COMMITTEE REPORT

February 11, 2021

**S. 475**

Introduced by Senators Rankin, Grooms, Williams, Scott, Hembree, McElveen, Senn, Talley, Adams, Harpootlian, Hutto, Goldfinch, Matthews and Gambrell

S. Printed 2/11/21--S.

Read the first time January 21, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 475) to require NextEra Energy, Inc. To provide certain documents related to the Public Service Authority to the Speaker of the House of Representatives, the President of the Senate, the, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires NextEra Energy, Inc. to provide certain information and documents related to the company’s efforts to pursue the purchase of Santee Cooper. NextEra submitted a bid for the purchase of Santee Cooper pursuant to Act 95 of 2019 and was eventually selected as the preferred bidder by the Department of Administration. This bill requires NextEra to provide all correspondence since July 31, 2017 to, from, or between the Company and any member of the General Assembly and their staff, the Governor and his staff including the Department of Administration, and correspondence related to any proposed legislation concerning Santee Cooper. The bill further requires NextEra to provide all documentation concerning legislation proposed or supported by the Company and documentation concerning the Company’s efforts to acquire Santee Cooper. The bill further requires NextEra to provide listing of all law firms, lobbyists, and consultants hired or retained in effort to acquire Santee Cooper. NextEra shall provide lists of all advertising expenses connected with acquiring Santee Cooper, political campaign contributions, payments to chambers of commerce, and any charitable contributions on behalf of a member of the General Assembly since July 31, 2017.

The Revenue and Fiscal Affairs Office does not anticipate this bill will have a fiscal impact on any state agencies because the bill requires action from NextEra, a private company, not state agencies.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **JOINT RESOLUTION**

TO REQUIRE NEXTERA ENERGY, INC. TO PROVIDE CERTAIN DOCUMENTS RELATED TO THE PUBLIC SERVICE AUTHORITY TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE, THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE.

Be it enacted by the General Assembly of the State of South Carolina:

Whereas, a Senate Judiciary Subcommittee met on December 31, 2020, to discuss information related to the future of the Public Service Authority, also referred to as “Santee Cooper”;

Whereas, on December 31, 2020, the Senate Judiciary Subcommittee unanimously voted to request, in good faith, certain information from NextEra Energy, Inc., deemed to be relevant and necessary to inform the South Carolina Senate as it moves forward in considering Santee Cooper’s future, which includes efforts of NextEra Energy Inc. to acquire Santee Cooper as well as Santee Cooper’s reform;

Whereas, NextEra Energy, Inc. was requested to provide the information by January 15, 2021; and

Whereas, NextEra Energy, Inc. provided an electronic response on January 15, 2021, stating, in part, that it would not provide the requested information;

Whereas, the failure of NextEra Energy Inc. to provide the requested information, deemed relevant and necessary to inform the South Carolina Senate as it moves forward in its deliberations regarding Santee Cooper’s future, is a show of bad faith by NextEra Energy Inc. in its dealing with the State of South Carolina in regards to Santee Cooper;

Whereas, the information requested by the Senate Judiciary Subcommittee should also be provided to the House of Representatives as it moves forward in its deliberations regarding Santee Cooper’s future; and

Whereas, for purposes of this Joint Resolution, “NextEra Energy, Inc.”, means NextEra Energy, Inc., its subsidiaries, officers, employees, lobbyists, public relations professionals, consultants or others retained by NextEra Energy, Inc., and any attorney retained or employed by NextEra Energy, Inc.

Now therefore, be it enacted by the General Assembly that:

NextEra Energy, Inc. must provide to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Judiciary Committee, and the Chairman of the House Judiciary Committee the following:

(a) From the date of July 31, 2017, to the present day, any and all correspondence ‑ whether by email, written letter, text or otherwise ‑ to, from or between NextEra Energy, Inc. to the extent that correspondence concerns any proposed legislation relating to Santee Cooper, whether such legislation was or will be actually introduced or not;

(b) From the date of July 31, 2017, to the present day, any and all correspondence ‑ whether by email, written letter, text or otherwise ‑ to, from or between NextEra Energy, Inc. and any member of the South Carolina General Assembly;

(c) From the date of July 31, 2017, to the present day, any and all correspondence ‑ whether by email, written letter, text or otherwise ‑ to, from or between NextEra Energy, Inc. and the Governor or any and all staff members of the Governor to include all employees of the Department of Administration;

(d) From the date of July 31, 2017, to the present day, any and all correspondence ‑ whether by email, written letter, text or otherwise ‑ to, from or between NextEra Energy, Inc. and staff members of the South Carolina General Assembly;

(e) From the date of July 31, 2017, to the present day, any and all documents, memoranda, reports or other printed or written materials, regardless of form or format, produced for or at the request of NextEra Energy, Inc., concerning any legislation proposed or supported by NextEra Energy, Inc. or any legislation that has been considered by the South Carolina General Assembly relating to the potential sale of Santee Cooper;

(f) Any and all documents, memoranda, reports or other printed or written materials, regardless of form or format, produced for or at the request of NextEra Energy, Inc. that concern any efforts, public or private, of NextEra Energy, Inc. in support of any effort to acquire Santee Cooper;

(g) A listing of any and all law firms, consultants, or lobbyists, public relations professionals or other individuals employed or retained by NextEra Energy, Inc. in connection with, directly or indirectly, the potential acquisition of Santee Cooper by NextEra Energy, Inc. including a description of the services provided and copies of any contracts executed for these services as well as an indication of who authorized the retention or employment of the law firm, consultant public relations firm or lobbyist or other individuals;

(h) A listing of any and all law firms, consultants, public relations professionals, or other individuals that were subcontracted or otherwise retained or employed by any law firm, consultants, public relations professionals or other individuals that have been directly retained or otherwise employed by NextEra Energy, Inc. in support of the efforts of NextEra Energy, Inc. to acquire Santee Cooper;

(i) From the date of July 31, 2017, to the present day, a listing and amounts of all expenditures by NextEra Energy, Inc. or its political action committee(s) for all television and other media expenditures, in connection with, directly or indirectly, efforts of NextEra Energy, Inc. to acquire Santee Cooper;

(j) From the date of July 31, 2017, to the present day, a listing of all campaign contributions to any and all South Carolina political campaigns or political parties or to legislative or other political caucuses by NextEra Energy, Inc. or its political action committee(s);

(k) From the date of July 31, 2017, to the present day, a listing of all payments by NextEra Energy, Inc. or its political action committee(s) to any and all Chambers of Commerce, political blogs or social media entities, whether paid directly or indirectly by subsidiary or otherwise, to members of the South Carolina General Assembly or to any entity with which any member is affiliated; and

(l) From the date of July 31, 2017, to the present day, a listing of any and all charitable contributions made to any and all charities by NextEra Energy, Inc. on behalf of any member of the General Assembly from July 31, 2017, to the present date.

The information requested in this SECTION must be provided, in electronic format, within ten calendar days from the effective date of this joint resolution.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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