied</b> 65:25 <b>applies</b> 126:4 142:16 <b>apply</b> 54:11 63:1,2 91:18,19 113:6, 8 116:16,17,19 125:23,25 147:4,5,6 <b>applying</b> 54:12 <b>appointment</b> 142:18 <b>appraisement</b> 153:7 <b>approach</b> 18:13 56:12 <b>approached</b> 87:11 111:13 141:1 <b>approaches</b> 18:1	<b>appropriately</b> 98:1 <b>approved</b> 149:1 <b>approximately</b> 84:21 <b>April</b> 32:19 105:1 <b>archive</b> 21:22 <b>archived</b> 15:12 <b>area</b> 108:23 113:12 168:4 <b>areas</b> 70:2 75:23 128:19 132:24 157:23 <b>aren't</b> 85:21 <b>Areva</b> 105:9 <b>arising</b> 151:24 <b>arm</b> 22:9,10 <b>arose</b> 27:3 61:13 90:22 116:1 145:22 <b>arrangement</b> 163:13 <b>arrangements</b> 168:13 <b>arrested</b> 34:7 <b>articles</b> 13:8 <b>ascertain</b> 138:12	<b>asks</b> 57:21 <b>aspects</b> 16:21 <b>aspirations</b> 14:20 <b>Assembly</b> 9:17 10:2,6,10 35:21 36:6,10, 14 68:11,22 69:1,5 94:24 95:10,14,19 122:20 123:5,9, 13 154:2,12,16, 21 160:2 <b>asserting</b> 153:11 <b>assets</b> 151:23 <b>asshole</b> 120:12 <b>assign</b> 85:18 <b>assist</b> 65:13 66:2 94:10 100:5 101:1 <b>assistance</b> 81:11 148:9 <b>assisted</b> 94:5,11 <b>assisting</b> 99:24 <b>associate</b> 15:1 <b>Associates</b> 152:10 <b>associating</b> 87:25 <b>Association</b> 85:10	<b>assume</b> 10:20 17:25 60:21 87:10 103:3 111:12 112:21 127:16 140:25 156:12, 19 162:9 <b>assuming</b> 61:2 117:14 <b>assure</b> 72:20 141:6 <b>attempt</b> 111:16 <b>attend</b> 56:4 110:22 <b>attendance</b> 9:7 17:10 54:25 86:14 110:17 139:24 150:17 <b>attended</b> 9:9,13 15:8 17:14,18 38:18 52:1 55:12,16 84:19,20,21 86:18,22 104:21 108:9,11 110:23 111:2 137:2 140:3,7 <b>attention</b> 103:24 116:2 164:17 170:8 <b>attorney</b> 94:9 153:11 <b>attract</b> 167:15,16 168:2 <b>audience</b> 30:16 66:10 93:9 118:22 150:17 <b>August</b> 132:12	<b>authority</b> 18:7 164:11 169:3 <b>autistic</b> 120:25 <b>availability</b> 75:14 <b>Avenue</b> 8:2 <b>average</b> 18:20 <b>avoid</b> 56:5 88:10 142:1,6,8,10,12, 13 <b>avoided</b> 64:13,17,18,25 65:1 78:14 125:5 138:2 <b>avoiding</b> 112:2 <b>awarded</b> 137:17 <b>aware</b> 10:5 19:5,7,10 21:4 24:11 27:2 34:17 36:9 44:19 56:21 60:13 61:1 68:25 87:18 95:13 109:14 111:20 123:8 126:25 127:3 141:9 154:15 161:12 <b>awesome</b> 122:6 <b>AZZ</b> 133:14 166:1,2, 10
---	---	---	--	--



<b>B</b>	<b>backing</b> 152:20	<b>began</b> 81:13 152:17	<b>Bible</b> 122:3	6,9 20:12 24:2 30:18,22,24
<b>B.S.</b>	<b>backup</b> 31:24	<b>begin</b> 14:3 47:13	<b>big</b> 51:14,18 76:20	31:7 34:20 35:6, 20 36:18,20
81:7	<b>bad</b> 35:16	74:25 82:23	78:12 116:20	39:14,18 45:5,8
<b>bac</b>	<b>balance</b> 76:16 109:3,8	106:10 134:21	<b>bigger</b> 51:22 129:7	<b>Boling's</b> 13:18,23
78:13	162:20	<b>beginning</b> 100:10,17	<b>bike</b> 32:13	<b>bolts</b> 62:17
<b>bachelor</b>	<b>balanced</b> 76:15	152:21 158:1	<b>bikes</b> 32:8	<b>bond</b> 29:7
12:7 46:9	<b>Bankers</b> 68:1	<b>behalf</b> 10:2,6 36:6,10	<b>biomass</b> 168:13	<b>book</b> 13:9 128:6,12
104:23	<b>bankruptcy</b> 119:7,13,23	68:22 69:1 87:7	<b>bit</b> 17:3 27:14,20	<b>books</b> 26:18
<b>bachelor's</b>	<b>based</b> 27:11 62:1	95:10,14 123:5, 9 154:12,16	37:6 47:16 62:3	<b>bore</b> 71:9 72:7,15
132:13	77:18 91:8	<b>behaviors</b> 142:12	71:9 100:13	<b>bored</b> 108:20
<b>back</b>	116:9 125:6	<b>belief</b> 19:24	110:10 120:22	<b>borrowed</b> 149:19
11:1 17:5 20:15	146:19	<b>believed</b> 137:19	135:12 144:18	<b>bottom</b> 54:12,14 63:22
21:19,22,23	<b>basically</b> 49:14 50:18	<b>belong</b> 27:10 61:25	166:20	<b>bought</b> 163:11
22:25 23:23	52:11 53:4 54:3	91:7 116:8	<b>blame</b> 157:11	<b>box</b> 34:1
30:4,5,20 31:9	56:6,8 57:5 64:7	129:16,17 130:1	<b>blank</b> 38:24	<b>branch</b> 41:25
33:23 39:18,24	65:7 66:2 72:14	146:18	<b>blood</b> 20:22	<b>brand</b> 33:15
40:6 43:11	77:1,23 78:7	<b>bench</b> 27:18 63:2	<b>board</b> 109:18	<b>break</b> 41:16 66:10
44:21 49:4	85:18 87:3,14,	91:19 96:24	<b>boarding</b> 13:7 25:8,13	80:1 93:9
50:25 66:11	23 88:1,6 91:23	116:16,19 117:7	26:7,17 28:16	128:11
67:2,5,21,25	92:2 94:8 99:17	125:22 147:4	44:2	<b>Bridge</b> 163:11,12
68:6 76:1 77:15	100:23 137:17	<b>benchmark</b> 129:12,14	<b>boards</b> 27:7 61:21 91:3	<b>briefing</b> 56:8 57:19 58:6
80:3 83:24 91:9	138:10 144:15	<b>beneficial</b> 14:24 15:6	107:20 116:4	73:20
92:21 94:4	152:1 168:16	16:22 25:22	146:15	<b>briefly</b>
102:15 111:10	<b>basis</b> 49:22 105:5,8	29:15,18 84:2	<b>boiling</b> 20:22	
118:9 119:1,11,	129:2	<b>benefit</b> 18:23	<b>Boling</b> 11:8,14,24,25	
20,23 126:24	<b>basket</b> 170:12	<b>bias</b> 22:22 23:8	12:1,2,6,7,20,22	
134:23 135:3	<b>bay</b> 144:16	27:15	13:3,7,12 14:5,	
146:5,6 150:19	<b>BB</b> 22:7,10			
160:8 166:3				
<b>backed</b>				
152:15,18				
<b>background</b>				
12:4 13:24				
14:25 15:6				
21:16 46:6 47:8				
48:9,23 51:23				
64:22 66:25				
81:4 82:19				
104:20 106:6				
119:18 122:16				
132:9 134:16				

19:15 38:3,7 56:25 81:4 84:11 87:21 92:17 94:2 101:15 104:20 111:23 117:24 119:8,16 128:25 132:8 141:13 147:21	166:11 <b>bush</b> 44:1 <b>business</b> 13:6,7 25:1,2,18 26:16 37:3 41:19 42:9 50:7 59:11,18 72:23 73:1 89:14,21 94:10 114:17,25 132:15 137:16 138:1 144:12 145:5 149:22 159:2 <b>businesses</b> 28:22 30:7 144:23 151:21, 22 161:1 <b>busy</b> 17:17 <b>button</b> 7:5,6 <b>buyer</b> 152:14 <b>buyouts</b> 49:6 <b>bytes</b> 122:8	<b>California</b> 27:22 <b>call</b> 5:2 6:19 23:11 <b>called</b> 38:25 147:11 149:6 168:25 <b>calls</b> 67:17 <b>calm</b> 62:5 <b>Calvert</b> 163:8 <b>cancel</b> 23:11 <b>canceled</b> 32:15 <b>cancellation</b> 31:16 <b>cancelled</b> 33:7 <b>cancer</b> 121:1 <b>candidate</b> 6:4,17 10:9 36:13 55:10 66:7 69:4 82:20 95:17 106:7 123:12 124:5 142:17,18 150:12 154:19 155:5,13 <b>candidates</b> 5:23 6:4,8,10,16 8:8 93:6 118:18 127:23 134:17 142:17 <b>candidate's</b> 128:11 <b>canon</b> 113:13 141:15, 18 142:11,13	<b>canons</b> 19:15 56:25 57:2,8,14 60:5,6 74:2,5 87:21 88:5 97:19 111:23 112:8 138:20 141:13 142:23 161:17 <b>can't</b> 21:9 62:16 73:13 87:24 145:25 146:3 158:1 165:10 <b>cap</b> 45:7 79:17 104:2 130:21 <b>capacity</b> 81:13 82:1 94:19 137:18,19 138:3 168:2 <b>capital</b> 84:8 <b>caption</b> 94:15 <b>captions</b> 120:9 <b>car</b> 31:22,23 32:11 33:12,13 <b>carbon</b> 51:15 52:14 53:2 78:7,8 <b>care</b> 34:2,16 146:2 <b>career</b> 49:3 77:16 132:21 <b>careful</b> 27:16 57:24 73:12 <b>carefully</b> 55:7	<b>Carolina</b> 8:2 13:4 14:10 22:12 25:23 26:20 38:5 48:15 68:1 81:7, 12 83:16 84:3,4 92:19 105:13 107:7,18 108:1 109:4 118:1 127:2 130:9 132:19 134:25 135:24 136:7,8 137:15,16 145:7 147:23 151:18 159:3 162:6 163:18 167:20 168:6 <b>carried</b> 162:22 <b>carriers</b> 53:14 <b>carry</b> 6:14 113:17 160:17 <b>Carter</b> 92:22 <b>case</b> 16:14,15 33:25 41:7,8 44:3 54:8 64:11,19 65:9, 12 67:9,25 86:3, 11 87:4,5,7 88:1,21 90:23 91:15,16 92:12, 13 93:22 94:1,3, 4,12 97:12 99:12 102:23 110:7,8,9,11 139:8,11 141:15 142:15 152:6,12 159:2,6 166:1 <b>cases</b>
<b>bring</b> 61:14,16 96:14 116:2 128:25 129:22 <b>bringing</b> 47:22 <b>broad</b> 169:1 <b>Brookwood</b> 59:20 <b>brother</b> 58:19,25 <b>brought</b> 51:19 78:11 137:25 152:10 164:8,10,17 166:5 <b>bruises</b> 43:12 <b>Bryan</b> 131:24 <b>budget</b> 62:9 <b>building</b> 99:25 100:2 105:15 133:1 <b>builds</b> 64:22 <b>built</b> 49:19 <b>Bus</b> 133:14 162:22 163:7 165:19	<hr/> <b>C</b> <hr/> <b>cabs</b> 29:2 <b>calculations</b> 137:17 138:2 <b>calendar</b> 115:2 <b>calibrating</b> 138:9 <b>calibration</b> 133:23			

34:19 39:22 54:16 57:18 88:7 92:4 93:2, 17 94:14,17 99:7 100:19,21 101:24,25 139:4 152:21 153:2 158:22,23 159:7 <b>Casey</b> 94:9 <b>cat</b> 88:8 98:2 <b>Catawba's</b> 169:11 <b>catchall</b> 25:16 <b>categories</b> 142:16 169:8 <b>category</b> 113:20 151:13 <b>caucus</b> 9:8,10 17:12,15, 16 55:2,16 86:15,19 110:18,24 139:25 140:4 <b>caveats</b> 126:2 <b>CB&amp;I</b> 163:12 <b>CB&amp;I'S</b> 163:14 <b>CCTC</b> 38:20 <b>censor</b> 23:19 <b>Central</b> 13:4 26:20 38:5 <b>cetera</b> 61:7 <b>Chair</b> 13:17 30:11	47:1 69:10 <b>Chairman</b> 5:11 8:8,22 10:14 36:18 39:13 40:9,10 44:23,24 66:4 69:19 70:7,8 74:18,19 78:17 80:7 82:12 83:2 93:4,15 95:23 96:8 97:5,7 98:11,12 105:24 111:17 118:16 119:4 124:4,15 125:13,14 132:3 150:9 155:6 158:9,10 161:25 162:1 <b>Chairman's</b> 39:15 <b>challenge</b> 78:4 153:9 <b>challenged</b> 153:9 <b>chance</b> 37:3 <b>change</b> 22:1 54:19 141:6 148:25 159:19,20 160:2 164:3,5 165:25 <b>changed</b> 107:2 151:14 160:9 <b>changing</b> 159:16,17 <b>channels</b> 56:1 58:7 <b>Chapter</b> 119:7,22 <b>chapters</b> 37:18 157:25	160:9 <b>Charleston</b> 68:6 <b>check</b> 13:25 14:1 21:16 31:10 33:2 45:14 47:9, 10 66:25 67:4 82:20,21 106:7, 8 131:11,15 134:18 <b>checked</b> 33:14 134:5 <b>checks</b> 35:16 <b>Chicago</b> 163:11,12 <b>child</b> 121:9 <b>choices</b> 20:5 <b>choosy</b> 19:25 <b>Church</b> 59:21 <b>circumstances</b> 31:17 94:2 96:21 119:9 152:6,12 <b>citizen</b> 18:19 73:14 <b>citizens</b> 54:14 99:24 <b>civil</b> 104:23 105:5,7 130:10 <b>claimed</b> 32:23 <b>clarified</b> 33:11 155:20 <b>clarify</b>	67:1 107:2 109:21 117:3 155:8 <b>clarifying</b> 126:6 <b>Clarks</b> 83:15 <b>class</b> 28:14 30:6 37:18 38:18,21, 23 39:4 148:5 <b>classes</b> 30:6 37:17 38:10 39:4,6 40:2 <b>classified</b> 168:20 <b>classify</b> 169:2 <b>clause</b> 65:5 <b>Clayton</b> 25:10 <b>cleaned</b> 23:23 <b>clear</b> 34:8 91:23 129:10 <b>Clemson</b> 46:8 132:11,17 <b>clerical</b> 33:10 <b>client</b> 164:1 <b>clients</b> 47:21 <b>client's</b> 50:17 164:2 <b>close</b> 167:21 <b>closed</b>	128:6 161:7 <b>closer</b> 135:12 <b>clue</b> 94:22 <b>coal</b> 136:9,25 149:9 166:21 <b>code</b> 19:8,11,16 42:17,18 56:22, 25 57:10,14 87:19,21 97:20 111:21,24 112:23 113:12 121:19 141:10, 13 145:12 <b>cogenerates</b> 149:12 <b>colleagues</b> 10:5 36:9 68:25 69:15 95:13 123:8 154:15 <b>collection</b> 159:12 <b>college</b> 13:4 26:21 82:3, 4 91:9 132:15 <b>color</b> 113:9 120:20 <b>Columbia</b> 117:15 126:25 <b>combined</b> 167:25 <b>comedy</b> 120:20 <b>commend</b> 162:4 <b>comment</b> 21:13 43:5 67:9 79:5 113:14
--	---	--	---	---

<b>comments</b> 5:22 37:10 75:20 <b>Commerce</b> 84:6 100:24 <b>commission</b> 5:3 8:10 10:20 14:18 15:8,15 16:1,8 17:23,25 18:2,3,14 24:4, 10,22 28:23 29:8 37:1 41:21 47:18 48:11 50:12 51:8,25 52:1,9,17,20 53:17,19 55:22 56:13,14 57:6 58:12,18 59:7 60:20,21 61:9, 15,16 62:18 63:4,17 68:2 72:6,16 74:12, 14 75:1 78:4,13, 20,21,23,25 79:6,7,9 83:9,23 84:2,19,20,24 85:5,7,13,16 86:10 87:2,5,9, 10 88:1,22 90:13,14,17,18, 24 91:14,17 92:2,14,25 99:8, 21 100:20 102:2,6,11 103:3,17 107:15 108:10,12,15,25 111:7,12,18 112:20 122:13 126:14 127:1, 12,17 128:25 129:22 136:6 137:3,5,10,12, 13,14 140:12,	17,22 141:1,7 143:13,18 145:24,25 148:18 156:10 158:25 160:20, 24 169:6,9 <b>commissioner</b> 6:1 16:13 18:11 19:20,21,22,25 20:6 21:15 22:24 23:8,18 27:13,21,24 28:4 39:21 40:4 50:9 54:4,7,9 55:4,10 56:11 60:23 62:4 63:11 75:7 78:3 86:2 87:6,23 88:14,16,18 91:12,21 92:9 97:1,22,24 98:19 109:11,23 110:1,7 112:17, 21 113:3 116:11 117:12 122:11 128:7 138:14, 17,21,22 139:8 140:17,21 141:16,19 146:21 147:7 156:13 159:13, 15 160:1 <b>Commissioners</b> 19:7,10 41:21 52:17 56:21 60:8 85:10,25 87:18 143:11, 13,18 147:10 <b>Commissioner's</b> 16:10 28:11 29:17 54:10 111:20 141:9	<b>commissions</b> 27:7 61:22 91:4 116:5 146:15 <b>Commission's</b> 15:10 28:24 52:5 <b>commit</b> 37:14 <b>committee</b> 5:4 6:1,13 8:9, 15 9:6 17:10 54:25 61:15,20 81:5 83:2 86:13 96:4,7 104:16, 21 110:16 112:14 120:18 124:10,11 128:1,8 132:1, 10 139:23 <b>committing</b> 37:16 <b>Common</b> 67:12 152:5,24, 25 <b>communicate</b> 33:18 140:18,21 <b>communicated</b> 48:8 61:7 165:9 <b>communicating</b> 60:16 160:21 <b>communication</b> 42:5,6 51:22 52:17 53:23 73:5 79:9 143:12 <b>communications</b> 17:22 55:21 87:1 111:6 140:11 <b>communities</b> 99:19	<b>community</b> 14:23 16:24 59:20 81:11 99:23 <b>companies</b> 15:25 16:9 29:13 49:2,3 53:22,25 102:1 168:13 <b>company</b> 16:18 18:17,23 24:18,21 25:5,6 26:6 27:23 29:6, 16 46:19 48:22 49:1,5,16 59:6 64:20 68:1 76:10,13 77:4 89:10 90:11 101:13 114:13 144:8 159:8 168:21 <b>compensation</b> 26:14 59:15 89:18 114:23 145:2 <b>competence</b> 113:18 <b>competition</b> 118:3 <b>competitive</b> 167:5 <b>complain</b> 21:7 <b>complained</b> 23:12 <b>Complaint</b> 152:8 <b>complaints</b> 85:20 101:17 <b>complete</b> 38:23	<b>completed</b> 133:19 <b>completes</b> 170:6 <b>complicated</b> 62:19 63:16 <b>compliment</b> 31:1 <b>comply</b> 149:17 <b>component</b> 137:19,20 138:3 <b>components</b> 12:16 64:15 65:2 <b>compromise</b> 88:10 <b>compromising</b> 87:25 <b>computer</b> 46:10 52:4 81:25 <b>con</b> 116:23 <b>conceptual</b> 133:19 <b>concerned</b> 78:25 117:9 148:2 <b>concerns</b> 29:4,11,13 48:3 49:17 65:22 91:2 <b>concluded</b> 170:23 <b>concludes</b> 45:2 170:18 <b>concrete</b> 105:1 133:2 <b>concur</b> 93:23
---	--	---	---	--

<b>conditional</b> 9:22 36:1 68:17 95:5 122:25 154:7	<b>conflicts</b> 27:1 61:10 90:8 102:11 115:15, 18 145:9	<b>construction</b> 132:24 133:7 162:17	<b>continuing</b> 43:6 119:2	12:24 150:6 169:2
<b>conduct</b> 19:8,11,16 42:17,18 56:22 57:1,7,11 74:2 87:19,22 97:20 111:21,24 112:4,24 113:15 121:20 138:20 141:10,14 145:13	<b>conform</b> 132:25	<b>consult</b> 27:5	<b>continuously</b> 48:4	<b>cooperation</b> 16:3
<b>conducted</b> 13:2	<b>confronting</b> 15:15 52:9 108:15 137:10	<b>consulting</b> 133:6	<b>contract</b> 134:6 151:15 152:13 167:23	<b>cooperative</b> 158:14
<b>conductors</b> 133:2	<b>confusing</b> 142:21	<b>consumer</b> 72:10 84:10 101:16 118:8 139:10	<b>contractor</b> 12:13	<b>coops</b> 150:3,5 168:19 169:22,25
<b>conducts</b> 12:17	<b>Congressional</b> 8:5 14:14 48:18, 20 83:19,21 107:11 136:2	<b>consumers</b> 54:13,17 71:5, 25 136:10,13 167:11	<b>contractors</b> 163:1,17	<b>coordinates</b> 81:15
<b>Conference</b> 107:19	<b>connecting</b> 133:3	<b>contact</b> 10:1 33:23 36:5 68:21 95:9 123:4 154:11	<b>contribute</b> 31:15	<b>coordinating</b> 50:20,21
<b>conferences</b> 133:9,14 163:4	<b>connections</b> 133:5	<b>consumption</b> 136:16 166:23, 24 167:1	<b>contributing</b> 67:7	<b>coordination</b> 50:7
<b>confidence</b> 146:24 147:3	<b>cons</b> 29:17	<b>contact</b> 10:1 33:23 36:5 68:21 95:9 123:4 154:11	<b>contributions</b> 9:16 35:20 68:10 94:23 122:19 154:1	<b>corner</b> 167:17
<b>confidential</b> 13:19 14:2 47:3, 11 82:14,22 106:2,9 134:12, 19	<b>Conseco</b> 94:16	<b>contacted</b> 6:8	<b>control</b> 24:14 38:12 84:5 135:1	<b>corporate</b> 109:4
<b>conflict</b> 27:3 28:10 43:23 58:25 61:13 90:22 96:23 102:21 109:17 112:5 116:1 142:7,8, 11 145:20,21 146:8	<b>consequence</b> 121:9	<b>contacting</b> 10:5 36:9 68:25 95:13 123:8 154:15	<b>controlled</b> 24:9,20 58:17 59:5 89:4,9 114:7,12 144:1, 6	<b>Corporation</b> 145:8 163:7
<b>confirm</b> 94:19	<b>conservation</b> 65:17 92:20,24 93:1 118:4	<b>contacted</b> 6:8	<b>conversation</b> 57:16 58:1 87:3, 15,17 138:23	<b>correct</b> 8:6 20:4 73:16 94:20 126:1 133:10,15 138:2 155:3,25 164:11 165:8
<b>conflict</b> 27:3 28:10 43:23 58:25 61:13 90:22 96:23 102:21 109:17 112:5 116:1 142:7,8, 11 145:20,21 146:8	<b>considerably</b> 38:1	<b>containment</b> 133:1	<b>conversations</b> 56:5	<b>corrected</b> 133:12 164:12, 13,14,22 165:2
	<b>consideration</b> 16:5,10 41:13 92:25	<b>continuation</b> 10:25	<b>convince</b> 164:3,5 165:24	<b>correctly</b> 157:21 166:5
	<b>considerations</b> 54:16	<b>continue</b> 30:22,23,25 66:21 93:14 150:21 167:2,20	<b>cool</b> 62:5	<b>cost</b> 64:18,19,24,25 65:2 78:14 137:17 138:2 139:12
	<b>considered</b> 143:16	<b>continued</b> 8:18 9:3 13:11 31:6 43:6 66:23 102:4,6 119:5	<b>cooler</b> 31:4	<b>costing</b> 33:8
	<b>constantly</b> 108:22 121:13	<b>continues</b> 60:12	<b>coop</b> 168:22,25	<b>costs</b> 49:20 51:2 64:13,17,20
	<b>constraint</b> 43:25		<b>Cooper</b>	

84:14 125:5 <b>couldn't</b> 32:13 33:1 73:18 145:23 152:19 158:4,5 <b>counties</b> 99:22 <b>country</b> 129:8 <b>County</b> 34:22 35:8 67:12,22 68:1 105:11 152:5,25 <b>couple</b> 25:17 29:3 67:15 98:21 101:4,6 103:9 117:18 <b>courses</b> 13:5 38:6,7,8 82:5 132:16,21 <b>court</b> 7:13 11:18 45:18 68:6 80:18 102:15 104:9 112:14 131:20 152:5,9, 24,25 153:2,10 <b>cousin</b> 94:5 <b>cover</b> 19:23 21:19,24 57:8 170:11 <b>covered</b> 122:12 138:19 <b>covering</b> 133:4 <b>covers</b> 15:4 57:8 68:9 74:15 <b>Covid</b> 29:6 99:9	<b>crane</b> 101:11 <b>create</b> 113:16 127:4 167:23 <b>created</b> 38:22 148:5 <b>creating</b> 40:1 <b>creative</b> 129:24,25 <b>credentials</b> 83:6 <b>credit</b> 13:25 47:9 82:20 106:7 134:17 <b>creek</b> 73:2 <b>crisis</b> 118:5 148:1 <b>cross</b> 65:21,22 <b>CRS</b> 46:14 <b>crucial</b> 18:21 41:18 <b>cult</b> 120:11,12,13 <b>culture</b> 23:11 <b>curiosity</b> 96:22 <b>curious</b> 77:8 <b>current</b> 12:14 28:8 34:9 85:7,15 90:2,3 99:16 103:1 121:8 122:5 147:23	<b>customer</b> 84:12,17 <b>customers</b> 15:24 16:19 29:16 76:10,14, 24 84:18 86:9 97:18 101:18 <b>cut</b> 35:10,13 111:16 <b>cutting</b> 129:18 <b>cycled</b> 167:25 <hr/> <b>D</b> <hr/> <b>dad</b> 121:1 <b>daily</b> 64:3 81:15 <b>dandy</b> 33:25 <b>Darlington</b> 99:25 <b>data</b> 13:13,18 46:21 47:2 53:24 82:7, 13 105:19,25 134:10 150:24 <b>date</b> 9:20 75:1 95:3 122:23 147:14 149:23 154:5 156:10 <b>dating</b> 83:24 <b>daughter</b> 22:14 <b>Davidson</b> 8:8,18,22 9:3 10:14 81:1,6 82:12,19 83:1,	11 93:4,14,15 95:23 104:15,19 105:18,24 106:6,19 118:16 119:3,4,5 <b>Davis</b> 7:16,19 <b>Davison</b> 80:23 81:3 124:4 125:20 <b>day</b> 28:17 75:16 92:5 144:22 156:14,16 170:18 <b>days</b> 37:21 61:2 75:3, 4 98:21 108:18 147:9,12 161:11 <b>deal</b> 35:10 43:10 64:7 72:17 78:13 99:10 100:22 103:9 115:22 <b>dealership</b> 33:14 <b>dealing</b> 9:7 17:10 27:24 54:25 60:9 77:9 84:18 86:13 110:16 139:23 152:22 161:20 <b>dealings</b> 91:13 <b>dealt</b> 64:12 <b>deaths</b> 22:20 <b>decade</b> 167:22 168:8	<b>deceitful</b> 21:25 23:20,24 <b>December</b> 21:5 <b>decide</b> 102:19,20 <b>decided</b> 21:25 31:25 32:10,11 35:13 77:21 102:23 <b>deciding</b> 122:13 <b>decision</b> 56:3 131:2 137:7 141:8,19 <b>decisions</b> 15:10,11 52:6 84:24,25 108:12 137:5 <b>deed</b> 26:8 151:25 <b>deemed</b> 112:12 148:8 <b>deep</b> 72:3 <b>deeper</b> 164:22 <b>defeated</b> 6:7 <b>defective</b> 133:23 <b>defects</b> 133:13 <b>defendant</b> 68:3 135:7 152:22 <b>defendants</b> 67:14 <b>deferred</b> 26:14 59:15 89:18 114:23
---	---	---	---	--

145:2	115:21 133:20	<b>desirable</b>	<b>died</b>	<b>disagree</b>
<b>deficiencies</b>	134:8	122:10	40:23 146:11	126:17
163:20,22,25	<b>departures</b>	<b>desire</b>	153:4,12,13,21	<b>disagreed</b>
164:8,11,14,22	101:21	5:25 47:25	<b>difference</b>	153:10
165:1,6 166:5	<b>depend</b>	<b>destroy</b>	20:6 168:17	<b>disagreements</b>
<b>define</b>	57:17	22:16	<b>differences</b>	159:24
42:7 118:6	<b>dependence</b>	<b>detachment</b>	25:21	<b>disappointed</b>
168:16	136:8,24	162:10	<b>dig</b>	157:15
<b>definition</b>	<b>dependency</b>	<b>detail</b>	22:10 52:11	<b>discipline</b>
23:14 25:23	166:21	11:2 100:14	71:22 72:3 75:7	22:8 50:23
<b>degree</b>	<b>depending</b>	140:15	108:24 129:23	135:2
12:8 46:10 51:4	42:2 65:3 76:18	<b>detailed</b>	<b>diligent</b>	<b>discouraged</b>
<b>degrees</b>	<b>depends</b>	62:18	112:4	110:22
15:1	56:15	<b>determine</b>	<b>diligently</b>	<b>discriminates</b>
<b>Delacourt</b>	<b>deposit</b>	138:6,7	142:4	27:10 61:25
8:2	35:14 152:16	<b>determines</b>	<b>diplomatic</b>	91:7 116:8
<b>delay</b>	<b>deposition</b>	97:16	20:4	146:18
29:5	170:22	<b>develop</b>	<b>direction</b>	<b>discuss</b>
<b>deleted</b>	<b>depression</b>	167:2	61:19 103:10	5:6 18:24 31:9
23:21	120:23	<b>development</b>	108:8 168:5	56:18 57:23
<b>delicate</b>	<b>deputy</b>	84:8	<b>directly</b>	73:18 87:11
121:25	81:20 84:22	<b>devoted</b>	18:10 24:8,14,	111:13 141:2,4,
<b>delighted</b>	101:3,14,22	145:14	20 58:16 59:5	5
104:6 131:10	<b>describe</b>	<b>DHEC</b>	89:3,8 114:7,11	<b>discussing</b>
<b>delve</b>	19:15 25:11	81:23	115:22,25	42:8,10 73:5
92:23	56:25 87:21	<b>diagnosed</b>	140:18 143:25	<b>discussion</b>
<b>demand</b>	92:17 111:23	121:10	144:6	55:24 56:4 58:9
65:6,7,13,15	117:24 141:13	<b>dialog</b>	<b>director</b>	78:14 87:15
136:15 167:11	147:21	80:10	24:25 59:10	100:1 111:17
<b>demeanor</b>	<b>descriptions</b>	<b>dictate</b>	81:21 84:22	<b>discussions</b>
27:13 42:19	120:8	97:17	89:13 100:1	52:18 147:24
48:2 51:10 62:4	<b>design</b>	<b>didn't</b>	101:3,15,22	<b>disorder</b>
63:1,4 74:3	49:1 50:23,24	23:19 33:2,5,6	114:16 144:11	121:10
91:11 116:11	104:25 105:5,7	37:25 43:13	<b>directs</b>	<b>dispose</b>
125:21 126:3	129:2 133:10,	44:7,21 96:20	81:14	104:3
146:21,22,23	15,19	115:21 121:5	<b>disability</b>	<b>disposed</b>
<b>demeanor's</b>	<b>designed</b>	129:4,9,11,16,	26:14 32:4	90:20
117:9	49:8 133:5	17 147:12	59:16 89:19	<b>dispute</b>
<b>department</b>	139:15	157:12,15,20	114:23 145:3	146:10 160:10
33:18 84:4,6,10	<b>designs</b>	161:8 164:2,17,	<b>disabled</b>	<b>dissociative</b>
93:20 100:24	12:15	20 165:7,12,22	26:24	121:10
101:17 105:14		166:16,22 170:5		

<b>distance</b> 149:5	<b>docket</b> 85:7	128:5 135:11 137:7 138:20	32:21	<b>earned</b> 81:8
<b>distinction</b> 18:24 88:13 112:16,18 117:6 143:6,8 168:24	<b>dockets</b> 39:23	145:19 156:16, 17 159:5,10	<b>drought</b> 77:19	<b>earnest</b> 152:14,16
<b>distorted</b> 23:1	<b>document</b> 19:13	160:4 166:17,25 169:22 170:1	<b>drove</b> 32:3	<b>ears</b> 121:25
<b>distributed</b> 52:25 118:11,12 136:17 167:12	<b>documents</b> 155:15	<b>doubt</b> 146:24 147:1	<b>drug</b> 121:2	<b>earth</b> 13:1
<b>distribution</b> 53:10 77:13 134:3,9	<b>doesn't</b> 53:20 113:9 130:1 146:12 166:18	<b>draft</b> 85:1	<b>due</b> 33:20 35:19 163:13	<b>easiest</b> 20:21
<b>distributive</b> 51:16	<b>dog</b> 88:9 98:2	<b>dragon</b> 116:23	<b>Duke</b> 58:20 59:1 104:21 105:3 114:4 115:19 169:10,11,17	<b>Easley</b> 41:4,6
<b>district</b> 6:22 8:5 14:14, 16 15:7 19:23 20:10 28:2 48:18,20 51:11 54:1 68:6 83:19, 21 107:11 117:16 136:2,4	<b>dollar</b> 50:1	<b>draw</b> 143:9	<b>duly</b> 5:16 31:5	<b>Eaton</b> 133:9,12 163:6
<b>diverse</b> 14:25	<b>domain</b> 56:16 57:12,22 73:6,11	<b>drawer</b> 32:21	<b>dumb</b> 129:5 130:2	<b>economic</b> 84:8
<b>dividends</b> 90:1	<b>domestic</b> 151:19	<b>drawing</b> 38:23	<b>Duncan</b> 35:7	<b>economically</b> 167:3
<b>division</b> 84:15 162:9	<b>Dominion</b> 24:16 144:3 168:23 169:10, 13,17	<b>drawings</b> 133:4,10	<b>Durham</b> 105:11	<b>economics</b> 47:24
<b>divorce</b> 152:7	<b>Donnie</b> 40:16	<b>drive</b> 48:14 83:15 135:24 155:16	<b>duties</b> 13:2 28:24 98:19 99:15 102:8 127:16 142:4 151:12,13 163:4	<b>editorials</b> 52:3
<b>divorced</b> 120:24	<b>don't</b> 7:23 15:25 17:13,24 18:6 19:2,17 20:3 22:15,16,17 23:4,24 24:12 26:9 28:14 29:21 40:25 42:15 44:12,25 45:1 58:20 60:14 94:20,22 98:6 99:9 102:14,21 103:8 110:8,20 113:11 117:3,18 126:15	<b>driven</b> 79:9	<b>dysfunctional</b> 120:23	<b>education</b> 14:22 15:4 134:24
<b>divulges</b> 120:11		<b>drivers</b> 71:4		<b>educational</b> 132:8
<b>divulging</b> 103:6		<b>driver's</b> 14:1 47:10 82:21 106:8 134:18		<b>effect</b> 153:21
<b>DMV</b> 31:10 33:16,17, 23 66:25		<b>drives</b> 47:23,24,25	<b>E</b>	<b>effects</b> 38:10
		<b>driving</b> 31:11 49:18 50:4 67:4,5	<b>earlier</b> 27:14 30:12 44:6 53:13,18 66:24 75:19 96:19 135:19	<b>efficiency</b> 136:23 139:15 167:8,9
		<b>drop</b> 45:7 167:14	<b>early</b> 77:16 80:1	<b>efficient</b> 65:11 66:3 167:11,13,14
		<b>dropped</b> 106:25		<b>effing</b> 21:6
		<b>drops</b>		<b>eldest</b> 108:1 119:21



<b>elected</b> 10:12,18 15:15 19:19 26:25 27:8 28:4 36:16, 25 52:9 60:21 61:9,23 63:11 69:7 74:23 90:7 91:5,21 95:21 98:16 115:14 116:6 117:11 124:2 127:15 145:9,16 146:16 147:7 155:2 156:9	108:4 <b>emailed</b> 155:19,21 <b>embedded</b> 133:2 <b>emergency</b> 38:24,25 <b>emissions</b> 12:17,18 <b>employ</b> 167:12 <b>employed</b> 12:23 24:3 58:10 70:15 81:10 88:23 90:5 105:1 113:24 115:9 143:20 163:9, 10,12,15 164:8, 9,10 <b>employee</b> 12:12 140:17,22 <b>employees</b> 39:3 76:10 143:13,14,18 <b>employer</b> 77:3 99:16 <b>employers</b> 163:16 <b>employment</b> 5:6 70:14 89:21 115:19 151:1 162:11 <b>employment's</b> 103:2 <b>enacted</b> 92:21 <b>encompass</b> 139:3 <b>encourage</b> 118:3 136:18 167:10	<b>encouraged</b> 136:13,20 <b>encouragement</b> 136:20,22 <b>encouraging</b> 92:23 149:25 <b>end</b> 54:10 97:18 137:20 168:8 <b>ended</b> 38:14 70:14 103:11 129:12 <b>energy</b> 16:5 24:21 38:14 51:16,17, 19 52:12,14,25 58:20 59:6 64:8, 21 65:10,11,16, 17,18 66:3 77:9, 12,13,18 78:10 89:10 92:21,23 93:1 105:3 109:9 114:13 118:4,5,8,11,12, 14 128:21 133:20 136:16, 17 144:7 148:1, 4,9,17,21 150:5, 6 166:22 167:1, 3,8,9,14,16 168:7 169:5,10, 11,24 <b>energy's</b> 167:4 <b>enforce</b> 148:19 <b>engineer</b> 46:16,19,20 104:25 105:2,7, 9 129:2,24 130:10,11 133:7,13,17,22, 25 134:25 135:2	<b>engineering</b> 12:9 46:10,12 48:22 81:8,25 104:24 105:5 107:18 115:21 127:19 129:3 130:6 132:14, 16,18,21 133:6 135:1 162:9,10 <b>engineers</b> 107:21 134:6 163:3 165:20 <b>engineer's</b> 130:7 <b>enhanced</b> 32:4 <b>enjoy</b> 93:9 108:16 116:24 121:7 <b>enrollment</b> 38:20 <b>ensure</b> 6:6 <b>enter</b> 48:1 <b>entered</b> 8:23 13:18 47:2 82:13 106:1 134:11 <b>enterprise</b> 25:1,2 59:11 89:14 114:17 144:12 <b>enterprises</b> 25:11,15 43:22 <b>entertain</b> 5:5 <b>entities</b> 26:11 59:13 89:16 99:20 114:20 144:25	<b>entitled</b> 136:18 152:16 <b>entity</b> 16:25 17:1 25:11 54:18 <b>entries</b> 20:13 <b>entry</b> 83:25 <b>environment</b> 16:24 <b>environmental</b> 12:21,25 13:5 38:5,13 84:5 104:24 <b>envision</b> 28:5 63:12 91:22 98:18 115:18 117:12 147:8,9 <b>equally</b> 113:6,8 <b>equipment</b> 12:19 29:15 50:23 133:24 134:4 <b>equity</b> 41:9,11 97:13 153:2,14,16 <b>error</b> 165:14,15 <b>errors</b> 134:1 <b>escaping</b> 116:14 <b>essay</b> 124:25 128:2,12 <b>essentially</b> 122:1 <b>established</b> 94:8
--	---	---	--	--

<b>establishes</b> 41:24	158:11 162:2	128:20,21,24	<b>faces</b> 92:24	150:15,22,23
<b>estate</b> 153:7,8	<b>examples</b> 50:13	130:17 132:9,22	<b>facilitated</b> 133:22	152:4,5 155:23
<b>ethanol</b> 32:8	<b>exceptions</b> 111:9	<b>experiences</b> 14:22	<b>facilities</b> 28:25 29:1	156:1,4,7,14,19
<b>ethics</b> 19:8,11 56:22	<b>excited</b> 62:8	<b>expertise</b> 128:20 159:10	139:19,20	158:13 170:9, 14,16
61:15,16 87:19	<b>excuse</b> 87:16 118:22	<b>experts</b> 163:25 164:4	149:5,10 168:21	<b>Fairey's</b> 134:10,15
111:21 141:11	144:17 151:4	<b>explain</b> 17:21 31:17	<b>facility</b> 100:3 133:20	<b>fairness</b> 6:6
<b>evaluate</b> 149:25	<b>excused</b> 91:1	34:14,24 55:20	149:6	<b>fall</b> 38:23 64:17
<b>evaluated</b> 53:17	<b>executive</b> 5:6,18,19,20	65:21 83:22	<b>fact</b> 92:12 126:17	113:10,19,22
<b>evaluates</b> 70:24	6:14,17 14:3	86:25 111:5	142:9 149:18	138:18
<b>event</b> 23:9	30:13,14,19,20	120:19,21	160:1	<b>falls</b> 113:13 156:16
<b>events</b> 121:5	47:12 66:5,8,18, 19,20 82:23	140:10 153:2	<b>factor</b> 122:13	<b>familiar</b> 9:5 10:8 17:9
<b>eventually</b> 90:13	93:6,11,12	<b>explained</b> 165:13,15	<b>factors</b> 16:13 41:7 86:2, 4 97:12 110:6,8	36:12 40:20
<b>everything's</b> 33:25	100:1 106:10	<b>explaining</b> 119:8	139:7	54:24 65:24
<b>evicted</b> 35:4	118:18,23,25	<b>explanation</b> 119:8,18	<b>factory</b> 133:12	69:3 86:12
<b>evictions</b> 35:18	119:1 134:20	<b>express</b> 92:15	<b>facts</b> 137:24 139:4	95:16 102:17
<b>evident</b> 165:17	150:10,13,18, 19,20	<b>expressing</b> 92:9	164:5	110:15 123:11, 14 139:22 140:2
<b>exact</b> 38:15	<b>EXHIBIT</b> 8:25 13:22 47:6	<b>extended</b> 166:9	<b>faculty</b> 82:3	154:18,23,24
<b>EXAMINATIO</b>	82:17 106:4	<b>extensive</b> 166:1	<b>fair</b> 15:23 37:14	<b>family</b> 24:2,7,9,19,21, 24 26:12,22
<b>N</b>	134:14	<b>extent</b> 43:1	76:4 87:23	58:10,15,17
7:18 11:25	<b>Exide</b> 12:25	<b>extra</b> 142:5	91:13,16 99:5,6	59:3,5,9,14
36:21 40:11	<b>existing</b> 118:15	<b>extremely</b> 121:11	110:11 122:9	88:23 89:2,4,7, 9,12,17,22
46:1 69:20 70:9	<b>expect</b> 15:14 52:8 85:4		139:10,18	113:24 114:6,7, 10,12,15,21
74:21 80:25	108:14 128:7	<b>F</b>	164:25	143:20,24
96:9 97:8 98:13	137:9	<b>Facebook</b> 20:12 21:8 23:3	<b>Fairey</b> 131:9,17,18,22	144:1,5,7,10
106:18 124:16	<b>experience</b> 13:10 15:4	43:2 61:3 79:1	132:2,6,11,23	145:1 146:1,2
125:15 127:10	47:19,20 49:24		133:8,16,19	<b>famous</b> 23:10
132:4 157:1	50:13,15 51:9		134:16,23	<b>farm</b> 37:24 144:13,20
	75:9 83:24 84:1, 4,10,13 115:24		135:11,17,20, 21,23 144:19	168:10,14

<b>farmland</b> 144:14	44:2	<b>financial</b> 24:8,19 26:15	<b>flexible</b> 37:4	<b>Forrester</b> 5:14 19:6 39:12,
<b>fast</b> 157:9	<b>FERC</b> 148:10,24	27:1 58:16 59:4,	<b>float</b> 29:7	13 40:8 69:17,
<b>father</b> 22:11 40:23	149:2,16	17 61:10 72:22	<b>flubbed</b> 110:10	19,21 70:6 96:7,
<b>Fathers</b> 48:14	<b>field</b> 46:19	89:3,8,20 90:8	<b>focus</b> 96:25	8,10 98:24
<b>father's</b> 60:2	<b>fields</b> 107:24	114:6,11,24	<b>folks</b> 11:16 45:14	124:13,15,17
<b>fault</b> 31:22	<b>figure</b> 14:20 111:18	115:15 143:25	47:22 50:24	127:21 156:24
<b>faults</b> 39:25	118:9 129:13	144:6 145:4,10	67:18 80:11	<b>Forrester's</b> 31:1
<b>favor</b> 141:20 152:4	<b>file</b> 148:12	<b>financials</b> 64:3	131:19 144:18	<b>forthright</b> 116:13
<b>favorite</b> 122:3	<b>filed</b> 34:21 35:7	<b>find</b> 21:7 32:13	156:23	<b>forward</b> 51:17 53:7
<b>fax</b> 33:23	67:11,12 68:5	37:20 109:7	<b>follow</b> 17:1,14 22:3,12,	61:14,15 83:5,8
<b>fear</b> 141:19	85:20 123:22	120:3 157:24	19 56:6 78:16	101:13 108:7
<b>February</b> 155:11	152:8,23 153:1,	158:3,5 167:17	<b>fools</b> 21:10	109:5,8
<b>federal</b> 115:24 148:17	17,19 159:5	<b>finding</b> 92:12 108:22	<b>foot</b> 42:15	<b>found</b> 6:21,25 8:8
<b>fee</b> 153:8,12,20	<b>filing</b> 9:17 35:21	<b>fine</b> 33:25 40:18	<b>footing</b> 148:3	77:20,22 157:8
<b>feel</b> 14:22 15:3	68:11 94:11,24	73:23,25 117:14	<b>forecast</b> 150:3	165:2
18:18 38:7 54:9	122:20 154:2	126:19 130:25	<b>forget</b> 38:24	<b>founded</b> 49:4
58:24 65:25	<b>fill</b> 33:9 76:4	<b>finger</b> 22:17	<b>forgot</b> 30:9 156:1	<b>fourth</b> 142:5
83:3 84:1 97:23	<b>filled</b> 25:20 32:13	<b>firearm</b> 20:19,24 22:2,3,	<b>form</b> 21:15 25:20	<b>frame</b> 10:19 36:25
136:11	<b>filtration</b> 13:1	4,15	32:14 38:19	127:15
<b>feels</b> 126:12	<b>final</b> 6:3 10:2 36:6	<b>firearms</b> 21:2	106:17	<b>frank</b> 121:16
<b>felt</b> 58:1 74:10 99:6	68:22 95:10	<b>Firm</b> 115:13	<b>formal</b> 10:3 68:23	<b>frankly</b> 142:21
137:17 158:20	122:17 123:5	<b>firmly</b> 122:4	92:11 95:11	<b>fraternity</b> 91:10
165:4	130:4 153:24	<b>firms</b> 151:14	123:6 154:13	<b>free</b> 19:4 122:4
<b>fences</b>	154:12 169:7	<b>fit</b> 49:11 97:20	<b>formulates</b> 149:21	<b>freeing</b> 121:22
	<b>finally</b> 32:19 41:17	<b>fix</b> 130:3	<b>formulating</b> 143:14	<b>Friday</b> 92:6 117:21
	166:14,16	<b>fixing</b> 166:9		<b>friend</b> 44:5 121:8
	<b>Finance</b> 94:16	<b>flash</b> 155:16		
	<b>finances</b> 119:20			

<b>friends</b> 10:5 23:2 36:9 40:15 68:25 95:13 122:6 123:8 154:15		116:9 146:19	<b>George</b> 7:11,18	<b>goods</b> 53:13
<b>front</b> 109:16 112:19	<b>G</b>	<b>general</b> 9:17 10:2,6,10 12:11 17:5,21 35:21 36:6,10, 14 37:8 55:20 56:18 60:14 68:11,22 69:1,5 86:25 89:21 94:24 95:10,14, 19 99:2 111:5,8 122:20 123:5,9, 13 140:10,13, 15,16 149:13 154:2,12,16,20 160:2	<b>gigawatts</b> 167:25	<b>govern</b> 148:21
<b>fuel</b> 12:17,18 32:8 65:5 139:12	<b>gain</b> 84:1	<b>gaining</b> 148:9	<b>Gillespie</b> 152:22	<b>government</b> 20:11 28:3 42:3 57:4,6 115:23
<b>full</b> 10:12 36:16 43:18 69:7 75:3, 11,13 92:5 95:21 117:13,21 124:2 126:24 146:2 147:17, 18,19 155:2,3 161:15,22	<b>game</b> 21:10 22:24 23:3 43:5,6	<b>game</b> 21:10 22:24 23:3 43:5,6	<b>give</b> 5:23 12:3 17:7 20:22 34:13 38:7 46:5 50:13 57:2 58:7 91:1, 16 108:6 136:14 142:11 160:17 166:23	<b>graduate</b> 132:15
<b>fun</b> 116:24	<b>garage</b> 32:1	<b>garage</b> 32:1	<b>giving</b> 100:6 140:23 145:23	<b>graduated</b> 46:8 81:6 104:22
<b>function</b> 55:13	<b>garbage</b> 159:12	<b>garbage</b> 159:12	<b>glad</b> 129:1 144:19 153:3	<b>graduation</b> 134:7
<b>fund</b> 158:2	<b>gas</b> 12:15 32:9 53:10 62:13 65:10 81:17 97:15 99:6 100:4 101:23,25 102:1 137:15 163:18 167:20, 23,25	<b>gas</b> 12:15 32:9 53:10 62:13 65:10 81:17 97:15 99:6 100:4 101:23,25 102:1 137:15 163:18 167:20, 23,25	<b>global</b> 141:24	<b>greatest</b> 78:4
<b>funding</b> 100:2,7,25	<b>gathering</b> 55:13	<b>gathering</b> 55:13	<b>glove</b> 34:1	<b>green</b> 7:4,5,6
<b>funds</b> 24:11 26:14,15 59:16 72:11,14 89:19 94:6 114:23,24 145:2,3 158:3	<b>gatherings</b> 9:8,13 17:12,18 55:2,6 86:16,22 110:19 111:2 140:1,7	<b>gatherings</b> 9:8,13 17:12,18 55:2,6 86:16,22 110:19 111:2 140:1,7	<b>goal</b> 25:13	<b>Greenville</b> 38:17 67:11,22, 25 107:19
<b>funeral</b> 94:6,7	<b>gave</b> 33:24 35:10 84:13 101:9 148:3	<b>gave</b> 33:24 35:10 84:13 101:9 148:3	<b>goals</b> 49:12	<b>grid</b> 118:8,9
<b>funny</b> 122:10	<b>GE</b> 12:12,13 26:20 27:22 28:9 37:17 43:21	<b>GE</b> 12:12,13 26:20 27:22 28:9 37:17 43:21	<b>golden</b> 22:4	<b>grounding</b> 132:25 133:2
<b>future</b> 75:12 149:23 150:1,3	<b>gear</b> 77:14	<b>gear</b> 77:14	<b>good</b> 5:2 7:2,3,20,21 11:7,8 12:1,2 35:3 43:10 45:9, 10,12,16,17 46:3,4 74:17 79:21 80:6,7 81:2,3 84:17 85:11 104:5,19 125:8 127:6 131:2,8,9 143:8 152:20 159:10	<b>group</b> 46:12 48:22 87:6 90:25 101:4,20 105:8
<b>fuzzy</b> 113:11	<b>gender</b> 27:11 62:1 91:8	<b>gender</b> 27:11 62:1 91:8		<b>groups</b> 87:25
				<b>growth</b> 150:1
				<b>Guard</b> 40:17 145:12 162:5,7

<b>guess</b> 61:16 67:17 98:15 100:10 101:5 117:6 128:22 135:6 167:18	<b>handled</b> 35:17 55:7 57:9 64:14 65:3 101:24 <b>handling</b> 101:17 <b>hands</b> 39:11 <b>happen</b> 22:20 23:16 32:23 53:2 146:4 <b>happened</b> 34:15,24 49:6 103:9 <b>happening</b> 74:12 <b>happiness</b> 120:12 <b>happy</b> 106:14 <b>hard</b> 43:12 157:11 <b>hasn't</b> 75:9 148:16,25 <b>hate</b> 112:12 113:7 <b>hateful</b> 112:11 <b>haven't</b> 26:4 30:5,7 40:6 62:14 91:10 <b>hazardous</b> 38:11 <b>heads</b> 119:22 <b>health</b> 38:10 84:5 93:20 <b>healthy</b> 45:6 79:13	104:1 130:20 170:8 <b>hear</b> 5:11 6:23 56:9 57:20 58:9 80:11 162:25 <b>heard</b> 14:25 91:17 93:2 99:8 117:13 153:16, 17 157:21 158:22 166:4 <b>hearing</b> 5:17 8:4 9:4 10:24 25:21 26:2 44:18 47:15 66:14 84:20 87:6 92:1, 2,12 102:22 109:24 137:14, 22 143:18 158:9 159:4 161:1,4 <b>hearings</b> 6:22 15:8,18 28:6,7 29:5 52:1 60:11,24 61:7 84:19 108:9 127:1 137:2 161:6,13,15 <b>hears</b> 126:11 <b>heat</b> 133:24 <b>Heather</b> 30:25 <b>heavily</b> 99:5 <b>held</b> 5:19 30:19 66:18 90:11 93:11 118:25 150:18	<b>helped</b> 84:25 <b>helpful</b> 15:6 85:11,14 <b>helping</b> 85:14 149:24 <b>here's</b> 61:17 <b>hey</b> 58:5 60:17 62:9 63:8 72:10 73:19 <b>he's</b> 38:22 131:7 <b>hide</b> 21:20 <b>high</b> 18:22 22:25 43:11 97:23 149:15 <b>Highway</b> 107:7 <b>hikes</b> 29:4,12 <b>Hill</b> 83:16 <b>hired</b> 100:17 <b>hit</b> 41:16 43:11 63:6 <b>hobby</b> 114:19 <b>hogging</b> 44:1 <b>hold</b> 161:14 <b>holders</b> 16:23 163:5 <b>holds</b> 127:1	<b>home</b> 14:7 37:5 48:12 60:3 83:13 94:6, 8 107:6 108:2 117:2,15 135:22 <b>Homeland</b> 39:1 <b>honest</b> 97:23 116:13 121:21 122:9 <b>honestly</b> 108:20 <b>honesty</b> 24:1 42:19 74:3, 7 97:20 <b>honor</b> 83:4 <b>hope</b> 83:7 99:8 122:10 168:6 170:8,9 <b>horse</b> 13:6 25:7,13 26:6,17 28:15 44:2 <b>hotel</b> 117:18 <b>hotter</b> 136:12 <b>hour</b> 10:8 31:13 36:12 64:21 69:3 95:16 123:11 154:18, 23,24 <b>hours</b> 10:9 15:18 36:13 37:16,21 69:4 95:18 123:12 129:19 154:20
<hr/> <b>H</b> <hr/>				
<b>hadn't</b> 165:23 <b>half</b> 35:14 102:7 129:17,18 134:1 139:14 146:10, 11 153:13 162:15 <b>hand</b> 5:12 109:17 157:18 <b>handed</b> 35:16 <b>handle</b> 7:23 18:3,14 56:14 87:13 90:14 111:15 113:1,3 117:19 141:3				

<b>house</b> 26:8 35:3,9 152:14	134:14	84:7,12	<b>including</b> 82:8 86:5 105:21 134:4	76:18,19,20,21, 24 92:10 167:15,16
<b>household</b> 90:4 115:11 146:3	<b>identified</b> 134:1	<b>important</b> 84:16 85:6,8 97:22 141:18 142:8	<b>income</b> 26:12 59:14,24 60:1,2 89:17,21 90:5 114:21 115:1,9 121:5 145:1	<b>infidelity</b> 120:14
<b>houses</b> 144:24 151:22, 24,25	<b>identity</b> 121:10	<b>impressed</b> 125:9	<b>incomplete</b> 133:5	<b>inform</b> 87:14 90:17 91:1
<b>Hughes</b> 34:21	<b>idiot</b> 21:4	<b>impropriety</b> 112:2,3 113:15 126:8 141:25 142:1,2	<b>increase</b> 54:19 65:4 72:4, 8 136:23	<b>informal</b> 36:7
<b>hurricanes</b> 145:18	<b>ignorant</b> 21:10	<b>improve</b> 39:17 69:24	<b>increases</b> 51:14 52:14,23 62:7,23 64:2	<b>information</b> 6:2 13:19 15:17, 19 33:23 42:13 47:3 55:24 56:10 70:14 73:15 75:9 82:14 87:9 88:7, 10 90:25 102:18 106:2 109:20 122:16 123:16 132:9 134:12,17
<b>husband</b> 115:13 121:8 122:5 131:6	<b>imaginary</b> 128:13	<b>improvement</b> 29:14 138:25 139:1,5 159:18, 20	<b>incumbent</b> 142:19	<b>informed</b> 79:2
<b>Hyatt</b> 45:10,12,25 46:3,8,15,20,25 47:14,15 48:14, 21 66:13,17,22 67:6,13,23 68:2, 7,10 69:9,11,22 70:11 79:14,20, 23	<b>imagine</b> 145:25	<b>improving</b> 121:13	<b>independence</b> 112:1 141:17 146:25 147:3	<b>infrastructure</b> 134:4
<b>Hyatt's</b> 47:2,7	<b>immediately</b> 75:18 90:19,20 98:21 127:18 129:18	<b>inactive</b> 145:17	<b>independent</b> 147:13	<b>Ingle's</b> 115:12
<b>hydro</b> 77:18	<b>imminent</b> 149:1	<b>inappropriate</b> 23:17 112:6 126:13 142:13, 14	<b>index</b> 93:16	<b>initially</b> 148:7
<hr/> <b>I</b> <hr/>	<b>impact</b> 53:25 64:2 164:18,20	<b>incents</b> 101:5	<b>indicating</b> 8:12,16	<b>innovative</b> 108:7
<b>ID</b> 32:19	<b>impacts</b> 16:23	<b>incident</b> 108:21	<b>indirectly</b> 140:18	<b>input</b> 54:22 63:20,22 71:1,3,4 72:18
<b>idea</b> 147:10	<b>impaired</b> 113:19 147:3	<b>incidents</b> 101:5	<b>individual</b> 6:17,20 7:9 94:7,21	<b>inside</b> 22:9 32:9
<b>ideally</b> 26:1	<b>impartial</b> 85:25 87:24 109:12 110:4,5 112:3 138:16 141:21	<b>include</b> 26:13 42:18 59:15 89:18 110:12 114:22 145:2 147:22	<b>individuals</b> 101:21	<b>inspection</b> 129:20
<b>IDENTIFICATI ON</b> 8:25 13:22 47:6 82:17 106:4	<b>impartiality</b> 113:18 141:5 146:24 147:3	<b>included</b> 31:11 48:21 93:17 101:23 120:10	<b>industries</b> 12:24 28:22 53:8	<b>installed</b> 77:23 134:2
	<b>impartially</b> 17:2 142:4	<b>includes</b> 16:24 86:6 97:15 155:16	<b>industry</b> 53:12 72:20	<b>instance</b> 53:21,24 55:11
	<b>implication</b> 151:3			
	<b>importance</b>			

65:11 71:1 72:4 76:19 77:15 <b>instances</b> 101:5 142:25 143:1 <b>institution</b> 26:15 59:17 89:20 114:24 145:4 <b>instructor</b> 13:3 38:5 <b>instrument</b> 133:22 <b>instruments</b> 133:24 138:9 <b>insult</b> 107:23 <b>insurance</b> 31:16 32:2,15 33:8 <b>integrated</b> 29:19 64:4,5 149:20,23 150:2 <b>integrative</b> 44:11 <b>integrity</b> 42:19 74:3,7 97:20 112:1 113:18 141:16 <b>intent</b> 56:5 <b>interact</b> 57:3,4 <b>interaction</b> 27:25 <b>interactions</b> 52:18 <b>interconnect</b> 136:16 148:14 149:6 <b>interconnected</b>	50:25 <b>interconnection</b> 148:21 159:23 160:10 <b>interest</b> 24:8,20 27:1 43:23 54:8 56:2 58:16,25 59:4 61:10,13 76:13 89:3,8 90:8,22 114:6,11 115:15 116:1 143:25 144:6 145:10,21 163:11 <b>interested</b> 14:17 39:6 51:7 56:20 83:22 99:1 107:14 136:5 <b>interesting</b> 29:2 106:13 128:5 130:17 159:7 <b>interests</b> 109:3,4,15 <b>interface</b> 77:25 <b>interfacing</b> 77:14 <b>interfere</b> 51:4 <b>internet</b> 51:21 53:18,19, 20,21,23 57:22 120:5 <b>interpretation</b> 57:10 <b>intervened</b> 137:16 <b>intervener</b> 137:21,24 138:1	<b>interviewing</b> 70:13 <b>intranet</b> 143:10,15 <b>introductory</b> 82:4 <b>inventory</b> 153:7 <b>investigation</b> 13:25 47:9 82:19 106:6 <b>investment</b> 41:10 84:9 86:5, 7,8 139:17,19 <b>investments</b> 151:23 <b>investor</b> 103:12 168:19 <b>invited</b> 161:3 <b>involve</b> 117:17 <b>involved</b> 24:25 28:8 29:2 32:3 34:20 54:18 58:8 59:10 89:13 97:12 100:8 114:16 126:22 138:11 143:14 144:11,13 163:21 <b>involvement</b> 152:2 <b>involves</b> 66:1 <b>involving</b> 90:23 94:4 <b>IRA</b> 26:13 89:18 114:22 145:2	<b>IRAS</b> 59:15 <b>Irmo</b> 152:9 <b>Iron</b> 163:11,12 <b>IRP</b> 125:5 <b>IRPS</b> 169:23 170:1 <b>isn't</b> 23:13 43:24,25 159:20 <b>isophase</b> 133:14 162:22 <b>issue</b> 33:5,10 51:24 53:2 54:5,9 55:24 56:3,15, 18 58:8 61:17, 19 64:15 78:10, 15 87:12 92:10 99:13 103:6,7 111:14 116:22, 23 140:19,22 141:2 <b>issued</b> 9:6 17:10 54:25 86:13 148:24 <b>issues</b> 15:14 49:17 50:11 51:12,13, 15,16,23 52:9, 13 57:5,8,17 60:10,19 61:6 62:17 63:15 67:19 71:8 72:2 75:8 77:9 79:2 85:5,15 99:9 108:14 110:16 122:12 129:10 137:9 139:23	<b>item</b> 41:18 135:5 <b>items</b> 26:13 31:9,12 67:2 155:12 <b>it'd</b> 26:17 57:17 <b>it'll</b> 80:14 <b>it's</b> 5:16,17 7:22 15:22 16:8,9,17, 22 19:4 20:1 21:9 22:15,23 23:1 25:16 26:3, 10 29:16,23 30:7 31:3 34:9, 13 38:15,24 44:1,3 50:7,8 54:12,19 56:16 57:7,12,22 60:16 62:12 63:15,16 64:19 65:24 72:4,8 73:15 75:13 76:20 80:16 83:4 85:6,8 88:20 90:23 93:24 94:15 97:14 99:17,20, 21 106:17 107:7 108:17 109:7, 15,17 110:5 111:8 116:14 117:5,13 120:20 121:17 122:2,13 126:11,12 129:22,23 130:2 135:15 139:14 141:18 143:2 144:14 145:14, 15 147:23 149:1 153:21 156:22
--	--	--	---	--

161:7,9,16,22 168:25 169:3,4, 11 <b>Iva</b> 14:10 40:13,15 <b>Ivaranians</b> 40:25 <b>I'd</b> 8:22 16:6 17:7 18:19 21:24 32:1 33:18 66:4, 25 83:2 93:5 98:6 118:17 131:10 135:3 136:7 141:4 157:10,11 <b>I'll</b> 5:2 30:1 38:2 66:9 80:22 93:18 94:15 96:4 104:15 118:21 119:3 130:23 135:17 144:19 153:3 156:23 158:9 165:16,17 <b>I'm</b> 7:13,15 11:17 12:3 17:13,17 18:4,5,6 19:9 20:2,3,12 22:2 25:2,7 27:2 28:13,16,21 32:22 34:5 38:19,23 39:6 40:3 41:10,25 42:11,13 45:17, 21 46:5 61:2 62:7 64:9 65:24, 25 69:14 73:12, 22 75:18 76:21 80:12 81:4 91:6 95:15 102:22	106:14 107:23 108:5,16,18,20, 22,23 116:20 117:14 120:7 122:8 123:21 124:10 126:6,19 127:19 129:1,5, 24,25 130:10 131:17,24 132:8,19 135:18,23 136:4 139:2 140:2 142:25 143:1 144:13 147:18, 19 150:21 154:22 155:20 156:20,21,22,25 157:12 158:3 159:25 160:11, 13 169:16,20,24 <b>I've</b> 5:15 15:1,2,4,11 16:7 24:11 25:18 26:7,8 28:9,18,19 38:9, 10,12 39:4,5,19, 22,23 40:1 43:7 47:19 82:11 84:25 106:15 108:2,3,11 110:9 116:20 117:13 120:24 129:23 130:17 151:25 154:24 157:14,23 159:1 <hr/> <b>J</b> <hr/> <b>J.E.</b> 46:18 49:1,4 <b>jacket</b> 31:2,3	<b>Jacobs</b> 46:12 48:22 <b>January</b> 6:21 8:4,11 9:4, 11,14 <b>Jews</b> 120:16 <b>job</b> 23:10,13 27:22 28:8,10 43:15, 18,21 48:5,6 75:11,13,14 81:13 85:13 90:2,3,6 92:5 96:22,25 107:17 108:20 109:16 115:7 117:22 121:3,7 127:19 128:7,16 129:11 147:17,19 161:16,22 <b>Joe</b> 18:20 83:14 93:25 <b>John</b> 122:3 <b>joined</b> 7:9 39:11 45:15 124:12 162:14 163:10 <b>joining</b> 69:15 135:13 <b>joke</b> 113:9 <b>Jonelle</b> 104:6,14 106:22,24 107:1 120:10,11,13 <b>journey</b> 106:14 <b>Jr</b> 131:17 135:23	<b>judge</b> 140:16 141:15, 19 142:16,17,19 153:10,20 <b>judges</b> 138:23 <b>judge's</b> 113:17 161:17 <b>judgment</b> 152:3 <b>judicial</b> 19:8,11,16 42:17 56:22 57:1,7,11,14 60:5,6 74:2 87:19,22 88:5 111:21,24 112:8,23 113:17 121:19 126:4 138:20 141:10, 14 142:6,7,23 155:22 161:17 <b>judiciary</b> 141:17,23 142:4 <b>July</b> 5:4,22 <b>June</b> 67:6 <b>junior</b> 47:21 133:17 <b>justice</b> 139:2 143:4 145:15 <b>justified</b> 16:17 <b>justify</b> 152:19 <hr/> <b>K</b> <hr/> <b>karaoke</b> 116:25	<b>Kathryn</b> 45:18 <b>keeping</b> 53:5 79:2 <b>Kelly</b> 40:16 <b>Kennan</b> 104:6,8,12,14, 18,19,21,24 105:6,9,12,14, 17,18,23 106:13,22 107:1 118:24 119:6,24 120:16 122:17 124:6,18 125:17 130:16,23 131:2,4,7 <b>Kennan's</b> 105:25 106:5 <b>key</b> 16:13 41:7,18 54:21 86:2 110:6,8,11 139:7 <b>kids</b> 117:19 120:25 122:6 <b>kill</b> 22:17 <b>killed</b> 22:13 <b>kilovolt</b> 133:8 134:2 162:20 <b>kilowatt</b> 64:21 <b>kind</b> 14:19 36:25 38:3,7 52:2 53:6 55:12 66:14 72:9,14 75:24 77:15 79:16
--	---	--	---	--



104:2 108:17 112:12 125:8 129:21 130:21 141:24 170:11 <b>kinda</b> 17:3,5 <b>kinds</b> 49:7 <b>knee</b> 32:7 <b>knew</b> 21:15 29:25 71:19 157:15 <b>knock</b> 20:23 121:5 <b>knowing</b> 44:17 <b>knowingly</b> 21:3 <b>knowledge</b> 39:17 51:11,23 58:23 69:25 <b>KV</b> 163:6	<b>laugh</b> 121:14 <b>law</b> 17:1,7,8 54:11, 12 85:25 92:19, 22 109:13 110:4 111:10 118:1 138:16 139:1,2, 5,6 141:7 142:24 143:3 145:15,16 147:23 159:14, 16,18 160:3 161:15 <b>laws</b> 19:8,12 56:23 87:19 111:21 141:11 160:15 161:19 <b>lawsuit</b> 25:25 35:6 67:21 68:5 137:6,8 152:10 <b>lawsuits</b> 34:19 67:8 135:6,10 146:4 152:3 <b>lead</b> 12:11 44:17 105:2 <b>leader</b> 120:13 <b>leading</b> 44:17 132:16 <b>leads</b> 16:12 <b>learn</b> 108:21,22 121:12,23 <b>learned</b> 106:15 130:18	<b>learning</b> 108:17 <b>leave</b> 21:18,25 30:16 43:12 79:17 135:16 149:9 <b>led</b> 133:8,11,14,22 134:3 <b>Lee</b> 152:4 <b>left</b> 32:7 146:9 162:14 166:17, 19 <b>leg</b> 32:7 <b>legacy</b> 49:2,5 <b>legal</b> 5:8 163:13 <b>legally</b> 107:2 <b>legibly</b> 157:10 <b>legislative</b> 9:7,8,9,10 17:11,15 41:25 55:1,16,17 86:14,15,18,19 110:17,18,23,24 139:24,25 140:3,4 <b>legislator</b> 9:20,23 35:24 36:2 68:15,18 95:3,6 122:23 123:1 154:5,8 <b>legislature</b> 71:14 <b>letter</b> 33:24	<b>let's</b> 58:5,6 60:21 98:15 112:14 116:12 118:13 130:3 <b>level</b> 42:3 115:25 137:1 <b>Lexington</b> 146:7 <b>liaison</b> 81:22 84:6 <b>Liberty</b> 14:9 <b>license</b> 14:1 31:25 32:17,21,22,24 33:20 47:10 82:21 106:8 130:7 134:18 <b>licenses</b> 15:2 <b>life</b> 28:19 68:1 88:14,18 101:13 112:17,19 117:7 120:22 <b>light</b> 7:4,5 130:1 <b>limit</b> 148:15 <b>limitations</b> 42:12 60:7 <b>lines</b> 20:2 58:2 <b>lining</b> 109:16 <b>Linked</b> 26:5 <b>lis</b> 152:23 153:19	<b>list</b> 111:9 125:1 129:4,7,13,15, 17,18 130:2,3 <b>listed</b> 26:6 128:3 151:1,3,19 <b>listened</b> 122:7 <b>listening</b> 79:14 122:15 131:15 <b>lists</b> 25:9 31:11 <b>live</b> 117:16 135:23 <b>lived</b> 41:6 108:3 <b>lives</b> 64:3 120:14 121:13,16 <b>LLC</b> 25:19,20,22,24 26:1 151:20 <b>LLCS</b> 151:19,25 <b>loaded</b> 22:15 <b>local</b> 53:25 100:25 <b>located</b> 120:6 <b>Lockhart</b> 169:14 <b>long</b> 71:16,18 121:6 129:4 143:13,16 157:6 159:6 167:23 <b>longest</b> 108:3
<hr/>				
<b>L</b>				
<hr/>				
<b>lab</b> 12:23 13:2 <b>laid</b> 107:17 121:3 <b>land</b> 50:16 65:5 <b>large</b> 50:17 148:4 <b>largely</b> 100:3 <b>larger</b> 49:25 97:14 <b>late</b> 92:21 122:5				

<b>Lonnie</b> 45:10 48:14	<b>luck</b> 131:2	<b>major</b> 50:19 97:14 166:9	<b>management</b> 12:8,10 16:5 24:25 38:13 49:14,24 59:11 65:6,7 81:9 89:13 114:16 144:11,13 158:3	<b>Marie</b> 35:7
<b>looked</b> 16:7 23:21 53:15 96:16,18 137:13	<b>lump</b> 94:15	<b>majority</b> 48:5 76:6		<b>marked</b> 8:25 13:22 47:6 82:17 106:4 128:19 130:5 134:14
<b>lopsided</b> 15:25	<b>LWF</b> 151:20	<b>make</b> 5:24 7:3 8:19 13:12 14:5 15:23 16:17 20:1 25:16 29:13 33:2 46:21 47:14 50:24 51:5 53:4, 5 56:3 61:6 70:19,20 73:4 75:2,5 77:4 78:18 82:6,25 84:9 102:18 105:19 106:12 109:6 122:10 126:24 129:10, 13 134:22 150:24 156:3 159:10 160:15 164:7 165:5,25 166:4	<b>manager</b> 38:21 46:11,17 48:4 50:2 76:7 77:10 81:12 84:23 100:18 101:19 105:5 129:2	<b>market</b> 148:4
<b>lose</b> 33:20	<b>Lydia</b> 152:4		<b>managing</b> 65:13 84:10 119:20	<b>markets</b> 148:9
<b>loss</b> 120:24	<b>Lyle</b> 131:17 135:23 152:4		<b>manner</b> 88:2 116:15	<b>marriage</b> 119:19 120:15
<b>lost</b> 32:14 33:9 121:1	<b>Lynchburg</b> 132:15		<b>Manning</b> 94:9	<b>married</b> 106:23
<b>lot</b> 15:5,16,17,19 25:18 28:6,7 29:3,11 31:3 37:5,6 39:22 40:3 43:16 47:18,20 50:7,8, 10 51:9 52:10, 16,18 62:17 63:14,18 77:12, 25 84:1 99:7,17 106:15 108:16 113:21 125:2,4 130:18	<hr/> <b>M</b> <hr/>		<b>manufacture</b> 163:6	<b>Martha</b> 152:22
	<b>mad</b> 109:6	<b>makes</b> 64:22 122:1 141:19	<b>manufacturer</b> 133:9,15 163:5, 7 164:25 165:21	<b>mask</b> 7:22 11:12 80:14 130:23 135:14,16
	<b>made</b> 9:16 22:11 35:20 36:20 43:5 68:10 69:11 87:7 94:23 108:2 121:24 122:19 141:8 154:1,25	<b>making</b> 17:8 38:14 48:7 60:6,12,13 65:13 76:12,13 78:7 103:22 130:2 131:2 148:25 162:16	<b>manufactured</b> 77:23	<b>master</b> 12:9 153:1,14, 15
	<b>madness</b> 121:18		<b>manufacturers</b> 165:8	<b>master's</b> 81:8 132:16,18
	<b>Magistrate</b> 152:9		<b>manufacturing</b> 133:11,16	<b>matched</b> 33:3
<b>lots</b> 51:12	<b>main</b> 16:20 86:10		<b>maps</b> 134:9	<b>material</b> 39:19,25 40:4 63:18 75:25 85:9 99:3 157:13
<b>love</b> 41:2,4 108:3,6, 7,17,19 121:7, 12,18 122:6	<b>maintain</b> 63:4 139:19 144:15		<b>March</b> 31:13	<b>materials</b> 8:14 38:11,22 40:5 55:14,18
<b>loved</b> 38:17	<b>maintained</b> 102:2	<b>manage</b> 76:11 77:1 142:5 144:20 167:11	<b>Maria</b> 104:6,14 106:22,24,25	<b>math</b> 82:5
<b>low</b> 38:20	<b>maintaining</b> 35:2	<b>managed</b> 50:16 72:14		<b>matter</b> 18:1,14 55:9 56:12,13 57:12, 13 87:11 92:15
<b>lower</b> 149:7,12	<b>maintenance</b> 139:20			

111:13 127:14 141:2 163:25 166:18 <b>matters</b> 79:5,6 85:7 100:5 147:14 <b>matter's</b> 153:23 <b>Mattress</b> 115:13 <b>Mayor's</b> 92:2 <b>ma'am</b> 80:22 119:11 <b>Mccullough</b> 40:16 <b>Mcculloughs</b> 40:20 <b>means</b> 44:11 65:21 109:5 149:24 <b>meant</b> 29:24 65:6 125:21 137:22 153:7 159:17 <b>measure</b> 138:10 <b>measurement</b> 138:8 <b>measurements</b> 12:18 <b>measures</b> 118:7 <b>mechanical</b> 133:6 <b>media</b> 19:19 20:7 21:17 42:25 43:1 60:5,17,18, 19,22 61:1,8 73:7,8,9 74:10 78:17,19,21	88:5,12,13 97:25 112:8,10, 16 113:1,20 142:23 143:1,16 160:18,19,21,25 <b>meet</b> 65:15 147:11 164:2,3 165:2 <b>meeting</b> 5:3 92:2 110:24 <b>meetings</b> 9:8,10 17:12,15, 16 38:16 55:2, 16 61:6 86:15, 19 110:18 139:25 140:4 163:1 <b>megawatt</b> 149:8,14 <b>megawatts</b> 148:7,11,16 168:1 <b>member</b> 24:2,7,9,18,21, 24 26:11,22 30:16 58:10,15, 17 59:3,5,9,13 63:3 74:25 78:20,21 82:3 88:23 89:2,4,7, 9,12,16,22 91:9 113:24 114:5,7, 10,12,15,20 143:20,24 144:1,5,7,10,25 145:12 146:1 154:11 162:5 <b>members</b> 6:12 7:9 9:16 10:1,6 35:20 36:5,10 39:11 66:9 68:11,21	69:1 81:5 83:2 93:8 94:24 95:9, 14 96:3,6 104:21 118:22 120:17 122:19 123:4,9 124:9, 11 125:12 135:13 150:16 154:1,16 <b>memorized</b> 110:21 <b>memory</b> 37:14 120:12 <b>mending</b> 44:2 <b>mental</b> 93:20 121:15 <b>mentioned</b> 22:2,6 23:6 37:9 52:14 53:13,18 55:6 75:19 76:6 77:7 89:24 101:14 107:20 127:21 128:19 130:5 166:21 168:10 <b>mentored</b> 133:17 <b>mentoring</b> 47:22 <b>mergers</b> 49:6 <b>met</b> 77:2,4 <b>meter</b> 64:11 <b>metering</b> 29:24 51:17 64:12 78:10,15 118:6,7 134:2 <b>Metro</b> 152:9	<b>Michael</b> 67:22 <b>Michelin</b> 145:8 <b>microphone</b> 45:7 79:18 <b>microphone's</b> 45:15 <b>Midlands</b> 82:3 <b>mike</b> 11:11 135:12 <b>mile</b> 149:6 <b>miles</b> 31:13 <b>military</b> 162:4 <b>million</b> 50:1 <b>mind</b> 70:12 77:11 94:1 110:8 113:16 119:7 129:24 135:11 160:8 <b>mine</b> 40:15 44:5 <b>minimize</b> 112:4 <b>minimum</b> 117:21 <b>Minorities</b> 81:25 <b>minutes</b> 80:1 124:10 157:7,20 <b>missed</b> 96:15 157:14,23 <b>mission</b> 75:6	<b>mistaken</b> 135:9 <b>mistakenly</b> 135:4 <b>mistakes</b> 121:22,24 <b>mix</b> 109:8 <b>mode</b> 145:17 <b>modifications</b> 162:16 <b>modified</b> 138:24 148:10 149:4 <b>modify</b> 149:7 <b>modular</b> 168:8 <b>mom</b> 117:20 120:25 121:2,4 <b>moment</b> 21:9 121:4 <b>Monday</b> 92:6 117:21 <b>money</b> 62:10 72:12 77:1 99:7 152:14,16 <b>monitor</b> 53:6 <b>monitoring</b> 53:4 <b>month</b> 35:12,13 75:17 129:12 <b>monthly</b> 62:9 <b>months</b> 29:20 30:9 35:4,
--	---	---	---	--

14 44:16,19 101:16 115:5,6 162:18 166:8 <b>Morgan</b> 80:6,7,11,17,21 81:2,6,10,13,14, 19,22,23 82:2,5, 10,24 83:1,14, 15 93:14,16,21, 25 94:16 95:24, 25 96:1,11 97:10 98:8 103:23 104:4 <b>Morgan's</b> 82:13,18 <b>morning</b> 5:2 7:2,3,20,21 11:7,8,23 12:1,2 28:13 45:2,9,11, 19,24 46:3,4 47:16 <b>morons</b> 21:7 <b>mother</b> 146:9 <b>mother's</b> 60:2 <b>motion</b> 5:5,10 6:13,18 30:12 66:6 93:5 118:17 150:11 <b>motivating</b> 48:7 <b>motorcycle</b> 32:5,25 <b>motorcycles</b> 13:9,10 32:1,12 <b>mouth</b> 42:16 117:4 <b>move</b> 30:1 35:11,15 51:16 53:22	99:10 108:7 109:8 <b>moved</b> 5:9 26:8 35:9 41:4 49:13 107:25 <b>movement</b> 53:13 <b>movie</b> 23:10 <b>moving</b> 109:5 <b>Mt</b> 8:2 <b>multiple</b> 120:14 121:11 152:3 161:12 <b>municipalities</b> 99:22 101:1 103:14 <b>municipality</b> 103:11 <b>municipally</b> 169:15 <b>music</b> 13:8 <b>mutual</b> 24:11 26:14 59:16 89:19 114:23 145:3 <hr/> <b>N</b> <hr/> <b>named</b> 67:13 68:2,7 135:6,7 <b>naming</b> 135:8 <b>narrow</b> 57:24 78:6 <b>NARUC</b> 85:9	<b>nasty</b> 32:9 <b>National</b> 40:17 85:9 <b>natural</b> 81:17 167:23,25 <b>naturally</b> 21:8 <b>nature</b> 14:2 47:11 82:22 99:4 106:9 134:19 151:21 <b>Navy</b> 77:21 <b>neat</b> 25:15 <b>necessarily</b> 113:22 <b>needed</b> 28:21 62:14,25 72:5,8 148:9 160:8 165:4,25 <b>neighbor</b> 18:21,25 <b>net</b> 29:24 78:9,15 118:6,7 <b>Newman</b> 6:20 7:2,5,11, 18,20 8:15,19 9:4 10:15,16,21 11:6 <b>news</b> 167:19 <b>newscasts</b> 52:2 <b>newspapers</b> 56:16 <b>nice</b> 88:19	<b>night</b> 28:19 37:6 92:1 127:1 161:4,12, 14 <b>nights</b> 117:18,20 <b>nominated</b> 10:18 27:8 36:24 61:23 74:23 91:5 98:16 116:6 127:15 146:16 156:9 163:24 <b>nonconforming</b> 133:10,15 <b>Nonetheless</b> 40:24 <b>nonpayment</b> 35:5,19 <b>nonsense</b> 121:17 <b>North</b> 105:13 <b>northeast</b> 167:17 <b>notable</b> 23:9 <b>note</b> 95:23 124:4 155:4 <b>noted</b> 31:5 <b>notepad</b> 125:10 <b>notes</b> 70:1 105:12,15 110:9 111:25 125:9 128:9 <b>notice</b> 37:2,8 147:11 148:24	<b>noticed</b> 23:23 40:13 <b>notification</b> 32:16 33:5,11, 19 34:4 96:13 <b>notified</b> 56:7 <b>notify</b> 160:25 <b>November</b> 20:18 31:14 <b>NRC</b> 115:23 129:4,9, 19 130:2 <b>NRC'S</b> 129:16 <b>nuclear</b> 105:3,8 107:16 115:20 120:11 128:22 129:2,8, 9 132:20 133:21 151:2,8,10 <b>number</b> 13:8 33:3 84:20, 22,25 86:4 100:21 142:15 159:7 <b>numerous</b> 5:15 <b>nuts</b> 62:17 <hr/> <b>O</b> <hr/> <b>oath</b> 7:14 11:18 45:19 <b>objection</b> 5:16 79:25 170:19,21 <b>objectives</b> 77:2
---	---	---	--	--

<b>obligated</b> 18:18	71:1 72:5 81:19 84:11,23 85:2	<b>opinion</b> 25:21 92:9,13 101:6,9,10,12	91:7 116:8 146:18	<b>ownership</b> 90:15 153:5
<b>observation</b> 99:2	99:10,18 100:9, 14 102:9,13	<b>opinions</b> 9:6 17:9 54:24 86:12 110:15 112:14 139:23 140:2 155:17	<b>organized</b> 145:15	<hr/> <b>P</b> <hr/>
<b>obtained</b> 12:7 13:25 46:9 47:9 82:20 106:7 134:17 153:4	150:5,6 169:5, 24	<b>opportunities</b> 65:17 100:6	<b>ORS</b> 85:21	<b>P-R-O-C-E-E- D-I-N-G-S</b> 5:1
<b>obvious</b> 99:1	<b>officer</b> 24:25 59:10 89:13 114:16 140:21 144:11	<b>opportunity</b> 5:24 34:14 56:9 57:20 58:9 67:1 72:22 77:16 83:3 91:1,17 92:14 102:16 107:18 108:4 130:16 136:15 140:23	<b>outage</b> 50:20	<b>p.m.</b> 170:23
<b>occasionally</b> 122:9	<b>officers</b> 143:19	<b>opposed</b> 20:18 109:7	<b>outcome</b> 9:23 36:2 68:18 95:6 106:15 123:1 154:8	<b>pace</b> 167:2
<b>occasions</b> 23:16	<b>official</b> 20:7 25:16 26:8	<b>opted</b> 119:22	<b>outlet</b> 73:9	<b>Pacheco</b> 106:24,25
<b>occur</b> 90:19 137:22	<b>officially</b> 26:5	<b>Orangeburg</b> 134:8 144:14 152:24,25 153:1 161:4 168:11	<b>outlined</b> 102:9	<b>pages</b> 9:1 13:23 40:5 47:7 82:18 106:5 134:15
<b>occurred</b> 18:16 49:7	<b>online</b> 6:10,11 28:12 51:1,19 53:1 78:11 87:5 108:11	<b>order</b> 5:4 6:5 92:14 118:9 120:21 142:12 143:14 148:5	<b>outset</b> 49:8	<b>paid</b> 35:14,15 119:23 148:22
<b>occurring</b> 78:8	<b>open</b> 96:3 119:11 120:14 121:16, 21 122:1 128:12 148:13 155:7	<b>ordered</b> 9:2 13:21 47:5 77:21 82:16 106:3 134:13	<b>outstanding</b> 67:19	<b>panel</b> 107:20
<b>Oconee</b> 105:3,8 129:2 169:12	<b>opening</b> 5:22 106:11	<b>ordinary</b> 26:16 59:17 89:20 114:25 145:4	<b>overdose</b> 121:2	<b>panels</b> 107:21 134:3
<b>October</b> 34:21 100:12	<b>openly</b> 28:17	<b>organization</b> 27:10 61:25	<b>overlap</b> 37:7	<b>paper</b> 76:19,22 157:18 166:15
<b>odd</b> 28:19	<b>operated</b> 12:21 13:1 139:13,14,16 151:6		<b>overly</b> 23:7	<b>paragraph</b> 140:14
<b>offbeat</b> 119:25 120:20	<b>operating</b> 151:15		<b>oversight</b> 102:3	<b>paralyzed</b> 32:7
<b>offensive</b> 120:3 126:12	<b>operation</b> 25:8,14 26:7 100:4		<b>overview</b> 12:3 46:5	<b>parcel</b> 74:5
<b>offer</b> 163:23	<b>operations</b> 158:25		<b>owing</b> 141:20	<b>Pardon</b> 59:25
<b>offered</b> 9:22 36:1 65:12 68:17 95:5 122:25 154:7			<b>owned</b> 146:9,10 153:8, 13,20 168:19 169:4,16	<b>parenting</b> 59:19
<b>office</b> 33:22 35:17 62:16,21 63:21			<b>owner</b> 49:15 50:16 100:23	<b>part</b> 13:24 20:4,21 21:6 43:3,13 45:23 47:8

50:24 56:17 58:6 59:20 63:6 66:24 74:5 80:15 82:19 85:24 87:15 97:13,14 106:6 113:13 117:15 118:4 121:17,23 134:16 147:17, 19 157:6 163:2 169:14 <b>parte</b> 17:22 42:4,6,7,8 55:20 56:19 57:19 58:6 73:5, 20 86:25 87:7 111:5 140:10 143:12 <b>participate</b> 55:5 56:9,20 87:3 102:20 140:23 <b>participated</b> 75:21 <b>participating</b> 96:12 <b>parties</b> 10:1 27:6 36:5 54:21 56:2,7,20 57:19 61:21 68:21 91:3,14 95:9 102:17 103:6 116:4 123:4 140:23 146:14 154:11 <b>Partners</b> 81:24 <b>parts</b> 42:23 74:3 <b>party</b> 54:5,8 55:23 56:4,6 78:24	87:8 91:16 140:18,20 <b>passed</b> 29:10 65:3 118:2 147:25 <b>past</b> 24:4 58:12 88:25 89:23 114:1,3 115:2,8 120:22 143:22 <b>pastures</b> 44:1 <b>patterned</b> 149:17 <b>paycheck</b> 115:7 <b>payer</b> 73:14 <b>payers</b> 54:13 71:5 86:6 <b>paying</b> 32:2 33:20 34:25 35:1,2 97:18 <b>PDQ</b> 13:23 47:7 48:21 82:18 105:15 106:5 119:6 134:15 135:4 <b>pedophile</b> 120:13 <b>peers</b> 22:25 43:11 <b>pencil</b> 157:11 166:15 <b>pendens</b> 152:23 153:19 <b>pending</b> 9:23 36:2 68:18 79:5 95:6 123:1 154:8	<b>Peninsula</b> 135:24 <b>penny</b> 35:16 <b>pension</b> 145:6,7 <b>people</b> 15:7 16:4,9 18:10 20:10,25 21:3,6 23:6 25:18,25 27:24 28:2 47:20,23 48:5,6,7 49:9, 10,21 50:4,6 51:2,11 57:3,4 60:13 61:1,2 62:8 63:23 64:1 67:17 108:19 109:20 110:13 120:15 121:12 167:16 <b>people's</b> 48:3 62:6 <b>perceived</b> 127:23 141:21 <b>percent</b> 21:1 139:14 166:6 <b>perception</b> 37:10 113:16 127:24 147:2 <b>perform</b> 142:3 <b>performance</b> 133:13 138:7,8, 10 <b>performed</b> 21:16 134:6 <b>performing</b> 81:16 <b>period</b> 29:7 75:15	88:18 163:20 <b>periods</b> 145:18 <b>perk</b> 39:3 <b>permanent</b> 83:14 <b>permissible</b> 58:2 <b>permit</b> 57:15 <b>permitting</b> 81:22 84:5 <b>perplexed</b> 124:24 128:2 <b>persevered</b> 121:6 <b>person</b> 18:17,22 20:9 21:9 22:7 23:17, 25 94:22 121:21 126:4 140:19,21 146:23 147:1,2 <b>personal</b> 13:13,18 14:2 46:21 47:2,11 79:3 82:6,13,22 88:18 92:9 99:12 105:19,25 106:9 113:4 134:10,19 142:2 150:24 151:23 153:5 <b>personalities</b> 121:11 <b>personality</b> 116:20 <b>personally</b> 78:19,22 79:7,8 94:18 <b>person's</b> 20:23	<b>perspective</b> 75:21 78:2 <b>Phillips</b> 67:12 <b>Phoenix</b> 12:9 <b>phone</b> 67:16 <b>photography</b> 67:16,18 <b>phrases</b> 120:10 <b>pick</b> 120:16 <b>Pickens</b> 34:22 35:8 107:7 <b>picket</b> 109:16 <b>picture</b> 88:19 98:2 <b>pictures</b> 88:8 <b>Piedmont</b> 48:14 <b>pipeline</b> 168:3,5 <b>place</b> 56:8 79:18 108:3 109:2 <b>places</b> 161:14 164:1 <b>plaintiff</b> 35:7 68:7 135:8, 10 <b>plan</b> 10:12 16:6 22:16 29:19 36:16 38:15 44:11 63:13 64:4,5 69:7 92:3
--	---	---	---	---

95:21 124:2 149:20,21,24 150:2 155:2 <b>planned</b> 167:21 <b>plans</b> 53:4 81:14 150:2 <b>plant</b> 77:14,24 78:8 129:8 162:20 164:18,20 <b>plants</b> 167:3,4 <b>plastic</b> 33:15 <b>plate</b> 31:25 <b>plates</b> 32:24 <b>platform</b> 160:25 <b>platforms</b> 60:25 <b>play</b> 41:22 51:24 62:23 102:18 <b>playing</b> 23:1,3 51:21 <b>plays</b> 78:15 <b>Pleas</b> 67:12 152:5,24 153:1 <b>Pleasant</b> 8:2 <b>pleased</b> 69:22 <b>pleasure</b> 83:4 131:5 <b>pledge</b>	9:19,22 35:23 36:1 68:14,17 95:2,5 122:22, 25 154:4,7 <b>pledges</b> 10:9 36:13 69:4 95:17 123:12,15 154:19,25 <b>PM</b> 93:11 <b>podcast</b> 119:25 120:6,9, 17,21 121:14,19 122:7,11 126:11 <b>podium</b> 30:15 66:9 93:8 118:21 150:14 <b>point</b> 22:16 26:2 41:16 58:21 78:1 85:22 102:19 118:20 156:12 159:10 163:25 <b>pointed</b> 20:24 165:23,24 166:12 <b>pointing</b> 21:3 165:11 <b>points</b> 62:6 149:15 <b>policy</b> 16:25 41:22,23, 24 52:12 70:19, 20,21 71:9,10, 12,17 92:18,19 117:25 118:1 147:23 <b>polite</b> 91:13 <b>politely</b> 87:14	<b>political</b> 9:8,13 17:12,18 19:24 22:22 23:8 27:6,15 55:2,6,12 61:21 86:15,22 91:3 110:18 111:2 112:6 116:4 139:25 140:7 142:13,14 146:14 <b>politically</b> 19:21 20:3 <b>pollution</b> 38:12 <b>popped</b> 70:12 <b>portray</b> 23:15 <b>position</b> 10:20 15:3 18:5, 23 23:10,12,25 28:1,11 29:17 40:4 48:10 54:5 55:8,10 76:3 87:25 92:15 132:23 <b>positions</b> 48:24 <b>position's</b> 122:14 <b>positive</b> 136:20 <b>positively</b> 109:5 136:22 <b>possibility</b> 83:9 <b>possibly</b> 139:2 159:14 <b>post</b> 21:5 22:1,5,11, 21 23:6,21	88:20 112:13 <b>posted</b> 6:11 21:11 <b>potential</b> 5:6 26:25 58:25 61:10 79:6 87:4 88:10,21 90:8 102:10,11 115:15,18 145:9 <b>potentially</b> 21:24 <b>power</b> 28:25 29:6 58:20 77:24 148:6,10,18 149:3,8,10 162:23 169:25 <b>practical</b> 107:22 122:9 <b>pragmatic</b> 48:2 <b>PRC</b> 104:25 115:10 <b>Precast</b> 104:25 115:10 <b>preceding</b> 115:5,6 <b>predict</b> 149:22 <b>predominantly</b> 15:23 <b>prefer</b> 7:22 80:13 <b>preference</b> 7:23 80:13,15 135:15 <b>pregnant</b> 119:21 <b>preparation</b> 96:19 99:10 <b>prepare</b>	14:6 91:25 92:4 124:21 <b>prepared</b> 37:12 100:19 102:5 147:18 <b>preparing</b> 99:9,12 <b>prescribes</b> 161:15 <b>present</b> 87:24 103:4 <b>presented</b> 75:22 100:20 <b>presenting</b> 87:8 88:2 124:19 <b>presently</b> 70:15 108:18 <b>President</b> 92:22 <b>presumption</b> 139:15 <b>pretty</b> 28:18 35:3 49:2 75:3,25 76:8 77:16 <b>prevent</b> 153:22 <b>previous</b> 26:12 39:22 59:14 66:6 89:17 93:5 114:22 115:19 118:17 145:1 150:11 <b>previously</b> 8:14 12:13 62:3 70:3 75:10 105:13 <b>price</b> 29:12
--	--	---	---	---

<b>prices</b> 167:14	<b>proceeding</b> 87:12 111:14 140:20 141:3	<b>progression</b> 49:23	153:3,6,22	15:20 16:25
<b>primarily</b> 49:1,8 57:7 64:9 65:8	<b>process</b> 6:6 11:1 38:15 45:24 55:25 56:19 63:16 106:16 118:20 119:2 127:24 130:18 133:23	<b>prohibits</b> 10:8 36:12 69:3 95:17 123:11 154:19	<b>proposals</b> 149:14	17:6 53:9 57:13 70:18,19 72:21 73:8 88:24 89:5, 10 113:25 114:8,13 138:4 143:21 144:2,8 150:4,7
<b>prior</b> 6:5 9:20 10:24 20:15 33:12 35:24 68:15 95:3 100:9 101:4 105:5 122:23 154:5	<b>processes</b> 39:20	<b>project</b> 46:11,17 47:25 48:4 49:13,15, 16,24 50:2,4 76:7 77:5,7,9,10 81:11 101:8,11 165:23	<b>proposed</b> 148:24	<b>public</b> 5:3 8:10 9:4 14:17,20 15:18 17:22 20:7 24:3, 10,22 28:7,23 29:11 41:21 47:17 48:11 50:12 51:7,24 52:20 53:19 55:21 56:16 57:12,22 58:11, 18 59:7 60:7,14 63:3 73:6,10,15 79:2 83:23 85:12,16 87:1 90:12,13 92:17 93:16 99:21 102:1 103:17 107:15,20 108:25 109:3 111:6 117:25 119:14 127:12 134:8 136:5 138:12,13 140:11 147:21 161:3,6 168:17, 20,23,24,25 169:3,5,9
<b>priority</b> 97:23 145:23 161:18	<b>proctor</b> 157:17	<b>projected</b> 80:2	<b>pros</b> 29:17	
<b>private</b> 20:8 56:5 88:14 103:12 112:17, 19 113:1,11,20 117:6 138:23	<b>produce</b> 64:21 65:14	<b>projects</b> 37:23 46:12,17 47:24 49:8,25 50:1,2 77:12 100:7,22 101:7 103:10 165:18	<b>prospective</b> 101:18	
<b>privately</b> 143:7	<b>producer</b> 148:14 149:3,8, 10,11	<b>promote</b> 84:17	<b>Prosperity</b> 135:24	
<b>pro</b> 35:11	<b>producers</b> 148:6,11	<b>promotes</b> 143:4	<b>protect</b> 71:25 72:1 151:22,23	
<b>proactive</b> 51:5	<b>product</b> 164:2	<b>promotion</b> 93:1	<b>protecting</b> 54:13	
<b>probate</b> 152:25 153:9, 10,20	<b>production</b> 77:18 136:25	<b>promulgated</b> 148:20	<b>protections</b> 25:19	
<b>problem</b> 103:8,12 127:4 128:13 129:3 135:20	<b>professional</b> 88:2 101:6 130:10 134:25 142:3 146:22	<b>promulgation</b> 109:19	<b>protocol</b> 55:25	
<b>procedure</b> 56:7	<b>profit</b> 41:17 73:4 76:13	<b>proper</b> 18:6 22:8 56:1 58:7	<b>provide</b> 48:23 66:2 72:18 77:24 84:16 85:1 119:16 120:17	
<b>procedures</b> 39:20	<b>progeny</b> 152:21	<b>properly</b> 50:25 51:1	<b>provided</b> 88:20 94:6 123:18 125:1,3 155:12,15	
<b>proceed</b> 45:23 57:5	<b>program</b> 84:22 100:18 101:19 102:3	<b>properties</b> 25:17 28:15 41:15 44:4	<b>providers</b> 54:1,2 65:12 72:1	
<b>proceeded</b> 49:5	<b>Progress</b> 169:12	<b>property</b> 44:3 105:16 144:15,21 146:8	<b>providing</b> 86:9 94:2 102:4, 5 119:8 122:16 164:1,23	
	<b>progressed</b> 49:12		<b>provision</b> 133:3	<b>publicize</b> 74:11
			<b>prudent</b> 86:7	<b>publicizing</b> 60:11
			<b>PSC</b>	<b>publicly</b> 143:6,9



<b>published</b> 13:9	129:15 130:23 170:12	45:22 46:6 47:11 63:7	<b>random</b> 120:12	52:5 55:3 63:18 69:6 74:12
<b>pulled</b> 33:25 34:6	<b>putting</b> 42:15 60:18 88:7,16 96:12 109:20	66:15,16 69:10, 14,17 70:12 79:11 82:21 83:8 95:25 96:3, 6 103:20 104:16,17 106:8 117:14 122:17 124:6 125:19,20 131:25 132:1 134:19 153:24 155:6 156:25 158:16,18 170:3,4,22	<b>range</b> 20:25 50:1	84:24,25 108:12,22 113:12,14 120:7 123:21 137:5,6, 7 159:1 167:19
<b>pulp</b> 76:19,22			<b>RANKIN</b> 30:25	
<b>punch</b> 21:9	<hr/> <b>Q</b> <hr/>		<b>rate</b> 16:14,15 29:4 41:7,8 51:13,14 52:13,22,23 54:13,19 62:7, 23 64:2 65:4 71:4 72:4 73:14 86:3,6,11 97:12 100:19 110:7,8, 10 139:8,9,11 161:6	
<b>purchased</b> 101:12	<b>qualifications</b> 5:25	<b>quickly</b> 30:9	<b>rated</b> 35:11	<b>readily</b> 28:17
<b>PURPA</b> 90:18 92:17 96:18 117:24 118:2 124:25 147:22,24,25 148:1,2,8,12,16, 19 149:3,15,18, 19	<b>qualified</b> 6:21,25 8:9	<b>quit</b> 28:9 34:25 35:1, 2 43:21	<b>rates</b> 16:18,20 65:20 81:16,21 85:18 97:18 101:3,15, 23 136:14,18 138:6,12 139:17,18 148:22 167:5	<b>reading</b> 15:16 18:9 36:15 37:18 39:22 44:12 50:8,10 52:3,10, 16 63:14,20 110:20 147:13 158:23
<b>purpose</b> 6:7 148:1,2	<b>qualify</b> 48:10	<b>quote</b> 120:2		<b>ready</b> 10:21
<b>purposes</b> 9:1 13:23 20:8 47:7 82:18 106:4 134:15	<b>qualities</b> 122:11	<hr/> <b>R</b> <hr/>	<b>real</b> 32:18	<b>realize</b> 122:8 152:17
<b>pursuant</b> 5:7,8 30:11 60:5 66:5 88:5 93:4 112:8 118:16 142:23 150:10	<b>quality</b> 49:19	<b>race</b> 27:11 62:1 91:8 116:9 146:19	<b>realized</b> 44:20 119:21 124:24 129:14	<b>reason</b> 94:11 152:18,20 157:9
<b>pursue</b> 152:18	<b>question</b> 5:23 16:12 39:15 41:20 43:24 58:5 70:17 73:13 96:13 98:1 121:18 124:9, 14,25 126:19,22 128:2 153:3 155:9 156:24,25 160:18 169:7	<b>racist</b> 112:11 113:10 120:15	<b>Ratliff</b> 106:24,25	<b>reasonable</b> 73:4 76:4 110:11 113:16 146:23 147:1,2
<b>pursuing</b> 152:19	<b>questioning</b> 82:24 106:11	<b>Rad</b> 101:11	<b>reach</b> 85:21	<b>reasoning</b> 83:6
<b>purview</b> 169:8	<b>questionnaire</b> 13:13,18 46:22 47:2 82:7,13 105:20 106:1 134:11 150:24	<b>radio</b> 56:16	<b>react</b> 136:20,22	<b>rebate</b> 118:10
<b>put</b> 22:17 37:21,22 48:25 50:25 58:5 60:25 61:3 77:19 85:9 88:8 101:13 117:3 118:8 128:10	<b>questions</b> 6:9 10:15,23 11:3,21,22 12:5 14:1,4 36:19 38:2 39:10	<b>raise</b> 5:12 16:18	<b>reaction</b> 118:4	<b>rebuild</b> 50:16,19,22
		<b>raised</b> 29:11	<b>reactor</b> 133:1	<b>recall</b> 110:21
		<b>raising</b> 158:2	<b>reactors</b> 168:9	
			<b>read</b> 6:8,9 15:10,11 16:7 17:13 19:2	

<b>recalled</b> 125:6	<b>recommend</b> 58:4 159:15	<b>reduced</b> 148:15	169:15,17,21, 22,25 170:2	<b>relating</b> 146:6
<b>receipt</b> 5:7 33:2,3	<b>recommendatio n</b> 57:18 85:2 123:23	<b>reducing</b> 166:22	<b>regulated</b> 24:3,10 28:23 53:8,12,15 58:11,18 88:24 89:5 99:21 102:1 113:25 114:8 143:21 144:2 169:9	<b>relationship</b> 16:1 43:15 76:9
<b>receive</b> 26:12,22 34:5 59:14 89:17 114:21 145:1,7	<b>recommended</b> 25:19	<b>reduction</b> 78:8		<b>relationships</b> 120:24
<b>received</b> 9:19 26:15 32:16 35:23 59:16,19 68:14 89:19,22 95:2 96:13 114:24 115:9 122:22 124:20 132:13, 18 145:3,6 154:4	<b>reconsider</b> 153:18	<b>reevaluated</b> 27:8 61:22 91:4 116:5 146:16		<b>relative</b> 52:13 67:20 94:5
	<b>reconsideration</b> 137:21 159:5	<b>refer</b> 5:21	<b>regulates</b> 53:19,20 72:21	<b>relax</b> 117:2
	<b>reconvening</b> 170:20	<b>reference</b> 128:3 130:6	<b>regulation</b> 15:21 52:21 85:17 109:1 115:22 138:5	<b>release</b> 73:7,8
	<b>record</b> 6:12 7:25 8:23 11:10 13:19 14:8 31:11 34:8, 14 36:19 47:3 48:13 67:2,4,5 69:11 80:5 82:14 83:13 94:19 95:23 106:1,21 115:8 119:13,14 124:4 127:14 134:11 135:22 155:4 156:3	<b>referenced</b> 125:2	<b>regulations</b> 129:19 149:2	<b>released</b> 10:3 36:7 68:23 95:11 123:6 154:13
<b>receiving</b> 39:16 69:24 90:5		<b>references</b> 125:1,2	<b>regulatory</b> 62:16,21 63:21 71:1 72:5 81:16, 20 83:25 84:11, 23 85:3,10 92:18 99:18 100:10,14 102:9,13 117:25 147:22 148:17	<b>relevant</b> 132:9 137:20 145:13 147:14
<b>recent</b> 23:9		<b>refers</b> 22:24		<b>reliability</b> 51:15 52:15
<b>recently</b> 13:9 23:1 50:15 106:23		<b>reflect</b> 128:6		<b>religion</b> 27:11 62:1 91:8 116:9 146:19
<b>receptions</b> 9:7,9 17:11,15 55:1,17 86:14, 18 110:17,23 139:24 140:3		<b>reflected</b> 128:11		<b>rely</b> 72:6,7
<b>recess</b> 80:4	<b>recover</b> 86:6	<b>reform</b> 148:16,19,23 149:2	<b>relate</b> 94:17,18,20	<b>remainder</b> 6:15
<b>recognize</b> 7:13,15 11:17 45:18,22 70:7 80:23 93:13 96:7 97:5 104:15 119:3 124:12 131:24 156:23	<b>recuse</b> 102:23 116:3	<b>refrain</b> 112:5 142:14	<b>related</b> 13:8 78:23 81:17 88:17,21 93:22,24 96:17 101:8 129:9 142:24 143:2	<b>remaining</b> 94:14
	<b>recusing</b> 103:7	<b>regarded</b> 20:18		<b>remanded</b> 102:15
	<b>redacted</b> 13:20 47:4 82:15 106:2 134:12	<b>registered</b> 8:5 14:12,14 25:10 48:16,18 83:17,19 107:9, 11 134:24 135:25 136:2 151:19	<b>relates</b> 17:22 49:21 55:21 87:1 92:20 111:6 140:11 141:25 146:8	<b>Remax</b> 152:9
	<b>reduce</b> 121:15 136:8,9, 15,24 167:1	<b>regular</b> 53:22 115:1		<b>remember</b> 15:17 17:13,24 18:4,9 19:2,17 22:25 29:21 36:15 44:12 67:16 110:20 156:7 157:5
		<b>regulate</b> 53:20 148:18		

158:1,4	<b>reportable</b>	<b>requests</b>	<b>resources</b>	<b>resurfaces</b>
<b>remind</b>	31:13	6:2 55:24 70:24	51:19 52:25	64:16
157:17	<b>reported</b>	<b>require</b>	65:18 78:11	<b>retired</b>
<b>reminder</b>	94:17 119:6,24	128:8 145:17	118:11,12,14,15	58:19,22
6:12	165:5	146:13 167:3,4	148:22 167:12	<b>retirements</b>
<b>removed</b>	<b>reporter</b>	<b>required</b>	<b>respect</b>	101:21
93:9	7:14 11:18	137:21 146:2	5:25 126:17	<b>retribution</b>
<b>renewable</b>	45:18 80:19	148:12 160:10	<b>respondent</b>	141:20
24:21 51:18	104:10 131:20	161:14 166:10,	152:23	<b>return</b>
59:6 78:11 89:9	<b>reports</b>	15	<b>responding</b>	41:9,10 97:12
114:12 118:14	81:14 129:20	<b>requirement</b>	45:13 158:16	<b>returns</b>
144:7 148:21	133:16	97:17	<b>response</b>	41:14
149:11,13	<b>represent</b>	<b>requirements</b>	38:25 120:17	<b>revenue</b>
<b>renewables</b>	117:17	142:20 150:1	147:25	97:17
96:17	<b>representative</b>	<b>requires</b>	<b>responsibilities</b>	<b>review</b>
<b>rent</b>	5:9,11,14 18:12	144:21	99:15 102:12	5:3 6:1 8:9,15
35:2,5,19 60:3	19:1 31:1 39:12,	<b>reread</b>	113:17 161:18	9:6 17:10 42:11,
144:14,20	13 40:8,10,12	39:24	162:13 163:14	15 54:25 66:21
<b>rental</b>	44:23 69:17,21	<b>research</b>	<b>responsibility</b>	85:1,6,8 86:13
25:5,6,17 26:1	70:5,8,10 74:18	128:9,14	50:22 72:19	93:16 110:16
28:15 41:15	96:7,8,10 97:7,9	<b>researches</b>	162:19,21 163:3	120:6 123:25
44:3 59:24 60:1,	98:10,24	12:14	165:18,19	139:23 160:6
2 144:24	124:13,15,17	<b>residence</b>	<b>responsible</b>	169:23 170:1
151:20,22,24,25	125:11,14,16	146:7	15:3 49:15,24	<b>reviewed</b>
<b>rentals</b>	127:21 153:6	<b>residential</b>	50:3 133:7,13,	100:19
13:6 25:6,13	158:10,12	13:6	18 155:14	<b>reviewing</b>
26:6,17 37:20	161:25	<b>residents</b>	162:16 163:3	86:11 155:14
<b>repeat</b>	<b>representing</b>	160:25	<b>rest</b>	<b>reviews</b>
19:9 76:24	19:22 20:10	<b>resign</b>	104:20	55:23
<b>replace</b>	27:23 28:1,2,3	96:25 145:24	<b>restoring</b>	<b>revised</b>
31:23	<b>reptilians</b>	<b>resilient</b>	25:7	137:18
<b>replacement</b>	120:15	121:12	<b>restraining</b>	<b>revisited</b>
133:23	<b>reputation</b>	<b>resolve</b>	60:11	65:1
<b>report</b>	141:22	145:23 159:23	<b>restructuring</b>	<b>Richard</b>
10:3,10 18:15,	<b>request</b>	<b>resolved</b>	101:22	48:14 67:13,22
18,19 31:10	8:22 13:17	153:23	<b>restudied</b>	68:2,7
36:7,14 68:10,	30:12 47:1	<b>resource</b>	40:6	<b>Richland</b>
23 69:5 95:11,	82:12 87:7	29:19 44:11	<b>result</b>	152:5
18 111:17	105:25 134:10	51:16 64:4,5	58:22 137:20	<b>rid</b>
123:6,13 152:2	137:21 150:9	136:17 149:20,	<b>results</b>	90:16
154:13,20	153:17 155:9	24 150:2	60:19 137:12	<b>risk</b>
	159:4			

112:5 142:6,8,9 <b>River</b> 133:21 145:8 151:5,6,7,8,10 <b>road</b> 14:9 33:7 <b>Robert</b> 6:20 7:11,18 <b>rock</b> 131:7 <b>ROE</b> 41:9 <b>ROI</b> 41:10 <b>role</b> 12:14 15:20 17:5 25:12 41:21 51:22 52:20 54:4,6,11 70:18 71:25 85:16,24 87:16 88:17 92:18 101:19 102:18 108:25 109:11, 23 110:1 117:25 118:3 138:4,15, 21,24 147:23 156:12,19 167:8 <b>roles</b> 41:22 72:6 <b>roll</b> 25:13 <b>roughly</b> 126:23 <b>Rowing</b> 12:10 <b>rule</b> 10:8 17:21 34:22 36:12 55:20 69:3 86:25 95:16 111:5,8 123:11	140:10,13,15,16 142:16 148:24 149:5,7 154:18, 23,24 <b>ruled</b> 153:14,20 <b>rules</b> 22:4,13,14 91:19 92:8 113:8 129:17 147:5 148:20,25 149:16,18 <b>ruling</b> 128:8 <b>run</b> 32:9 <b>Rural</b> 81:11 <b>rush</b> 157:8 <hr/> <b>S</b> <hr/> <b>S.C.</b> 81:23 93:20 <b>safe</b> 45:6 79:13 104:1 130:20 170:8 <b>safety</b> 20:19 22:2,3,4 129:9 <b>sake</b> 39:4 <b>salaries</b> 26:19,23 <b>salary</b> 59:19 <b>sale</b> 152:14 <b>Sales</b> 67:13	<b>Sandifer</b> 5:9,11 40:9,10, 12 44:23,24 70:7,8,10 74:18, 20 78:17 97:6,7, 9 98:10 125:13, 14,16 158:9,10, 12 161:25 162:1 <b>Santee</b> 150:5 169:2 <b>sat</b> 32:8 <b>satisfaction</b> 84:13 <b>satisfied</b> 76:25 85:21,22 137:25 <b>Savannah</b> 133:21 145:7 151:2,5,6,7,8,9, 10 <b>scary</b> 121:21 <b>SCE&amp;G</b> 137:19 144:4 159:3 <b>scenarios</b> 149:25 <b>scenery</b> 88:19 <b>scenes</b> 165:9 <b>schedule</b> 6:23 28:5,9,16, 17 63:12 74:25 91:22,24 92:3 117:12 147:8 161:10 162:11 164:19,21,24 165:11 <b>scheduled</b> 10:17 36:23	98:17 127:13 <b>schedules</b> 28:15,19 <b>school</b> 22:25 43:11 <b>Schools</b> 105:11 <b>school's</b> 38:21 <b>science</b> 12:8,9 46:9 81:25 104:23 132:13 <b>scientology</b> 120:14 <b>scope</b> 48:25 49:21 76:2 <b>score</b> 37:9 39:17 69:22 75:19 96:13,14 124:20 157:3,15 <b>scored</b> 95:24 124:5 155:5 <b>Scott</b> 121:8 <b>scratch</b> 40:2 <b>screen</b> 5:13 32:20 36:7 69:16 131:16 156:24 158:8 170:4 <b>screened</b> 6:4 <b>screening</b> 6:3,5,10,22 8:10 9:10,14,24 10:3 30:22 36:3 45:23 66:21	68:19,23 80:15 95:7,11 104:10 119:2 123:2,6 131:21 150:22 154:9,13 170:7, 18 <b>screenings</b> 6:11 <b>search</b> 120:5 <b>seat</b> 126:4 <b>seats</b> 8:10 127:13 <b>seconded</b> 5:16 <b>Secretary</b> 25:9 151:18 <b>secrets</b> 120:11 <b>section</b> 5:7,8 71:12 113:14 <b>sector</b> 83:25 <b>secure</b> 100:25 <b>security</b> 35:14 39:1 <b>seeking</b> 10:9 36:13 69:4 95:17 123:12,15 139:12 154:19 <b>sees</b> 126:11 <b>segphase</b> 162:22 <b>selected</b> 96:23 <b>semester</b> 38:6 39:3
--	---	--	---	---

<b>SENATOR</b> 5:2,10,15,20 7:3,7,12,15 9:2 10:16,22 11:7,9, 15,20 13:21 30:14,20 31:5 36:22 39:9 40:9 44:24 45:6,9,13, 21 47:5 66:7,15, 19 69:13 70:5 74:19,22 79:10, 16,21,25 80:6,9, 18,22 82:16 93:7,12 96:2 97:4 98:12,14 103:19 104:1,5, 9,15 106:3 118:19 119:1 124:8 125:11 127:9,11 130:14,19,24 131:3,5,8,10,18, 24 134:13 135:15,18 144:17 150:12, 16,19 155:7,20, 24 156:2,5,8,18, 21 157:2 158:8 162:1,3 170:3, 10,15,17 <b>sending</b> 98:2 <b>senior</b> 99:24 105:7 <b>sense</b> 53:5 100:24 141:20 169:1 <b>sensitive</b> 23:7 <b>separate</b> 20:8 99:11 101:10	<b>September</b> 10:17 36:24 74:24 75:1 98:17,19 127:13 156:11 <b>sequestration</b> 6:7 <b>sequestered</b> 6:5 <b>serve</b> 6:1 10:12 15:20 28:4 36:16 45:3 47:17 51:11 52:20 54:7 63:11 69:7 79:12 85:16 91:21 95:21 96:23 103:21 108:25 109:2 117:11 124:2 126:13 138:4 145:14 147:7 155:2 <b>served</b> 40:17 81:20,22 82:1,2 <b>serves</b> 17:6 81:23 <b>service</b> 5:3 8:10 14:18 17:23 24:3,10, 22 28:23 41:21 47:17 48:11 50:12 51:8,25 52:20 53:19 54:1 55:21 58:11,18 59:7 63:4 83:23 84:10,15,17 85:12,16 86:8,9 87:1 90:12,14 99:21 101:13,17	102:2 103:17 107:15,20 108:25 111:6 127:12 136:6 140:11 162:4 169:3,6,9 <b>services</b> 53:14,16 <b>Servicing</b> 94:16 <b>serving</b> 14:17 51:7 56:11 81:12 83:9,23 87:10 91:18 107:14 109:24 111:12 116:16,19 136:5 140:25 <b>session</b> 5:6,18,19,20 6:14,17 14:3 30:13,15,19,21 47:12 66:5,8,18, 19,20 73:14 82:23 93:6,11, 12 106:10 118:18,23,25 119:2,11 134:20 150:10,13,18, 20,21 <b>set</b> 28:9,14,16 74:24 85:18 122:4 138:12 164:21 <b>sets</b> 16:25 71:9,10, 12,13,17 134:5 <b>settle</b> 85:20 <b>settled</b> 94:12	<b>severe</b> 77:19 121:9 <b>shape</b> 21:15 <b>share</b> 14:23 90:23,24 102:16 121:14 127:25 <b>shared</b> 6:3 88:11 <b>sharing</b> 83:6 <b>Shaw</b> 163:10 <b>Shaw's</b> 163:11 <b>sheet</b> 128:4 <b>She'll</b> 66:15 <b>she's</b> 105:15 <b>shift</b> 28:20 <b>shifts</b> 28:20 <b>ship</b> 166:11 <b>shocked</b> 121:25 <b>shoes</b> 131:4 <b>shootings</b> 22:5,20 <b>shop</b> 21:2 <b>shops</b> 21:1 <b>short</b> 129:5 141:18,24 147:11	<b>shortening</b> 159:23 <b>shot</b> 22:6,9,13 108:6 <b>shoulder</b> 43:12 <b>shouldn't</b> 23:8 112:10 <b>showed</b> 93:16 101:7 <b>shows</b> 34:8 <b>side</b> 50:5,6 51:17,21 65:6,7,14 101:9 114:18 115:22 136:21,23 <b>sides</b> 16:11 49:18 <b>sign</b> 155:23 <b>signature</b> 156:5 <b>signed</b> 92:22 152:13 155:11 <b>significant</b> 77:8 <b>silly</b> 43:9,14 116:25 <b>similar</b> 50:9 93:18 <b>simple</b> 153:8,12,21 <b>simply</b> 145:24 <b>singing</b> 116:25 <b>single</b> 120:25 121:4 <b>sir</b>
--	--	--	---	---

7:14 10:22 11:13 16:16 25:3 31:20 43:24 64:6 80:18 83:1,12, 18,24 86:1,17, 21,24 87:20 89:1,6,11,15 90:6,10 91:6,9 93:3 94:23 95:1, 4,8,12,15,20 98:3,5 100:12, 17 102:25 103:18,23 111:1 131:9 159:1,21 161:24 162:10 166:25	<b>SLED</b> 14:1 31:10 47:10 66:25 67:4 68:9 82:21 106:8 134:18 152:2 <b>slew</b> 64:23 <b>small</b> 13:5 25:18 144:13,20 145:7 148:3,6,10,14 149:3,8,10,12 168:8 <b>smaller</b> 129:13 148:6,13 <b>smart</b> 130:3 <b>Snyder</b> 67:22 <b>social</b> 19:18,19 20:7 21:17 42:25 43:1 60:5,18,19, 22 61:1,8 74:10 78:17,19,20 88:4,12,13 97:25 112:8,10, 16 113:1,3,20 142:23 143:1,6, 16 160:18,19, 21,24 <b>solar</b> 52:25 64:8,11 137:15 138:1 159:2 <b>sold</b> 33:12 153:22 <b>solely</b> 97:1 <b>solicitor's</b> 35:17	<b>Solutions</b> 133:21 151:2,8, 11 <b>solve</b> 166:15 <b>son</b> 40:16 108:1 115:12 119:21 <b>sought</b> 9:19,22 35:23 36:1 68:14,17 95:2,5 122:22, 25 154:4,7,25 <b>sound</b> 25:16 40:20 122:8 <b>sounds</b> 45:17 <b>source</b> 109:17 149:11 <b>sources</b> 64:8 149:13 <b>South</b> 8:2 14:10 22:12 25:23 48:15 68:1 81:7,12 83:16 84:3,4 92:18 107:7,18 108:1 109:4 118:1 127:2 130:9 132:19 134:25 135:24 136:7 137:15,16 145:6 147:23 151:18 159:3 162:5 163:17 167:20 168:6 <b>Southeast</b> 81:11 <b>spark</b> 31:2	<b>Spartan</b> 31:1 <b>Spartanburg</b> 69:18 <b>speak</b> 19:6 131:11 144:18 <b>speaking</b> 64:9 90:21 92:8 115:1 <b>special</b> 161:4 <b>specialist</b> 12:11 59:19 <b>specialists</b> 72:17 <b>specific</b> 52:13 161:16,19 <b>specifically</b> 109:23 <b>specifications</b> 132:25 164:3,4 165:3 <b>speech</b> 112:12 113:7 <b>speed</b> 15:14 52:8,19 85:5,12,15 96:15 108:14 109:15 137:9 158:19,21,24 <b>speeding</b> 31:12 <b>spend</b> 63:13,14 <b>spending</b> 129:19 <b>spent</b> 76:18 151:12 <b>spiel</b> 66:14	<b>spring</b> 38:9 <b>stability</b> 72:22 <b>stabilize</b> 167:14 <b>staff</b> 7:15 11:20 62:16,21 63:21 71:2 72:5 80:23 81:20 84:11,23 85:3,12 99:18 100:10,15 102:9,13 <b>stake</b> 16:23 163:5 <b>stand</b> 170:19,21 <b>standard</b> 6:2 <b>standards</b> 138:7,8 141:23 <b>standby</b> 134:5 <b>standpoint</b> 45:16 48:10 76:11 77:11 100:15 103:5 127:22,25 166:21 <b>stands</b> 153:18 <b>start</b> 41:17 54:6 75:14,16,18 80:23 94:5 96:4 98:18 <b>started</b> 6:19 25:21 37:17 58:1 106:23 107:17 125:3
---	---	---	--	--

<b>starting</b> 96:5 152:3	113:20 118:20 130:20 147:13 150:14 170:8	<b>students</b> 14:24	<b>submitting</b> 9:14 17:16,19 20:16 55:17 86:19,23 110:24 111:3 140:4,8	<b>supervision</b> 138:11 165:10 166:14
<b>state</b> 7:8,25 11:10 14:7 15:1 16:4,6 19:8,11 25:22 28:3 38:14 48:12 52:12 56:22 71:5,14 74:15 77:17 81:12 83:12 84:3,8,9 87:19 99:19,22 106:20 107:6 108:6 109:8 111:21 115:25 127:2 130:9 131:12,14 135:21 141:10 145:6,12 151:18 161:1,13 162:5, 7 167:1,6,17,18 169:4,14	<b>steel</b> 133:3 167:3 <b>step</b> 38:19 135:12 150:17 162:23 <b>sticking</b> 116:13 <b>stigma</b> 121:15 <b>stock</b> 24:7,19 58:15, 21 59:4 89:2,7 90:11,15 114:6, 10 143:24 144:4,5 <b>stocks</b> 90:1 <b>stop</b> 111:16 165:17	<b>studied</b> 17:3 30:8 44:15 75:24 157:14,23 158:5 <b>studio</b> 67:18 <b>study</b> 37:13,25 40:1,2 44:21 52:19 108:16 <b>studying</b> 38:4 63:14 <b>stuff</b> 19:2 30:8 39:1 98:25 107:21 108:24 113:7,21 129:20,21 <b>stumbled</b> 22:9 <b>stupid</b> 21:10 <b>subject</b> 19:7,10 56:21 87:18 111:20 112:23 141:6,9 163:24 <b>submit</b> 8:12 150:4,5,6 169:23,24 <b>submitted</b> 8:14,15 10:10 13:13,15 21:11 29:9 36:14 46:22,24 55:13 56:1 69:5 82:7, 9,11 85:2 95:18 105:20,22 107:4 123:13 150:24 154:20	<b>subsequently</b> 157:13 <b>subsidization</b> 65:21,23 <b>substantial</b> 8:13,17 <b>substantially</b> 93:17 <b>substantive</b> 8:13,17 <b>substitute</b> 105:11 <b>success</b> 49:16 <b>successful</b> 48:1 <b>suffered</b> 121:8 <b>suggested</b> 75:24 <b>suggesting</b> 160:13 <b>suits</b> 151:24 <b>summarize</b> 81:4 104:20 132:8 <b>summer</b> 38:12,20 132:22 162:12,14 <b>summers</b> 134:7 136:11 <b>Summons</b> 152:8 <b>supervise</b> 138:6,13	<b>supervisor</b> 166:2 <b>supplied</b> 168:7 <b>supply</b> 136:21,23 <b>support</b> 9:23 36:2 68:18 95:6 123:1 154:8 162:17 <b>supposed</b> 18:4,10,11 42:11 63:10 117:16 <b>supremacy</b> 23:2 <b>Supreme</b> 102:15 <b>surety</b> 29:7 <b>surrounding</b> 94:2 119:9 139:4 152:6 <b>suspected</b> 121:2 <b>suspended</b> 32:18,22 34:17 <b>suspension</b> 31:16,18,19 32:17 34:4,5,11 <b>swear</b> 80:19 104:10 131:20 <b>switch</b> 77:14 <b>switchgear</b> 133:8,11,18 162:20 163:6 165:18

<b>switching</b> 166:20	109:19 166:2	49:9 81:16	37:20 168:2	<b>tested</b> 44:20 166:11
<b>Switzerland</b> 166:11	<b>talked</b> 20:15 42:25	<b>technical</b> 13:4 26:20	<b>tenants</b> 21:18	<b>testified</b> 84:21 100:21
<b>SWORN</b> 7:17 11:19	56:17 62:14	47:18 48:6 50:5,	<b>tend</b> 107:22	<b>testimonies</b> 102:5
45:20 80:20	98:24 126:22	13,15 82:3	<b>tenure</b> 100:15 166:10	<b>testimony</b> 80:19 100:19,20
104:13 131:23	<b>talking</b> 45:5 62:7 99:14	100:5	<b>term</b> 10:12 29:24	102:4
<b>symbol</b> 23:2	115:3 160:12	<b>technically</b> 32:14	36:16 41:1	<b>testing</b> 12:15 13:2
<b>system</b> 12:22 13:1	<b>talks</b> 39:1	<b>technician</b> 12:21,23,25	44:10 65:6,20,	133:11,16
29:15 103:11	<b>tank</b> 32:9	<b>technologies</b> 54:3	24 69:7 95:21	<b>tests</b> 38:4
132:24 134:9	<b>tape</b> 158:23	<b>technology</b> 54:20	124:2 126:7	<b>thankful</b> 34:6
<b>systems</b> 12:19 38:13	<b>target</b> 22:18	<b>Ted</b> 40:16,23	155:2,3 159:6	<b>that'll</b> 149:4
53:11 101:2	<b>tariffs</b> 148:13	<b>Teddy</b> 40:16,22	167:23	<b>that's</b> 10:23 18:2
135:2	<b>task</b> 92:1	<b>teens</b> 121:4	<b>terminology</b> 149:18 157:24	28:18 34:1,9
<hr/>	<b>taste</b> 113:22	<b>teeth</b> 20:23	<b>terms</b> 97:24 99:7,13	35:9 38:18,24
<b>T</b>	<b>taught</b> 38:18	<b>telecasts</b> 60:15	109:9 110:10	39:21 40:24
<hr/>	<b>Tax</b> 68:1	<b>telecom</b> 51:21 53:12,21	112:9 113:7,9	41:1,18 42:2
<b>table</b> 157:6,11	<b>taxes</b> 32:2 33:20	<b>telecommunicati</b> <b>ons</b> 29:1	116:18,20	43:3,21 44:8
<b>tag</b> 32:10,14 33:2,6,	<b>taxi</b> 29:2	<b>telephone</b> 53:25 109:9	158:2,4	46:25 52:4,19
9,13,14,15,21	<b>teach</b> 28:12 38:6,23	163:4	<b>territories</b> 85:19	54:14,18 56:1
<b>tags</b> 32:12,15 33:6	39:3 40:3	<b>tells</b> 21:4	<b>Terry</b> 11:14,25 14:9	57:12,21 58:5,8
<b>takes</b> 32:21 52:10	<b>teacher</b> 14:21 105:11	<b>temporary</b> 34:11	34:20 35:6	59:23 60:13
64:20 118:9	<b>teaching</b> 13:4 14:19	<b>ten</b> 31:12 32:24	<b>test</b> 7:9 11:11 19:17	61:4 64:15 65:1
<b>taking</b> 11:4 37:17 39:4,	28:12,13 30:6	33:1 50:19	29:25 36:20	67:24 71:14,15,
5 66:11 70:25	37:17 38:9,10,	157:20	37:9,10,11,15	17 73:23,25
75:21 80:1	13,19,21 82:4	<b>tenant</b>	39:16 69:12	74:5,12 76:19
101:1 108:18	<b>team</b>		75:19,21,22	78:12 79:3
132:15			76:4 95:24	83:15,21 85:9
<b>talk</b> 18:1,5,10,13			98:25 99:2,3,5,	87:5 90:5,11
38:4 42:14			13 124:5,22,23	92:15 94:20
44:15 56:12			125:4,6 127:21,	97:17,22 98:10,
57:11 97:19			24 128:6,10,12	20 99:6,12
			155:5 157:3,4,7,	107:25 113:11
			13,21,22 166:16	115:3,23
				116:22,23 121:7



125:8 126:19 128:17 129:21 130:2 136:9 139:20 140:14 141:17,24 142:16 143:8 144:6 146:12 149:14,21 153:18 155:10 156:18 159:6, 19,25 160:4,9, 12,16,23 161:9 164:25 165:17 169:3,13,15 <b>themes</b> 120:2 <b>themselves</b> 88:2 <b>therapy</b> 121:17 <b>there's</b> 15:2,16 21:5,21 24:14 26:10 28:7,16 29:12 37:3,6 43:23 44:25 50:10 51:12,14,15 54:1 60:11,24 64:23 75:23 76:20 77:25 78:6 102:14,16 108:20 111:9 112:18 113:21 117:1 146:9 148:19,23 149:4 152:8,21 168:1 169:13 <b>they're</b> 49:12 56:8 62:24 63:6 64:11 65:8,9 70:25 73:1 85:22 118:10	120:8 131:12 136:17 152:1 161:3 164:4 169:1 <b>thing</b> 18:9 21:17 41:12 42:5 51:20 58:19 67:5 79:3 112:12 115:25 128:5 130:5 142:8,10 159:22 165:16 <b>things</b> 14:23 15:3 21:20 23:16 30:5 32:9 38:4 41:8 42:19 43:16 44:14,16 48:1,9 49:6,7,19 50:11,24 51:4,6, 19 53:6 60:16, 18 63:8 64:2,17, 23 72:17 74:11 75:20 76:2 79:1 86:10 90:1 96:15 99:3 108:17,22 110:11,22 112:18 116:24 123:20 126:7 127:22 129:4,8, 10,15 144:22 158:24 160:8,19 165:11,12,22 <b>thinking</b> 121:18 143:10 152:17 <b>Thomas</b> 11:14,25 14:9 25:10 <b>thought</b> 23:13 25:15	37:14 43:9,13 71:19 99:5 125:8 128:4,17 135:6 152:13,15 157:10 160:8 <b>thoughts</b> 99:3 157:4,5,14 166:24 <b>threat</b> 32:17 34:4 <b>threshold</b> 148:8,15 149:9 <b>throat</b> 20:23 <b>thumbs</b> 11:15 131:19 <b>Thursday</b> 6:15 <b>ticket</b> 31:12 <b>tie</b> 118:14 <b>time</b> 6:24 7:1 10:19 11:3,4 18:6 20:9 22:10 28:12 29:8 30:11 32:1 33:4,22 36:25 37:4,15,25 38:1 43:18,25 44:7, 17 50:20 51:1 59:20 63:14 64:16 66:4,8,12 75:3,11,13,15 76:6,18 78:5 79:11 80:2 92:5 93:4,7,18 94:5, 8,9 96:20,21 99:11,20 103:24 110:13 116:24 117:13,15,22 118:16 120:7	122:3 126:4,24 127:15,18 129:21 130:14 134:9 144:3 145:17 146:2,13 147:17,18,20 148:17,23 150:9,13 152:15 155:18,21 157:17,19 159:23 160:10 161:16,22 163:20 165:4 166:6,9,12 170:7 <b>times</b> 27:19,20 62:19 63:2,5 65:1 88:3 125:21 126:25 130:25 131:13 147:5,6 159:2 <b>Tire</b> 145:8 <b>titles</b> 120:7,8 <b>today</b> 5:22 6:15,20,23 8:6 11:5 31:2 35:24 45:4 53:24 65:25 66:12 68:15 70:11 79:12 83:5 96:11 104:11 124:18 125:17 <b>told</b> 29:21 <b>tomorrow</b> 6:15 <b>Tompkins</b> 94:1 <b>toned</b>	116:21 <b>tools</b> 85:11 <b>topic</b> 39:6 116:13 <b>topics</b> 13:8 <b>total</b> 128:23,24 169:13 <b>totaled</b> 31:22 32:11 <b>touched</b> 27:14 62:3 <b>town</b> 41:4 <b>tracing</b> 133:24 <b>training</b> 105:9 <b>transcript</b> 6:10 <b>transferred</b> 33:13 <b>transformers</b> 162:24 <b>transmits</b> 168:22 <b>Transportation</b> 105:14 <b>trash</b> 45:7 79:18 104:3 <b>trashed</b> 35:3 <b>trauma</b> 120:24 <b>travel</b> 117:17 161:14 <b>traveling</b> 28:8
---	---	--	--	--

<b>treasurer's</b> 33:22	<b>turning</b> 41:17	62:6,11,12,15, 20,21 63:18,19, 23 64:24 65:16, 19 70:19 71:2,3, 23 72:3,12,15 75:8,10 78:18 84:7,12 99:14, 15 121:24 126:6 160:11 164:7 165:22	<b>unloaded</b> 21:2	<b>utility</b> 18:25 24:3,9 58:11,17 62:12 64:7 65:12 66:1 77:17,25 81:15, 21 83:25 84:15 85:10 86:5 88:24 89:4 92:10,18 100:23 101:3,15,23 103:13 113:25 114:8 117:25 118:7 139:10, 12,13,18 143:21 144:1 147:22 149:21 168:17, 18,19,21,23,24 169:1,4
<b>treasury</b> 33:18	<b>TV</b> 56:16		<b>unquote</b> 120:5	92:10,18 100:23 101:3,15,23 103:13 113:25 114:8 117:25 118:7 139:10, 12,13,18 143:21 144:1 147:22 149:21 168:17, 18,19,21,23,24 169:1,4
<b>treat</b> 22:14 88:15	<b>Twitter</b> 61:5 79:1		<b>upcoming</b> 61:6	<b>utilize</b> 160:24
<b>treatment</b> 133:20	<b>type</b> 10:18 25:25 53:22 62:10 74:24 110:22 115:24 127:15 128:12 143:16 154:25 155:1	<b>understanding</b> 15:22 47:16,23 48:6 49:21,22 50:8,10 52:16 71:3,6 84:14,15 91:23	<b>updating</b> 134:9	<b>utilized</b> 94:9
<b>tree</b> 168:10		<b>understandings</b> 52:23	<b>uphold</b> 112:1 141:7,16	<b>UWASA</b> 12:25
<b>tricky</b> 110:14		<b>understands</b> 50:3 60:7	<b>upper</b> 169:14	
<b>trigger</b> 22:8,17	<b>Tyrone</b> 34:21	<b>understood</b> 42:17 54:22 160:20	<b>upstate</b> 22:11	<b>V</b>
<b>Triplett</b> 132:3,5,11 134:16 150:9 155:4 158:18	<b>U</b>	<b>undertake</b> 52:15 75:6 79:4	<b>urge</b> 20:22	
<b>trips</b> 126:24	<b>U.S.</b> 68:5	<b>unholstered</b> 21:1	<b>URS</b> 133:18	<b>V.C.</b> 132:22 162:12, 14
<b>troubleshooting</b> 134:3	<b>uh-</b> 32:20	<b>unique</b> 109:8	<b>usage</b> 88:13 113:1	<b>vacate</b> 34:22
<b>trucking</b> 72:20	<b>Uh-huh</b> 71:11 109:25 122:18 125:24 126:9	<b>unit</b> 167:25	<b>USC</b> 81:23	<b>varied</b> 84:18
<b>true</b> 25:23 50:11	<b>ultimate</b> 137:7	<b>units</b> 132:22 167:22, 24	<b>user</b> 66:2	<b>vegetation</b> 144:16
<b>trust</b> 80:10	<b>Ultimately</b> 102:22	<b>unity</b> 16:2	<b>users</b> 65:8,15	<b>vehicles</b> 26:9 33:7
<b>truth</b> 122:4,5	<b>unanimous</b> 5:17	<b>University</b> 12:8,10 46:9 81:7,9,24 104:22 132:11, 17,19	<b>utilities</b> 15:21,24 16:4 52:21 53:3 62:23 65:14 70:25 72:20 78:9 81:18 84:9, 16 85:17,19,20 97:14,16 101:25 109:1 110:13 133:25 134:2,8 136:19 138:5,7, 11,13 148:3,4,6, 12,13 149:24,25 150:3,4 168:20 169:1,10,19,20	<b>vendor</b> 50:16,21
<b>turbine</b> 50:17 77:7,20, 23	<b>unbiased</b> 19:22			<b>venue</b> 105:16 114:18
<b>turbines</b> 12:15	<b>unblackmailable</b> 122:2			
<b>turn</b> 31:25 32:11 38:2	<b>unchallenging</b> 121:7			
<b>turned</b> 32:10,14,24 33:4,16,19	<b>understand</b> 43:18 48:3 49:10 50:5,6 52:12,24 53:1			

<b>verbiage</b> 22:23	<b>vote</b> 14:15 29:9 48:19 83:20 107:12 136:3	77:3 103:11 125:1 128:3 137:20 152:18 164:25	<b>websites</b> 21:21 <b>Webster</b> 81:9	4,14,16,22 45:23 66:10,16, 21 69:15 80:3, 18 93:8 96:2 104:9 114:19 119:16 124:8 131:20,25 150:16 155:7
<b>verse</b> 122:3			<b>wedding</b> 105:16 114:18 <b>Wednesday</b> 156:18	<b>we're</b> 5:22 16:2,3 30:20 31:9 67:8 70:12 73:2 93:12 106:25 118:19 119:1,11 148:2 150:19
<b>versus</b> 18:25 85:25 88:14 109:12 112:17 117:7 138:15 143:7 152:9	<b>voter</b> 8:5 14:12 48:16 83:17 107:9 135:25 <b>voting's</b> 55:8	<b>waste</b> 29:1 53:11 62:13 81:18 97:16 100:3,18 101:7,11,20,24 102:3 133:20 159:8,9,11 170:12	<b>week</b> 6:25 28:18 37:2, 8,16,18,22 75:3, 4,17 98:23 117:19 128:13 147:9 161:11 167:19	
<b>video</b> 15:16 158:23	<hr/> <b>W</b> <hr/>	<b>wastewater</b> 12:22,23	<b>weekday</b> 156:15 <b>weekend</b> 28:20 <b>weekends</b> 92:7 <b>weekly</b> 133:8,14 163:4 <b>weeks</b> 35:12 75:17 144:22 <b>weigh</b> 29:17 72:2 <b>weird</b> 23:16 <b>wells</b> 101:8 <b>weren't</b> 18:10 29:8 <b>Westinghouse</b> 163:13,15 <b>we'd</b> 16:18,21,22 170:12 <b>we'll</b> 11:21 12:4 30:1,	
<b>videos</b> 15:12,18 39:24	<b>wait</b> 25:2 130:1 <b>Walhalla</b> 107:7 <b>walk</b> 67:8 <b>walking</b> 22:7 <b>wall</b> 133:3 <b>wanted</b> 11:1 33:14 34:13 57:11 101:9,12 103:15 128:10 156:2 <b>wanting</b> 18:1 23:18 56:12 87:11 111:13 141:1 <b>Ware</b> 83:15 <b>warmer</b> 136:12 <b>Washington</b> 77:17 151:7,9 <b>wasn't</b> 19:13 29:9 31:22 34:6 35:2 37:12,13 44:19	<b>watch</b> 49:20 <b>watched</b> 15:12 29:5 108:11 <b>watching</b> 15:16 39:23 64:1 <b>water</b> 24:18 28:25 29:1 53:10,11 62:13 81:18 97:15,16 100:3, 4,18 101:19,20, 24 102:3 159:8, 9,11 <b>waving</b> 21:2 <b>ways</b> 20:21 21:18 90:16 160:13 <b>web</b> 120:9 <b>website</b> 15:13,19 21:21, 23 23:22 25:9 120:6,9		<b>we've</b> 20:15 28:25 31:24 37:5 73:4 99:24 109:9 150:12 167:15, 17 <b>whatnot</b> 118:10 <b>whatsoever</b> 32:16 34:4 <b>what's</b> 16:3 22:19 29:18 50:3 51:3 52:24 53:2 57:20,24 62:24 63:14 79:3 <b>white</b> 23:2 <b>wholesale</b> 148:3 <b>whom's</b> 120:25 <b>widen</b> 76:1 <b>widowed</b> 121:1
<b>view</b> 14:19 15:22 62:6 78:5 117:21				
<b>viewed</b> 21:18				
<b>violate</b> 121:19				
<b>virtual</b> 39:9 69:14 156:23				
<b>virtually</b> 7:10 10:23 11:11 39:10,11 45:15 69:16 70:6 79:24 80:11 96:5 97:5 124:12 125:12 135:13				
<b>vision</b> 167:18				
<b>voice</b> 53:21,23,24 91:2 131:11				
<b>volt</b> 133:18 134:3				
<b>volunteer</b> 42:13 103:14				

<b>wife</b> 32:3 59:19 94:21 145:6	59:1 62:15,20 63:12 76:14 77:16 91:22 96:20 99:18 108:18 110:12 114:4 117:1,12 127:19 128:15, 22,25 132:22 134:5 147:8 161:10 163:24 164:2 165:13 167:7,22	33:8 <b>wrangled</b> 166:13 <b>wrap</b> 127:18 <b>wrapped</b> 24:12 33:15 <b>write</b> 35:16 128:14 157:9 <b>writing</b> 128:9 157:19 <b>written</b> 13:7 110:9 <b>wrote</b> 120:19	114:1,3 121:2,3 128:22 132:23 134:1 143:22 149:23 151:4,6, 10,11,15 155:3 162:8,12 <b>yesterday</b> 6:13,18 <b>yield</b> 39:9 69:14,15 <b>young</b> 67:12 119:20 <b>you'd</b> 7:22 8:19 13:12 14:5 47:13 57:23 58:4 102:23 127:25 131:10,12 <b>you'll</b> 30:15 66:8 93:7 118:20 <b>you're</b> 11:11 17:25 21:4 22:18 23:15 39:8 41:7 42:1,3,7 48:4 49:16,18,22,23 50:20 51:1,2 52:15,19 54:13, 14 55:7,9 60:21 62:7,9,19 63:2, 3,6,9,10,13 64:1,24 65:7 66:1 72:10 76:16 87:6 88:6 91:18 98:16 102:8 109:6 112:9 115:2,3 117:16 135:8 140:25 141:1 147:4 153:25 154:23 156:8	158:15,17 160:1 <b>you've</b> 10:24 46:23 47:19 48:21 49:10 50:14 51:3 53:1 62:10 63:17,23 71:22 72:2,3 73:12 75:2,5,7,10 76:24 82:8 103:14 105:21 113:3 115:8 155:24 157:22 164:4 <b>y'all</b> 19:6 80:1,4 160:17 <b>y'alls</b> 103:24 <b>y'all's</b> 131:2
<b>Willingness</b> 45:3 79:12 103:21	<b>worked</b> 12:13,20 28:19 41:2 46:11,13, 18 48:21 81:19 94:13 100:24 101:2 105:13 107:16 115:12, 13,20 134:7 151:3,5,9,13 165:8 166:3	<hr/> <b>X</b> <hr/> <b>XIII</b> 119:7,22 <hr/> <b>Y</b> <hr/>		
<b>Wilson</b> 131:17 135:23 152:4	<b>working</b> 27:25 37:16,24 47:21 48:4 49:9 51:2 84:4,6 121:13	<b>yard</b> 35:3 <b>year</b> 8:11 22:13 23:5 26:13 33:12 44:6 59:14 81:9 89:17,23 107:19 114:22 115:2,3, 8 121:3 127:1 145:1 162:21 163:15 165:20 <b>years</b> 14:22 24:5 26:4 32:2,24 33:1,12, 17 40:17,23 41:6 50:19 58:13 88:25 107:16 108:2		
<b>wind</b> 52:25	<b>works</b> 12:18 54:20 59:20 104:25 115:12			
<b>winger</b> 167:21,24	<b>world</b> 40:18			
<b>winters</b> 136:12	<b>worth</b> 167:24			
<b>wiring</b> 133:25	<b>wouldn't</b> 18:20 73:17 88:16 112:13,19 115:20 123:14 131:4 145:11 169:16			
<b>witnesses</b> 102:5 137:23	<b>wound</b>			
<b>woman</b> 32:20 33:22				
<b>won't</b> 32:9				
<b>word</b> 20:2 25:14 112:2 116:14				
<b>wording</b> 22:22				
<b>words</b> 20:1,5 73:7 117:3 164:1				
<b>work</b> 28:5,14 37:2,5, 6,7,8 44:4,5,6 49:1,10,19 50:4 52:11 58:23				