

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE

**CANDIDATES FOR THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION
EDITED PERSONAL DATA QUESTIONNAIRE**

NOTICE: The information requested herein is needed to assist the Committee in its investigation of candidates for the Public Service Commission. This questionnaire is the initial step in the investigation of your candidacy. A completed questionnaire should be returned to the Committee as soon as possible, but in any event no later than noon, 12:00 p.m., on Friday, October 11, 2019. *(Use and attach separate sheets, if necessary.)*

PLEASE SPECIFY THE SEAT FOR WHICH YOU ARE APPLYING (THE CONGRESSIONAL DISTRICT IN WHICH YOU RESIDE; YOU MAY ONLY APPLY FOR ONE SEAT): Congressional District 5 _____

1. Full Name: Mr. Swain Edgar Whitfield

Home Address: 124 Palmetto Place Lane
Winnsboro, SC 29180

Business Address: 101 Executive Center Drive, suite 100
Columbia, SC 29210

6. List each institution of higher learning you attended, including dates of attendance and degrees awarded. Please provide an official transcript prior to your screening hearing. If you left any institution without receiving a degree, state the reason for leaving.
Erskine College—1981-1982—transferred to Kennesaw College in Marietta, GA because of sharp increase in Erskine College tuition.
Kennesaw College (now Kennesaw State University)—1982-1983—Transferred to the University of Georgia (which was my original intent when transferring to Kennesaw College as it is part of the University of Georgia system).
University of Georgia—1983-1986—Graduated in 1986 with a B A degree in Geography (Major Concentration in Economic and Industrial Geography...this major also required / included coursework in statistics, and conservation, energy and resource management).
7. List any continuing education courses or other professional education or training programs that you have attended in the past five years.
Michigan State University-Institute of Public Utilities-- Level 1 and Level 2.
NARUC / Michigan State University Utility Rate School

Annual Mandatory Ethics Training;

Michigan State University—Electric Grid School

National Judicial College—training in Due Process, Settlements, and Ethics;

Received Distinguished National Tier I level for Continuing Regulatory Education (Tier I level includes my previous Level 1 and Level 2 training at the Institute of Public Utilities at Michigan State University which is “outside” of the last 5 years).

I have attended numerous other professional education and training programs at NARUC meetings and NARUC sponsored events, such as Coal-fired and Gas-fired and Nuclear Electric generation plant Tours, panels and meetings that include emerging energy issues such as energy storage and renewable energy, telecommunications and water issues, and Federal Regulations that impact our state’s Utilities. I have also attended NARUC / U S Department of Energy events on disaster preparedness/ catastrophic events / black sky exercises, FBI cyber briefings, carbon capture and sequestration and clean coal technology, and distributed generation and solar generation. These ongoing training and educational sessions are listed in detail on My annual evaluation questionnaires over the last 5 years. I have also attended many in-house training and educational sessions at the Commission over the last 5 years. I have a SC Real Estate license (though I am not actively involved in real estate), and I did attend a continuing education session in real estate required to maintain my license.

8. Have you been employed or held any position in any of the following areas?

- (a) energy issues
- (b) telecommunications issues
- (c) consumer protection and advocacy issues
- (d) water and wastewater issues
- (e) finance, economics, and statistics
- (f) accounting
- (g) engineering
- (h) law

Please provide the duration of your employment or service and details about the nature of the work or the position.

I served on Winnsboro City Council from 1995-1999. Winnsboro utilities included: Electric, Water, Wastewater, and Natural Gas services and accounted for about 80 percent of the annual budget. I was heavily involved with these four utility divisions. During my time in office, we took over the wastewater plant from a private firm and we extended our water service to the Walter Brown Industrial Park and eventually to Blythewood in Richland County. Prior to becoming a Commissioner, I had only marked items (a) energy issues, and (b) water and wastewater issues. However, with 11 years of experience as a Commissioner, I have experience in all of the areas (a-h) now. Items a, b and d, are the various utility sectors that we regulate at the Commission, and items c, e, f, g, and h are the disciplines that are factors in nearly every case that we hear. As Commissioners, we deal with all of these areas (a-h) in great depth and in a very detailed manner. As a Commissioner over the last 11 years, I have been fortunate to work with an advisory staff that includes at least one expert (or more) in each of the areas (a-h), and through extensive training and continuing education, I have gained knowledge in all of

these areas from our advisory staff that has been crucial to me in providing fair and effective utility regulation.

9. Have you served in the military? If so, give the dates of service, branch of service, highest rank, serial number, present status, and the character of your discharge or release. Please provide a copy of your DD-214 prior to your screening hearing.
No.

10. Have you ever held public office? If so, provide details, including the office, whether elected or appointed, the length and dates of your service. Also, state whether or not you timely filed reports with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty. If so, provide details, including dates.
Yes.

- Winnsboro City Council—1995-1999
- John De La Howe School board of Trustees (2006-2008)
- Fairfield County Substance Commission (1994-1996).

I have always filed all reports in a timely fashion with the State Ethics Commission, and I have continued to do so as a Public Service Commissioner (2008-current).

11. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, provide details, including dates.
S C House seat 41 in 1992.
S C House seat 77 in 2004.

12. Please list in chronological order any employment of you by any governmental agency (whether full time or part time, contractual or at will, consulting or otherwise). Provide dates of employment, name of employer, name of supervisor, and major job responsibilities.

SC DOT—1981 summer job for Eisenhour Construction—but I was assigned to SC DOT engineering personnel in the construction of I-77; performed engineering, materials, and road testing duties, and other heavy labor associated with concrete plant and paving crew on I-77.

SC DOT—1983 summer job employed directly by SC DOT engineering division, Supervisor: Don H. Freeman (later became the Chief State Highway Engineer at SC DOT), performed surveying, engineering duties, for new construction and existing highways and roads.

Winnsboro City Councilman—elected to a 4 year term and served from 1995-1999. John De La Howe Board Member—2006-2008—member of State Board.

13. Please list in chronological order any occupation, business, or profession in which you have been engaged or employed (other than serving in a public office or being employed by a governmental agency). Please briefly note the nature of your work during each period.

Full time employment since college graduation:

Laidlaw Carriers, Inc.—Atlanta, GA 1986-1987. Worked in Management, traffic operations, customer service and supervised drivers for largest Canadian based trucking company handling time critical truckload shipments for GM, Chrysler, Ford, Michelin Tire and many other fortune 500 companies.

Youmans Transportation, Inc.—West Columbia, SC 1987-1990. Transportation Brokerage firm handling shipments in 48 states. Promoted to operations manager in less than a year. As operations manager, I was responsible for other brokers working under my supervision.

Senn Trucking Co.—Newberry, SC 1990-1991. Handled operations and customer service for large truckload carrier (450 trucks at the time). I also handled outside sales and was Director for Brokerage Operations. Senn Trucking was bought out in 1991 by a Utah-based company.

Whitfield Transportation, Inc.—Winnsboro, SC. I personally founded the company in 1991. Originally started the company as an agency and brokerage operation and in 1996 began to operate trucks over the road and also established satellite offices in Georgia and Tennessee. Held two types of Federal Authority (Contract Carrier Authority and Broker Authority) and licensed in 48 States. Also held a Federal Surety Bond was subject to numerous Federal Regulations, compliance, and reporting, and permitting and taxes. As President of the Company, I handled all of the day to day responsibilities and duties of managing and operating a small business with annual revenues in the millions. These duties included, accounting, payroll, and all taxes, credit, claims, insurance, operations, routing, contracts, dispatch, and management of all office staff and drivers, safety, customer service, sales, etc. At Whitfield Transportation, Inc., we served major Fortune 500 companies and smaller industrial customers with truckload service throughout 48 States and Canada. We provided truckload service through van and flatbed shipments, but also handled some intermodal shipments. After nearly 17 years in business, I sold Whitfield Transportation, Inc. to Ard Trucking Co. of Darlington, SC effective July 1, 2008 to devote full time service on the SC Public Service Commission.

14. Are you now an officer or director or involved in the management of any business enterprise? Explain.

While I sold Whitfield Transportation, Inc. to Ard Trucking Co. in 2008 and all authority of Whitfield Transportation, Inc. ceased then, it took me years to sell the office building. The office building was FINALLY sold during my last term, less than 3 years ago. On the advice of my accountant, I still have the Whitfield Transportation account open for accounting and liability purposes as I have other rental property, revenue and taxes in that account.

I am also a partner in MSW Group, Inc. which owns rental property that is managed by a third party licensed property manager.

15. Describe any financial arrangements or business relationships that you currently have or have had in the past that could pose a conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
Prior to becoming a Commissioner, I owned a small amount (approximately \$4000.00) of SCANA stock. I disclosed this in my screening process in 2008, and prior to taking office in 2008, I divested myself of this SCANA stock. I signed an affidavit stating that I had divested myself of this SCANA stock and a record of that was placed in my files with the Public Utilities Review Committee.
I do not have any other business relationships that could pose a conflict of interest with my position as Commissioner, nor do I have any that could pose a problem if I am reelected for another term.
20. Have you ever been a named party in a lawsuit, either personally or professionally? If so, provide details.

Original Response:

I have not been sued personally or professionally as a businessman. As a Councilman, the Town of Winnsboro was occasionally named in lawsuits, but not me personally. Also, as a Commissioner I have been named in a lawsuit. In December 2011, a Federal Court action was brought by Time Warner Cable Information Services (South Carolina), LLC against the Public Service Commission against each Commissioner in their official capacities at the Commission. It was filed to challenge a PSC ruling in an arbitration the Commission heard under Federal Law. The Federal District Court Civil Action number for that action is: 3:11-CV-3094-MBS.

In June 2018, in the last few moments of my Chairmanship, SCE&G brought suit against me in my official capacity as Chairman, and against each Commissioner in their official capacities at the Commission in US District Court. On June 28, 2018, the General Assembly adopted legislation (Act 258) requiring among other things, a temporary reduction in SCE&G retail electric rates of approximately 15%, amending the BLRA. Immediately, in anticipation of Commission action, SCE&G brought suit seeking temporary injunctive relief. The Commission implemented the mandated rate reduction required by Act 258, by issuing Commission Order No. 2018-459 and effectively lowered retail electric rates immediately by approximately 15%. The Federal District Court Civil Action number for that action is: 3:18-CV-01795-JMC.

Amended Response (January 4, 2020):

On June 8, 2016, Ms. Mamie Jackson brought action in the Richland County Court of Common Pleas against the Public Service Commission of South Carolina and each Commissioner in their official capacities. To the best of my recollection, this matter involved an ongoing dispute between Ms. Mamie Jackson and SCE&G. The Commission lacked jurisdiction in Ms. Jackson's complaint and she sought relief in the Richland

County Court of Common Pleas. The case was dismissed per Rule 12(b) by Judge Allison Lee on September 23, 2016. The case number is: 2016CP4003516.

22. Are you now or have you ever been employed as a “lobbyist,” as defined by S.C. Code Section 2-17-10(13), or have you acted in the capacity of a “lobbyist’s principal,” as defined by S.C. Code Section 2-17-10(14)? If so, please provide the dates of your employment or activity in such capacity and specify by whom you were directed or employed.
No.
23. Since your decision to seek a position on the Public Service Commission, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value, as defined by S.C. Code Section 2-17-10(1), from a lobbyist or lobbyist’s principal? If so, please specify the item(s) received, date of receipt, and the lobbyist or lobbyist’s principal providing the item(s).
No.
26. Other than expenditures for travel or room and board, please itemize all expenditures (by amount, type, and date) by you, or on your behalf, in seeking the office of Public Service Commissioner.
None at this time.
27. Please list the amount and recipient of all contributions made to members of the General Assembly within six months of filing this questionnaire.
None.
28. Have you directly or indirectly requested a pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened?
No.
29. Have you or has anyone on your behalf solicited or collected funds to aid in the promotion of your candidacy for the position of Public Service Commissioner? If so, please specify the amount, solicitor (if applicable), donor, and date of solicitation and/or receipt.
No.

30. List all professional organizations of which you are a member and give the titles and dates of any offices that you have held in such groups.
- Fairfield County Chamber of Commerce
 - Association of American Geographers (former member)
 - Southeastern Association of Regulatory Utility Commissioners (SEARUC)—immediate Past President
 - Gas Technology Institute advisory board—immediate Past Chairman
 - National Association of Regulatory Utility Commissioners (NARUC)
 - member NARUC Committee on Gas
 - member NARUC Committee on Critical Infrastructure—Vice Chairman
 - member NARUC Washington Action Committee
 - member NARUC Nuclear Waste subcommittee
 - member NARUC—US Dept of Energy Natural Gas infrastructure partnership
31. List all civic, charitable, religious, educational, social, and fraternal organizations of which you are or have been a member during the past five (5) years.
- Centennial Associate Reformed Presbyterian Church, Elder
 - Blythwood Rotary Club
 - Blackstock Young Farmers
 - Phi Kappa Tau Fraternity
32. State any other information which may reflect positively or negatively on you, or which you believe should be disclosed in connection with consideration of you for a position on the Public Service Commission.
- Dear Members of the PURC Committee:
- Regardless of the outcome of these upcoming elections for Commissioners, the simple fact that can be stated is that a majority of the Commissioners (4 of the 7) will have been replaced. While at this time, I don't know my own fate, I would like to disclose other information for your consideration regarding my candidacy for another term on the PSC. Without repeating all of my credentials (which I believe you have through this application and my detailed PURC questionnaires for my annual evaluations), I will briefly highlight how my credentials have uniquely prepared me for service on the PSC, and continued service on PSC. First of all, we deal with very difficult, complex, utility and telecommunications issues and cases at the Public Service Commission. As I deal with these issues and cases, I find myself utilizing academic courses that I had in college, such as Statistics, Economic Geography, business law, bioclimatology, urban Geography, demographic and forecast data and other applied principles, more now and over the last 11 years, than any time since I graduated from college.
- Secondly, my previous experience in government and my 22 year career in business helped prepare me for service on the Commission. During that previous experience, I

was involved in Economic Development and Industrial Development, and how vital that is to South Carolina ratepayers, citizens, and employees and South Carolina's overall economy. We regulate several segments of transportation at the PSC, and a large portion of the cases at the PSC continue to be transportation, and my 22 years in the transportation industry, along with holding Federal Authority in the transportation industry is unique as a Commissioner.

While my background and prior experience in business in government in some ways prepared me for service on the Public Service Commission, there is no substitute for the knowledge and experience I have gained as a Commissioner. There is also no substitute for the experience of actually hearing cases as a Commissioner and having to rule on those cases and issue binding orders on them. I have had extensive training and education as a Commissioner, and I am very appreciative of the investment the State has made in my education and training as a Commissioner. I have held major leadership roles including Chairing the SC Commission for a 2 year term, President of SEARUC, Chairman of Gas Technology Institute Public Interest Advisory Board, and leadership positions at NARUC. I have consistently scored the highest on the written exam for the PSC, and received some of the highest scores in the live screening exam, and while I can not rest on past achievements, I hope to score high marks again. I have been privileged to give some of the best and most productive years of my career to the PSC, and it has been an honor and rewarding professionally. However, I would not be telling the truth, if I said the last 2 years have not been difficult. I have learned a lot over the last 2 years, and continue to learn, and leaders don't always get to deliver good news. One thing I have learned is that sometimes, in leadership roles, we are given the daunting task of dealing with a problem so terrible that it is monumental in its size and the number of people impacted. Unfortunately, I was the "face of bad news" in South Carolina because of my leadership role at the Commission, and this bothered me to my core. I would also not be telling the truth if I said I didn't want to quit at times. I realized that (like it or not) that it was my job to be a stabilizing force and the "sobering face of bad news", and since we are not allowed to talk to the media because of the Judicial Code of Conduct, that I could only do my job, and let the "chips fall where they may". I understood that it was my job as Chairman to "steer the ship through troubled times" and I PLEDGED to the PURC Committee in my evaluation questionnaire 2 years ago, that I would give my all to "take the Commission to a better place". Today, I believe the Commission is in a better place. While the Commission is in a better place, I would not wish on anyone what current Chairman Randall and I have been through. I also know it is not my role as Commissioner to set policy, laws, or show my feelings or preferences. It is my duty to fairly and justly administer and carry out the laws enacted by the General Assembly. We are expeditiously administering recent laws enacted by the General Assembly now.

As the PURC Committee is aware, Commissioners are prohibited from any post regulatory employment work in South Carolina for a period of one year. I was well aware of this fact when I first became a Commissioner. My wife teaches at Blythewood High School and my 2 daughters are in college in South Carolina and my son works as an engineer in South Carolina. In addition, I am the sole caregiver and complete power of attorney for Both of my parents (who are in their mid-90's here in South Carolina) for all of their physical needs and all administrative affairs. Fortunately, the VA, as recently as a month ago, assisted in a huge way as my Father is a WW2 Veteran. I am not old enough to retire yet, nor do I come from a wealthy family. I have long ago sold my company and given up my Federal Authority to devote full time service to the PSC. I

share these important personal details with you, so that you might see my sincere intentions. It is my sincere intention to seek another 4 year term on the PSC, and I hope that I am given the opportunity to serve the people of South Carolina for another term. While it has been a rough road the last 2 years, the Legislature has enacted substantive new laws that have already helped, and will help more in the near future on many fronts. The Commission is in a better place, but has much work to do in the future, and I would like to continue the work to improve things at the Commission and in the lives of South Carolinians, and to administer the recently enacted new laws by the General Assembly. It has been an honor and a privilege to serve the citizens of South Carolina as a Public Service Commissioner, and I respectfully seek another 4 year term as a Commissioner.

33. List the names, addresses, and telephone numbers of five (5) persons, including your banker, from whom references could be required. Also, provide this Committee with original letters of recommendation from each person listed herein, including their signature. A photocopy, facsimile, or electronic submission of a letter of recommendation will not be accepted.

Original Response:

- 1) **Sheriff Leon Lott**
- 2) **Banker Letter**
- 3) **Tom Mullikin, Esquire**
- 4) **Professor Robert T. Bockman**
- 5) **Sheriff Will Montgomery**
- 6) **Honorable Mignon L. Clyburn**

Amended Response (10/19/19):

- 1) **Sheriff Leon Lott**
- 2) **Banker Letter**
- 3) **Tom Mullikin, Esquire**
- 4) **Professor Robert T. Bockman**
- 5) **Honorable Mignon L. Clyburn**

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY RECORD INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature:

Date:

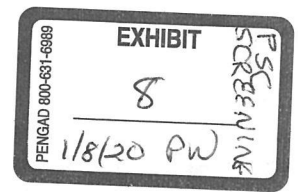
PLEASE NOTE: S.C. CODE SECTIONS REFERRED TO IN THIS DOCUMENT ARE CONTAINED IN THE PDQ CODE REFERENCES DOCUMENT.

I ACKNOWLEDGE, AS A CANDIDATE, THAT I AM RESPONSIBLE FOR REVIEWING THE FOLLOWING DOCUMENTS. THESE DOCUMENTS ARE PROVIDED ON THE USB FLASH DRIVE WITH THE PUBLIC SERVICE COMMISSION APPLICATION MATERIALS AND ARE ACCESSIBLE ON THE PUBLIC UTILITY REVIEW COMMITTEE'S WEBSITE:

- (1) An Introduction to the Public Service Commission;**
- (2) The press release issued by the Committee announcing the start of its application process;**
- (3) An Advisory Opinion relating to attendance by candidates for the Public Service Commission at legislative receptions;**
- (4) An Advisory Opinion relating to attendance by candidates for the Public Service Commission at legislative caucus meetings;**
- (5) The Judicial Code of Conduct;**
- (6) Statutory definitions and statute concerning pledges; and**
- (7) Information regarding accessing your credit report.**

Signature:

Date:



STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE
PERFORMANCE EVALUATION

Swain E. Whitfield
South Carolina Public Service Commission
Seat: Fifth Congressional District
Review Period: July 1, 2015 - June 30, 2016

Commissioner Whitfield was initially elected on July 1, 2008 and was most recently re-elected on May 25, 2016. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC; he was elected as SEARUC's First Vice-President in June 2016. Commissioner Whitfield serves as vice-chair on the Gas Technology Institute Advisory Board (GTI). Commissioner Whitfield was elected as the Commission's chair during the review period.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

- SEARUC Annual Meeting;
- GTI Advisory Board meeting;
- NAWC Water Summit;
- SC Energy Users Committee Annual Meeting, where he was a speaker;
- Emerging Issues Policy Forum, during which he served on a panel regarding Cyber Security;
- Various ex parte briefings, forums, and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and Commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

**COMMISSIONER QUESTIONNAIRE
PERFORMANCE SUMMARY**

NAME: SWAIN E. WHITFIELD
SEAT: DISTRICT 5
DATE ELECTED: 2008
DATE TERM EXPIRES: 2020

Please provide information for the review period covering July 1, 2018 through June 30, 2019. Be sure to fully address each item.

1. Educational programs.

- On Friday, October 12, 2018, Mandatory Ethics Training all day for Commissioners and Staff was held. This was held from 9am-4:45pm in the Commission's hearing room and was held jointly with ORS in order to best share resources and provide cost savings to both Agencies. The presenters included: Desa Ballard, Esquire; former Commissioner and USC Law school Professor Bob Bockman; Attorney Andrew Bateman of ORS; Meghan Walker, Executive Director, State Ethics Commission; Dr. Greg Dwyer; and Judge Thomas Cooper. The topics included: The State Ethics Act, Code of Judicial Conduct, South Carolina Administrative Procedures Act, Ethics specific to SC PSC Commissioners, Substance Abuse and Mental Health, healthy ethical coping, and ethics and behavior in the Workplace. We covered some new areas in this training, in addition to some of our "traditional" ethics training. This fulfilled my mandatory Annual Ethics training requirements. *I Note that due to a personal conflict, that I completed my ethics training via video in person in the PSC Law Library with PSC Attorney Randall Dong, and PSC advisory staff members Doug Pratt and Dr. Jim Spearman on the very next Thursday, October 18, 2018. This was arranged by PSC Chief Clerk / Administrator Jocelyn Boyd and Afton Ellison.

All Allowable Ex Parte Briefings are informative in nature, but some are also educational in addition. Therefore, I have provided a list of all Allowable Ex Parte briefings during the last year and these are as follows:

- June 26, 2019, at 10:00 AM: Non-Docket 2019-15-E: Allowable Ex Parte Briefing to Discuss Johnson Development Associates and House Bill 3659
- June 12, 2019, at 2:00 PM: Non-Docket 2019-13-E: South Carolina Solar Business Alliance, Incorporated - Allowable Ex Parte Briefing to Discuss The South Carolina Energy Freedom Act: An Overview and Next Steps
- May 29, 2019, at 10:00 AM: Non-Docket 2019-6-WS: Blue Granite Water Company - Allowable Ex Parte Briefing to Discuss State of the Company
- April 30, 2019, at 10:00 AM: Non-Docket 2019-2-A: Allowable Ex Parte Briefing Regarding Colite Technologies' Products and Services
- April 4, 2019, at 2:00 PM: Non-Docket 2019-3-E: Inquiry Regarding Tree Trimming and Potential Alternatives
- March 7, 2019, at 10:00 AM: Docket No. 2017-370-E: Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

- February 19, 2019, at 10:00 AM: Docket Nos. 2013-298-E, 2016-149-E, and 2017-381- Application of Duke Energy Carolinas, LLC for Approval of New Cost Recovery Mechanism and Portfolio of Demand-Side Management and Energy Efficiency Programs-Ex Parte Briefing; Application of Duke Energy Progress, LLC Requesting Approval of Its Proposed Home Energy Improvement Program HEIP-6; Office of Regulatory Staff's Petition for an Order Requiring Utilities to Report the Impact of the Tax Cuts and Jobs Act--Allowable Ex Parte Briefings
- February 14, 2019, at 2:00 PM: Docket No. 2017-370-E: Request by Commissioner Williams in Order No. 2019-100 for Briefing by the Office of Regulatory Staff Regarding: Commission Order No. 2019-100 and Customer Education Plan in Order No. 2018-804
- February 6, 2019, at 2:30 PM: Docket No. 2017-370-E: Requested Allowable Ex Parte Briefing (Mr. Jerry Harvell) Regarding: Merger
- January 24, 2019, at 2:00 PM: Docket No. 2017-370-E: Requested/Scheduled Allowable Ex Parte Briefing Regarding Dominion, Inc., and Advertised \$1000 Rebate
- December 18, 2018, at 10:00 AM: Non-Docket 2018-33-EC: TAS Strategies; Drexel Hamilton, LLC; Loop Capital Markets; Ramirez & Company and Williams Capital Markets Group Allowable Ex Parte Briefing Regarding South Carolina Utility Diversity in Financial Services
- October 25, 2018, at 10:00 AM: Non-Docket 2018-27-E: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC Request for an Allowable Ex Parte Briefing Regarding Integrated Resource Planning (IRP) Process, Including an Overview of the Recently Filed IRP and Renewable Energy Purchases under PURPA; and Hurricane Florence Update
- October 23, 2018, at 2:00 PM: Non-Docket 2018-23-E: South Carolina Solar Business Alliance, Incorporated Request for an Allowable Ex Parte Briefing Regarding Avoided Cost, Resource Planning and Energy Storage in an Era of Low-Cost Solar
- October 12, 2018, from 9:00AM-4:30PM: Mandatory Ethics Training for Commissioners and Staff – Joint Ethics Training with the Office of Regulatory Staff (ORS)
- July 23, 2018, at 10:00 AM: Non-Docket 2018-19-E: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC Request for an Allowable Ex Parte Briefing Regarding Managing Duke Energy Hydroelectric Projects

2. Participation in organizations

On October 21-23, 2018, I attended the Gas Technology Institute (GTI) Advisory Board meeting in Chicago, IL. GTI is a research and development institution that takes new and experimental natural gas technologies, including renewable gas technologies, and turns them into real practical applications and energy solutions. This meeting also included a tour of GTI's cutting edge Research & Development Lab in Des Plaines, IL. I am honored to serve on the GTI Advisory Board with fellow Commissioners from other States. At this meeting, after serving as Chairman of the Board for 2 years, an election was held, and I was honored to be able to present the gavel to Florida Commissioner Julie Brown, who had served as Vice Chairman during my two years as Chairman.

On April 21-23, 2019, I attended the Gas Technology Institute (GTI) Advisory Board meeting in Washington, DC. I now serve on the board as immediate past Chairman. This meeting included our business meeting and many educational updates in the natural gas industry as well as presentations from many other GTI executives.

On June 2-5, 2019, I attended the Southeastern Association of Regulatory Utility Commissioners (SEARUC) meeting in Gulf Shores, AL. At this meeting I attended sessions on: Alternative transportation in the Southeast—the “All of the Above” strategy—Electric Vehicles (EVs) in the Southeast; Addressing aging Critical Infrastructure; How rising U.S. LNG Exports Impact Domestic Gas Flows; Nuclear Straight Talk; Federal Pipeline Safety Reauthorization Bill; and Challenges and Opportunities of Broadband in rural Southeast. I attended this meeting as the immediate Past President of SEARUC and member of the SEARUC Executive Committee. As President of SEARUC, I held a very successful meeting in Charleston, SC in 2018 and left SEARUC in sound financial condition for SEARUC 2019.

Summary of all organizations and positions that I am a member of:

- Co Vice-Chairman – NARUC Committee on Critical Infrastructure
- Member – NARUC Washington Action Committee
- Member – NARUC Nuclear Issues and Waste Disposal Subcommittee
- Member – NARUC Committee on Gas
- Immediate Past Chairman – Gas Technology Institute Advisory Board
- Immediate President – Southeastern Association of Regulatory Utility Commissioners (SEARUC)
- Member – NARUC – US DOE Gas Infrastructure Modernization Partnership

3. Representation in Official Capacity as Commissioner

I represented the Commission in 2 of the 3 NARUC meetings during the review period, and below are the dates of those meetings: NARUC Summer—July 13-17, 2018; (I missed the November 2018 NARUC meeting due to the Dominion / SCE&G merger / Nuclear abandonment / Emergency Rate Relief case); and NARUC Winter—February 9-13, 2019. In these NARUC meetings, I represented the Commission, and I am a voting member of the Gas Committee, and the Critical Infrastructure Committee (I am Vice Chairman of the Critical Infrastructure Committee), and I am also a member of the Subcommittee on Nuclear Waste and Nuclear Issues, and the Washington Action Committee. I also represented the Commission at the annual SEARUC meeting June 2-5, 2019, in Gulf Shores, AL, where I served on the executive committee as immediate Past President of SEARUC. However, I have it listed under item #2 in participation in organizations above. I believe that these two NARUC meetings and the one SEARUC meeting should also be listed under Educational Programs in item #1, but I chose to list them in item #2 and item #3.

I also represented the Commission on September 17-19, 2018 at the U S Department of Energy / NARUC Natural Gas Infrastructure Site Visit and technical workshop in Andover, MA. The technical workshop was held at the Massachusetts Utilities Commission, and the site visit included Natural Gas leak detection technologies, followed by a demonstration of an unmanned aerial vehicle with Remote Methane Gas Leak detector technology to detect Methane leaks over a wide area. Unfortunately, this technical workshop and site visit were following a Natural Gas explosion involving injuries and a fatality in the area. This event could have also been listed under Educational Programs in item #1.

I represented the Commission on May 8-10, 2019 along with Commissioner Justin Williams at the U S Department of Energy / NARUC site visit to the National Carbon Capture Center (NCCC) near Birmingham, AL. We saw firsthand, Carbon Capture and sequestration technology

and research by the U S Department of Energy. We also toured a major Coal and Natural Gas-fired power plant that hosts the NCCC. We also attended a technical session on other clean coal technologies. As Coal generation continues to decrease in South Carolina and the US, innovative methods such as these will be deployed to continue to dramatically lessen the environmental impacts of coal. This event could have also been listed under Educational Programs in item #1.

4. Notable Cases

- **Duke Energy Progress, LLC (Docket No. 2018-318-E):** In this rate application, the merits hearing was held over several days from April 11-17, 2019. The Commission held two public night hearings in the Company's service territory. The Company sought a Return on Equity of 10.25%, and a revenue / rate increase totaling \$69 million. Originally, the Company sought a Base Facilities Charge (BFC) increase from \$9.06 to \$29.00 for residential customers, though the Company later agreed to limit the increase to \$11.78 for residential customers. There were ten intervening parties, and most parties presented testimony. After hearing all the evidence presented, and entertaining stipulations between parties, the Commission issued Order No. 2019-341 that limited the Company to approximately \$41.5 million of the requested \$69 million, which resulted in an approximate \$6.27 increase in residential rates from \$122.49 per month for a 1,000 kWh residential customer to \$128.76 per month (net of simultaneous fuel clause adjustment). This case was notable as the Commission not only heard from large numbers of residential ratepayers, but the Commission also heard from many farmers in the Pee Dee Region who were impacted with multiple meters.
- **Duke Energy Carolinas, LLC (Docket No. 2018-319-E):** In this rate application, the Commission held three public night hearings in the Company's service territory and a five-day merits hearing. This was the first fully contested electric rate case for DEC in several years. In addition to the utility and the Office of Regulatory Staff, eight intervenors made appearances and presented testimony in this case. In its original application, the utility sought a net revenue increase of approximately \$168 million and a return on equity of 10.50 percent. The Company also initially requested a dramatic increase in the Residential Basic Facilities Charge (BFC) from \$8.29 to \$28.00 per month. The Company later agreed to accept a Residential BFC of \$11.96 per month. In reviewing of all of the evidence and testimony, the Commission approved a net revenue increase of approximately \$106,931,000 and a return on equity of 9.50% in Order No. 2019-323. The largest disallowance adopted by the Commission involved excluding \$469,894,472 incurred by the Company in complying with the North Carolina Coal Ash Management Act. The Commission's order on the utility's motion for rehearing and reconsideration is pending, and the utility is expected to appeal the Commission's decision to the Supreme Court of South Carolina.
- **Consolidated Dockets Concerning Abandonment of SCE&G Nuclear Project, Emergency Rate Relief, and Merger of SCE&G with Dominion Energy (Dockets No. 2017-207-E, 2017-305-E, and 2017-370-E):** In 2008, SCE&G began construction of two Westinghouse AP1000 nuclear units at the V.C. Summer site in Jenkinsville, South Carolina. Over the course of the following nine years, SCE&G invested approximately \$5 billion dollars in the Project, an amount roughly equal to its non-nuclear electric rate base.

SCE&G abandoned the Project on July 31, 2017. This happened approximately four months after its contractor, Westinghouse Electric Company, LLC ("Westinghouse" or "WEC"), filed bankruptcy and immediately after SCE&G's co-owner, the South Carolina Public Service Authority ("Santee Cooper"), ceased funding the Project. At the time of the abandonment,

recovery of capital costs on its investment in the Project constituted approximately 18% or \$445 million of SCE&G's annual retail electric revenue.

The Sierra Club and Friends of the Earth filed a petition in Docket No. 2017-207-E (Friends of the Earth and the Sierra Club v. South Carolina Electric & Gas Co.) prior to abandonment of the Project asking the Commission to end funding for the Project and to grant reparations under S.C. Code Ann. § 58-27-960. The South Carolina Office of Regulatory Staff ("ORS") filed a petition in Docket No. 2017-305-E (Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920) seeking emergency rate relief under S.C. Code Ann. § 58-27-920.

Numerous parties intervened in PSC Dockets Nos. 2017-207-E and 2017-305-E, and after receiving and reviewing myriad filings by the various parties, the Commission, under my Chairmanship, heard two days of arguments to determine whether these dockets would proceed. On December 20, 2017, in Order Nos. 2017-769 and 2017-770, the Commission found that the Office of Regulatory Staff and Friends of the Earth and the Sierra Club had met the threshold required for their respective dockets to continue, and therefore denied SCE&G's motions to dismiss.

In early January 2018, Dominion Energy proposed to purchase SCANA. The proposed business combination would include merger benefits of approximately \$3.8 billion to be provided to SCE&G's customers in resolution of the regulatory issues surrounding the Project. This amount of merger benefits appeared to be unprecedented in utility mergers. The merger's benefits initially offered included immediate one-time payments to customers of \$1.3 billion upon closing of the merger, write-offs of nuclear Project and other generation assets and regulatory assets of \$1.9 billion, and reductions to on-going bills of \$575 million, all of which were included in a regulatory proposal known as the "Customer Benefits Plan." To offset the financial impacts of these concessions on SCE&G, Dominion Energy offered to use capital from its balance sheet to infuse equity into SCE&G and to support the refund benefits offered under the Customer Benefits Plan. Dominion Energy also agreed to merger conditions including protections for SCE&G employees and customers, infrastructure investment and service level commitments, and continued local leadership of SCE&G's operations. SCANA announced its agreement to the plan of merger on January 3, 2018.

On January 7, 2018, the Joint Applicants initiated Docket No. 2017-370-E, seeking approval of the merger and adoption of the regulatory plan proposed by Dominion Energy (the "Customer Benefits Plan"). The Joint Application also presented two disfavored alternative plans that SCE&G proposed absent the merger. Those plans are the "No Merger Benefits Plan" and the "Base Request." The primary relief sought in the Joint Application was approval of the merger and adoption of the Customer Benefits Plan.

On June 28, 2018, the General Assembly adopted legislation ("Act 258") requiring, among other things, a temporary reduction in SCE&G retail electric rates of approximately 15%, amending the BLRA. The Commission implemented the mandated rate reduction by Order No. 2018-459, dated July 2, 2018.

The Commission held nearly a month-long hearing, commencing November 1, 2018 and lasting until Thanksgiving in this complex consolidated matter. The Commission received testimony from 44 witnesses. The evidentiary record compiled in the course of the proceeding was voluminous. The analysis required of the Commission and Staff was intensive and challenging.

In deciding this matter, the Commission was required to determine which plan would (1) provide maximum customer benefits; (2) bring finality and certainty; and (3) be in the public interest of South Carolina ratepayers. Within the bounds of the law and the evidence of record in this case, the Commission was required to choose between adopting the Customer Benefits Plan–B Levelized (a modification of the original Customer Benefits Plan that provided additional rate relief) and allowing the Dominion Energy merger to close, or, adopting ORS’s Optimal Benefits Plan and almost certainly letting the Dominion Energy merger fail. The Commission chose the former. The Commission concluded in Order No. 2018-804(A), after exhaustive analysis, that the plan proposed by the Joint Petitioners would provide immediate and sustained bill reductions to customers coupled with strong assurances that SCE&G would continue to operate as a financially sound, reliable, and responsible utility going forward. SCE&G’s electric bills would be brought into alignment with neighboring utilities and be well below national averages. This result would be achieved without material risk to SCE&G’s solvency, creditworthiness, or ability to conduct its future utility operations safely, reliably, and efficiently. No other option before the Commission provided this combination of benefits. The Commission believed it had enormous value for all SCE&G ratepayers, stakeholders, and the State as a whole. This could be the largest and most impactful case ever in the history of the Commission.

5. Accomplishments of the Public Service Commission

During the review period, the Commission continued to operate under intense public scrutiny and pressure. I believe that pressure and scrutiny led the Commission to clearly demonstrate that it could administer the laws of South Carolina and caused the Commission to produce many accomplishments. I will discuss some of these accomplishments below.

From the very beginning of the review period, the Commission showed that it was capable of responding quickly and in real time and operated seamlessly. This was clearly demonstrated when Act 258 was adopted by the General Assembly on June 28, 2018. This was during the last hours of my Chairmanship, and as Chairman I immediately ordered a Special meeting regarding Act 258. This was on a Friday, and Chief Clerk Jocelyn Boyd publicly noticed the meeting minutes before 5pm, and minutes later around 5:05pm, SCE&G brought suit against all the Commissioners in their official capacity in U S District Court. The meeting that I ordered could not take place until the next business day which happened to be Monday, July 2, 2018, and my Chairmanship officially ended June 30, 2018. I worked with Vice Chairman Randall (who was Chairman elect at this time) and Chief Clerk / Administrator Jocelyn Boyd and along with other Commission staff members to ensure that this was a seamless transition late Friday and into the weekend. The end result was that Commissioner Randall presided as the new Chairman on Monday, July 2, 2018 and the Commission followed the new law of the General Assembly and handled a very delicate matter expeditiously, and in real time, by issuing Order No. 2018-459 which ordered a temporary reduction in SCE&G retail electric rates of 15%.

Other MAJOR accomplishments of the Commission include the final disposition of one of the largest cases to ever come before the Commission in the history of the Commission. (Dockets No. 2017-207-E, 2017-305-E, and 2017-E). I won’t go through the case in depth as I have already done so above in the notable cases section. However, I do consider this a MAJOR accomplishment of the Commission, as the Commission was successful in holding lengthy hearing, in which all parties were heard, had 44 witnesses testify, and evidentiary record was voluminous. The end result was Commission Order No. 2018-804(A) which provided: maximum ratepayer benefits and was in the public interest of ratepayers of South Carolina; and brought finality and certainty to SCE&G ratepayers, stakeholders in the case, and to the future of one of South Carolina’s largest investor-owned utilities.

In addition to the Commission demonstrating how quick and nimble it can adapt and administer the law. Other accomplishments include the Commission becoming much more transparent. Through the leadership of Chairman Randall and the diligence of Chief Clerk Jocelyn Boyd, and additional funding, the Commission is now able to live-stream hearings and meetings. All meetings and hearings have always been open and public, but live-streaming enables most South Carolinians and interested parties to watch live and in real time. This is a great accomplishment because the public is now able to see in real time what the Commissioners have always seen; the examination and cross-examination of witnesses and questions by Commissioners. Live-streaming also gives the public (many for the first time) unique insight into utility cases, and Commissioner deliberations, and how utility cases are decided. I believe it has been a tremendous success and is a huge aid in public confidence and trust.

While there are many other accomplishments of the Commission during the review period, I want to mention one more. I support the Commission promulgating a new regulation. Chief Clerk Jocelyn Boyd has worked hard to bring forth Regulation 103-817.1. This Regulation allows for electronic transmission and filing (e-filing) of documents. E-filed Documents now constitute the official record. While the Commission has accepted electronic filing for a while, this regulation sets forth rules and policies governing e-filing and notice of service. This accomplishment corresponds with other Judicial bodies in South Carolina.

6. Work Schedule and Preparation

My work schedule for the most part remains unchanged from previous years, as I continue to be in the office in Columbia practically every day during the work week. However, as immediate Past Chairman of the SC Commission, my responsibility has decreased during the review period. I no longer have the responsibilities of personnel, budget, procedural matters, scheduling or any other duties statutorily assigned to the Chairman. I value being a "Regular Commissioner" again after the heavy pressure of the previous 2 years. While the pace is still fast, and the caseload seems to be heavier, I do believe we have made progress. I look back on my words from two years ago in this evaluation and I pledged to the Ratepayers of South Carolina, PURC Committee, the Legislature, the Governor, the staff at the PSC, and my fellow Commissioners to take the Commission to a "better place" by taking things 1 day at a time. I believe we are in a "better place", and Chairman Randall and Chief Clerk Jocelyn Boyd are working hard to make us even better at serving all South Carolinians.

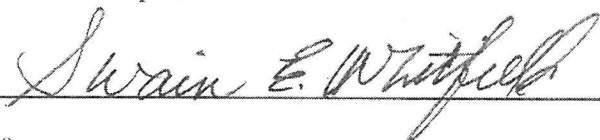
My preparation during the review period remains unchanged from previous years. I still receive printed copies of the testimony here at the Commission and review (while the Commission is completely electronic and state of the art - I still read printed copies in most cases, especially large cases, as I prefer not to look at a computer screen for those long periods of time). I am briefed by the Commission's technical and legal staff in the law library. During the hearings, I listen to the Testimony, evidence, cross-examination by the attorneys, questions by my fellow Commissioners, and then I ask questions of the witnesses. Afterwards, I read proposed orders from all parties in the case and seek advice and counsel from Commission technical staff and Commission attorneys.

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

As I have stated previously, public trust and public confidence must remain high in this Commission for us to function as a judicial body. I believe that each Commissioner and I have strictly adhered to the Code of Judicial Conduct and to SC Ethics laws. I also said in a previous questionnaire that one of our instructors in Ethics Training said years ago "some people might find the Code of Judicial Conduct burdensome to the average citizen". I also believe that my fellow commissioners and I have "gladly and willingly" abided by the restrictions of the Code of Judicial Conduct and ethics rules. As a NARUC member State, we are aware that some states have "loose" ethics laws. South Carolina is known throughout all 50 States in NARUC as having the toughest ethics laws of any State Commission. Our SC Ethics laws are so strong that SC Ethics Director Meghan Walker has been a featured speaker at both SEARUC and NARUC in the last year or so. While it is certainly important at all times to have strict ethics laws, the last 2 years have shown that South Carolina's strict ethics laws and Judicial Code of Conduct have worked. While public trust was very low and heavily questioned, I do believe that as the limitations, roles and responsibilities of the Commission continue to be understood by the public, along with recently passed new Legislation that public trust is coming back. Also, I am eager to hear any suggestions that our instructors may have in our mandatory ethics training that is scheduled in just over a month or so. As Commissioner, I personally will continue to strive every day to abide by Code of Judicial Conduct and SC Ethics Laws. The Code of Judicial Conduct also requires that Commissioners "avoid the appearance of impropriety" and I will continue every day to adhere to that requirement as well.

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

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

Signature: 

Date: 9/5/19