

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2022 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
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2 EXECUTIVE ORDERS

Executive Order No. 2022-33

WHEREAS, on October 6, 2022, a Grand Jury convened in Sumter County returned an Indictment charging Terence R. Wilson, a member of the Town Council of the Town of Mayesville, with Threatening the Life of a Public Official, in violation of section 16-3-1040(A) of the South Carolina Code of Laws, as amended, and on October 17, 2022, the undersigned was notified of the aforementioned Indictment; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, Terence R. Wilson, as a member of the Town Council of the Town of Mayesville, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Terence R. Wilson with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *cf. Febrez v. United States*, No. 4:08-CR-01165-RBH-1, 2017 WL 4764810, at *2–4 (D.S.C. Oct. 20, 2017); *In re Lee*, 313 S.C. 142, 143–44, 437 S.E.2d 85, 86 (1993); *State v. Bailey*, 275 S.C. 444, 446, 272 S.E.2d 439, 440 (1980); *Op. Att’y Gen.*, 2016 WL 7425912, at *1–2 (S.C.A.G. Dec. 2, 2016); *Op. Att’y Gen.*, 1994 WL 199758, at *1 (S.C.A.G. Apr. 19, 1994); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Terence R. Wilson from office as a member of the Town Council of the Town of Mayesville until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Terence R. Wilson from office as a member of the Town Council of the Town of Mayesville until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Terence R. Wilson and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF OCTOBER, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-34

WHEREAS, on November 3, 2022, a Grand Jury convened in Marion County returned an Indictment charging Oscar Jay Foxworth, a member of Marion County Council, with one count of Receiving Goods or Services Fraudulently Obtained, in violation of section 16-14-80 of the South Carolina Code of Laws, as amended, and one count of Criminal Conspiracy (to commit Breach of Trust with Fraudulent Intent), in violation of section 16-17-410 of the South Carolina Code of Laws, as amended; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, Oscar Jay Foxworth, as a member of Marion County Council, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and classification of the offenses, the undersigned has determined that one or both counts of the aforementioned Indictment charge Oscar Jay Foxworth with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see Horton*, 271 S.C. at 414, 248 S.E.2d at 263 (“An act in which fraud is an ingredient involves moral turpitude.”); *see also In re Derrick*, 301 S.C. 367, 368, 392 S.E.2d 180, 180 (1990) (classifying “breach of trust with fraudulent intent” as “a crime of moral turpitude” (citing *In re Sipes*, 297 S.C. 531, 377 S.E.2d 574 (1989))); *Op. Att’y Gen.*, 1988 WL 485245, at *1 (S.C.A.G. Mar. 11, 1988) (“Because the substantive offense would involve moral turpitude, conspiring to commit the offense would also involve moral turpitude.”); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Oscar Jay Foxworth from office as a member of Marion County Council until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Oscar Jay Foxworth from office as a member of Marion County Council until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Oscar Jay Foxworth and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3rd DAY OF NOVEMBER, 2022.

HENRY MCMASTER
Governor

4 NOTICES

CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION

NOTICE OF GENERAL PUBLIC INTEREST

The Highly Pathogenic Avian Influenza (HPAI) outbreak in the United States has affected backyard and commercial poultry operations in 46 states, resulting in over 49 million birds being depopulated due to HPAI.

To protect South Carolina's poultry population, the State Veterinarian's office is temporarily prohibiting the importation or movement of non-National Poultry Improvement Plan (NPIP) Avian Influenza Clean Certified backyard poultry, waterfowl, and ratites (e.g., emu, ostrich, rhea) from any U.S. counties with confirmed infections of HPAI for South Carolina individual markets, public sales, small sales, bird swaps, exhibitions, and expositions. (See SC Code of Laws section 47-4-30). A list of affected counties with ongoing HPAI activities may be found on the [USDA Avian Influenza website](#).

Individual markets, public sales, small sales, bird swaps, exhibitions, and expositions of backyard poultry, waterfowl, and ratites from counties without cases of HPAI infections may continue with normal business operations following South Carolina Code of State Regulations 27-1014 – Importation of Poultry and South Carolina Code of State Regulation 27-1027 – Importation of Ratites (Ostrich, Emu, Rhea and Other Flightless Birds in the Family Ratitae).

In addition, we strongly recommend that all producers review the specific restrictions that individual markets, public sales, small sales, bird swaps, exhibitions, and expositions may implement in addition to or in tandem with these state restrictions.

The State Veterinarian's office will continue to monitor the HPAI outbreak and will issue updated statements when the prohibition has been lifted, or other appropriate actions are taken to protect the health of the South Carolina poultry population.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR AN ADDENDUM TO THE SOUTH CAROLINA 2022 ANNUAL MONITORING NETWORK PLAN

Statutory Authority: S.C. Code Sections 48-1-10 et seq.

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on a proposed addendum to the 2022 South Carolina Annual Ambient Air Monitoring Network Plan (Network Plan) to meet obligations to the U.S. Environmental Protection Agency (EPA), and provide documentation of the establishment and maintenance of an air quality surveillance system that consists of a network of state or local air monitoring stations (SLAMS) that includes federal reference method (FRM) and federal equivalent method (FEM) monitors that are part of SLAMS, national core multipollutant monitoring stations (NCore), chemical speciation network (CSN), and special purpose monitor (SPM) stations. The proposed addendum to the Network Plan is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on December 28, 2022, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the Network Plan. If requested, the Department will hold a public hearing on January 5, 2023, at 10:00 a.m., in

Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. In the event that a requested public hearing cannot be held in person due to the COVID-19 guidelines restricting in-person meetings, the public hearing will be held using an alternative method that provides the public the ability to participate remotely. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on December 28, 2022, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact G. Renee' Madden, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-3822; or email at maddengr@dhec.sc.gov for more information or to find out if the Department will hold the public hearing. A copy of the proposed addendum to the 2022 South Carolina Annual Ambient Air Monitoring Network Plan is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>

Synopsis:

In October 2006 and in April 2016, the EPA published requirements for an annual monitoring network plan. This Network Plan, as required and described in 40 CFR Part 58.10, Annual Monitoring Network Plan and Periodic Network Assessment, must contain the following information for each monitoring station in the network.

Any network modifications to SLAMS networks are subject to the approval of the EPA Regional Administrator, who shall approve or disapprove the plan within 120 days of submission of a complete plan to the EPA. The 2022 South Carolina Annual Ambient Air Monitoring Network Plan that covers the eighteen-month period from July 1, 2022, through December 31, 2023, was submitted to the EPA on July 1, 2022. The Department is proposing this addendum to request EPA concurrence for the discontinuation and relocation of PM₁₀ monitoring for the Columbia MSA from the Cayce City Hall Monitoring Site to the Parklane Monitoring Site, and the discontinuation and relocation of PM₁₀ monitoring for the Charleston-North Charleston MSA from the Jenkins Ave. Fire Station Monitoring Site to the North Charleston Fire Station Monitoring Site.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **November 25, 2022**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Greenwood County

Self Regional Healthcare

Purchase of a mobile CT Scanner unit from GE Healthcare at the hospital and relocation of a CT Scanner to an existing empty CT room at its nearby Tower Pointe Medical Center at a total project cost of \$1,757,986.53.

Affecting Lexington County

Judah Med Care LLC (JMC) d/b/a Judah Med Care Home Health Division*

Establishment of a Home Health agency in Lexington County at a total project cost of \$39,000.

Affecting Richland County

Judah Med Care LLC (JMC) d/b/a Judah Med Care Home Health Division*

6 NOTICES

Establishment of a Home Health agency in Richland County at a total project cost of \$39,000.

Affecting York County

Amisub of South Carolina, Inc., d/b/a Piedmont Medical Center-Fort Mill

Establishment of a Diagnostic Cardiac Catheterization Laboratory through the conversion of an existing special procedures lab to a Diagnostic Cardiac Catheterization Laboratory at a total project cost of \$50,000.

Judah Med Care LLC (JMC) d/b/a Judah Med Care Home Health Division*

Establishment of a Home Health agency in York County at a total project cost of \$39,000.

*Republished to correct company name and total project cost.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **November 25, 2022**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Berkeley County

Roper St. Francis Hospital-Berkeley, Inc. d/b/a Roper St. Francis Berkeley Hospital

Purchase of a mobile CT unit at a total project cost of \$1,865,209.

Affecting Florence County

Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center

Expansion of MRI services including renovation of 1480 sf for the addition of a MRI with a 3.0T Magnet at a total project cost of \$3,460,809.

Affecting Georgetown County

Georgetown Hospital System d/b/a Tidelands Health d/b/a/ Tidelands Health Waccamaw Community Hospital

Renovation of existing 1,858 sf for the addition of a hybrid operating room at a total project cost of \$5,065,912.

Affecting Lexington County

Lexington Health Inc. d/b/a Lexington Medical Center

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,328,654.84.

Lexington Health, Inc. d/b/a Lexington Medical Center Saluda Pointe

Purchase of a GE Discovery IQ PET/ CT scanner to be installed at LMC Saluda Pointe at a total project cost of \$2,498,315.

Affecting Spartanburg County

Carolina Orthopaedic & Neurosurgical Associates

Purchase of equipment to include an EOSedge Stereoradiographic unit with room modifications at a total project cost of \$877,328.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA STATE BOARD OF FUNERAL SERVICE**

CHAPTER 57

Statutory Authority: 1976 Code Sections 32-8-380, 40-1-50, 40-1-70, 40-1-110, 40-19-70, 40-19-110, and 40-19-230(F)

Notice of Drafting:

The South Carolina State Board of Funeral Service proposes to amend sections in Chapter 57, Article 8, related to crematory requirements, which includes but is not limited to records, equipment and practices, training of crematory operators, and training of certified crematory trainer/preceptors. Additionally, the Board intends to promulgate a new regulation that further clarifies what amounts to unprofessional conduct, particularly with respect to treating dead human bodies and/or human remains with dignity and respect. Finally, the Board intends to amend S.C. Code Ann. Regs. 57-12(A) by removing the reference to the Board's website. Interested parties may submit comments to Amy Holleman, Administrator, South Carolina State Board of Funeral Service, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina State Board of Funeral Services proposes to amend various regulations in Chapter 57, Article 8, as provided above. Additionally, the Board intends to promulgate a new regulation that further clarifies what amounts to unprofessional conduct, particularly with respect to treating dead human bodies and/or human remains with dignity and respect. Finally, the Board intends to amend S.C. Code Ann. Regs. 57-12(A) by removing the reference to the Board's website.

Legislative review of these amendments is required.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140 and 58-27-150

Notice of Drafting:

The Public Service Commission of South Carolina is conducting a formal review of its South Carolina Code of State Regulations Chapter 103, Article 3, Electric Systems. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket Number 2022-359-A. To be considered, comments must be received no later than 4:45 p.m. on Thursday, January 5, 2023.

Synopsis:

S.C. Code Ann. Section 1-23-120(J) states, in part, "Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, 1997, and every five years thereafter, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in subsection (H) are not subject to this review."

The Public Service Commission of South Carolina, in compliance with S.C. Code Ann. Section 1-23-120(J), is in the process of continuing its review of Chapter 103, Article 3, Electric Systems South Carolina Code of State Regulations. The Public Service Commission Staff opened Docket No. 2020-247-A on Wednesday, October 14, 2020, and has publicly noticed and held workshops regarding the Article 3, Electric Systems Regulations.

8 DRAFTING NOTICES

Interested stakeholders participated in these workshops and provided written comments, which can be viewed in Docket No. 2020-247-A.

The Public Service Commission Staff intends to file proposed regulations that contain recommended changes to the Commission's Article 3, Electric Systems Regulations.

Legislative review of this proposal will be required.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140 and 58-5-210

Notice of Drafting:

The Public Service Commission of South Carolina is conducting a formal review of its South Carolina Code of State Regulations Chapter 103, Article 4, Gas Systems. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket Number 2022-360-A. To be considered, comments must be received no later than 4:45 p.m. on Thursday, January 5, 2023.

Synopsis:

S.C. Code Ann. Section 1-23-120(J) states, in part, "Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, 1997, and every five years thereafter, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in subsection (H) are not subject to this review."

The Public Service Commission of South Carolina, in compliance with S.C. Code Ann. Section 1-23-120(J), is in the process of continuing its review of Chapter 103, Article 4, Gas Systems South Carolina Code of State Regulations. The Public Service Commission Staff opened Docket No. 2020-247-A on Wednesday, October 14, 2020, and has publicly noticed and held workshops regarding the Chapter 103, Article 4, Gas Systems Regulations. Interested stakeholders participated in these workshops and provided written comments, which can be viewed in Docket No. 2020-247-A.

The Public Service Commission Staff intends to file proposed regulations that contain recommended changes to the Commission's Chapter 103, Article 4, Gas Systems Regulations.

Legislative review of this proposal will be required.

Document No. 5169
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28

Statutory Authority: 1976 Code Sections 37-2-307(E), 37-6-104, and 37-6-506

28-75. Motor Vehicle Dealer Closing Fees. (New)

Preamble:

The South Carolina Department of Consumer Affairs proposes adding a regulation to set forth parameters for determining reasonableness and provide other guidance regarding the filing process and displaying the fee in the dealership.

Section-by-Section Discussion:

A. Definitions

Adds new text with reference to Title 37 definitions and additional definitions.

B. General

Adds new text regarding effective dates of a closing fee and registration expiration.

C. Written Notice of Proposed Closing Fee

Adds new text regarding filing a written notice for all closing fees.

D. Cost Analysis Addendum and Supporting Exhibits

Adds new text outlining the parameters for conducting a cost analysis and submitting required documents and information for closing fees exceeding two hundred twenty-five dollars per vehicle.

E. Posting of Permitted Closing Fee

Adds new text regarding conspicuous display of the closing fee certificate.

The Notice of Drafting was published in the *State Register* on September 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are invited to submit their views in writing by mail to Kelly Rainsford, Deputy Administrator/General Counsel, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250 or by e-mail to KRainsford@scconsumer.gov. To be considered, comments must be received no later than 5:00 p.m. on December 28, 2022, the close of the comment period. Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, the hearing will be held on January 10, 2023, at 2:30 p.m., at the South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. If no qualifying hearing request is received by 5:00 p.m. on December 28, 2022, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 28-75. Motor Vehicle Dealer Closing Fees.

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Purpose: The purpose of the regulation is to establish parameters regarding the closing fee filing process, the dealer's submission of documents and information to support a closing fee exceeding two hundred twenty-five dollars per vehicle, the Department's review of closing fee filings for reasonableness, and the dealer's requirement to display the closing fee in a conspicuous location in the dealership.

Legal Authority: 1976 Code Sections 37-2-307(E), 37-6-104, and 37-6-506.

Plan for Implementation: The regulation will take effect upon General Assembly approval and publication in the State Register. Department personnel will take appropriate steps to inform the regulated community of the regulation, including posting a notice on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary and reasonable to establish parameters regarding the closing fee filing process, the dealer's submission of documents and information to support a closing fee exceeding two hundred twenty-five dollars per vehicle, the Department's review of closing fee filings for reasonableness, and the dealer's requirement to display the closing fee in a conspicuous location in the dealership.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of this regulation will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. This regulation will provide guidance to motor vehicle dealers filing a closing fee and establish a more streamlined and efficient filing and review process. The parameters will reduce Department costs for processing filings. As a result, this regulation should benefit motor vehicle dealers as well as the Department. The regulation also will aid in ensuring consumers are made aware of the closing fee intended to be charged prior to making a purchase decision.

UNCERTAINTIES OF ESTIMATES:

It is possible the Department may need to pursue enforcement of the regulation requirements. A finite amount of costs is undetermined due to uncertainty in estimating the number of matters that will warrant administrative action or litigation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health of this State if this regulation is not implemented.

Statement of Rationale:

Section 37-2-307 provides that a motor vehicle dealer may charge a closing fee if the dealer files it with the Department, pays the filing fee, includes it in the advertised price of the motor vehicle, discloses it on the sales contract, and displays it in a conspicuous location in the dealership. It further provides that if the maximum closing fee the dealer intends to charge exceeds \$225.00 per vehicle, the Department may review the amount for reasonableness using the criteria provided in Section 37-2-307(C)(3). It is necessary to promulgate a regulation to set forth parameters for determining reasonableness and provide other guidance regarding the filing process and displaying the fee in the dealership.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5167
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-13-1490 and 7-13-1655

45-1 through 45-10. State Election Commission.

Preamble:

The State Election Commission (SEC) proposes to repeal Regulations 45-1 through 45-10 in their entirety to remove definitions and instructions no longer relevant to the current voting system used in South Carolina.

Section-by-Section Discussion:

Repeal Regulations 45-1 through 45-10 in their entirety.

The Notice of Drafting was published in the *State Register* on October 28, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on January 18, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, 1122 Lady Street, Suite 500, Post Office Box 5987, Columbia, South Carolina 29250-5987. To be considered, all comments must be received no later than 5:00 PM on December 30, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed repeal of Regulations 45-1 through 45-10.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulations 45-1 through 45-10. State Election Commission.

Purpose: The State Election Commission (SEC) proposes to repeal Regulations 45-1 through 45-10 in their entirety to remove definitions and instructions no longer relevant to the current voting system used in South Carolina.

Legal Authority: Sections 7-13-1490 (Regulations, Instructions and Forms) and 7-13-1655 (“Voting System” defined; State Election Commission duties) of the of the 1976 S.C. Code; also generally that authority to regulate stated at Section 7-3-10(F).

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Plan for Implementation: After repeal of Regulations 45-1 through 45-10, the SEC will advise the 46 county boards of voter registration and elections of the repeal.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The existing regulations are obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulations were written are no longer in use. Therefore, the counties do not adhere to the existing regulations, and could not effectively do so under the voting system currently in place. Further, the existing regulations cannot be reasonably amended to apply to the current voting system other than by repeal and eventual replacement.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed repeal of regulations 45-1 through 45-10.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

The State Election Commission (SEC) proposes to repeal Regulations 45-1 through 45-10 in their entirety to remove definitions and instructions no longer relevant to the current voting system used in South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5170
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

10-2. Board of Accountancy.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations.

Section-by-Section Discussion:

- 10-2(1). No change.
- 10-2(2). No change.
- 10-2(2)(a). Strike through \$80 and replace with \$115.
- 10-2(2)(b). Strike through \$80 and replace with \$115.
- 10-2(3). No change.
- 10-2(3)(a). Strike through \$80 and replace with \$115.
- 10-2(3)(b). Strike through \$80 and replace with \$115.
- 10-2(4). No change.
- 10-2(5). No change.
- 10-2(5)(a). Strike through \$50 and replace with \$70.
- 10-2(5)(b). Strike through \$50 and replace with \$70.
- 10-2(6). No change.
- 10-2(6)(a). Strike through \$50 and replace with \$70.
- 10-2(6)(b). Strike through \$50 and replace with \$70.
- 10-2(7). No change.
- 10-2(8). No change.
- 10-2(8)(a). No change.
- 10-2(8)(b). No change.

The Notice of Drafting was published in the *State Register* on September 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 13, 2023. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on December 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Need and Reasonableness:

South Carolina Code Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions at the end of the fiscal year 2021-22, the Director concluded that fees for certain boards, including the Board of Accountancy, must be adjusted to comport with Section 40-1-50(D).

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to comply with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board.

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Legal Authority: S.C. Code Sections 40-1-50 and 40-1-70.

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulations and post the regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary to carry out the requirements of statute which establish that the Agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no detrimental effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

The updated regulation will comport with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5171

DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-40, 40-35-45, 40-35-50, and 40-35-60

93-50. General Definitions.

- 93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.
- 93-80. Administrator-in-Training Program Requirements.
- 93-100. Fees [and Fee Schedule].
- 93-110. Examination; Scheduling and Grading.
- 93-120. Initial Licensees.
- 93-130. Provisional Licenses.
- 93-150. Inactive or Retired Status Licenses.
- 93-160. Registration of Licenses.
- 93-200. Continuing Education for Relicensure.
- 93-210. Reinstatement of Lapsed License.

Preamble:

The South Carolina Board of Long Term Health Care Administrators proposes to amend Chapter 93, including but not limited to providing clarification and guidance regarding the operation of a facility, administrators in training, examinations, initial licenses, provisional licenses, retired and inactive licenses, continuing education, and reinstatement of licensees.

Section-by-Section Discussion

- 93-50. No change.
- 93-50(A). Add new section defining “Administrator-in-Training.”
- 93-50(A). Re-letter as (B).
- 93-50(B). Re-letter as (C).
- 93-50(D). Add new section (with subsections (1)–(3)) defining “Direct Resident Care Responsibilities.”
- 93-50(C). Re-letter as (E).
- 93-50(F). Add new section (with subsections (1)–(2)) defining “Equitably distributed.”
- 93-50(G). Add new section defining “Full-time.”
- 93-50(H). Add new section defining “Health Service Executive.”
- 93-50(D). Re-letter as (I).
- 93-50(E). Re-letter as (J).
- 93-50(K). Add new section defining “Normal Business Hours.”
- 93-50(L). Add new section defining “On site or available.”
- 93-50(F). Re-letter as (M).
- 93-50(G). Re-letter as (N).
- 93-50(H). Re-letter as (O).
- 93-50(P). Add new section defining “Preceptor.”
- 93-50(I). Re-letter as (Q). Strike “examination” between “licensure” and “qualifications.” Strike “has [...] charge” after “qualifications.” Change “But” following “charge” to lower case, and following that, add “who has not passed the required examinations. A Provisional license may only be issued to qualified applicants when a licensed facility is unexpectedly without a licensed administrator in charge.”
- 93-50(J). Strike all.
- 93-50(K). Strike all.
- 93-50(L). Strike all.
- 93-70. No change.
- 93-70(A)–(B). No change.
- 93-70(C). Add “the” between “of” and “disqualification.” Add “for the disqualification” following “reasons.” Strike “his” and replace with “written notification of the.”
- 93-70(D). No change.
- 93-80. No change.
- 93-80(A). No change.

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- 93-80(A)(1). No change.
- 93-80(A)(2). No change.
- 93-80(A)(2)(a). No change.
- 93-80(A)(2)(b). Add hyphen to “health-related.”
- 93-80(A)(2)(c). Add hyphen to “non-health-related.”
- 93-80(B). Strike “of \$25.00.”
- 93-80(C). Strike the first sentence in its entirety. Strike “the” between “contact” and “preceptor” and replace with “a board approved.”
- 93-80(D)–(F). No change.
- 93-80(G). Strike final sentence in its entirety.
- 93-80(H)–(I). No change.
- 93-80(J). Strike “internship” and replace with “AIT program.”
- 93-80(K). Add “During the AIT program” before the beginning of the first sentence. Strike “notify” and replace with “provide ongoing performance reviews to.” Strike “of his performance as the program progresses.”
- 93-80(L). No change.
- 93-100. No change.
- 93-100(A). No change.
- 93-100(B). Strike “at <http://lir.sc.gov/POL/LongTermHealthCare/>.”
- 93-110. No change.
- 93-110(A). Strike all.
- 93-110(B). Re-letter as (A). Add “by a Board approved testing provider” after end of sentence.
- 93-110(B)(1)–(2). No change.
- 93-110(C). Strike all.
- 93-110(D). Strike all.
- 93-110(E). Re-letter as (B).
- 93-110(F). Re-letter as (C). Strike “In addition, the applicant” and preceding period and replace with “and.”
- 93-110(G). Strike all.
- 93-110(H). Re-letter as (D).
- 93-110(I). Re-letter as (E).
- 93-110(J). Re-letter as (F). Strike “both” between “for” and “the.” Strike “South Carolina portions of.” Add “state” between “the” and “examination,” and add an “s” to the aforementioned “examination” so that it now reads “examinations.” Strike “either portion” and replace with “any of the examinations.” Strike second and third instances of “portion” and add an “s” in parentheses to the word “examination” following each instance, so that both instances now read “examination(s).” Strike “either portion” in final sentence and replace with “any.”
- 93-110(K). Re-letter as (G). Strike “An applicant” and replace with “Applicants”. Strike “has failed and replace with “fail”. Strike “he” and replace with “they.” Change “desires” to “desire.”
- 93-120. No change.
- 93-120(A). Add “or as a Dual licensee. Issuance of the license shall entitle the person to serve, act, practice or otherwise present themselves as a licensed Nursing Home Administrator, licensed Community Residential Care Administrator, or Dual licensed administrator” at the end of the sentence.
- 93-120(B). Strike all.
- 93-120(C). Re-letter as (B).
- 93-130. No change.
- 93-130(A). No change.
- 93-130(B). Strike “of which the applicant will be appointed the administrator.”
- 93-130(B)(1). Strike all and replace with “Justification of the need for provisional licensure or explanation for the unexpected vacancy.”
- 93-130(B)(2). Add “desired” before “appointed.”
- 93-130(B)(3). Strike all and replace with “The facility name, physical address and anticipated date of administrator appointment.”
- 93-130(B)(4). Strike all.
- 93-130(C)–(D). No change.

- 93-130(E). Add period after “expiration date.” Strike “and must [...] first issued.” Add new sentence following existing sentence, as well as new subsections (1)–(3), regarding requests for extension.
- 93-130(F). Strike “If [...] provided” and replace with “In the event an extension is granted.” Add “shall” between “facility” and “engages,” and change “engages” to “engage.” Strike final sentence in its entirety.
- 93-130(G). Strike first instance of “community residential care facility.” Strike “does not pass [...] If the provisional licensee.” Strike “the examination the second time” and replace with “at the same required examination twice,” followed by a comma.
- 93-130(H). Strike all.
- 93-130(I). Re-letter as (H). Add new language after existing sentence describing limitations on applying for provisional licenses.
- 93-130(I). Add new section regarding applicants for provisional licensure who have previously failed national or state examinations.
- 93-150(A)–(C). No change.
- 93-150(D). Add hyphen to “sixty-five.”
- 93-150 (E)–(F). No change.
- 93-160. No change.
- 93-160(A). Strike all.
- 93-160(B). Re-letter as (A).
- 93-160(C). Strike all.
- 93-160(D). Re-letter as (B).
- 93-200. No change.
- 93-200(A)–(E). No change.
- 93-200(F). Add new section (with subsections (1)–(2)): Program Delivery Methods.
- 93-200(G). Add new section: Hardship Waiver.
- 93-210. No change.
- 93-210(A). Strike “duly.” Strike “his” and replace with “their.” Strike “as listed on Attachment A for reinstating the lapsed license, provided that the” and replace with “proof of meeting the.” Strike “in 93-200 are met” and replace with “and a statement of practice since license expiration,” preceded by a comma.
- 93-210(B). Strike “meet the requirements provided in South Carolina Code Ann. Section 40-35-40 and regulation” and replace with new language more specifically describing the process for applying to reinstate a lapsed license.

A Notice of Drafting was published in the *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 9:30 a.m. on February 23, 2023. Written comments may be directed to Meredith Buttler, Administrator, Board of Long Term Health Care Administrators, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on December 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The South Carolina Board of Long Term Health Care Administrators proposes to amend Chapter 93, including but not limited to providing clarification and guidance regarding the operation of a facility, administrators in

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training, examinations, initial licenses, provisional licenses, retired and inactive licenses, continuing education, and reinstatement of licensees.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulations would provide clarification and guidance regarding the operation of a facility, administrators in training, examinations, initial licenses, provisional licenses, retired and inactive licenses, continuing education, and reinstatement of licensees.

Legal Authority: S.C. Code Sections 40-1-70, 40-35-40, 40-35-45, 40-35-50, and 40-35-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations are both reasonable and necessary in that they would provide clarification and guidance regarding the operation of a facility, administrators in training, examinations, initial licenses, provisional licenses, retired and inactive licenses, continuing education, and reinstatement of licensees.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the Department's function of protecting the public health in the state.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment of this State if these regulations are not implemented. These regulations contribute to the Department's function of protecting the public health in the state.

Statement of Rationale:

The South Carolina Board of Long Term Health Care Administrators proposes to amend Chapter 93, including but not limited to providing clarification and guidance regarding the operation of a facility, administrators in training, examinations, initial licenses, provisional licenses, retired and inactive licenses, continuing education, and reinstatement of licensees.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5172
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

Preamble:

The Department of Natural Resources proposes to establish revised Regulation 123-210, setting term and conditions for the public's use of lakes and ponds leased by the department for the purpose of providing public fishing.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 23, 2022.

The proposed amendment will require legislative review.

Section-by-Section Discussion:

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

- A. No change.
 - a. Lake Ashwood in Lee County – no change.
 - b. Dargan's Pond in Darlington County – reinstates regulations and allows for opening to fishing when conditions allow.
 - c. Lake Edwin Johnson in Spartanburg County – adds a closure through June 2024, lake will reopen on July 1, 2024.
 - d. Jonesville Reservoir in Union County – no change.
 - e. Lancaster Reservoir in Lancaster County – no change.
 - f. Lake Oliphant in Chester County - no change
 - g. Star Fort Pond in Greenwood County - no change.
 - h. Sunrise Lake in Lancaster County – no change.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 5, 2023 at 10:00 am. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, South Carolina 29202, no later than 5:00 pm on December 29, 2022.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the amendment of Regulation 123-210.

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

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DESCRIPTION OF REGULATION:

Purpose: These amended regulations will allow for the public use of lakes leased by the Department and managed by the State Lakes Program for public fishing. The regulations establish opening and closure times and dates, possession limits, size limits, methods of take and other use allowances and restrictions for lakes in the State Lakes Program.

Legal Authority: The amended 1976 Code Section 50-11-2200 prohibits certain acts and conduct on department owned lands and state lakes owned or leased by the department unless the department establishes regulations to allow any of the acts or conduct under prescribed conditions.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication, through signage posted at each lake or pond, and through news releases and other Department media outlets and publications.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

These proposed regulations are needed to update the terms and conditions for public use to ensure protection of the natural resources and facilities associated with lakes and ponds leased by the department for public fishing. These proposed regulations will provide for temporary closure of Lake Edwin Johnson, allow for SCDNR to reopen Dargan's Pond at the appropriate time, and reestablish public use regulations for Dargan's Pond once it reopens to the public.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the angling community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

Regulation 123-210 is amended to clarify and update the term and conditions to provide for the public's use of state lakes and ponds leased by the department for the purpose of providing public fishing.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5166
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-203. General Regulation.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend Regulation 123-203 pertaining to use of Wildlife Management Areas, Heritage Preserves, and other lands owned by the Department. The following is a section-by-section discussion of the proposed changes.

Section-by-Section Discussion:

123-203. General Regulation.

D.(1) Classifies electric assist bicycles and bicycles with helper motors as bicycles

The Notice of Drafting was published in Volume 46, Issue No. 10 of the South Carolina *State Register* on October 28, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 4, 2023, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than December 28, 2022.

Preliminary Fiscal Impact Statement:

The amendment to Regulation 123-203 will have no fiscal impact on the public or the responsible agency.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

Purpose: These regulations amend Regulation 123-203 which prescribes general use of Wildlife Management Areas, Heritage Preserves and other Department owned lands.

Legal Authority: 1976 Code Sections 50-11-2200 and 50-11-2210.

Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations into a Property Use Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications, as well as informational kiosks posted at individual properties.

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DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Periodically, regulations regarding use are modified in order to respond to technological advances or provide enhanced resource protection. The minor changes proposed below increase public opportunity while continuing to meet management objectives for specific properties.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public use opportunities that should generate additional State revenue through sales of fuel and other supplies. Sales taxes on these items will directly benefit government.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing public areas and public use. Conditions of public use for specific properties are continually evaluated for needed changes. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5165
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations.
123-53. Bear Hunting Rules and Seasons.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

Section-by-Section Discussion:

123-40. Wildlife Management Area Regulations.

A. Game Zone 1

1. US Forest Service WMA lands (Sumter National Forest)

(a) Establishes hunting on Sundays beginning October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of Section 1.

(b)(i) Sets archery season for deer

(c)(i) Sets primitive weapons season for deer

(d)(i) Sets still gun season for deer

(e)(i) Sets still gun season for bear

(f)(i) Specifies season and bag limit for Special Party Dog Hunt for bear

(g)(i) Sets small game season and bag limits

(h)(i) Sets dates for hog hunts with dogs

5. Establishes Mill Shoals WMA

(a)(i) Sets archery hunt dates for deer

(b)(i) Sets archery hunt dates for bear

(c)(i) Sets small game seasons and bag limits

B. Game Zone 2

1. US Forest Service WMA lands (Sumter National Forest)

(a) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of Section 1.

(b)(i) Sets archery season for deer

(c)(i) Sets primitive weapon season for deer

(d)(i) Sets still gun season for deer

(e)(i) Sets small game season and bag limits with exceptions

(f)(i) Sets dates for hog hunts for dogs

2. Other WMAs

(d)(i) Removes extraneous language

3. Draper WMA

(e)(iii) Removes extraneous abbreviation

(f)(i) Changes dates for rabbit hunts

6. Belfast WMA

(b) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).

10. Liberty Hill WMA

(a) Establishes hunting on Sundays beginning October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of Section (a).

15. Indian Creek Quail Focal Area

(e) Requires rabbit hunters to sign in and sign out at designated check station

C. Game Zone 3

6. Francis Marion National Forest

(a) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).

(b) Requires check in of all deer

(c) Provides allowance for use of individual antlerless deer tags under specific conditions

24 PROPOSED REGULATIONS

8. Santee Cooper WMA
 - (a) Removes extraneous language addressed elsewhere in regulation
9. Webb WMA
 - (b) Establishes hunting on Sundays beginning October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
 - (f)(i) Modifies hunt days to accommodate addition of Sunday
16. Edisto River WMA
 - (a) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).
18. Palachucola WMA
 - (b) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
 - (h)(i) Modifies hunt days to accommodate addition of Sunday
22. Hamilton Ridge WMA
 - (b) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (b).
 - (h)(i) Modifies hunt days to accommodate addition of Sunday
27. South Fenwick Island
 - (b)(i) Changes structure of archery deer hunts
 - (c) Prohibits waterfowl hunting
- D. Game Zone 4
 6. Woodbury WMA
 - (a) Establishes hunting on Sundays beginning October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).
 21. Liberty Hill WMA
 - (a) Establishes hunting on Sundays beginning the October 15 and continuing through the last day of January. Subsequent sections renumbered to reflect addition of (a).

GENERAL REGULATIONS

2.5 Allows Sunday hunting on WMA lands as specified

WATERFOWL AND DOVE REGULATIONS

- 10.12 Removes designation of Francis Marion National Forest as a Category II Waterfowl Area
42. Removes Francis Marion National Forest as a Category II Waterfowl Area. Subsequent section renumbered accordingly.

PUBLIC BIRD DOG TRAINING AREAS

- 12.1 Expands Department's ability to establish Public Bird Dog Training Areas
- 12.2 Clarifies use of pen raised pigeons and quail on Public Bird Dog Training Areas

123-53. Bear Hunting Rules and Seasons.

1. Adds Florence to Game Zone 4 counties open for bear hunting
2. Adds Anderson to Game Zone 2 counties open for bear hunting

The Notice of Drafting was published in Volume 46, Issue No. 8 of the South Carolina *State Register* on August 26, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 4, 2023, at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than December 28, 2022.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-40 and 123-53 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

Need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

Purpose: These regulations amend Regulations 123-40 and 12-53 to set seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas.

Legal Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210.

Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Periodically, seasons and bag limits are changed to increase public opportunity while meeting management objectives for specific properties. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations. The minor changes proposed below increase public opportunity, reduce conflicts between user groups, and provide for increased user and public safety.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to the public and hinder management objectives for specific properties.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. Management objectives for specific properties are continually evaluated for needed changes. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5168

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

- 103-805. Representation.
- 103-816. Written Correspondence.
- 103-817. Proceedings.
- 103-817.1. E-Filing and E-Service.
- 103-823. Applications.
- 103-830. Filing and Service of Pleadings.
- 103-830.1. Service Between Parties of Record.
- 103-833. Written Interrogatories and Request for Production of Documents and Things.
- 103-835. Other Discovery Procedures.
- 103-836. How Hearings are Set.
- 103-841. Presiding Officer.
- 103-845. Witnesses.
- 103-848. Exhibits.
- 103-852. Service of Orders.
- 103-853. Finality of Decision.
- 103-855. Presiding Officer's Proposed Report.

Preamble:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested

stakeholders to recommend changes to the Commission’s Article 8 Practice and Procedure Regulations via written comments and oral comments at its publicly noticed workshops.

Section-by-Section Discussion:

Section	Type of Change	Purpose
103-805.	Amendment/Revision	Amended to require individuals to agree to E-Filing and E-Service, unless excused; to delete references to certificate of public convenience and necessity and to FWA
103-816.	Amendment/Revision	Amended to direct the public to psc.sc.gov for the Commission’s physical location
103-817.	Amendment/Revision	Amended to clarify certain terminology and types of filings
103-817.1.	Amendment/Revision	Amended to clarify certain types of filings
103-823.	Amendment/Revision	Amended to amend minimum filing requirements for applications and to include the phrase limited liability company
103-830.	Amendment/Revision	Amended to clarify terminology
103-830.1.	Amendment/Revision	Amended to require service of filings in a docket via electronic means, unless a party does not have the capacity to do so
103-833.	Amendment/Revision	Amended to delete the phrase “working papers” and include the phrase “attorney work product” and to allow the Commission to shorten the timeframe for discovery and to include limited liability company
103-835.	Amendment/Revision	Amended to authorize the Commission to order modifications to discovery procedures and schedules; to permit all parties to receive a copy of discovery subject to executing a non-disclosure agreement; to provide the regulation is subject to limitations in S.C. Code Ann. Section 58-4-55
103-836.	Amendment/Revision	Amended to authorize the Commission to conduct its proceedings virtually or by other remote means

28 PROPOSED REGULATIONS

103-841.	Amendment/Revision	Amended to permit the appointment of a designee to administer oaths and affirmations and to delete the report of the presiding officer
103-845.	Amendment/Revision	Amended to require all exhibits be readable and legible, to require prefiled testimony to conform to Commission prescription, and to require the filing of prefiled testimony within two weeks of the filing initiating a docket in certain circumstances
103-848.	Amendment/Revision	Amended to require all exhibits, no matter the size, to be readable and legible
103-852.	Amendment/Revision	Amended to state Commission Orders are served electronically and to note parties of record who utilize electronic filing are served with Commission Orders when such Orders are processed on the Commission's Docket Management System.
103-853.	Amendment/Revision	Amended to include electronic service
103-855.	Deleted	Amended to delete the Presiding Officer's Proposed Report

The Notice of Drafting was published in the *State Register* on September 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and contact@psc.sc.gov. Please reference Docket No. 2022-300-A in written comments. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on January 6, 2023.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on February 28, 2023, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Article 8, Practice and Procedure

Purpose: The purpose of the proposed changes to the Commission's Article 8 Practice and Procedure Regulations can be described generally as increasing efficiency in certain Commission procedures such as recognizing service of Commission Orders when Orders are published on the Docket Management System, requiring all exhibits to be readable and legible, and deleting the Presiding Officer's Proposed Report. The proposed changes also include authorizing the Commission to order modifications to its discovery procedures and schedules and the consolidation under Article 8 of the minimum filing requirements for general rate establishment or adjustment applications.

Legal Authority: 1976 Code Section 58-3-140.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register. The Commission's Clerk's Office will also publish a copy of the final regulations on the Commission's Docket Management System in Docket No. 2022-300-A.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The purpose of the proposed changes to Article 8 Practice and Procedures Regulations is to increase efficiency and transparency in the Commission's practices and procedures and to document current Commission procedures, such as virtual proceedings.

DETERMINATION OF COSTS AND BENEFITS:

The Commission, the public, and the regulated community will benefit from the proposed changes to the Article 8 Practice and Procedure Regulations due to increased efficiency and transparency in the Commission's procedures.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Not applicable.

Statement of Rationale:

Changes to Article 8 Practice and Procedure Regulations are needed to improve efficiency and transparency of the Commission's practices and procedures.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.