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SCREENING HEARINGS

July 22, 2020

South Carolina Public Service Commission

REPORTER: Laura DeCillis

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE

PUBLIC SERVICE COMMISSION

SCREENING HEARINGS

WEDNESDAY JULY 22, 2020

Hearings held before the Public Utilities Review Committee, reported by Laura S. DeCillis, Certified Court Reporter and Notary Public in and for the State of South Carolina; said hearings were taken at the Gressette Building, 1101 Pendleton Street, Room 105, Columbia, South Carolina, on Wednesday, the 22nd day of July 2020, commencing at the hour of 10:00 a.m.

APPEARANCES

Senate Members:

Thomas C. Alexander, Chairman

Luke A. Rankin, Sr. (via Zoom)

Senate Public Member:

Margaret "Marti" Bluestein (via Zoom)

Don Jones (via Zoom)

House Members:

William E. Sandifer, Vice Chairman

P. Michael Forrester (via Zoom)

David J. Mack (via Zoom)

House Public Members:

John S. Simmons (via Zoom)

Richele Taylor (via Zoom)

Committee Counsel:

Heather Anderson, Esquire

Steve Davidson, Esquire

Bryan Triplett, Esquire

Staff Members:

Michelle McGee

Quentin Hawkins

Andy Sissick

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PROCEEDINGS

10:00 a.m.

CHAIRMAN ALEXANDER: I will go ahead and call this meeting of the Public Utility Review Committee to order on this Wednesday, July 22nd, 2020 for the purpose of the public hearing for screening the candidates for the Public Service Commission, we'll continue this.

I would entertain a motion that we go into Executive Session to discuss potential employment pursuant to Section 30-4-70 and for the receipt of legal advice pursuant to Section 30-4-70(a)(2).

REPRESENTATIVE SANDIFER: I move.

CHAIRMAN ALEXANDER: I have a motion from Chairman Sandifer, I have a second there virtually, numerous seconds. Is there any objection to us going into Executive Session?

(No response)

CHAIRMAN ALEXANDER: Then it's unanimously approved. We'll go into Executive Session.

(Executive Session - 10:01 a.m. to 10:25 a.m.)

10:35 a.m.

CHAIRMAN ALEXANDER: We are out of Executive Session and no action was taken in Executive Session. I have brief remarks before we begin the screening process.

We are here today to further question the

1 candidates and to give them an opportunity to make any
2 statement with respect to their qualifications and desire
3 to serve as a Commissioner. The review committee
4 requests that substantive information during the
5 screening not be shared until after the final candidate
6 has been screened. The candidates are sequestered prior
7 to their screening in order to ensure fairness during the
8 process. However, the purpose of sequestration is
9 defeated if the candidates are contacted or read about
10 what questions are being asked or read about earlier
11 candidates' screenings online.

12 A transcript of these screenings will be
13 posted online. And also an earlier motion on Monday, we
14 will go in Executive Session with each candidate per that
15 motion that was made on Monday, for the record.

16 Good morning, Mr. Elliott.

17 MR. ELLIOTT: Good morning.

18 CHAIRMAN ALEXANDER: We appreciate you being
19 here this morning to be a part of this screening process.

20 MR. ELLIOTT: Thank you, sir, for having me.

21 CHAIRMAN ALEXANDER: And let's check with
22 those comments, everybody on the screen, is the volume of
23 Mr. Elliott okay? I've got a couple of thumbs up there
24 so I think we're good there.

25 Mr. Elliott, I'm going to ask our court

1 reporter, Laura, to swear you in for your screening.

2 Clint Alan Elliott, having been duly sworn
3 and cautioned to speak the truth, the whole truth
4 and nothing but the truth, testified as follows:

5 CHAIRMAN ALEXANDER: Okay. So thank you for
6 that. And I'm going to recognize Ms. Anderson to start
7 the process for you.

8 MR. ELLIOTT: All right.

9 ATTORNEY ANDERSON: Good morning, Mr.
10 Elliott.

11 MR. ELLIOTT: Good morning.

12 ATTORNEY ANDERSON: I'm going to give a very
13 brief overview of your background and then we'll get into
14 questions, okay?

15 MR. ELLIOTT: All right.

16 ATTORNEY ANDERSON: Mr. Elliott attended
17 Clemson University and obtained a Bachelor of Science
18 degree in Microbiology. He currently works as a lab
19 supervisor at Grand Strand Water and Sewer Authority. He
20 has worked there since 2006.

21 From 1998 to 2006, Mr. Elliott worked as a
22 chemist and lab supervisor for the City of Myrtle Beach
23 Surface Water Treatment Facility. From 1995 to '98, he
24 worked in the Microbiologist Analytical Services Division
25 of Environmental Microbiology at DHEC. From 1994 to '95,

1 he worked in a Microbiologist Newborn Screening Section
2 Division of Analytical Chemistry at DHEC. And from '91
3 to '93, he served as a computer technical services
4 student supervisor for the Consulting and Technical
5 Services at Clemson University.

6 Mr. Elliott also serves on the South Carolina
7 Drought Response Committee for the northeast drought
8 management area representing municipalities and he's been
9 serving on that Committee since 2017.

10 Mr. Elliott, do you have any changes you
11 would like to make to your Personal Data Questionnaire
12 other than changes you may have already submitted?

13 MR. ELLIOTT: No, ma'am.

14 ATTORNEY ANDERSON: I would request that
15 Mr. Elliott's Personal Data Questionnaire be entered into
16 the record with any confidential information being
17 redacted.

18 CHAIRMAN ALEXANDER: So ordered.

19 (Elliott PDQ entered into the record)

20 ATTORNEY ANDERSON: As part of the background
21 investigation we obtained a credit check, driver's
22 license and a SLED check and any questions of a
23 confidential or personal nature will be taken up in
24 Executive Session.

25 Before we begin, do you have a brief

1 statement you would like to make, Mr. Elliott?

2 MR. ELLIOTT: Just that I appreciate the
3 opportunity to be heard and the opportunity to actually
4 apply for Commissioner of District 7.

5 EXAMINATION

6 BY ATTORNEY ANDERSON:

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

9 A. Clint Alan Elliott, 640 Swale Avenue, Murells
10 Inlet, South Carolina, 29576.

11 Q. Are you a registered voter?

12 A. Yes, ma'am.

13 Q. And in which Congressional District are you
14 registered to vote?

15 A. District 7.

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

18 A. Well, as you can read by my, what I submitted
19 before, I don't take change lightly. When I apply for
20 something, I follow it through. When I originally
21 applied for the -- in the water and sewer industry, I did
22 so so that I could protect my family and my friends and
23 also to give the constituents that entrusted me with
24 their trust to make sure that they have fair and
25 reasonable -- a voice to be heard. And also that they

1 can trust that the water that they are drinking and the
2 sewer that they are using is treated. And I also want to
3 make sure that the people of the state of South Carolina
4 also have that trust in me. So that's the reason that I
5 wanted to expand to Commissioner of District 7.

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

8 A. No, ma'am.

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

10 A. I have read what's on the document service.

11 **Q. How would you expect to get up to speed on**
12 **the issues confronting the Commission?**

13 A. Reasonably, I would probably go to the
14 Commissioners, the existing Commissioners, with things
15 that are pending. I would also go to like the DMS, the
16 National Association of Regulatory Utility Commissioners.
17 I know that pending cases all are in written form, so
18 anything that's coming up I'd have to do quite a bit of
19 extensive research and reading.

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

22 A. The Public Service Commission is there to
23 establish fair and reasonable rates for utility services
24 under Public Service jurisdiction. They also vouch that
25 citizens' needs for reliable services and reasonable

1 rates with the utilities's need for an opportunity to
2 earn a reasonable rate of return on their investment.

3 Q. Is there a role for a Commission to serve as
4 an advocate for any particular constituency or any
5 particular issue?

6 A. No, ma'am.

7 Q. And you touched on this already briefly, but
8 if you want to add anything to this, what are the key
9 factors that a Commissioner should consider in a rate
10 case?

11 A. That the rate should be fair and reasonable
12 and just, and it should also allow the utility the
13 opportunity to earn a return on their investment.

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

19 A. Yes, ma'am.

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

23 A. No, ma'am.

24 Q. Have you attended any political gatherings
25 since submitting your application?

1 A. No, ma'am.

2 **Q. Please explain the general rule regarding**
3 **ex parte communications as it relates to the Public**
4 **Service Commission.**

5 A. In basic terms, ex parte communications mean
6 that anything that's pending or will be pending being
7 brought up to the Public Service Commission, you
8 basically cannot discuss it with anyone. If someone
9 comes up to you and actually starts trying to discuss it,
10 then you should politely interrupt them and say, look,
11 I'm sorry, that's not something that I can discuss with
12 you because it's pending or shall be pending with the
13 Service Commission, and just politely walk away.

14 Anything that goes further, you would have to
15 report and parties would have to be notified and they
16 have to have an opportunity to respond to it, and then
17 there would have to be a ruling on it and it would have
18 to be a part of the record.

19 **Q. Are you aware that Commissioners are subject**
20 **to the Judicial Code of Conduct as well as State ethics**
21 **laws?**

22 A. Yes, ma'am.

23 **Q. Briefly describe the five canons in the Code**
24 **of Judicial Conduct.**

25 A. As far as -- well, the candidate should be

1 fair and impartial and should do nothing to impugn the
2 Office of the Commissioner. They should have the -- you
3 should be fair and impartial. You have to not have any
4 political activity, inappropriate political activity.
5 You should be fair and just and you should not have any
6 outside influence, you should be fair and diligent.

7 **Q. What would you consider to be appropriate use**
8 **of social media pursuant to the Judicial canons?**

9 A. Personally, I don't believe that you
10 should -- if you're using social media you should not put
11 your personal business out there on it. If it's
12 something that's funny, that's one thing. As long as
13 it's not discriminatory or biased, you can use it. But,
14 personally, I wouldn't put anything out there Commission
15 business-wise.

16 **Q. Do you see a distinction of using social**
17 **media in your private life versus in an official role?**

18 A. Not really. Because the public is going to
19 see you as an official role regardless of how you present
20 yourself.

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

24 A. Not that I'm aware of.

25 **Q. Do you or a member of your immediate family**

1 have stock or other financial interest that is directly
2 controlled by you or your family member of a utility
3 regulated by the Public Service Commission?

4 A. No, ma'am.

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

9 A. No, ma'am.

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

13 A. Not that I'm aware of.

14 Q. Mr. Elliott, is your wife currently employed?

15 A. Yes, ma'am.

16 Q. Where does she work?

17 A. She works for Charter Communications.

18 Q. And in what role? What's her job?

19 A. She does ad executive sales. She basically
20 goes to a customer and submits a proposal to them to do
21 advertising for commercials.

22 Q. And aside from your and your wife's salary,
23 what entities did you or a member of your immediate
24 family receive income within the previous year? Now,
25 this excludes the following: IRA, deferred compensation

1 **fund, disability, mutual funds, or funds received from**
2 **your financial institution in the ordinary course of**
3 **business.**

4 A. Last year my wife actually inherited a bunch
5 of stock. She's from Chester, South Carolina. There was
6 a local telephone company there called Chester Telephone.
7 They were doing business as True Vista, I believe it was.

8 At the time, she inherited stock from her
9 aunts and her great aunts and her grandmother and also
10 from her mother. Her and her brother are the last two
11 surviving members. So last year, True Vista was
12 approached by Icon Infrastructures and Icon
13 Infrastructures actually offered to buy out True Vista,
14 and when they did they went ahead and bought all the
15 stock from the previous stockholders. So my wife and her
16 brother both divested themselves of the True Vista stock.

17 **Q. If elected, would there be any potential**
18 **conflicts of interest, financial or otherwise?**

19 A. No, ma'am.

20 **Q. Do you think that someone may perceive your**
21 **wife's employment with Charter as a potential conflict?**

22 A. They could. But I'd be quick to explain to
23 them that her job has no bearing on what we would be
24 ruling over.

25 **Q. What would you do if a conflict did arise?**

1 A. As far as her --

2 Q. Well, just anything in general, not just her.
3 But if you're elected to the Commission and something
4 came up and there was a conflict of interest, how would
5 you handle that?

6 A. Basically, I would just report it, seek
7 guidance from ORS or someone that knew more about it than
8 I would, and then basically just remove myself from that
9 conflict.

10 Q. Okay. Who would you report that to
11 initially?

12 A. I would assume Office of Regulatory Staff or
13 one of their --

14 Q. But you would report it to --

15 A. I would report it, yes.

16 Q. -- an agency for advice?

17 A. I would find out who I needed to go to and I
18 would speak to them.

19 Q. Okay. Are you affiliated with any political
20 parties, Boards or Commissions that would need to be
21 reevaluated if you are nominated and elected?

22 A. Currently, I am members of two, the Coastal
23 Conservation Association, the Waccamaw Chapter. It's
24 basically a group that is trying to ensure that the rules
25 and regulations regarding fishing in South Carolina are

1 such that the future generations will have fish that they
2 can actually enjoy fishing out. And I'm also a member of
3 the South Carolina Drought Response Committee. It's a
4 voluntary organization that meets whenever it's needed to
5 discuss the drought conditions in the northeast, which is
6 where I'm at, and then the State Department of Natural
7 Resource climatologists report that to the Governor's
8 office.

9 **Q. And I believe your personal data**
10 **questionnaire also listed the National Wild Turkey**
11 **Federation?**

12 A. Yes. The National Wild Turkey Federation.
13 That chapter is no longer together.

14 **Q. And are you still participating in Leadership**
15 **Grand Strand?**

16 A. No. That's kind of fallen by the wayside.

17 **Q. Mr. Elliott, do you belong to any**
18 **organization that discriminates based on race, religion**
19 **or gender?**

20 A. No, ma'am.

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

23 A. I would say it's one that's respectful,
24 attentive, considerate, open-minded, fair and just.

25 **Q. And would that apply only while on the bench**

1 or would that apply all the time?

2 A. No, ma'am. That would apply all the time.

3 Q. And if elected to serve as a Commissioner,
4 how would you envision your work week?

5 A. Extremely busy. Right now, I have -- I'm
6 doing the job of three people. I have one assistant
7 position that's been put on hold because of COVID. I
8 also have one assistant that's been out since before
9 Memorial Day so I'm doing all of their jobs plus mine.
10 So I'm working -- I go in around 4:30 in the morning and
11 I get off around 4:00 in the afternoon so I'm used to
12 working long hours. Long hours have never been a problem
13 for me.

14 I like to read. I know my wife works for
15 Charter, but there's absolutely nothing on TV worth
16 watching so I don't mind reading and I welcome any good
17 reading material.

18 Q. Okay. What are the industries and businesses
19 regulated by the Public Service Commission and what are
20 the Commission's duties in the regulation of each?

21 A. They regulate the investor on utilities, the
22 electric utilities, the water and power, common carriers,
23 telegraphs, telephone, and they are responsible for the
24 rates and making sure the rates are just and fair.

25 Q. What does the term energy efficiency mean?

1 A. Energy efficiency is basically a term that
2 makes sure that the energy being used is optimized so
3 that the -- say, your HVAC system would be energy
4 efficient if it used less energy to create the same
5 amount of heating and air.

6 **Q. What about demand side management?**

7 A. That would be where a customer has the
8 opportunity to reduce their use or an opportunity to
9 manage their use through rate signals or other type data
10 so that they can have the opportunity to lower their
11 energy rates.

12 **Q. And are you familiar with the term cross-**
13 **subsidization?**

14 A. Yes, ma'am.

15 **Q. And can you explain what that is and some of**
16 **the issues that may arise with that?**

17 A. It's basically where one group of customers
18 pays less than the cost of a utility's -- paid less than
19 the cost of what a utility produces the energy for and
20 another class would have to make up for that, make up for
21 the difference.

22 It has to do more with -- I mean, it can do
23 where you have like price squeezing where, you know, a
24 utility can raise rates for a significant amount of time
25 to encourage a smaller producer and it would keep them

1 out of the market. It could be where basically low
2 income households would wind up paying more for their
3 electricity to cover for someone else.

4 **Q. And in 2019 the General Assembly passed Act**
5 **62, which is also referred to as the South Carolina**
6 **Energy Freedom Act. Can you describe any of the contents**
7 **of that Act?**

8 A. It basically reduces -- or it allows the --
9 it removes the 2 percent cap on distributing energy
10 resources. It allows for parties to use the data that's
11 collected from the utility. It allows third-party -- it
12 allows third-parties to lease solar. It creates a
13 document -- or the Public Service Commission can create
14 or generate a docket. The Office of Regulatory Staff has
15 new job descriptions or new responsibilities where they
16 would post energy, their IRPs and things of that nature.

17 **Q. And when you say IRP, what are you referring**
18 **to?**

19 A. The Integrated Resource Program or Plan.

20 ATTORNEY ANDERSON: All right. Mr. Chairman,
21 pursuant to the previous motion, I would ask that we go
22 into Executive Session.

23 CHAIRMAN ALEXANDER: Okay. So if you'll just
24 stay at the podium there and we'll ask the members of the
25 audience to excuse themselves as we go into Executive

1 Session by previous order.

2 (Executive Session - 10:55 a.m. to 11:00 a.m.)

3 CHAIRMAN ALEXANDER: Okay. The veil has been
4 lifted. We're out of Executive Session. No action was
5 taken and we will proceed with Mr. Elliott and I'll
6 recognize Ms. Anderson.

7 BY ATTORNEY ANDERSON:

8 Q. Mr. Elliott, as previously stated when
9 everything was done, a SLED check, a DMV check, for your
10 DMV it came back as for one accident back in 2016, but
11 the report indicates that you did not contribute to that
12 accident.

13 There were three cases between 2012 and 2014
14 that I'm going to ask you about for the record in which
15 you were the named plaintiff. And each of these lawsuits
16 involved Matthew Taylor and Michelle Taylor and these
17 were filed in Horry County. Again, this was between the
18 2012/2014 time period. Can you please explain the
19 circumstances of what happened?

20 A. Yes, ma'am. Around 2011, I rented a property
21 to the Taylors. It was an open-ended agreement.
22 Basically, they did not sign a lease. They were given
23 every opportunity to pay the rent. They paid some and
24 some months they didn't pay and some months they did not
25 pay very much. But it got to the point to where I filed

1 for a Rule to Vacate. And they came back and made
2 restitution so I withdrew the Rule to Vacate.

3 It went back on. Again, they started the
4 same thing after a few months and then finally I just
5 decided that it would be better if they found somewhere
6 else to live and filed a motion to -- or a Rule to
7 Vacate. They were evicted and then I filed a judgment
8 with Horry County in Magistrate's Court to recover the
9 funds that I had spent while they were living in the
10 house.

11 **Q. And you are currently a lab supervisor at**
12 **Grand Strand Water and Sewer Authority. Can you give us**
13 **a little bit of a description about what it is that you**
14 **do day to day?**

15 A. Day to day, I'm usually there around 4:30 in
16 the morning. I will come in and pull all the standards
17 and any kind of chemicals that need to be warmed up for
18 the day's use. I come to Myrtle Beach, I'll do that,
19 answer any emails, check for voicemails, gather up my
20 stuff and then I'll go out to our second facility at our
21 Bull Creek Water Treatment Plant.

22 I'll do the same thing there. I'll run tests
23 on the water. There's a myriad of tests that I have to
24 do every day and log everything in, get everything set up
25 for the operators to use the laboratory in my absence.

1 Then I'll go back to Myrtle Beach, start over the day and
2 do the same thing there. And then I'll end the day doing
3 paperwork, trying to log everything and get everything
4 ready for a lab certification inspection that we have
5 every three years.

6 **Q. And how do you think that your job experience**
7 **would translate onto the Public Service Commission?**

8 A. I actually deal with a lot of complaints. I
9 was the unofficial complaint person when we were with the
10 City of Myrtle Beach and also pretty much am now, too.
11 The distribution side has hired more people now so they
12 take some of that off of my plate.

13 But mostly, I would have a customer call and
14 complain and I would have to talk them through whatever
15 their issue was. The majority of the time it was people
16 that -- if it was a severe issue that couldn't be
17 resolved over the phone, I'd have to go to their house.
18 But nine times out of ten it was somebody that just
19 wanted somebody to come out there and look at their
20 water. We very rarely ever had an issue that required
21 further investigation. It was usually a plumber had
22 installed something incorrectly or -- and we would work
23 with them.

24 Technically, we were only responsible up to
25 their meter, but we would always try to go a little bit

1 further and try to help them out just because the modern
2 lay -- or the normal layperson wouldn't know kind of what
3 we know in the industry and we tried to help them out as
4 much as we could. We never made any recommendations as
5 to plumbers or anyone to help them out, but we would tell
6 them that if there was an issue, that they would need to
7 seek professional advice.

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

10 A. No, ma'am.

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

13 A. No, ma'am.

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

17 A. No, ma'am.

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

21 A. No, ma'am.

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

25 A. No, ma'am. Not that I'm aware of.

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

5 A. Yes, ma'am.

6 Q. And would you plan to serve a full term if
7 elected?

8 A. Yes, ma'am.

9 Q. Thank you, Mr. Elliott.

10 ATTORNEY ANDERSON: Mr. Chairman, I have no
11 further questions. And, for the record, Mr. Elliott made
12 a 71 on the test.

13 CHAIRMAN ALEXANDER: Okay. Thank you. We'll
14 go as we've been going to the virtual members that are
15 with us there for questions of Mr. Elliott. I recognize
16 Senator Rankin.

17 SENATOR RANKIN: Good morning, Mr. Elliott.

18 MR. ELLIOTT: Good morning.

19 EXAMINATION

20 BY SENATOR RANKIN:

21 Q. This is Luke Rankin. I am in Horry County
22 this morning. I'm glad you're in Columbia and glad --

23 A. I don't know. It might be hotter here than
24 there.

25 SENATOR RANKIN: Bill Sandifer, I'm not going

1 to touch that.

2 CHAIRMAN ALEXANDER: I think you should.

3 BY SENATOR RANKIN:

4 Q. I want to first thank you for your interest
5 in doing this. I had not met you before but I certainly
6 am familiar with your professional walk, at least as a
7 former City of Myrtle Beach Water Treatment Plant
8 employee and/or lab operator and now with Grand Strand
9 Water and Sewer. And so I appreciate your willingness to
10 pursue this and to put yourself out there.

11 A. Thank you, sir.

12 Q. And I want to comment, forgive me -- and I'm
13 going to sound like my deceased father as a judge. And
14 this is not a bias that the Rankins have. We just can't
15 do it. But you are markedly different today than you
16 were when you visited the DMV to get your driver's
17 license some time back.

18 A. Yes, sir. My wife hated that picture. She
19 still hates that picture.

20 Q. Now, did you say that or did Thomas Alexander
21 say that for you?

22 A. That was actually a joke. We started out, a
23 bunch of my friends turned 50 this past year and the year
24 before. So when a friend of mine, Sally, turned 50, we
25 went to Cuba for her 50th birthday trip. And I started

1 growing a beard and she was like, oh, I like your beard.
2 And I was like, okay. I said, well, I won't shave that
3 until Paul turns 50. Well, when Paul turned 50, I was
4 like, well, you know what? I think I'll just hang onto
5 it until I turn 50.

6 So when I turned 50, I shaved it. We were
7 down in Mexico, I think. But it was -- I don't recommend
8 it.

9 **Q. Were you clean when you started growing it?**

10 A. That was actually one solid year. And then I
11 had a friend of mine put beads in it and then when you
12 get -- and I can tell you this. If you ever do it and
13 you braid it, make sure you braid the beads into the
14 beard. Because if you braid them and then slide them on
15 there, if you're out there dancing and shaking your head
16 people are going to get hit. It's like BBs flying
17 around.

18 **Q. Well, we appreciate the -- I can neither grow**
19 **it nor can I shake it --**

20 A. Well, all I can say is, I hope there's no
21 pictures or video because that ain't pretty.

22 **Q. Your exposure professionally has been mostly**
23 **water. You are a microbiologist in training, correct?**

24 A. Yes, sir. By degree and training.

25 **Q. And so as you look at this PSC field and**

1 areas of law and regulations energy source wise, do you
2 see yourself as over qualified in the water portion but
3 perhaps under qualified in the other energy forces and
4 matters that PSC deals with in setting rates, et cetera?

5 A. Yes, sir. For the most part. I mean, if you
6 look at my record it does look as though I'm under
7 qualified in the energy sector. Now, I know that's a
8 large portion of what everyone is dealing with right now.
9 There are some big decisions that are coming up that will
10 have to be made. And I would say that I am on paper
11 under qualified; however, I'm a quick learner and a very
12 dedicated person. Getting up to speed, I think I would
13 be pretty quick on.

14 Q. Well, you've certainly got a diverse
15 background. And not that over qualification in one area
16 is under qualification, although you speak to the point
17 you appear to be a quick learner. So your challenges in
18 terms of getting up to speed, learning the material, how
19 would you approach doing that?

20 A. As far as pending cases go or --

21 Q. Well, just the body of law, the body of work
22 that you would be dealing with if you were successful.

23 A. It would require a lot of Google, a lot of
24 after-hours reading and just basically just the way I
25 approach something that I don't understand. Say, for a

1 good example on the water side of it, if I was renewing
2 an NPDS permit, I would go through the permit that DHEC
3 would send to us and I would go through it line by line
4 and anything that I thought appeared out of the ordinary
5 I would go and research that part of it, write notes to
6 it and then go back -- and once I finished the entire
7 document, go back and reread it again and then look at my
8 notes and compare those and then question whatever needs
9 to be questioned and correct whatever needs to be
10 corrected.

11 So I would use that in the same manner. I
12 would go through the pre-filed forms, I would go through
13 all the documentation, try to find some precedent, read
14 as much as I could and try to evaluate everything as
15 possible and then I'll sit through the public hearings,
16 listen and basically take notes.

17 **Q. So I heard your answer to the why asked early**
18 **by staff as to why you would ever pursue this. Is there**
19 **a specific exposure to this news-wise or subject**
20 **matter-wise or just the goal of stepping up and moving in**
21 **a different direction professionally that has got you**
22 **here?**

23 A. Yes, sir. I actually applied for -- or I
24 filled out the application for it four years ago for
25 District 7. However, my wife's mother at the time was

1 diagnosed with cancer. I had wanted to get back into it
2 way back, but my wife's mother got diagnosed with cancer,
3 she was living with us, and I knew that was going to be a
4 long process, a long journey, would require a lot of
5 doctors' visits and she was living with us at the time so
6 I withdrew at that time.

7 However, when it came back open again, I
8 looked at it as an opportunity. I've pretty much gone as
9 far as I could possibly go at Grand Strand Water and
10 Sewer in the water side of it. The people that are above
11 me that would have to retire have the same number of
12 years that I do in and in speaking with them daily, they
13 aren't really going anywhere.

14 But the Public Service Commission, I believe,
15 would actually allow me to branch out from the water. It
16 would still retain my water knowledge. I could be an
17 advocate for the water industry, also for the consumers
18 of the water and wastewater industry, but also be on a
19 larger scale and hopefully help more people.

20 **Q. You are known by a handful of people that I**
21 **know -- I've looked at your letters of recommendation.**
22 **Mr. Barrineau, I'm familiar with him. I don't know him**
23 **as well as Mark Branstrom and Scott Plyler. So you're**
24 **associated with good people. One I want to ask about is**
25 **your Coastal Carolina deputy police officer or -- I don't**

1 recall the title, but who invokes your mother who was a
2 magistrate?

3 A. Yes, sir. For Georgetown County.

4 Q. And when did she serve in that role?

5 A. She just retired about two years ago. She
6 was there -- she took Mary Alice Williams' position.
7 When Mary Alice retired my mother took over for her and
8 she was there until about two years ago.

9 Q. And she retired from that?

10 A. Yes, sir. She retired by age.

11 Q. Okay. Mark Branstrom, a former neighbor, I
12 know him well --

13 A. I'm sorry.

14 Q. -- and then Scott -- yeah. Well, we will not
15 put on the record -- Mexico or Key West?

16 A. No, sir.

17 Q. He did mention in his letter that he traveled
18 with you, vacationed with your family, so you don't need
19 to say a thing. He's a good guy.

20 A. He is. Mark is a good guy, he really is. He
21 likes to -- I think what they call it is Clark Kent
22 during the week and Superman on the weekends. They're a
23 unique bunch of people down there.

24 Q. Well, very good. So your time with the
25 State, time with Grand Strand Water and Sewer and time

1 with the City of Myrtle Beach, what's your vesting period
2 in terms of retirement eligibility?

3 A. As far as eligibility goes, I have almost 22
4 years with Grand Strand and 26 years with the State of
5 South Carolina. A little over 26, I think. I think I'll
6 have 27 years in March of next year.

7 Q. Okay. And let me tack back. There was a
8 break in my feed. You were asked about the three civil
9 matters and filings in Horry County. All of those were
10 landlord-tenant related?

11 A. Yes, sir. With the same tenants.

12 Q. All right. And then the last question. The
13 test itself and not your score so much but the process
14 itself, do you believe that that was a good barometer for
15 us to use in assessing your candidacy?

16 A. I believe it was. I believe it was a lot of
17 information in a short period of time. It's a lot -- I
18 think I focused more on trying to figure out the nuts and
19 bolts of it than looking at it for an overall picture. I
20 was a little more focused on trying to get line by line
21 when I should have been more focused on just getting the
22 general ideas of it. But, yes, I do. I believe it's a
23 good barometer, yes, sir.

24 Q. And then last, for us in terms of assessing
25 your ability, what is it that you think you bring to the

1 **table that says to us to consider you?**

2 A. Well, sir, I'm a very good listener and I
3 think I have a pretty good demeanor. I get that from my
4 parents and my dad, both of which are salt of the earth.
5 I hope to be only as good as they can -- the smallest
6 portion of what they are.

7 But I also like to, you know -- things that
8 pique my interest, which a lot of things do, I like to
9 investigate them and get to the root of the problem. So
10 I'd like to think that if I were elected, that I would
11 listen and go back and try to root out the problems that
12 people are having and try to find a good and justifiable
13 way to appease them or -- and I know that some cases that
14 come before can't be resolved in their favor, but,
15 hopefully, even though they were found in the -- or not
16 found for them, they would realize that the process from
17 which they went through was fair and just.

18 **Q. All right.**

19 SENATOR RANKIN: Mr. Chairman, that's all.
20 Thank you.

21 CHAIRMAN ALEXANDER: Thank you, Senator.
22 Other members of the screen, of the virtual members?

23 (No response)

24 CHAIRMAN ALEXANDER: Seeing no other hands,
25 then I'll go to Chairman Sandifer.

1 REPRESENTATIVE SANDIFER: Thank you,
2 Mr. Chairman.

3 EXAMINATION

4 BY REPRESENTATIVE SANDIFER:

5 Q. Mr. Elliott, just two or three things I want
6 to ask you about. First of all, one of the first
7 questions that was asked to you is how would you get up
8 to speed with going to the Commission. And I really am
9 interested in how you feel like you could do this because
10 you have a lot of expertise in one specific area but the
11 Commission has a very broad spectrum and you could see it
12 from the list of items that you had to choose from. How
13 would you get up to speed?

14 A. Like I said, I would look at the DMS. I
15 would look to websites like the NARUC to get some
16 background, any type of seminar meeting. A lot of the
17 water and wastewater that we do, a lot of the continuing
18 education that we do is through seminars, a lot of
19 webinars, things of that nature.

20 Also, I know that it's going to require a lot
21 of reading. And if you could see the amount of paper
22 that I printed off just for the test portion itself and
23 reading all that, it's -- I realize it's a lot of
24 reading, a lot of watching. I've watched some of the
25 meetings virtually. And I do think that putting the

1 meetings online actually transparency is there, and I do
2 appreciate that, just watching those and just trying to
3 imagine what it would be like to actually be there and
4 have those people presenting to you.

5 **Q. Then one of the things that you talked about**
6 **that you presently do is handling consumer complaints.**
7 **Do you think that the PSC does that?**

8 A. In a roundabout way they do.

9 **Q. But individually, do members handle**
10 **complaints?**

11 A. No, sir.

12 **Q. Would you take a call from the Senator if he**
13 **had a problem?**

14 A. No, sir. That would have to be formally
15 presented.

16 **Q. Okay. Formally presented to whom?**

17 A. The Public Service Commission. If someone
18 had a problem, basically they would -- say they had a
19 problem with a utility. If they couldn't work it out
20 with the utility, the ORS would get involved or they
21 could get the ORS involved. If ORS could not resolve --

22 **Q. No, in essence, is the answer.**

23 A. Oh. I'm sorry.

24 **Q. And in speaking with Senator Rankin a moment**
25 **or two ago, one of the things that you said was that you**

1 would be an advocate for water issues or water users
2 possibly?

3 A. Yes, sir.

4 Q. In what way would you be an advocate?

5 A. Well, I have a firm belief in safe drinking
6 water for everyone. And in that belief, I believe that
7 the regulations that are coming now and the ones that I
8 am dealing with currently through EPA and DHEC are
9 getting pretty tight. I think the industry has kind of
10 been sitting on its laurels for a while and haven't
11 really responded to some of the regulations that are
12 coming down that are getting ready to be pretty much
13 hammered with.

14 The best available technologies are there.
15 Some of them, a lot of people are not -- I know the AWWA
16 is involved in trying to invest money in new techniques,
17 but I don't think at the local level they are and I would
18 like to see the more local people invest in that. I'd
19 like to see some of the monies that are being allocated
20 to different areas, I'd like for them to reallocate those
21 to infrastructure because the majority of the
22 infrastructure that's in the ground right now is way, way
23 wicked old. And as we've seen, the City of Myrtle Beach
24 is a good case of it.

25 About a year or two ago, Grand Strand Water

1 and Sewer was trying to push water back across the
2 waterway to -- they had a new line going across so they
3 increased their pressure. When they increased the
4 pressure to push the water back across the waterway, it
5 started blowing out the old lines in the City of Myrtle
6 Beach. So I'd like to be an advocate for them.

7 **Q. All right. Let me ask you how sitting on the**
8 **Commission will allow you to be an advocate.**

9 A. Just looking at the rates that some of the
10 water and sewer companies are charging and seeing how
11 they're allocating those monies. I think I'd be a good
12 judge of whether or not those monies could be maybe
13 better spent in another area.

14 **Q. Thank you very much, sir.**

15 REPRESENTATIVE SANDIFER: Thank you,
16 Mr. Chairman.

17 CHAIRMAN ALEXANDER: Thank you, Chairman
18 Sandifer.

19 EXAMINATION

20 BY CHAIRMAN ALEXANDER:

21 **Q. If you are nominated, if you are elected**
22 **Commissioner, those elections are scheduled for September**
23 **23rd. What type of a time frame would it be after those**
24 **elections, if you were successful, would you be able to**
25 **become a member of the Commission?**

1 A. I would like to give my current employer at
2 least two weeks' notice. As a professional, I've been
3 with them for twenty-something years. I feel like I owe
4 at least two weeks. But if the opportunity came and it
5 was an immediate type position, then I would have to
6 explain that to them and I feel that they would
7 understand.

8 **Q. Okay. Going back, you mentioned earlier your**
9 **wife is in sales with Charter Communications; is that**
10 **correct?**

11 A. Yes, sir.

12 **Q. And that's in selling advertisement to**
13 **customers; is that right?**

14 A. Yes, sir. Car dealers, pretty much anybody.
15 Any commercial you see on TV, she could sell it.

16 **Q. She has numerous supervisors, I would**
17 **presume?**

18 A. She's got one -- two. But they sort of
19 operate independently. They're kind of like independent
20 contractors but they still fall under the Charter
21 umbrella.

22 **Q. Right. So I guess my point is, is she in a**
23 **position of decision-making for Charter Communications in**
24 **the area that she is employed?**

25 A. No, sir.

1 Q. Okay. So how long has she been with Charter
2 Communications in the ad sales, basically? Ballpark.

3 A. Ballpark, about 18 years.

4 Q. Okay. Just following back up for just a
5 second on the last part of Chairman Sandifer's, as far as
6 the advocacy and the job as Commissioner, is a part of
7 your job as a Commissioner to be an advocate? Or what
8 role does a Commissioner have from that standpoint?

9 A. Advocate might be the wrong word to use for
10 that. I think a Commissioner is more on the --

11 Q. Well, I'm using your words.

12 A. Yes, sir. Yes, sir. I'm sorry.

13 Q. So if you want to clarify that. But go
14 ahead.

15 A. Okay. Advocate might be a little biased
16 term. I think a more apt term would be a judge. You
17 basically would listen to both sides and try to be as
18 unbiased as possible and then render whatever decision
19 needs to be rendered based on law and the fairness and
20 reasonable.

21 Q. Okay. Thank you.

22 CHAIRMAN ALEXANDER: Other questions from
23 anybody? Senator Rankin, are you ready to go?

24 EXAMINATION

25 BY SENATOR RANKIN:

1 **Q. I apologize, Mr. Elliott. I wanted to ask**
2 **you, other family, are you related to Carter Elliott?**

3 A. We may be. Sometimes it's hard to tell
4 because I think the Crids and the Elliotts are kind of
5 mixed, so they've -- it might be my dad's cousin, maybe.
6 I'm not sure.

7 **Q. So Carter is an attorney. His brother Curtis**
8 **is an orthopedist. Do you don't know of him, don't know**
9 **of him?**

10 A. I do know Curtis vaguely. I haven't seen him
11 in twenty-something years. But when we were growing up
12 we were all kind of what my dad called dog kin.

13 **Q. All right. Thank you.**

14 CHAIRMAN ALEXANDER: And as we conclude, the
15 South Carolina Drought Response Committee for the
16 Northeast Region, it says as needed. How often since
17 you've been a member -- and if I'm reading this correctly
18 you've been on the Committee since 2017 so basically
19 three years. How many times during that period of time
20 roughly have you all met?

21 MR. ELLIOTT: Roughly, we've had two
22 table-top meetings and maybe 10 or 12 -- we mostly do it
23 over phone calls.

24 CHAIRMAN ALEXANDER: Okay. Good. If there's
25 no other questions, this completes the screening today

1 with you. We appreciate your willingness to serve and
2 your time with us today.

3 MR. ELLIOTT: Thank you, sir.

4 CHAIRMAN ALEXANDER: Please stay safe and
5 healthy. And if you would be kind enough to remove that
6 cap and discard that into the wastebasket somewhere.
7 Thank you so much.

8 MR. ELLIOTT: Thank you.

9 (The screening concluded at 11:30 a.m.)

10 11:32 a.m.

11 CHAIRMAN ALEXANDER: Good morning.

12 MR. HUNTLEY: Good morning.

13 CHAIRMAN ALEXANDER: If you would kind of
14 give us a test for the microphone, I want to make sure
15 that our members that are joined on the virtual can hear
16 you okay. Maybe state your full name for us.

17 MR. HUNTLEY: Harry David Huntley.

18 CHAIRMAN ALEXANDER: Okay. And you'll get to
19 do that two or three times, Mr. Huntley. Are we okay
20 with the folks that are -- can I get thumbs up on the
21 volume and being able to hear? Okay. Thank you.

22 So we appreciate your being here this
23 morning.

24 MR. HUNTLEY: Thank you, sir.

25 CHAIRMAN ALEXANDER: I'm going to first ask

1 Laura, our court reporter, to swear you in for the
2 screening this morning.

3 Harry David Huntley, having been cautioned to
4 speak the truth, the whole truth and nothing but
5 the truth, testified as follows:

6 CHAIRMAN ALEXANDER: Okay. Mr. Huntley,
7 Ms. Anderson will have a series of questions as we begin
8 the process for you.

9 ATTORNEY ANDERSON: Good morning,
10 Mr. Huntley.

11 MR. HUNTLEY: Good morning.

12 ATTORNEY ANDERSON: I'm going to give a very
13 brief overview of your background and then we'll go into
14 questions.

15 Mr. Huntley received a Bachelor of Science
16 Degree in Engineering from the University of South
17 Carolina and a MBA from Palm Beach Atlantic University.
18 Mr. Huntley is the Town Administrator for Chesterfield, a
19 position in which he has served since 2005.

20 From 1996 to 2005, he worked at the Vecellio
21 Group as the Vice President of Human Resources. From
22 1981 to 1995, he worked for Florida Power & Light Company
23 in various management positions within Transmission and
24 Distribution business units. And he also currently
25 serves on the Pee Dee Regional Advisory Board for Duke

1 Energy Progress.

2 Mr. Huntley, do you have any changes that you
3 would like to make to the Personal Data Questionnaire
4 that you submitted with your application other than
5 changes you may have already submitted?

6 MR. HUNTLEY: No, ma'am.

7 ATTORNEY ANDERSON: I would request that
8 Mr. Huntley's Personal Data Questionnaire be entered into
9 the record with any confidential information being
10 redacted.

11 CHAIRMAN ALEXANDER: So ordered.

12 (Huntley PDQ entered into the record)

13 ATTORNEY ANDERSON: As part of the background
14 investigation we obtained a credit check, a driver's
15 license check and a SLED check. Any questions of a
16 confidential or personal nature will be taken up in
17 Executive Session.

18 Before we begin, do you have a statement you
19 would like to make to the Committee, Mr. Huntley?

20 MR. HUNTLEY: I just thank you for the
21 opportunity to appear before you today. As I had told
22 Ms. Anderson, I didn't know that I'd make it this far. I
23 had a potential conflict early on with the exam date and
24 committed to my ten-year-old son. He had a school trip
25 to Washington that we had agreed to escort him on and

1 then at the last minute, right before the -- the weekend
2 before the exam date they did cancel the trip because of,
3 of course, the pandemic events that were coming on as
4 things started shutting down in Washington. So I feel
5 really honored and privileged to be here today. Thank
6 you.

7 EXAMINATION

8 BY ATTORNEY ANDERSON:

9 **Q. Please state your full name and home address**
10 **for the record.**

11 A. Harry David Huntley, 604 East Main Street,
12 Chesterfield, South Carolina, 29709.

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

14 A. I am.

15 **Q. And in which Congressional District are you**
16 **registered to vote?**

17 A. District 7.

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

20 A. Mainly for the people who thought that I
21 would do a good job. When I saw the ad in a local paper
22 I was amazed at how my background, both educational and
23 work experience, matched up with what you expect from a
24 candidate for the position. I spoke with some of my
25 colleagues about it and they all seemed to think I would

1 be an excellent candidate. So mostly for them and
2 hopefully to represent the rest of the constituents in
3 District 7.

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

6 A. I have not.

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

8 A. No, ma'am.

9 **Q. How would you expect to get up to speed on**
10 **matters before the Commission?**

11 A. Obviously, a lot of reading. Unfortunately,
12 with what's going on right now, most of my spare time for
13 reading is -- I operate a municipality in a pandemic, so
14 I know that there's a lot of information that has to be
15 brought up to speed to being new and coming on the
16 Commission and I'm prepared to do that at that time.

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

19 A. Basically, on the setting of rates as far as
20 if a utility wants to raise their rates, they would come
21 before the Commission, present a rate case of which the
22 Commission would have public hearings and look into the
23 details and make a decision on whether that was a fair
24 rate.

25 **Q. Does a Commissioner serve in the role of as**

1 an advocate for either a particular party or issue or
2 would it be to apply the law impartially?

3 A. Definitely impartially. I think you would
4 have to be a neutral party to be a successful candidate
5 as it is.

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

8 A. Basically -- and I speak from a local
9 municipality. Sometimes you get hit with unfunded
10 mandates that will increase your cost. But weighing that
11 in to what is a fair cost to the consumer, you know,
12 factoring in everything from reliability to, you know,
13 upgrades to the system, how much is this -- are you going
14 above and beyond what the constituents in that area can
15 afford.

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

21 A. Yes, ma'am.

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

25 A. No, ma'am.

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

3 A. No, ma'am.

4 Q. Please explain the general rule regarding
5 ex parte communications as it relates to the Public
6 Service Commission.

7 A. My understanding of the ex parte is if
8 someone comes to you as a member and wants to have a
9 conversation about a particular item without that same
10 information being sort of to the other Commissioners,
11 which would not be allowed, you would have to recuse
12 yourself from that conversation. That, as I understand
13 it, is the purpose of the public hearings where everyone
14 would get the same information.

15 Q. And assume that you're serving on the
16 Commission and someone did approach you and wanted to
17 have a conversation about a matter before the Commission,
18 how would you handle that?

19 A. I would tell them I was not at liberty to
20 have that conversation.

21 Q. Are you aware that Commissioners are subject
22 to the Judicial Code of Conduct as well as State ethics
23 laws?

24 A. Yes, ma'am.

25 Q. Can you briefly describe the five canons in

1 **the Code of Judicial Conduct? It can be general**
2 **comments.**

3 A. Okay. There's a lot of detail there. But
4 it's basically your public perception. As I understand
5 it, you're not available to support a specific candidate
6 for office, to remain basically neutral in all of your
7 public outings.

8 **Q. What do you consider to be the appropriate**
9 **use of social media pursuant to the Judicial canons?**

10 A. I don't recall anything specifically
11 restricting it. But under the same guise, not just
12 social media but anything, I think it probably would not
13 behoove someone on the Board to have anything in that
14 area.

15 Now, personally, I do have social media now
16 because of some of the Boards I'm on. It helps me be an
17 advocate for those. Now, I also understand that some of
18 those Boards, I would be in conflict if I were to obtain
19 this position so I would need to resign those as well.
20 And at that time if I were a successful candidate, I
21 would probably close out my social media account.

22 **Q. Are you or a member of your immediate family**
23 **employed by a utility regulated by the Public Service**
24 **Commission either currently or within the past two years?**

25 A. No, ma'am.

1 **Q. Can you describe your role with the Duke**
2 **Energy Pee Dee Advisory Board?**

3 A. We're basically an advocacy group. Different
4 people from around the Pee Dee area, we go in, we try to
5 meet every couple of months. We haven't recently because
6 of the pandemic restrictions. But they'll try to keep us
7 up to speed on anything new going on with the utility and
8 we basically are advocates or cheerleaders for the
9 organization in our local areas.

10 **Q. Cheerleaders for Duke Energy?**

11 A. For Duke.

12 **Q. Can you give an example?**

13 A. One of the biggest things was either after
14 the last hurricane or preparing for a hurricane, they'll
15 bring us up to speed on things they're planning to do or
16 do differently from the last hurricane so that if anybody
17 in our community has questions or anything like that,
18 they could ask us.

19 **Q. And you implied this earlier, but I'm**
20 **assuming from your prior comments that you've resigned**
21 **from this Board?**

22 A. Oh, absolutely, yes, ma'am. Any Board or my
23 current position that would have a conflict, yes, ma'am.

24 **Q. Do you think that your service, even if you**
25 **resign, could present a potential conflict or a perceived**

1 **bias if you were a Commissioner?**

2 A. I guess there would be a potential for that.
3 But, I mean, for what we do, we don't encourage rate case
4 votes or anything like that so it's basically just what
5 they do in the community.

6 **Q. Okay. And can you describe your role with**
7 **McCleod Hospital Board of Trustees?**

8 A. Very similar to what we do with the Duke.
9 It's an advisory Board. They bring us in. Sometimes if
10 they need help recruiting a doctor or something that, you
11 know, may be looking for a home or something in the area,
12 we could do that. They try to keep us up to speed on
13 hiring needs so that if we know someone who's graduating
14 nursing school or whatever, that we could say, you know,
15 McCleod is looking for something like that. Really, just
16 to be an advocate and a cheerleader for the organization.

17 **Q. Do you or a member of your immediate family**
18 **have stock or other financial interests that is directly**
19 **controlled by you or your family member of a utility**
20 **regulated by the PSC?**

21 A. By the South Carolina PSC?

22 **Q. By the South Carolina PSC. Any telephone**
23 **companies or --**

24 A. Oh. I do have telephone stock and I --
25 honestly, I don't know that this PSC regulates that one.

1 It's a national corporation.

2 Q. If the PSC did regulate companies with which
3 you currently hold stock, what would you do if elected as
4 Commissioner?

5 A. If there was a conflict there, I would
6 diversify my portfolio to get rid of those stocks.

7 Q. NextEra obviously has indicated an interest
8 in purchasing Santee Cooper. If NextEra were to become a
9 regulated utility in South Carolina, would there be any
10 potential conflicts of interest?

11 A. With me owning stock?

12 Q. Yes, sir. If you're elected as Commissioner,
13 would there be any potential conflicts of interest?

14 A. Yes. I would think that my stock holdings in
15 NextEra from when I worked there would be and, again, I
16 would diversify my stock holdings.

17 Q. Okay. And by diversification, you mean?

18 A. Sell. Sell that stock.

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

23 A. Not that I'm aware of.

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

1 management of any business enterprise?

2 A. No, ma'am.

3 Q. From which entities did you or a member of
4 your immediate family receive income within the previous
5 year? Now, this would exclude the following: IRA,
6 deferred compensation funds, disability, mutual funds, or
7 funds received from your financial institution in the
8 ordinary course of business.

9 A. I'm an employee of the Town of Chesterfield
10 and receive a salary for that, and my wife is employed by
11 MAR-MAC. She receives pay from them.

12 Q. Okay. And can you describe for the members
13 what type of company MAR-MAC is?

14 A. MAR-MAC makes protective clothing, hazmat
15 suits. My wife works in the customer service department
16 for them. They are a contractor for Dupont. She works
17 in customer service so you can imagine how much her phone
18 has been ringing over the past few months. But that's, I
19 think, to answer your question.

20 Q. If elected, would there be any potential
21 conflicts of interest, financial or otherwise, that we
22 haven't already discussed?

23 A. No, ma'am. Not that I'm aware of.

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

1 A. I would try to gain an understanding of what
2 the conflict is and resolve it as best possible.

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

6 A. No, ma'am.

7 **Q. Other than the ones that we've previously**
8 **discussed?**

9 A. Correct.

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

12 A. No, ma'am.

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

15 A. Obviously, as we spoke earlier, as neutral as
16 possible. I think you need to be approachable but not to
17 the extent that it would, you know, encourage ex parte
18 communications. But to be perceived as level-headed, I
19 guess, is best I could describe it, that someone who is
20 not necessarily going to jump in and make an emotional
21 decision, but is going to sit down and analyze, weight
22 the facts as they apply to both parties and make the best
23 informed decision.

24 **Q. And would this demeanor apply just while on**
25 **the bench or would it apply at all times?**

1 A. It should apply at all times.

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

4 A. Well, obviously, there are times where you
5 would need to be in Columbia in the meetings and that's
6 not an issue. I could be here at any time. Hopefully,
7 as I'm sure you've learned as much as we have during this
8 pandemic, there's a lot of options out there right now
9 for meetings, just as you're having today. Anything that
10 technology would allow that I could do from home, I would
11 try to do that to avoid running up cost coming back and
12 forth to Columbia. But if I needed to be in Columbia or
13 public hearings around the state, whatever, that's not an
14 issue.

15 **Q. What are the industries and businesses**
16 **regulated by the Public Service Commission and what are**
17 **the Commission's duties in the regulation of each?**

18 A. Well, we've talked about electric utilities
19 and telecommunications, motor carriers -- I'm leaving
20 something out, but that's the three main ones I remember.

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

22 A. An integrated resource plan?

23 **Q. Yes, sir.**

24 A. I'm sorry. I don't know the answer to that
25 right now.

1 **Q. Okay. Can you describe what the Public**
2 **Utility Regulatory Policy Act is, also known as PURPA?**

3 A. No, ma'am. Not at this time.

4 **Q. Okay. What does the term avoided cost mean?**

5 A. I would think in the utility area, avoided
6 cost would be the most efficient production of
7 electricity or if we're talking water or sewer, in those
8 areas, to not have to go through a third-party or
9 whatever that would have to put additional cost on the
10 service you're providing.

11 **Q. Can you describe your involvement with**
12 **utilities and utility matters in your role as Town**
13 **Administrator?**

14 A. Basically, we get involved if a utility needs
15 a franchise agreement to operate in our area. We have
16 Duke Energy Progress, we have Lynch's River Co-op that
17 also operates in a small area of our town. And our
18 telecommunications is currently provided by Sandhill
19 Telephone Co-op. So we deal both with investor versus
20 member-owned utilities.

21 ATTORNEY ANDERSON: Mr. Chairman, pursuant to
22 the earlier motion, I would like to request that we go
23 into Executive Session at this time.

24 CHAIRMAN ALEXANDER: Okay. By that motion,
25 we'll go in Executive Session. We'll just ask that you

1 stay at the podium.

2 MR. HUNTLEY: Yes, sir.

3 CHAIRMAN ALEXANDER: And we'll ask that
4 members of the audience remove themselves and take a
5 small break until we conclude the Executive Session.

6 (Executive Session - 11:50 a.m. to 11:56 a.m.)

7 CHAIRMAN ALEXANDER: The door is open. We
8 have lifted the veil on Executive Session. We are back
9 in open session. No action was taken in Executive
10 Session. We'll continue to recognize Ms. Anderson for
11 further questions of Mr. Huntley.

12 BY ATTORNEY ANDERSON:

13 Q. As mentioned previously, the Committee does a
14 background check, SLED, DMV for each candidate. For the
15 DMV record there was one ticket for speeding ten miles an
16 hour or less back in 2016. And it came back with a
17 lawsuit that was filed in the District Court in South
18 Carolina in Columbia and it was Smart Phone Records
19 versus The University of South Carolina in which Harry
20 Huntley is a named defendant. Mr. Huntley, was this you?

21 A. I have no idea of that case. I'm sorry, I
22 just don't. I don't think it was me. I think it was
23 another Harry Huntley.

24 Q. Okay. Well, thank you. We just needed to
25 clarify that for the record.

1 A. Certainly.

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

4 A. No, ma'am.

5 Q. Have you sought or received a pledge of any
6 legislator prior to today?

7 A. No, ma'am.

8 Q. Have you sought or been offered a conditional
9 pledge of support by any legislator pending the outcome
10 of your screening?

11 A. No, ma'am.

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

15 A. No, ma'am.

16 Q. Are you aware of any friends or colleagues
17 contacting members of the General Assembly on your
18 behalf?

19 A. I am not.

20 Q. Are you familiar with the 48-hour rule which
21 prohibits a candidate from seeking pledges for 48 hours
22 after the report has been submitted to the General
23 Assembly?

24 A. Correct.

25 Q. Would you plan to serve a full term if

1 **elected?**

2 A. This would be considered a full term even
3 though it didn't start July 1?

4 **Q. Yes, sir. It would still be the four years.**

5 A. Yes.

6 **Q. Thank you, Mr. Huntley.**

7 ATTORNEY ANDERSON: Mr. Chairman, I have no
8 further questions. And, for the record, Mr. Huntley made
9 a 47 on the test.

10 CHAIRMAN ALEXANDER: Thank you, Ms. Anderson.
11 And now we'll go to some questions from members of the
12 Committee and I'm first going to recognize those that are
13 joining us via Zoom virtually. So do we have questions
14 there? We've Representative Forrester there, we'll start
15 and recognize.

16 REPRESENTATIVE FORRESTER: Thank you,
17 Mr. Chairman.

18 EXAMINATION

19 BY REPRESENTATIVE FORRESTER:

20 **Q. Mr. Huntley, once you got your score back,**
21 **did you do anything to improve your knowledge?**

22 A. Not technically, no, sir, because of the
23 situation we're in right now. I certainly wasn't proud
24 of my score. But as I explained when we first came on, I
25 didn't take full advantage of it because I didn't think

1 honestly that I was going to be taking the exam. I
2 thought I was going to have to recuse myself early on in
3 the process. And that's not an excuse, that's just an
4 explanation of why the score is what it is.

5 **Q. And just to add to that, how would you**
6 **prepare, then, to serve if you were to be elected?**

7 A. If I were elected, obviously a lot of reading
8 I would need to brush up on to prepare myself to
9 understand what all is needed done by the Commission.

10 **Q. Okay. Thank you.**

11 CHAIRMAN ALEXANDER: Okay. Representative
12 Forrester, thank you. Other members virtually? I'm
13 seeing none at this time, but we may have one in a
14 minute. Chairman Sandifer?

15 REPRESENTATIVE SANDIFER: Thank you,
16 Mr. Chairman.

17 EXAMINATION

18 BY REPRESENTATIVE SANDIFER:

19 **Q. Mr. Huntley, thank you. I appreciate you**
20 **being here with us today. I wanted to follow up on the**
21 **fact that you've attended -- and it's difficult for**
22 **anyone to attend Commission hearings right now -- but the**
23 **fact that you had not read any of the opinions, would**
24 **that be part of your learning experience?**

25 A. Absolutely, yes, sir.

1 Q. With ex parte communications, is there ever a
2 time that ex parte communications could be allowed?

3 A. None, that I'm aware of. If there is, I
4 would have to read up on that as well.

5 Q. Okay. There are allowable ex parte
6 communications.

7 A. Thank you, sir.

8 Q. Social media. You said that you would
9 probably close your own social media account?

10 A. Yes, sir.

11 Q. And I congratulate you for that. I think
12 that bad things can happen. However, should the
13 Commission itself utilize social media, the entirety of
14 the Commission?

15 A. Social media is such a double-edged sword.
16 The problem that -- and I speak from a community
17 standpoint. We've gone back and forth on this same
18 issue, should we as a Council have social medial.

19 The biggest issue we run into is, okay, if
20 you post something on social media, how do you control
21 the comments. And, you know, just because we put
22 something out that's positive and everything, the
23 comments that may come back could be very negative and
24 then how do you address that.

25 So, yes, I think there are good things that

1 can come out of social media, advertising what the
2 Commission has done, possibly putting a positive spin on
3 why they came to it. Because if people don't know the
4 true reason a decision was made, you know, it's left up
5 to perception. But the opposite side of that, the dark
6 side of social media is the comments that you have
7 encouraged by putting it out there.

8 Q. Okay. Thank you. And do you consider what
9 you would be doing as a Commissioner, were you elected,
10 to be full time or part time? You said you would make
11 yourself available to travel if necessary and a lot of
12 things. Is this a full-time thing or --

13 A. Absolutely. Yes, sir.

14 Q. Okay. Go ahead.

15 A. I would resign any -- my current position or
16 anything else so it would certainly be full time.

17 Q. Okay. And the law does require it to be.

18 A. Yes, sir.

19 Q. Does Chesterfield operate its own electric
20 utility?

21 A. No, sir.

22 Q. Okay. One of the answers that you gave in
23 your written information is a background in electrical
24 issues. Is that coming from the time that you were in
25 Florida?

1 A. I'm sorry. Would you --

2 Q. Is your background in electrical issues based
3 on your experiences in Florida?

4 A. I apologize. I thought you said grounding
5 electrical issues.

6 Q. I do talk funny.

7 A. No, sir, no, sir. Yes, sir, aside from what
8 I've said otherwise about, you know, dealing with the
9 local co-ops or Duke Energy on franchises, that's limited
10 to what I've done in my current job. The rest of my
11 electrical experience is with Florida Power & Light.

12 Q. Thank you very much.

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

15 EXAMINATION

16 BY CHAIRMAN ALEXANDER:

17 Q. Okay. And following up on that, and I know
18 it's in your things, but just briefly when you were with
19 them, what were your duties with Florida?

20 A. I had numerous positions. I started out in
21 the, what we call service planning. Which was,
22 basically, you were given a territory and you were
23 responsible for residential, subdivisions, commercial
24 areas, hospitals, providing power to that and the design
25 and engineering of that. It progressed to -- I think my

1 next position was in supervision of transmission and
2 distribution. I was actually supervising the crews.

3 I went on to be the service reliability
4 person for the Delray District and later on into the
5 Eastern Division which is around the West Palm Beach
6 area. And my final task -- interrupting in between all
7 of that, Florida Power & Light decided to do a challenge
8 for the Deming Award in Quality, which was the first
9 organization outside of Europe really to challenge for
10 that, so I was a part of one of those teams addressing
11 quality issues. And then finally my last several years
12 were in the human resources area. I was dealing with --
13 basically dealing with the union. My job was to
14 represent the company. We settled grievances, had
15 meditations, those type of things.

16 **Q. Okay. And then also you've marked on that**
17 **finances, economics and statistics. What background do**
18 **you have from that standpoint?**

19 A. Education-wise, an MBA. And as I just
20 mentioned, when we were going for the Deming challenge, a
21 lot of statistical information. I was actually one of
22 the people who was training the other employees in
23 statistical analysis.

24 **Q. Okay. Also, I noticed there that -- if I**
25 **remember correctly, I made a note here that in the**

1 questionnaire you said your father had been an elected
2 official?

3 A. Yes, sir.

4 Q. Did I read that correct? In what capacity
5 was that?

6 A. He was the County Auditor for Chesterfield
7 County. And to Ms. Anderson, there was also a Harry
8 Huntley who was an auditor either in Richland or
9 Lexington at one time. So I've always --

10 Q. A popular name.

11 A. Apparently so. And to my knowledge, there's
12 no relation there between me and that Harry Huntley.

13 Q. And I do notice for the record your mother
14 was a school teacher?

15 A. Yes, sir.

16 Q. So I appreciate that. So since 2005, you've
17 been the City Administrator for the Town of Chesterfield.
18 How many citizens reside inside the proper city limits of
19 Chesterfield?

20 A. 1472. And I don't think that's changed in a
21 hundred years more than five either way.

22 Q. All right. What would you as the biggest
23 difference in the job that you're doing now as the City
24 Administrator versus if you were serving on the
25 Commission? And also further, how would the job that

1 you're doing now help prepare you, or would it help
2 prepare you for doing the job on the Commission?

3 A. Well, I think one of the biggest things --
4 and as we've talked about previously, you know, we just
5 got through hurricanes, floods, now we're in a pandemic,
6 so I think the biggest thing that helps is the new
7 challenges that come up. We don't have a whole lot of
8 history on that. We're learning as we go. And I think
9 that will help me get up to speed on Public Service
10 matters, you know.

11 Again, I apologize that I haven't had the
12 time that I needed to put into this up until now. But
13 when you're trying to help a small town survive in an
14 area that, we've never seen conditions like this before,
15 it's more than a full-time job. And I would dedicate,
16 you know, similar time to the Commission. I don't know
17 what the definition is of full time. Most people think
18 that's 40 hours. I'd love to have a position that had a
19 40-hour job.

20 Q. I understand. So just two final things.
21 Representative Forrester mentioned about the test and
22 things and what you did afterwards. As far as being part
23 of the screening process and taking the test, what are
24 your thoughts about the value of the test for part of the
25 screening process?

1 A. It is a good question. I mean, ideally it
2 would be great to have a candidate who knows everything
3 about the Commission. But with that being said, if you
4 gave a post-test to people leaving the Commission and
5 they scored really high, but that's what got us in the
6 situation perceptually, at least, that we are now. So
7 I really can't answer your question as to what that score
8 indicates.

9 I can say that, you know, it's something
10 until six months ago I really hadn't thought about a
11 Public Service Commission since I left Florida Power &
12 Light. That was my experience with the Public Service
13 Commission.

14 **Q. Did you have interaction in your role in**
15 **Florida directly with the Commission?**

16 A. Not directly, no, sir.

17 **Q. And, finally, if you're nominated and if you**
18 **were elected, what type of a time frame would it be when**
19 **you would be available to join the Commission? Just a**
20 **ballpark.**

21 A. I mean, I can't -- in the situation we're in
22 right now, I can't just walk away from where I am. And,
23 honestly, I don't know the time line between the
24 legislative vote and when the -- I know we're past the
25 July 1. I don't know when the job would actually begin.

1 But as much time as necessary, I'd like to give the
2 community I work for now. But at the same time,
3 understanding that whatever your timelines are, I'll do
4 my best to meet those.

5 **Q. Thank you.**

6 CHAIRMAN ALEXANDER: Any other questions?
7 Virtually, anything else from our members?

8 (No response)

9 CHAIRMAN ALEXANDER: Okay. So seeing none,
10 that concludes our time with you today. We appreciate
11 you being with us. We're grateful for the service that
12 you are providing to Chesterfield --

13 MR. HUNTLEY: Yes, sir.

14 CHAIRMAN ALEXANDER: -- and your willingness
15 to be a part of the Commission and being here with us
16 today. Thank you. If you would be kind enough to take
17 that little cap and dispose of it off of your microphone
18 and put that into that trash can. And I hope you stay
19 safe.

20 (The screening concluded at 12:12 p.m.)

21 12:14 p.m.

22 CHAIRMAN ALEXANDER: Good afternoon.

23 MR. JANES: Good afternoon. And how are you?

24 CHAIRMAN ALEXANDER: I'm doing great, sir. I
25 trust you are?

1 MR. JANES: I am, sir, and very pleased to be
2 here. I appreciate the opportunity.

3 CHAIRMAN ALEXANDER: Thank you for joining
4 us. And with our brief conversation we've had, I'm going
5 to look to our members virtually. Is our sound okay?
6 We're checking that with each person. We've got a thumbs
7 up there so we'll proceed. And, again, we thank you for
8 being here.

9 We have Mr. Steven A. Janes. And I'm going
10 to ask that our court reporter, Laura, swear you in for
11 our screening today.

12 Steven A. Janes, having been duly sworn and
13 cautioned to speak the truth, the whole truth and
14 nothing but the truth, testified as follows:

15 CHAIRMAN ALEXANDER: Thank you, sir. And I
16 believe it's Brian that we're going to recognize from
17 staff to get us started then.

18 MR. JANES: Mr. Chairman, could I ask you one
19 question before we get started?

20 CHAIRMAN ALEXANDER: Yes, sir.

21 MR. JANES: Will I have an opportunity at the
22 end to give kind of summary closing comments from my side
23 of the proceeding?

24 CHAIRMAN ALEXANDER: Well, I think you'll
25 have a couple of questions that maybe you'll have that

1 opportunity to do that today.

2 MR. JANES: Okay. No, I just wanted to give
3 kind of a summary overview of what I think is important
4 that I have to offer that may not show up on the
5 paperwork.

6 CHAIRMAN ALEXANDER: Within this questioning
7 and then some dialog, I think you'll have an ample
8 opportunity from that standpoint.

9 MR. JANES: Thank you, Mr. Chairman.

10 CHAIRMAN ALEXANDER: Yes, sir. Thank you,
11 sir.

12 ATTORNEY TRIPLETT: Thank you, Chairman.
13 Mr. Janes, I'll briefly summarize your educational
14 background and experience.

15 Mr. Janes is a licensed Professional Engineer
16 in South Carolina, Virginia and New Jersey and got his
17 BSEE degree from Lehigh University in 1972. Mr. Janes
18 also completed all course work except his Master's
19 project at the New Jersey Institute of Technology, but
20 the MSME degree timed out.

21 Mr. Janes worked from 1976 to 2006 as a
22 Professional Engineer and has 30 years of managerial
23 experience with a focus on generation, transmission
24 operations, bulk power purchasing, and legal and
25 regulatory matters. Mr. Janes worked at the Public

1 Service Electric & Gas Company in Newark, New Jersey for
2 his entire career, from 1990 to 2006 as a technical
3 analyst manager, from 1980 to 1989 as an operations
4 manager and from 1976 to 1981 as a senior staff engineer.

5 At this time, I would request that Mr. Janes'
6 Personal Data Questionnaire be entered into the record
7 with any confidential information being redacted.

8 CHAIRMAN ALEXANDER: So ordered.

9 (Janes PDQ entered into the record)

10 ATTORNEY TRIPLETT: Thank you, Chairman. As
11 a part of our background investigation we obtained a
12 credit check, a driver's license and SLED check and any
13 questions of a confidential or personal nature will be
14 taken up in Executive Session.

15 Before we begin questioning, do you have a
16 brief statement that you would like to make?

17 MR. JANES: What was your name again, sir?
18 I'm sorry.

19 ATTORNEY TRIPLETT: Bryan Triplett.

20 MR. JANES: Bryan, I'm sorry. You and I
21 spoke on the phone. You did an excellent job of
22 summarizing what I was about to say. Probably the most
23 important part was the last 15 years of my career working
24 at Corporate Rate Counsel for Public Service Electric &
25 Gas was presenting all rate matters before the New Jersey

1 Board of Public Utilities.

2 As technical manager, I supported all our
3 witnesses and outside hired experts on all sorts of
4 issues from rate base additions, nuclear decommissioning
5 trust fund studies, depreciation studies and all sorts of
6 work directly related to what this position would have to
7 offer, sir. Thank you.

8 ATTORNEY TRIPLETT: Thank you.

9 CHAIRMAN ALEXANDER: Excuse me just a second.
10 I was kind of watching and was wanting to make sure you
11 got in your --

12 MR. JANES: Yes, sir.

13 CHAIRMAN ALEXANDER: I just wanted to clarify
14 it for the record.

15 MR. JANES: Right. Thank you, sir.

16 CHAIRMAN ALEXANDER: I'm sorry to interrupt.

17 ATTORNEY TRIPLETT: Mr. Chairman.

18 EXAMINATION

19 BY ATTORNEY TRIPLETT:

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

22 A. My name is Steven A. Janes. My wife and I
23 live at 775 Waterbridge Boulevard in lovely Myrtle Beach,
24 South Carolina, 29579.

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

1 A. Yes, I am.

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

4 A. I'm not sure I know my Congressional
5 District, sir. I think it's 7.

6 **Q. Okay. Your PDQ says that you were last**
7 **employed in 2006. What have you been doing since?**

8 A. Well, from 2006 till my actually full-time
9 retirement, I actually worked in Essex County, New Jersey
10 at the Board of Elections as a staff member.

11 **Q. Why are you interested in serving on the**
12 **Public Service Commission?**

13 A. Well, I'd say probably most obviously is
14 because I've been there and done it and I think my
15 related experience would make me a valuable member of the
16 Commission. I like to stay busy. I'm fully retired. I
17 can commit all the time necessary to do this. And,
18 again, my heart and soul is in utility work and in rate
19 matters.

20 **Q. Thank you. Have you attended any hearings of**
21 **the Commission?**

22 A. I have not, sir.

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

24 A. No, sir.

25 **Q. How do you expect to get up to speed on the**

1 **issues confronting the Commission?**

2 A. Wait, wait. No, I don't mean to be trite.
3 To be honest with you, Mr. Triplett, I tried to look to
4 see if I could find case history and such. I had a very
5 difficult time negotiating through the website trying to
6 figure out how to do that. I did attempt to do that.

7 In some ways, it's probably I think to my
8 advantage to not have background and history with the
9 utilities here and not know what their track records are
10 and come in, you know, unblemished with an unblemished
11 view towards these matters.

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

14 A. To provide an honest and straightforward
15 review to represent both ratepayers and the utilities in
16 fair and equitable rates.

17 **Q. What are the key factors that a Commissioner**
18 **should consider in a rate case?**

19 A. Oh, God. I could be here all day, sir. A
20 fair rate of return, reasonable and fair rates for
21 customers, that's basically it. To be fair to the
22 utilities and fair to the utility customers.

23 **Q. Are you familiar with the three advisory**
24 **opinions issued by the Review Committee dealing with**
25 **attendance at, one, legislative receptions, two,**

1 legislative caucus meetings and, three, political
2 gatherings?

3 A. I am not, sir.

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

7 A. No, sir.

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

10 A. No, sir.

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

14 A. As I would deal with it means, if you're on
15 the Public Service Commission and you're in the middle of
16 a case proceeding, you are not to discuss those matters
17 with anybody outside of the basic group.

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

22 A. I would say, I'm not free to discuss that.

23 Q. Are you aware that Commissioners are subject
24 to the Judicial Code of Conduct as well as State ethics
25 laws?

1 A. Absolutely, sir.

2 Q. Briefly describe the five canons in the Code
3 of Judicial Conduct.

4 A. I can't say that I know what those are, sir.

5 Q. What do you consider to be appropriate use of
6 social media pursuant to the Judicial canons?

7 A. I would try to stay clear of it at all costs.

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

11 A. No, sir.

12 Q. Do you or a member of your immediate family
13 have stock or other financial interests that's directly
14 controlled by you or your family member of a utility
15 regulated by the PSC?

16 A. No, sir.

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

21 A. No, sir.

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

25 A. No, sir.

1 Q. What entities did you or a member of your
2 immediate family receive income within the last previous
3 year, or from within the previous year? This does not
4 include IRA, deferred compensation funds, disability,
5 mutual funds, or funds received from your financial
6 institution in the ordinary course of business.

7 A. Yes. Sources of our income these days are my
8 pension from Public Service Electric & Gas, two social
9 security checks, one for me and one for my wife, a small
10 pension check from Essex County, New Jersey from my time
11 on the Board of Elections and I do some minor part-time
12 work. I work at, if you're aware of it, Ocean Lakes
13 Family Campground in Myrtle Beach. I work beachfront
14 security.

15 I also work for an architect in the division
16 that I live in. I'm on the HOA Board and I serve as the
17 site representative and inspector for new house builds
18 for the builders and I get paid for those reports.

19 Q. And just for clarity, and you receive income
20 and you have received income in the previous twelve
21 months from each of those entities?

22 A. Yes, sir.

23 Q. Okay. If elected, would there be any
24 potential conflicts of interest, financial or otherwise?

25 A. No, sir.

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

3 A. I think I'd request to talk to the attorney
4 for the Commission.

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

8 A. I find myself aligned with one political
9 party but very, very, very loosely. I'm not, you know,
10 into the mechanisms of it all. It's really just as it
11 relates to my political views on things.

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

14 A. Oh, God, no, sir.

15 Q. What's the appropriate demeanor for a
16 Commissioner?

17 A. Honesty, integrity, fairness, equatibility.

18 Q. Does that apply while you're on the bench or
19 do these rules apply at all times?

20 A. At all times, sir.

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

23 A. Whatever is required, sir. As I indicated, I
24 am fully retired. I am committed to give a hundred
25 percent of my time if it's needed.

1 **Q. If you would, please briefly describe the**
2 **Public Utility Regulatory Policy Act, also known as**
3 **PURPA.**

4 A. It's been a long time since I've looked at it
5 sir, and I'd prefer to pass on that. I'm just not
6 current with that.

7 **Q. All right.**

8 ATTORNEY TRIPLETT: Mr. Chairman, at this
9 time I would request that we go into Executive Session
10 pursuant to the previous motion, as we do with all
11 candidates.

12 CHAIRMAN ALEXANDER: Okay. We do this with
13 each candidate, so if you will just stay at the podium
14 and we're going to ask that the other members of the
15 audience to please excuse themselves.

16 MR. JANES: Yes, sir.

17 (Executive Session - 12:24 p.m. to 12:27 p.m.)

18 CHAIRMAN ALEXANDER: The door is open so we
19 are back in open session. No action was taken in
20 Executive Session. Mr. Triplett?

21 MR. TRIPLETT: Thank you, Mr. Chairman.

22 BY ATTORNEY TRIPLETT:

23 **Q. Mr. Janes, during the test, within minutes of**
24 **starting the test, staff has indicated that you walked**
25 **out --**

1 A. I did, sir.

2 Q. -- and stated in sum that you intend to
3 withdraw. Could you please explain that to the
4 Committee?

5 A. Words spoken in haste. I immediately called
6 Heather Anderson to tell her that's not really what I
7 meant. I studied for three weeks for this test. I drove
8 over here in the morning, three hours. There's no excuse
9 for it. I arrived here. I was tired and I got three
10 pages into the test and I pulled a complete blank and
11 literally blanked out. And I got so frustrated I got up
12 and I walked out of the test.

13 I mean, I'm sure you know it, okay? And I
14 don't know if the Committee members know it, but this is
15 the material that you all expected all of us to memorize
16 and be able to know for the test. I'm 70 years old.
17 This was a lot. And I didn't handle it well and I admit
18 it, okay? If you perceive that to be a bad judge of my
19 character, so be it, okay? I didn't handle it well. I
20 should have taken a deep breath, gone back at it and
21 tried. I got through about three pages and I panicked
22 when I drew a blank on the next two questions. So I
23 basically didn't complete the back two-thirds of the test
24 at all.

25 I really don't have much of an excuse other

1 than what I said, I drew a complete blank. I don't think
2 that would reflect on my ability if I were to be chosen
3 to be a Commissioner to be able to study the materials
4 that I would need to do to be able to work on cases.

5 Q. Mr. Janes, if elected and a matter came
6 before the Commission that seemed to overwhelm you, how
7 would you respond in that situation?

8 A. Take a deep breath back, okay? Look at the
9 steps needed to accomplish what had to get accomplished
10 and just work on a game plan one step at a time. If
11 there's staff available to assist me with the workload,
12 I'd ask for, who's available, who could I use as a staff
13 member to help me with the work on it.

14 Q. And a few final questions. Have you made any
15 contributions to members of the General Assembly since
16 filing your application?

17 A. Absolutely not, sir.

18 Q. Have you sought or received a pledge of any
19 legislator prior to this day?

20 A. No, sir.

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

24 A. No, sir.

25 Q. Have you asked any third-parties to contact

1 members of the General Assembly on your behalf --

2 A. I have not.

3 Q. -- before the final and formal screening
4 report has been released?

5 A. I have not, sir.

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

9 A. No, sir.

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

14 A. I am not familiar with that rule, sir.

15 Q. You're not familiar with the 48-hour rule?

16 A. No, sir.

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

18 A. Absolutely, sir.

19 ATTORNEY TRIPLETT: And, for the record, I
20 would note that the candidate scored a 17 on the test.
21 And with that, Mr. Chairman, I have no further questions.

22 CHAIRMAN ALEXANDER: Okay. Thank you. And
23 then we'll have a few questions from members of the
24 committee.

25

EXAMINATION

1 BY CHAIRMAN ALEXANDER:

2 Q. Let me just start, if I could, from that last
3 comment for the last question. Mr. Janes, as far as the
4 Advisory Committees and the Advisory opinions, and I
5 think you mentioned one other time when he mentioned the
6 48-hour rule. Would you acknowledge that that is your
7 signature, that it's at least what was provided to you as
8 part of the packet?

9 A. Yes, sir. I just -- I don't remember
10 everything that was in the packet.

11 Q. I understand. I just wanted to clarify that
12 you did receive --

13 A. I did, sir.

14 Q. Okay. Good.

15 A. This all started back in February and we are
16 now almost in August.

17 Q. I understand. I understand.

18 A. It's been a while, sir.

19 Q. Yes, sir, I understand. The work history
20 that you had, you said through 2006, that after that
21 period of time is it my understanding you were with the
22 Board of Elections?

23 A. Let me clarify, sir. From 2006 till my
24 full-time retirement in 2010, I worked for the Essex
25 County Board of Elections as a staff member.

1 Q. It's just not reflected on the data that I
2 had before me.

3 A. And I apologize, sir, if I missed something.

4 Q. I just wanted to clarify so we would have the
5 record correct.

6 A. And then my wife and I chose to go into full
7 retirement in 2010 and we moved to Charlottesville,
8 Virginia where we were from 2010 till 2018.

9 Q. Okay. And then also you had mentioned that,
10 as referring to the test and you got up and walked out
11 and you made a statement. But you did not submit
12 anything in writing --

13 A. I did not, sir.

14 Q. -- that would have you withdraw? It was
15 purely just a verbal statement, is my understanding?

16 A. A statement of frustration. And I think I
17 indicated, and Ms. Anderson is sitting right there, I'm
18 sure she will testify. I think I called her almost
19 immediately to apologize and tell her that really wasn't
20 my intent and if I could still be considered in the
21 running, I would like to have that, so --

22 Q. So there was nothing in writing that would
23 have stated otherwise of you being a candidate?

24 A. No, sir.

25 Q. Thank you. If you were nominated and if you

1 were elected, when would you be available to start as a
2 Commissioner?

3 A. Immediately, sir.

4 Q. Okay. Thank you.

5 CHAIRMAN ALEXANDER: Do we have questions
6 from those virtually? Senator from Horry?

7 EXAMINATION

8 BY SENATOR RANKIN:

9 Q. Luke Rankin here.

10 A. Luke, how are you?

11 Q. I'm doing fine. It's nice to see you.

12 A. It's good to see you, sir.

13 Q. I don't believe we've met.

14 A. We have not, sir.

15 Q. I don't think.

16 A. We have not met, sir.

17 Q. But you live in a very attractive
18 neighborhood, Waterbridge, where, if I'm correct, the
19 marketing is you have the biggest pool in the state or --

20 A. I think that's correct, sir. I believe that
21 to be so.

22 Q. Well, very good. And you've lived in Horry
23 County since 2018; is that right?

24 A. Yes. Just a little background. My wife --

25 Q. Very good.

1 A. My wife and I came to visit in 2018, we
2 visited that community, bought a lot on the weekend that
3 we visited. And everything happened so fast. We got our
4 house sold in Charlottesville, moved into an apartment
5 behind the Lowe's supermarket, you know where that is,
6 and proceeded to find a builder to build our new house
7 there and we are very, very happy campers there, sir.

8 **Q. Well, we're glad you're a part of Horry**
9 **County.**

10 A. Thank you, sir.

11 **Q. You mentioned in the PDQ looking back, you**
12 **work with an architect in Horry County part time?**

13 A. Yes. He's actually located in Charlotte,
14 North Carolina. He's basically the Architectural Review
15 Committee for the Waterbridge development. But in the
16 process of reviewing what builders submit for building
17 plans and as they go through the building process there
18 are three inspection parts, I'm his quote assistant
19 because I live there, so I do all the on-site
20 inspections. His name is Richard Alsop, A-l-s-o-p. And
21 again, I work in the --

22 **Q. And you --**

23 A. Go ahead, sir. I'm sorry.

24 **Q. No. You can finish.**

25 A. Yeah. I work in a capacity as a quote field

1 engineer doing site inspections on his behalf. I submit
2 reports of my findings and I get paid for those reports.

3 Q. And you are also on the HOA Board?

4 A. Yes, I am, sir. I'm also a Director on the
5 HOA board.

6 Q. Very good. And you're a good operator as an
7 HOA, correct?

8 A. I believe we are, sir.

9 Q. You won't hear any complaints of mistreatment
10 of folks' rights out of Waterbridge --

11 A. I don't think so.

12 Q. -- correct?

13 A. And I think we have one of the healthiest
14 reserves going, sir.

15 Q. Good. Good. The last question for me. And,
16 again, your face is new to me, mine to you perhaps. But
17 the test itself, you've answered a number of questions
18 about that, do you agree that that is one of the good
19 objective barometers that we should use as a Committee to
20 assess yours and the other candidates for this position?

21 A. I think it's one of the things that you need
22 to use to evaluate candidates, okay? Yes, I scored
23 poorly, I didn't handle it well. If that is a major
24 consideration then I'm obviously out of the runnin, okay?
25 But I'd like to think -- as Mr. Triplett went through my

1 resume and I described my work background for Public
2 Service Electric & Gas working on matters before the New
3 Jersey Board of Public Utilities, I'd like to think that
4 that significantly outweighs the detriment of my
5 miserable test score.

6 **Q. Well, you participated in what portion of the**
7 **test?**

8 A. I think I went through the first three pages
9 and I got to page four -- maybe Ms. Anderson could remind
10 me how many pages were in the test, 18 or 20.

11 ATTORNEY ANDERSON: I'm sorry. We usually
12 don't go into detail about -

13 BY SENATOR RANKIN:

14 A. Well, I got three pages into it and, sir, I
15 just -- I choked. I absolutely choked. I mean, there's
16 no getting around it, I choked.

17 **Q. You held up the packet before you, the**
18 **notebook before you.**

19 A. Yes, sir.

20 **Q. You had studied for the test, correct?**

21 A. I probably over-studied might be the best
22 description of it. I probably studied two-plus hours a
23 day for three weeks before the test and I just -- I
24 couldn't get it to recall.

25 **Q. Well, very good. Well, hey, thank you again.**

1 Welcome to Horry County and --

2 A. Thank you, sir.

3 Q. -- you've wasted no time in trying to get
4 involved at the highest level, so kudos to you for that.
5 I'm sorry that the test experience went poorly. But
6 again, I appreciate your running.

7 A. And when you talk about, you know, trying to
8 get in and jump in at the highest level, one of the
9 things I submitted in my package -- I don't know if you
10 all have copies of it -- was a one-page listing of all
11 the Boards, Commissions and task forces that I've served
12 on over the last 30-plus years, many in New Jersey, a
13 whole lot of them in Virginia.

14 I think that one of the things I think that
15 speaks to is my commitment to community service.
16 Although, this is a paid position, I think it's part and
17 parcel to my own way in which I look at serving the
18 community.

19 MR. JANES: Mr. Chairman, did you have that
20 in your package or not?

21 CHAIRMAN ALEXANDER: I think we've been
22 provided that, yes, sir.

23 MR. JANES: Okay.

24 BY SENATOR RANKIN:

25 Q. And let me invite you to bring that same

1 willingness to many areas in our community that are needy
2 and need folks like you.

3 A. Thank you, sir.

4 Q. Thank you, too.

5 CHAIRMAN ALEXANDER: Do other members that
6 are virtually attending the meeting today have questions?

7 (No response)

8 CHAIRMAN ALEXANDER: Seeing none, and I think
9 I've asked my questions on the front end and so, to my
10 knowledge, that completes our screening today for you.

11 MR. JANES: Mr. Chairman and Committee
12 members, thank you very much. Again, my sincere
13 apologies for my abysmal performance on the test, but I
14 hope you'll take into consideration all the other
15 attributes I bring as a candidate for this position.

16 CHAIRMAN ALEXANDER: We are grateful that you
17 are here today and also as a resident of South Carolina.

18 MR. JANES: Thank you very much, sir.

19 CHAIRMAN ALEXANDER: Stay safe and healthy.

20 MR. JANES: I will do that. Thank you, sir.
21 If you would, take that little cap off the microphone and
22 dispose of that into the trash can on the other side
23 there. Thank you so much.

24 (The screening concluded at 12:38 p.m.)

25 CHAIRMAN ALEXANDER: Members of the Committee

1 and audience, that brings us to the appointed time for a
2 break, so we will be in recess, unless there's objection
3 to that, until one o'clock. Hearing no objection, we'll
4 stand in recess until one o'clock.

5 (Recess from 12:39 p.m. to 1:22 p.m.)

6 CHAIRMAN ALEXANDER: Mr. Powers, it's good to
7 see you this afternoon. We have before us Mr. Delton W.
8 Powers, Jr. And you're more than welcome to either leave
9 your mask on or to take it off, it's your preference.

10 MR. POWERS: I'd rather y'all be able to see
11 my smiling face.

12 CHAIRMAN ALEXANDER: Okay. That sounds good.
13 And if you would -- I don't know if that was enough of a
14 check for our folks. I'm trying to make sure virtually.
15 Maybe you might want to just mention your name. You'll
16 get to do it two or three times, but if you would so that
17 I can check and make sure they can hear.

18 MR. POWERS: Certainly. My name is Delton
19 Powers. I am an attorney. I'm from Florence, South
20 Carolina.

21 CHAIRMAN ALEXANDER: Okay. Is everybody good
22 on virtual with the -- okay. Good deal. So then I'm
23 going to recognize our court reporter, Laura, to swear
24 you in for the screening this afternoon.

25 Delton W. Powers, Jr., having been duly sworn

1 and cautioned to speak the truth, the whole truth
2 and nothing but the truth, testified as follows:

3 CHAIRMAN ALEXANDER: We'll recognize
4 Mr. Davidson, but before we do that, I understand that
5 you've had a death in the family a couple of weeks ago
6 recently?

7 MR. POWERS: My mother died on July 4th from
8 Corona Virus. So I'm just -- this is my first out in the
9 world after that.

10 CHAIRMAN ALEXANDER: Well, certainly, our
11 thoughts and prayers are with you and we're sorry for
12 that.

13 MR. POWERS: She was 93 but had just had her
14 driver's license renewed. She was a very vital, active
15 person.

16 CHAIRMAN ALEXANDER: Very active, yeah.

17 MR. POWERS: And this disease just -- it took
18 six, seven weeks but it got her. And my sister and I
19 were the only ones that could care for her. We couldn't
20 get caretakers with the disease itself. But I tested
21 negative four times so I'm clean.

22 CHAIRMAN ALEXANDER: Well, our thoughts and
23 prayers and thank you for being here under these
24 circumstances. Thank you for being here with us today.

25 MR. POWERS: I'm happy to be here.

1 CHAIRMAN ALEXANDER: Mr. Davidson?

2 ATTORNEY DAVIDSON: Good afternoon,
3 Mr. Powers. And like the Chairman and the rest of the
4 members, I would like to express my condolences and also
5 appreciation for your working with us and being
6 responsive during these challenging times. At this time,
7 I'm going to briefly summarize your background and
8 experience for the members of the Committee.

9 Mr. Powers graduated from the University of
10 South Carolina in 1974 with a Bachelor of Science in
11 Business Administration. He graduated from the
12 University of South Carolina School of Law in 1997.

13 Currently, Mr. Powers is in the process of closing
14 his law firm which has operated since 1992. His firm is
15 focused on criminal, civil, administrative and domestic
16 matters. From 2002 to 2008 he combined his firm with
17 another to create Joye, Locklair and Powers handling
18 civil, criminal and family court matters.

19 He was a mediator and handled meditations in
20 Horry and Florence Counties. From '92 to '98 he was a
21 special prosecutor for the Fourth Circuit and was
22 responsible for Marlboro County criminal cases. From '84
23 to '92, Mr. Powers was a partner in Rogers and Powers and
24 practiced criminal, civil and family law. From '82 to
25 '84, Mr. Powers was the executive director of Legal

1 Services for the Fourth Circuit. From '80 to '82 he was
2 an associate attorney with John I. Rogers, III, in
3 Bennettsville, in which he primarily handled criminal
4 matters. From '78 to '80 he was an assistant solicitor
5 for the Fourth Circuit.

6 Mr. Powers has also done contract work for
7 DSS Child Protective Services for over 20 years. From
8 2018 to '19, Mr. Powers served as a part-time magistrate
9 in Marlboro County. He's also served on the South
10 Carolina Coastal Council from 1985 to '93 and also was
11 elected and served on the Appellate Panel of the Office
12 of Coastal Resource Management.

13 Mr. Powers additionally has served on the
14 South Carolina Supreme Court Commission of Lawyer Conduct
15 and has served as a hearing officer for the Department of
16 Revenue. Mr. Powers is Bar certified in both mediation
17 and arbitration. And Mr. Powers reported that he owns
18 Powerful Properties, LLC, a family business used to
19 purchase real estate and rental properties. Lastly,
20 Mr. Powers previously ran for the Family Court and was
21 found qualified and nominated by the Judicial Merit
22 Selection Commission.

23 Mr. Powers, do you have any changes you would
24 like to make to the Personal Data Questionnaire you
25 submitted with your application, other than any changes

1 that may have already been submitted?

2 MR. POWERS: No. The only thing that I
3 brought, and I don't know if it would be of interest or
4 not, being able to send out a letter of introduction to
5 members that are not on this Committee who are House and
6 Senate members. I did attach a resume which I want to
7 make available for these members to have and would leave
8 these copies with you.

9 ATTORNEY DAVIDSON: But we will not accept
10 those as being part of the record at this time. But at
11 this time, you don't have any changes you would like to
12 make to your Personal Data Questionnaire?

13 MR. POWERS: No. There are some other things
14 I've certainly been involved in. I'm now a Board member
15 of the South Carolina Association of Criminal Defense
16 Attorneys. I was involved in the Co-Hawk Defender Group.
17 There are several other things. I've been a special
18 trustee for the Supreme Court.

19 Being from a small town, I guess I'm a
20 junkyard dog, I've pretty much done what you can do. And
21 I've been a past instructor at a technical school. It's
22 called Northeastern Technical. It used to be
23 Chesterfield-Marlboro Tech, but so long in the past.

24 ATTORNEY DAVIDSON: Thank you for those
25 additions. And at this time no additional changes to

1 your Personal Data Questionnaire, correct?

2 MR. POWERS: No.

3 ATTORNEY DAVIDSON: Thank you. Mr. Chairman,
4 I would request that Mr. Powers' Personal Data
5 Questionnaire be entered into the record with any
6 confidential information being redacted.

7 CHAIRMAN ALEXANDER: So ordered.

8 (Powers PDQ entered into the record)

9 ATTORNEY DAVIDSON: As part of our background
10 investigation of the candidate, we obtained a credit
11 check, a driver's license check and SLED check. Any
12 questions of a confidential or a personal nature will be
13 taken up in Executive Session.

14 Before we begin the questioning, do you have
15 a brief opening statement you would like to make?

16 MR. POWERS: If the Committee maybe would
17 indulge me, I would like to thank all of you. It's
18 certainly a tough time for me. But it's a real
19 commitment that you make to be here in what is now a
20 strange time and your public service during a pandemic
21 for the state I love and I know each of you love.

22 We're going through what I have called a
23 species shift. We're going to be entering a different
24 world after this is over and we all pray that it's over
25 as soon as possible. There will always be a before and

1 an after. There's going to be a before and after for me
2 in that I now have a young lawyer coming in and I'm
3 finished with my law practice. I'm able to totally
4 pursue something new and excited to do so. But every
5 business is having to make adjustments. So many people
6 have gone through the unemployment process.

7 The Public Service Commission has been
8 through some missteps and some bad things recently. It
9 was good to read that the Santee Cooper thing is settled
10 and that takes some of the relief I think off of some
11 people. And I think when I say before and after, I think
12 now we're at a point where we can move forward.

13 For me, ending my law practice is a big
14 change. It's a chance for me to seek new choices, new
15 challenges and to find myself where I can be involved
16 full time in public service. Public service, as you can
17 see from what's been told, has always been a part of my
18 life. I've always been involved. My father was a
19 magistrate for 37 years. Even better, he was
20 superintendent of Sunday School for 43 years. So we've
21 always, my family has always been involved in that. I'm
22 been involved in my civic activities. I've always given
23 to my community, to my church. And even with what I've
24 been dealing with -- and I think we all are seeing the
25 end of the greatest generation.

1 That greatest generation made it possible for
2 us and they gave us so much. They had some missteps
3 which is now particularly in the field of utilities with
4 limited resources and things we're running out of, fossil
5 fuel, pollution, different things we have a chance to
6 correct and I want to be a part of that correction. They
7 didn't know. They didn't have the technology that we
8 have. But I want to be part of correcting what mistakes
9 we have and move forward with innovative solutions, and I
10 welcome the chance today to show you that I really have
11 that interest.

12 We're all dealing with change. There's the
13 pain of change in there as I think we see sometimes when
14 we drag our feet, there's the pain of not making a
15 change. And we are tasked now by the legislation that's
16 before us to make changes, to move forward for a better
17 future.

18 Just as I look at the greatest generation and
19 thank them for what they did, I want my children and my
20 grandchildren and their grandchildren to think I made
21 some sort of contribution, and I consider this a chance,
22 a big chance, for me to make a positive legacy. Thank
23 you.

24 ATTORNEY DAVIDSON: Thank you, Mr. Powers.

25 BY ATTORNEY DAVIDSON:

1 **Q. Could you please state your name and home**
2 **address for the record?**

3 A. My name is Delton Wright Powers, Jr. and my
4 home address is 500 Woodland, and that is in Florence,
5 South Carolina.

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

7 A. I am.

8 **Q. In which Congressional District?**

9 A. The 7th Congressional District.

10 **Q. Thank you. At this time, we normally ask why**
11 **would you like to serve on the Public Service Commission.**
12 **I think you've covered that in your opening statement,**
13 **but if there is anything additional you would like to**
14 **add, it would be appropriate at this time.**

15 A. Well, you know, even from a small community,
16 I can see that we can give back, that things that I --
17 you know, my law practice, I was very lucky. I made
18 money, I had a good career and I've been very successful.
19 But the things I look back at, for example, on the
20 Coastal Council, I was there and, you know, I know they
21 have the heat on sometimes for the Public Service
22 Commission. The heat was on when we wanted to build the
23 Charleston Aquarium. Mayor Riley pushed it. There was a
24 lot of heat.

25 There was a lot of heat about beach

1 renourishment at the time and there was a big struggle
2 and people on both sides of that argument. I think the
3 only time I ever got quoted in the Charleston newspaper
4 is when, in one of the meetings about beach
5 renourishment, I said, if you take away the beach
6 nobody's coming to see Myrtle. It's probably not what
7 you want in the paper.

8 But I'm proud of those things. I'm proud of
9 things that I've, even from a small town, accomplished in
10 the law field. Those that do criminal law are aware of
11 things like the State v. Blair where competency hearings
12 are held. I was involved in that. I had the Stand Your
13 Ground cases in the last few years. And I've done things
14 that I feel good about.

15 One of the best things is, the many years
16 I've served on the Disciplinary Committee, I think that
17 made me a better lawyer, it allowed me to help other
18 lawyers. I have a daughter that's a lawyer, I have a
19 son-in-law who's a lawyer up in Oconee and Seneca. And
20 I'm not a part of the Supreme Court's mentoring program,
21 but a lot of what I do now is to mentor young lawyers and
22 family members and to give back. I think we've all been
23 so blessed that, that's why I'm here, to give back.

24 **Q. Thank you. Have you attended any hearings at**
25 **the Commission?**

1 A. I have. And I've also watched some online.
2 I'll have to tell you that as far as keeping up with the
3 PSC, part of May into July I had my hands full and put
4 everything aside. I didn't even see my office. So I did
5 not get to -- that's a good time to learn stuff.

6 The one thing that I find, I'm one of these
7 New Year's resolution type people. One of my New Year's
8 resolutions was, since I was slowing down my practice and
9 having some time, I was going to learn a language. I had
10 walked the Camino in Spain and wished I knew Spanish
11 then. And I've been to Italy and I wanted to learn
12 Italian. But the language I've learned is utility law.

13 When I first started studying this stuff and
14 looking at the phrases and looking at the different
15 revenue requirements, different terms, it was a foreign
16 language. But it's just like learning a foreign
17 language. At some point it just clicked and when it
18 clicked it all made sense. And I have really both been
19 fascinated and I have enjoyed studying that.

20 I've looked at websites. Of course, I've
21 looked at utility websites, I've look at the Public
22 Service Commission website. I know that different views
23 are expressed by different websites and different people.
24 One thing I ran across on one of the utility websites
25 that I thought was interesting is the term they used was

1 relentless change, which to me means it is really a
2 struggle. And I know any time a big change that we have
3 now with solar development and Act 62 and what we're
4 looking at, sometimes you've got to go kicking and
5 screaming into it. And I know there's some of that, but
6 the benefits, the long-term benefits certainly are why
7 we're here.

8 Utility companies are the backbone of our
9 economy. They made it possible for the businesses to
10 develop and to last a hundred years. For people to do
11 business now, they're going to be tasked to lead the way
12 to energy efficiency, to lead the way to clean air and to
13 a clean environment and safe and dependable services.
14 We're running out of things. We're running out of water,
15 we're running out of air, we're running out of fossil
16 fuels and we're looking at a population that will be five
17 times in 40 years what it was in the year 2000 and those
18 are a lot of needs to be met.

19 People are flocking to South Carolina. I
20 pick up a Travel and Leisure magazine and it says come to
21 Charleston. It's like, how many people do y'all want?
22 Growth needs to be contained. The Public Service
23 Commission plays a big part of that. People are going to
24 demand services. The solar and wind things, everything
25 has to be synchronized. I can't just put our system up

1 and just hook up any way I want. This is a big, major
2 challenge. It's going to take a lot of innovative
3 thinking. It's going to take a lot and I'm glad now that
4 ORS has subpoena power because you'll need a lot of
5 experts. Everybody is going to have their own, but we're
6 going to need a lot of technical people who are smart
7 enough in how to figure all this out and make it work for
8 a long time.

9 **Q. Thank you. And following up on the question**
10 **of have you attended any hearings of the Commission, have**
11 **you read any Commission decisions?**

12 A. I've read a couple. I've noticed lately that
13 I've looked more at, you know, what's kind of happening.
14 I noticed there's -- just as they're having on the west
15 coast that now some of the power companies are trying to
16 form some sort of energy and ballast transmission system.
17 I know that that may be necessary, particularly with
18 solar, because it's going to be kind of a realtime
19 system.

20 There's one thing we've got now that is
21 amazing to me, is this. This is not a phone. This is a
22 computer, it's a calculator, a compass, it's my
23 television, it's everything. This technology has changed
24 the world and it's changed the world of utilities. And
25 it has made possible -- right now I can look on this and

1 see if somebody is parked in my yard. When I finish this
2 house we're working on, I'll be able to lock the doors,
3 set the temperature, and do everything to run a house
4 right out of my pocket. And I'm overwhelmed with that
5 and at the same time fascinated and I want to be a part
6 of how this technology develops.

7 **Q. And you touched on this some, but how do you**
8 **expect to get up to speed on issues confronting the**
9 **Commission?**

10 A. Well, one thing I have now that I've never
11 had before in life is time. One of the ways you can get
12 on board is with this thing here. There's so much
13 available on the internet. But the websites, you know,
14 we have the energy website, we have the PSC website.

15 There's so much that you had to learn to take the
16 test to even be here. The one thing I learned about
17 taking that test is after the last 20 years of telling a
18 paralegal to handle something or to type myself, I
19 couldn't write because I don't have my handwriting
20 anymore. I got about halfway through the test and I'm
21 holding my hand. I was printing some, trying to do
22 cursive some. But that's part of the technology. It
23 hurts and you learn.

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

1 A. Well, the Public Service Commission has a
2 very important part and not just the safety and
3 reliability of things. A Public Service Commission plays
4 a major part in setting prices and trying to keep things
5 competitive for consumers. There are certain revenue
6 requirements, that a utility has to make money. And
7 their cost times whatever the investors, there has to be
8 some sort of profit for them and then that works out to,
9 by division, coming up with a rate. That's been the
10 traditional way.

11 Now we're looking at with solar, there has to
12 be incentives. Because sometimes they won't be able to
13 produce the power or won't have to produce the power and
14 there will just be a different way of doing business now
15 with that and that is a big challenge that so interests
16 me.

17 **Q. In a Commissioner's job, is there a role for**
18 **activism or being an advocate versus a partial**
19 **application of the law?**

20 A. Well, I've seen the term that they call
21 quasar judges, you know. I've been a judge and I take
22 the position that you are a judge and you don't have an
23 opinion. Your opinion is based upon the facts and the
24 evidence and what's presented to you.

25 Certainly, I know that the Energy Act created

1 what the State is supposed to do and the policy of the
2 State. But inside Title 58, and it may be Section 39,
3 the Public Service Commission themselves are mandated to
4 encourage renewable resources, to encourage energy
5 efficiency. And we don't set policy, but a policy has
6 been set for that, but it doesn't mean we advocate in any
7 way.

8 One thing I would like to see more of, and
9 maybe it's ORS rather than the PSC is, I will tell you
10 the average person thinks that solar power is not
11 affordable. Of course, the average person building a
12 house, the electrician wants an extra thousand dollars,
13 it's going to be two more thousand dollars to fix the
14 bricks and the plumber, blah, blah, blah. They only look
15 at solar at a point like that, the dollar figure.
16 They're not looking at the environment and they're not
17 looking at the long-term benefits or even the long-term
18 savings.

19 So I think -- and the ORS is able in the
20 energy division, I would hope be able not just to make
21 solar available just for low income or medium income, but
22 I think there needs to be some sort of regulation. There
23 are a lot of people selling solar and it's kind of
24 like -- I've never had a solar case but I've had swimming
25 pool cases where people go buy a swimming pool from a

1 company and the next thing you know, they can't find
2 them. And I said, well, why did you buy it from somebody
3 in North Carolina instead of South Carolina so I could
4 sue them? But I think there's going to have to be some
5 regulation. But the education so that people understand
6 that solar is not only affordable, solar is of great
7 benefit, as is wind and other alternatives.

8 **Q. What are the key factors that a Commissioner**
9 **should consider in a rate case?**

10 A. Well, as I say, traditionally the revenue
11 regulation, which is actually a cost, utilities have the
12 cost of plants, they have, of course, depreciation of
13 those plants, they have costs of doing business, they
14 have different costs. Those are all set. And they have
15 to look at the home and what services are being provided,
16 the safety and reliability that these companies can
17 provide. You would also have to look at just how much
18 plant they need.

19 We will be looking more at the sources of
20 their power trying to get away from fossil fuels. I know
21 we've got plants now that probably still have a 25,
22 30-year life, so it's not like we're going to say close
23 down the coal plant and let's move forward. But to set a
24 rate you look at cost, you look at a reasonable return
25 for the investors and based upon that, that's the

1 traditional way of setting rates.

2 The new form, there's going to have to be
3 incentives that will have to be -- with solar there's
4 always an offset where the provider of solar power is
5 going to be reimbursed in some sort of way or credited
6 with their bills. But at the same time, there's going to
7 have to be some sort of fee for the utility. We've got
8 to keep them going in some form and there will have to be
9 a fee for them to handle that for them to make sure that
10 they've got the storage, the distribution, the whole
11 chain of what's necessary to harness that power that
12 individuals may be providing.

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

18 A. Yes.

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

22 A. Well, since nobody has been meeting, I would
23 have to say no. I will say that early on, and probably
24 before I even applied, there was a -- I was here in
25 Columbia with a friend of mine, Wayne Beam, who's a

1 lobbyist here in Columbia and he and I -- he's a Clemson
2 graduate. There was some reception and I met him there
3 for us to go to dinner with a group of people. And I
4 went to a Carolina reception because I wanted to meet the
5 new president. There were legislators there, but I don't
6 know if those were legislative receptions. But,
7 certainly, I may have seen some that I know, spoken to
8 some. But, you know, there was no sort of lobbying or
9 interaction on my part as far as this. Or I don't even
10 know if this was even at that time involved.

11 **Q. And for clarification, I don't have the dates**
12 **in front of me, but you believe that to be prior to**
13 **submitting your application, correct?**

14 A. I'm thinking it's about the same time. It
15 was early in the session. My girlfriend, Kay Sutton,
16 lives here in Columbia, I'm in Columbia a lot, and she
17 and I went to the Clemson thing to meet people to go to
18 dinner. But I've not been anywhere to do any
19 politicking. I've not had any contact with any House
20 members or Senators over this and so I don't feel like I
21 have in any way violated any sort of restrictions.

22 **Q. And the first question was legislative**
23 **receptions and legislative caucus meetings. Have you**
24 **attended any political gatherings --**

25 A. No.

1 Q. -- since submitting your application?

2 A. I have not.

3 Q. Could you explain the general rule regarding
4 ex parte communications as it relates to the Public
5 Service Commission?

6 A. Certainly. And having been a judge, I'm very
7 familiar with that and having been a lawyer. The good
8 old days used to be, get to the judge first. But the
9 difference between ex parte communication for a
10 Commissioner as opposed to a judge is -- well, either one
11 of them, it's out of bounds. No, you don't do it. You
12 can't help but at times get caught in a situation, I
13 imagine. If you are sharp about it, those are few and
14 far between.

15 It's probably more likely with the Public
16 Service Commission that something like that could happen.
17 But the Public Service Commission has a very well-vented
18 system where, if I were to come across a piece of
19 material that somehow was going to be involved in a case
20 and I shouldn't have seen it or some comment was made, I
21 would report it to the Commission and the other side is
22 given equal time, whether it's one energy company or
23 utility company or somebody as far as electric cars or
24 whatever, and a hearing would be set or a briefing would
25 be set which would say, okay, he's heard about this

1 person's position or he's heard some information or he
2 was told something, we're going to give you equal time to
3 give your share so that it wouldn't be an ex parte. So
4 there is that equal balance and equal preparation. But
5 ex parte communications are to be avoided.

6 Now, some ex parte -- I mean, even judges,
7 they've got to set a schedule, they've got to set a
8 roster. There's interaction between the Public Service
9 Commissioners and the Staff as to things that are going
10 to be heard or when the schedule is. If a case has been
11 decided, let's say a case goes to the Court of Appeals
12 and they make a decision, if a staff member wanted to
13 tell a Commissioner, well, that's not ex parte because
14 that's something already decided.

15 But it's a very careful thing and I think
16 it's a great system, the fact that briefings are allowed
17 to correct any possibility of that. And it's all public.
18 Everything about -- well, it is the public service. It's
19 all online, it's all available. There are no secrets.
20 And that is just a wonderful thing, that it makes it
21 easier not to be put in a compromised position or being
22 questioned as to your integrity.

23 **Q. Assume you are serving on the Commission and**
24 **you are approached by someone wanting to discuss a matter**
25 **that is or may become an issue in a proceeding, how would**

1 **you handle that situation?**

2 A. I would tell them immediately I cannot
3 discuss it. I've been in that situation before when
4 somebody called about a ticket or something and, I'm not
5 going to discuss it with you. I think I would report
6 anything that was even questionable at all.

7 **Q. Are you aware that Commissioners are subject**
8 **to the Judicial Code of Conduct as well as State ethics**
9 **laws?**

10 A. Certainly.

11 **Q. Are you able to briefly describe the five**
12 **canons in the Code of Judicial Conduct?**

13 A. Yeah. The five --

14 **Q. Or generally your understanding --**

15 A. Yeah.

16 **Q. -- of the Code of Judicial Conduct.**

17 A. The five parts of the Code of Judicial
18 Conduct, one is that a judge must uphold the integrity.
19 It holds you to a different standard. It doesn't mean
20 you cannot be involved in your community or different
21 things. Judges, of course, are supposed to be
22 independent. Judges --

23 **Q. And just generally speaking is good also.**

24 A. Yeah. Well, just generally speaking, judges
25 are held to a different standard as far as their

1 behavior. Judges are not -- even out in the community.
2 You're a judge 24 hours. You go to a party, you act like
3 a judge. You don't act like the fool you may have been
4 at an earlier point in life.

5 You are required to uphold all the standards
6 that are set by the Court, you are to follow the law, you
7 are to not have an opinion, you are not allowed to be on
8 certain Boards, certain things you cannot contribute to.
9 You cannot be involved in any sort of political
10 gathering. You cannot have your name used for the
11 purpose of raising money if the use of your name in some
12 way causes intimidation of lawyers or other people. You
13 have a standard of ethics that you must live by.

14 **Q. And what do you consider to be appropriate**
15 **use of social media pursuant to the Judicial canons?**

16 A. Well, being from Clyer, from Bennettsville,
17 everybody knows somebody who's from Bennettsville because
18 everybody left. Social media is a good way to keep in
19 touch. To me, it's a good way to keep in touch with
20 friends. All of my friends are all over the place. It
21 is a good way to keep up with things. So it's a good way
22 to see grandchildren pictures. There is so much on
23 there, though, that I think, if a Commissioner, I would
24 certainly get off of any social media and would stay off
25 of it.

1 I think that social media itself has become
2 unsocial media. I think it has separated people. It's
3 allowed people who face-to-face would not have the nerve
4 or the ability or the whatever to say things that they
5 now say, the mean things, the ugly things they say on
6 social media. And I think Mike Tyson said this. They
7 wouldn't be saying that if they were going to get their
8 head knocked off.

9 I just think social media has -- it's a
10 wonderful thing in some ways and I think it's been an
11 awful thing in other ways. Because it is one thing that
12 is not governed and not controlled in any manner.

13 **Q. And is there a distinction between, if you're**
14 **a sitting Commissioner, under the Code of Judicial**
15 **Conduct is there a distinction between the use of social**
16 **media in your private life versus in your public life?**

17 A. I know several judges that use it. I have
18 several judges who are friends on Facebook. One
19 particular judge, she raises puppies and is always
20 putting puppy pictures and selling dogs and all that sort
21 of stuff. I just think it just opens up too big a chance
22 for criticism, or it opens up a way for people to come at
23 you.

24 You may not even see something, but they
25 would say, well, I contacted him through Instagram, and

1 you may have an Instagram account you haven't looked at
2 in a year-and-a-half. I just think it opens up too many
3 avenues for someone to cause problems. And I just think
4 for me, I would get off of any social media.

5 **Q. Are you or a member of your immediate family**
6 **employed by a utility regulated by the PSC either**
7 **currently or within the past two years?**

8 A. Never.

9 **Q. Do you or a member of your immediate family**
10 **have a stock or other financial interest that is directly**
11 **controlled by you or your family member of a utility**
12 **regulated by the PSC?**

13 A. Well, it turns out I discovered over the
14 weekend, and I think I discussed it, is the fact that 25
15 years ago I took \$1200 worth of Nucor stock as a fee on a
16 divorce case. That stock, of course, did very well. Now
17 it's not doing so well. But when I realized I had it,
18 and I've got a stockbroker who handles all of this and
19 there are many stocks in there, I sold it. I told him it
20 wasn't that much money, but I said, take the money and
21 lets buy some pharmacy stuff and see who's going to get
22 the vaccine. But I disposed of that.

23 The other thing that I did not realize that
24 you pointed out to me, is that Walmart is a stock that --
25 or a company that appears before the Commission. I did

1 not know I had Walmart. I know looking at the sheet when
2 I did my application, it lists a whole bunch of stocks
3 that he has in some sort of account and I would certainly
4 get rid of that, too. I wish I had known earlier. I
5 would have gotten rid of Nucor back when things were
6 good.

7 Q. And building along this same question, say
8 you hold stock of another company, for example, NextEra
9 who is not regulated by the Public Service Commission,
10 but say the company that you own stock in does become
11 regulated and you're serving on the Commission, how would
12 you handle that situation?

13 A. I'd get rid of it, you know, immediately.

14 Q. Thank you. Do you or a member of your
15 immediate family have stock or other financial interest
16 that is directly controlled by you or your family member
17 of a renewable energy company that appears before the
18 PSC?

19 A. No. Not that I'm aware of. Now, like I
20 said, you educated me on the Walmart thing.

21 Q. Are you or a member of your immediate family
22 an officer or director or involved in the management of
23 any business enterprise?

24 A. I have a company called Powerful Properties
25 and at one time it was a family partnership so all of my

1 children could work for me and receive income growing up.
2 It was a good forum for them. Powerful Properties now
3 owns my office and, of course, with someone coming in my
4 office, they're going to be paying Powerful Property
5 rent.

6 Powerful Property, at one point I think I had
7 three or four beach properties and that was back in 2008,
8 the last time the bottom fell out on us. But I have no
9 property like that now.

10 **Q. And just for clarification, the law practice,**
11 **is that being closed?**

12 A. It's being revived by someone else. I mean,
13 they're coming in. They're going to use my equipment.
14 I'm giving them my phone number and my box number, but
15 it's their business, not mine.

16 **Q. Okay. And then what entities did you or a**
17 **member of your immediate family receive income from**
18 **within the previous year? Now, this does not include**
19 **IRA, deferred compensation funds, disability, mutual**
20 **funds or funds received from your financial institution**
21 **in the ordinary course of business. So you or immediate**
22 **family, anybody under the same roof in your household,**
23 **who would you or they have received income from within**
24 **the past year?**

25 A. Well, I get Social Security and my income

1 from my law practice over last year. The reason I found
2 out the Nucor thing was, I received a dividend check that
3 apparently -- like I say, I had not gone through my mail
4 in a couple of months and that was there. But that would
5 be the only thing, a hundred dollars or something.

6 **Q. If elected, would there be any potential**
7 **conflicts of interest, financial or otherwise? And I**
8 **know we've already discussed some of the stocks. But,**
9 **generally speaking, would there be any potential**
10 **conflicts of interest financial or otherwise?**

11 A. I don't know of any. And I think that goes
12 back to why I feel so energized or refreshed to going
13 into something brand new because I'm free from the law
14 practice, my children are grown. I'm at a point now
15 where I can really tackle something brand new. And, you
16 know, a lot of people I think said, well, you know, the
17 Public Service does a lot of different things. It's very
18 involved. You've got to know a lot of different things.

19 I practiced law in a small town. You had to
20 know traffic law, you had to know criminal law, you had
21 to know everything in the world, family law. You had to
22 do a little bit of everything over the years. Now, I
23 know now civil lawyers -- and I'm at a point now where I
24 was down to two or three specialities and a lot of
25 lawyers specialize. When you and I talked you mentioned

1 that criminal law to you was something that you, you
2 know, just had never bothered with or had no interest in.

3 To me, this is doing one thing, which I've
4 never had the -- I'd say the pleasure or never had the
5 comfort of concentrating on one thing because I was
6 always pulled in so many different ways. And I look
7 forward to that.

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

10 A. Then I think if it's any conflict of
11 interest, there's a determination that you recuse
12 yourself. I noticed one of the hearings that I watched
13 that there was a particular Commissioner who apparently
14 had had some contact with a conservation group or
15 something. And for the hearing, when they got to the
16 hearing after the business meeting, he left the room and
17 he did not participate. And it was, you know, made
18 public record that he had a conflict and recused himself.

19 **Q. Are you affiliated with any political**
20 **parties, Boards or Commissions that would need to be**
21 **reevaluated if you are nominated and elected?**

22 A. I'm not.

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

25 A. I do not.

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

3 A. I think it's the same -- as I said before,
4 that it's the same level of careful handling yourself
5 well as a judge. One thing that I have been involved in,
6 particularly where Judge Lockaby talked a good bit about
7 it, is trying to bring civility back to the law practice.
8 There reached a point where, and particularly Columbia,
9 Charleston, different places, lawyers were ugly to each
10 other and everything was just not handled the way it
11 should. And that is not my demeanor. That's not the
12 style of lawyers in the Pee Dee and it's certainly not my
13 style. I think everyone needs to be treated courteously,
14 everyone needs to be treated equally, fairly and given a
15 chance.

16 Most of my practice -- I practiced law in one
17 of the counties as part of the Corridor of Shame. Most
18 of my dealings is dealing with people who are
19 impoverished, people who are poor, people in trouble and
20 I've tried to treat all of them with equal respect as I
21 would any of you. Because, you know, everybody has got a
22 story and everybody has got a life and I think people
23 appreciate it. It's amazing people who think you're just
24 going to walk by and ignore them, when you hold the door
25 for them the difference that makes in their day and makes

1 in their life.

2 **Q. And does that demeanor apply only while on**
3 **the bench or is it 24/7?**

4 A. 24/7.

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

7 A. Well, it's a full-time job. As you say,
8 getting on board is certainly going to take a lot of
9 extra time up front and learning the thing. But it would
10 just be a full-time job. Whatever schedule, whatever --
11 I know they meet on Wednesdays, I know that -- it's
12 interesting because we used to do this with the Coastal
13 Council. There are public hearings held at different
14 places. Sometimes those can be a little scary depending
15 on what the subject is and who the audience is. But I
16 understand that it is a full-time job and a full-time
17 commitment and I've got full time.

18 **Q. Are you able to briefly define the term**
19 **demand side management?**

20 A. Yes. And that is what's going to take so
21 much expert opinion. Demand side is the side with the
22 solar where the customer is providing power. Any power
23 that goes into the system goes into the grid or in the
24 transmission. It's got to be synchronized. It's got to
25 be all equalized where it doesn't cause a disruption.

1 There's a lot of things, not just the power
2 itself. Part of the demand side thing is, it would be
3 nice if everybody had a hot water heater that had
4 automatic controls, if everybody had sufficient
5 insulation and different things. But the demand side is
6 the new way of trying to make sure that renewable
7 resources are used and to make it all fit together.

8 **Q. Are you able to define the term distributed**
9 **energy resources?**

10 A. Yes. Distributed energy resources would be
11 that the power that's generated from the customer side,
12 how it is handled, how it is put into the system and the
13 ability to match up and make it all work together. It's
14 not just sold as the wind. We don't know what else is
15 coming down the pipe in the future. But the resource
16 itself has got to be valued, the customer who provides it
17 has to be adequately compensated, but the utility
18 themselves also have to be adequately compensated in
19 order for everything to work for everybody.

20 **Q. Thank you.**

21 ATTORNEY DAVIDSON: Mr. Chairman, at this
22 time, I would ask that we go into an Executive Session,
23 pursuant to the previous order, as we do with all
24 candidates.

25 CHAIRMAN ALEXANDER: Okay. So noted. So if

1 you'll just stay at the podium, and then I would ask that
2 the audience step out and then we will proceed.

3 (Executive Session - 2:03 p.m. to 2:08 p.m.)

4 CHAIRMAN ALEXANDER: We are out of Executive
5 Session. No action was taken in Executive Session and
6 I'll recognize Mr. Davidson to continue with Mr. Powers.

7 ATTORNEY DAVIDSON: Thank you, Mr. Chairman.
8 BY ATTORNEY DAVIDSON:

9 Q. And, Mr. Powers, as you know, we do a SLED
10 background check that includes a ten-year driving record.
11 The record showed two reportable accidents and one ticket
12 for careless or negligent driving in 2012. Could you
13 provide a brief explanation of that careless or negligent
14 driving ticket?

15 A. I went through one of the towns coming from
16 Charleston to Florence on Highway 52 rather than getting
17 on the interstate and it was a speed trap and I got a
18 speeding ticket. And a friend who was an attorney, he
19 had it -- in fact, it was only a two point ticket, but he
20 had it changed to a City ordinance called Careless
21 Operation which carried no points. And I called him. I
22 never had to pay a fine. Apparently, they just wrote it
23 off that way for speeding.

24 Q. Thank you. And then we'll move to the public
25 index. As you know, we do a search based on name and it

1 pulls anyone with the same or a substantially similar
2 name. And I'll go through those item by item at this
3 time.

4 The first one is Delton Powers versus Fred
5 McCleod filed in 2005. Do you recall that case and --

6 A. I do. I represented a child and the
7 mother -- the child was injured on the property of Fred
8 McCleod. We filed a lawsuit. It was in default.
9 Sometime during the period, Fred McCleod, I think he
10 passed and his son, Spencer McCleod, came and lived in
11 the house. To satisfy the judgment we had to open the
12 estate of Fred McCleod, and somehow or another it appears
13 in the public records that I'm a plaintiff, but I am the
14 lawyer in the case.

15 There was a subsequent collection action that
16 may have shown my name as the plaintiff because both
17 attorney's fees and the execution of the judgment, the
18 Probate Court, if I remember correctly, ended up selling
19 the house to satisfy the judgment and the remainder of
20 the funds were given to the family heirs of Mr. McCleod.

21 Q. Thank you, sir. The next one, Deborah Brown
22 versus Delton Powers filed in 1991. Are you able to
23 briefly provide an explanation?

24 A. Yes. At that time I was running the Legal
25 Services Corporation and my office was out of Hartsville.

1 Two Hartsville lawyers involved in a case where a child
2 was to receive a settlement. They settled it without a
3 lawsuit. So back then they had to name a party to file a
4 lawsuit in order to disburse the funds and they just
5 named me as the defendant in order to collect the money
6 and then disburse it to the client and her mother.

7 **Q. Thank you. The next one is Darrel Parnell**
8 **versus Louis Realty. And I believe the next one is**
9 **related to that so --**

10 A. Yeah.

11 **Q. -- I'll mention the second one if you just**
12 **want to combine your answer. I think it's Delton Powers**
13 **versus Christian Cobble.**

14 A. Yes. My wife and I at the time bought a
15 house in Cheraw during a drought from Dr. Cobble and it
16 turns out the first time it rains our backyard is under
17 water and underneath our house is under water. And we
18 had a lot of water problems, particularly with a sewer
19 system that was out of the City limits and had a private
20 sewer.

21 We sued Dr. Cobble and received a settlement.
22 We did some different work to the house and after a point
23 in time, maybe a couple of years, we put the house up for
24 sale. This was, I want to say, after we were going
25 through a divorce and we decided to sell the house. We

1 did the residential disclosure statement, told about the
2 water damage, the money we spent to repair it. And then
3 Mr. Parnell and his wife, they sued the realtor, I
4 believe is the way it worked, and the realtor who had not
5 only sold us the house, she sold the house for us. So in
6 that case, she could not deny knowledge there had been a
7 problem and there was a countersuit.

8 Anyway, we were dismissed from the lawsuit.
9 The realtor paid a whopping sum to the Parnells, but we
10 were -- when we were dismissed, we dismissed our
11 counterclaim and just walked away from it with only
12 attorney's fees.

13 **Q. The next is a 2010 case, Powers versus**
14 **Feldman.**

15 A. Yes. At that time I was working at the
16 office at Murells Inlet and in Bennettsville. I was on
17 the way from one to the other and a lady ran a stop sign
18 in front of me and I hit her on Highway 544 right outside
19 of Conway. I was injured. It was also because I was
20 going from one courtroom to another to file an order that
21 Judge Cottingham had just signed, I had a workers' comp
22 claim and then a residual third-party claim or a personal
23 injury claim against Ms. Feldman.

24 **Q. Thank you. And the next case I believe dealt**
25 **with an automobile accident, William Ronald Dennis versus**

1 **Delton Powers?**

2 A. It is. That was in 1979. I was a young
3 solicitor at that time and he and I got in a one-car
4 accident. I hit the side of the road for some reason and
5 he hurt his shoulder and the insurance company paid him a
6 settlement.

7 **Q. And the last case, Lucas versus The State of**
8 **South Carolina.**

9 A. Yes. I was on the South Carolina Coastal
10 Council at the time that Lucas filed a case that was
11 pretty much preeminent as far as taking and became law.
12 It went all the way to the Supreme Court. And several of
13 us got to go and sit in the Supreme Court. It was really
14 interesting.

15 **Q. The U.S. Supreme Court?**

16 A. Yeah. And Lucas won. The State of South
17 Carolina had to pay him money for taking a lot, I want to
18 say it was on Isle of Palms. But every Council member
19 was named personally. I think the lawyer at the time --
20 gosh, I can't remember his name -- here in Columbia, he
21 just wanted to make a point.

22 **Q. Thank you, Mr. Powers. Lastly, just a few**
23 **final questions that we'll run through at this time.**
24 **Have you made any contributions to members of the General**
25 **Assembly since filing your application?**

1 A. I have not.

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

4 A. I have not.

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

8 A. I have not.

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

12 A. I have not. But certainly after the
13 screening report, I'm going to have all my friends doing
14 what they can.

15 Q. Are you aware of any friends or colleagues
16 contacting members of the General Assembly on your
17 behalf?

18 A. No. That would not -- I haven't really
19 discussed it with anybody.

20 Q. And are you familiar with the 48-hour rule
21 which prohibits a candidate from seeking pledges for 48
22 hours after the report has been submitted to the General
23 Assembly?

24 A. Yes. As I say, as you know, I've been
25 through the procedure before as a Family Court judge.

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

3 A. I do. But at this point in my career, I'm
4 not somebody who's looking for a job or looking to get
5 into the State retirement system or looking for some sort
6 of long-term thing. This is totally public service to
7 me. I'm in good health. We do half marathons all the
8 time. If I wanted the money, I would have kept on
9 practicing law. I had it down to a fine art and could
10 certainly do pretty well at it. But this is my chance to
11 serve and to give back.

12 ATTORNEY DAVIDSON: Mr. Chairman, I note for
13 the record Mr. Powers scored a 69.5 on the test. I have
14 no further questions. And thank you, Mr. Powers.

15 MR. POWERS: Thank you very much.

16 CHAIRMAN ALEXANDER: Thank you, Mr. Davidson.
17 And thank you, Mr. Powers. We'll go to questions from
18 the members, but I do want to just ask you --

19 EXAMINATION

20 BY CHAIRMAN ALEXANDER:

21 **Q. -- if you were elected, when would you be**
22 **available to go to sit as a member of the Commission?**

23 A. Tomorrow.

24 **Q. Okay.**

25 A. And I understand that Mr. Hamilton who has

1 this seat now, that he has -- I think he is at the point
2 where he is ready or beyond ready to retire and if they
3 need somebody immediately, I'm available.

4 Q. Thank you. Thank you for that.

5 CHAIRMAN ALEXANDER: I'm going to look to our
6 folks that are virtually with us and recognize someone.
7 We've got the Senator from Horry, Senator Rankin.

8 SENATOR RANKIN: Thank you.

9 EXAMINATION

10 BY SENATOR RANKIN:

11 Q. Mr. Powers, welcome to the cross-examination
12 and PSC Screening Committee.

13 A. Thank you.

14 Q. I appreciate your running and your testimony
15 today. You've certainly come at this, not in the sense
16 of looking, as you've just said, for a job, but looking
17 to give back. Certainly, this is a give-back that does
18 pay you. Some would say it doesn't pay you enough based
19 on the hours that would be required. I'm curious. Do
20 you have any idea what this job pays?

21 A. I do. I want to say that it's 129. I could
22 be wrong. It could be less than that.

23 Q. Well, I can't tell you myself exactly what it
24 pays. And note for the record the laughter of at least
25 Heather Anderson, if not others, who are there with you.

1 Look to your right. Is Heather laughing behind that mask
2 she's wearing?

3 A. She is.

4 CHAIRMAN ALEXANDER: I think it's
5 unanimous here.

6 SENATOR RANKIN: And for the record, most
7 everyone on this Zoom looks to be smiling, maybe in
8 disgust with my questions.

9 BY SENATOR RANKIN:

10 Q. But on a serious note, your life experience
11 affords you a little different view of this role than
12 some who are more technically adept maybe at the subject.
13 You've talked about your law practice, your kind of
14 approach to life and you certainly are not a bashful
15 person nor shy in conversation.

16 Tell me how you think your life skill as a
17 lawyer and as a small town business man and then
18 obviously working in Coastal Council days long ago, how
19 that life experience helps you be better equipped than
20 maybe someone who has more technical skills subject
21 matter-wise.

22 A. Well, Senator Rankin, I do highly think of
23 this as a judicial position. And one thing I felt at the
24 Coastal Council, because I came from Marlboro County to
25 the Coastal Council and I come to this position in just

1 about the same sort of situation -- I have no ties to any
2 big business, to any big city. I have no reason to be
3 influenced or to have any sort of contacts that would be
4 influential. It gives me the independence to do so.

5 I know everybody that's probably walked in
6 here when asked about how they could learn this stuff or
7 how they could get on board or how they could catch up,
8 I'm sure everybody says they're a quick study. But you
9 know, as an attorney, and particularly as a small town
10 attorney -- now, Conway is not that small now, but I know
11 you know when you started out and then beyond that, a lot
12 of times you had to learn stuff, you had to learn it
13 quickly. And I know of your reputation, I know you can
14 shoot from the hip and that you can do what you need to
15 do as a lawyer, and I think that is a great advantage.

16 Technical issues, the ORS certainly now has a
17 much better ability as far as pitting witness. I know
18 you always, when you get into these type things, big
19 company is going to hire their experts and there will be
20 experts on both sides of everything, but you just have to
21 be able to go through it. I don't think having some sort
22 of technical knowledge and not have the legal knowledge
23 would be of benefit. I think that would be a detriment
24 for me.

25 Q. Well, and temperament, if not specifically

1 one of the objectives, always generally is a perspective
2 that you've got to have. And you've described
3 temperament to be able to hear and decide. And you said
4 earlier it's not an opinion that you get to offer, it
5 would be based on facts, correct?

6 A. Yes.

7 Q. So in terms of your coming to this decision
8 to file, nothing driven by Santee Cooper or SCANA or
9 SCE&G's history with Fairfield or any other news, topical
10 fact or event in our recent history as the motivator for
11 you?

12 A. It's not. And, certainly, I was not involved
13 in any of it in any way. And as I said, I think in my
14 opening remark, we are at a before and after situation
15 with everything. Our lives are before and after. I'm
16 starting life without my mom. I mean, things are
17 different. And luckily, I didn't read the article, just
18 parts of it, I noticed there's been a settlement and
19 hopefully that puts things to bed for not necessarily the
20 Public Service Commission but for all of you and all the
21 parties that have fought so hard to make a decision and
22 to help provide the State with power. The hole in the
23 ground, the D.C. Sumner thing, that settlement, I mean,
24 everything is -- to me, I think we're at a clean slate
25 point, and that energizes me that we're that way.

1 Having said that, I don't mind stepping into
2 the heat if there's something going on. I certainly
3 can't say that I'm aware of anything or anything in
4 particular. I know there's going to be a great struggle
5 and a great amount of work involved in making the
6 conversion to increase solar and to educate people about
7 solar and to make it available for future building. And,
8 particularly, I mean, in your area, the demands of a
9 county like Horry probably has for power, it's a daily
10 change. It is a relentless change to keep up with
11 infrastructure and keep up with the necessary utilities
12 you have with the amount of building that's going on.

13 But it's a new day to me. And as I said, if
14 there's something going on, I've walked into the heat at
15 the Coastal Council, I've walked into the heat of a
16 courtroom, I can take the heat. And I think having the
17 independence of never being a part of any of this gives
18 me a distinct advantage in coming into it.

19 **Q. A couple of comments about your testimony**
20 **early, you thought a new life pursuit would be to learn**
21 **Spanish. This may be akin to learning Albanian or**
22 **Pakistanian. So the terms that you've been asked about,**
23 **I'm impressed that you're able to reel off credible**
24 **answers that sound, if not exactly on point, pretty damn**
25 **close. So you've mastered this language, this lingo,**

1 pretty well.

2 A. Well, thank you. It's like learning Albanian
3 standing on your head.

4 Q. The other point you reference is, in fact,
5 not just Horry, but our entire state's growth that will
6 only continue given the pandemic and folks wanting to
7 get, excuse me, the hell out of the northeast --

8 A. Exactly.

9 Q. -- and the demands that we will have on us.
10 And I'm going to steal Representative Sandifer's
11 questions. You don't write the policy. The lawmakers
12 write the policy, but your role is to implement the
13 policy, set the rates and try to make it as fairly
14 competitively on the provider and the consumer of
15 whatever rate, whatever tolerance medium there is, right?
16 You understand that, correct?

17 A. Exactly, yeah.

18 Q. So questions about whether solar is it,
19 whether fossil fuel is it, whether wind, whether natural
20 gas, you're not saying that, it's just judging what is
21 before you for a particular rate-type case, correct?

22 A. Yes. And the new statute that -- it brings
23 in a new way of handling certain rate cases. And it's
24 interesting because, as I've said, utilities are a
25 backbone of our society. They got us where we are today

1 and they've got to be compensated but they've got to deal
2 fairly. And it's going to be very interesting and it's
3 something that, once I learn the language, it's now --
4 and I find it interesting. I find it fascinating, things
5 I've never thought of before about how things are done.
6 It amazes me.

7 **Q. Well, the last question from me hopefully,**
8 **and that being the test itself judged your ability both**
9 **in terms and process here, tell me what you think of this**
10 **test as an objective criteria for PURPA. Do you think**
11 **it's valuable?**

12 A. I think the test -- yeah, it's valuable. I
13 think I got 30 points taken off for handwriting. They
14 told us when we started, you'd better be able to read it.
15 So, yeah, I gave out of juice toward the end of the test.
16 I would say that I ran out of energy and ability to
17 write.

18 But any time you take a test, particularly
19 something you're interested in, you learn from the test
20 itself. So the things that were on the test, well, now
21 they're here. I mean, that in itself is a good process
22 and a good way to learn things. I know that's the way
23 school is. So I've been to school now.

24 **Q. Well, and to maybe preempt Representative**
25 **Forrester's question, when you got your results, what did**

1 you do? You've said you committed the rest and you were
2 schooled on it. What, how? Tell us about that.

3 A. Well, as I said, I have unfortunately had to
4 just back away from any of this for the last couple of
5 months. But after that, I looked back through the stuff,
6 just as I've always done after a test, to see what I
7 thought I may have missed or where I may have gone wrong
8 or things that just, you know -- just like the five
9 Judicial canons. I could probably walk out of here and
10 name all five of them down to the letter, but sometimes
11 your mind just seems to stop on certain things.

12 But I learned from it. And I went back to
13 answer the questions to my own satisfaction, not because
14 of the test, but because it gave me a grasp of what was
15 important and what you felt was needed to be known in
16 order to perform this job.

17 Q. All right. That's all I have. And this
18 final comment is not a question, but the letters of
19 support and/or endorsement on your behalf speak volumes
20 about you as well, so, thank you. And, again, as the
21 others have commented, I, too, am sorry for the loss of
22 your mother. It's not a statistic that we want to
23 attribute to anybody, anything, COVID notwithstanding.
24 So my condolences to you all.

25 A. You're very kind. Thank you, Senator.

1 CHAIRMAN ALEXANDER: Thank you, Senator.

2 Other members of the virtual committee?

3 (No response)

4 CHAIRMAN ALEXANDER: Seeing none, I'll go to
5 Chairman Sandifer.

6 REPRESENTATIVE SANDIFER: Thank you. Thank
7 you, Mr. Chairman. And, Mr. Powers, thank you for being
8 here. And our sincere condolences on the death of your
9 mother. I lost my mother about ten years ago and we
10 realized we only ever have one mother and so it's a very
11 serious blow.

12 But going to something a little bit personal,
13 in a sense, I lived for a while in Florence County in my
14 youth. We lived there for ten years. I had polio and
15 was in McCleod's Hospital. But now guess where I live?
16 Where your daughter lives.

17 MR. POWERS: Oh, yeah?

18 REPRESENTATIVE SANDIFER: I live in Seneca.
19 And so it's strange that we have these various things
20 that we can relate to each other.

21 MR. POWER: You know, it's funny we talk
22 about the growth in Horry County. The area there, it is
23 amazing. All the little towns now have grown together.
24 So much growth up there that I just was not even aware of
25 until now spending time up there.

1 REPRESENTATIVE SANDIFER: Well, it's a nice
2 place to live.

3 MR. POWERS: It's wonderful.

4 EXAMINATION

5 BY REPRESENTATIVE SANDIFER:

6 Q. Let me ask you just a few questions. First
7 of all, the only subject that you have talked about as
8 you have presented to us today has been electrical
9 energy. Does the PSC do anything else?

10 A. Yes, it does. The PSC also regulates
11 railroads, motor carriers, telephones, internet. A lot
12 of that, it's kind of interesting. Of course, every area
13 has to have a local exchange carrier service, was
14 provided for everyone back when there was really a
15 rural-type situation and a necessity. But there's always
16 a local carrier. I know there's a Universal Service Fund
17 which makes sure all services are available, that all
18 services are bundled, and that because of the competition
19 in the telephone industry itself, that's some the Public
20 Service Commission now does not have to necessarily set
21 rates, competition has done that.

22 Q. Okay. And I say that because I think it's
23 critical that we understand that the broad spectrum of
24 what all the PSC actually does. Energy is one of those
25 sectors but there are multiple sectors to it.

1 A. Certainly.

2 Q. And I think you understand that. One of the
3 various types of things that you wanted to get different
4 ways, the businesses that are regulated I think is
5 important. But another component of it is, how does the
6 Commission notify people in your community of
7 Bennettsville or Florence or my community of Seneca, how
8 does the Commission notify them of the potential hearing
9 that's coming up maybe in their own area?

10 A. Well, I know -- and it seems funny now. We
11 mentioned social media. The Public Service Commission
12 has a Facebook page where they put their --

13 Q. Exactly.

14 A. -- hearings on there.

15 Q. Exactly. So it does have a valuable use on
16 the other side, yes.

17 A. Yes. And, of course, I'm sure they put it
18 out in the local newspapers or whatever. People are
19 given notice to attend the necessary hearings.

20 Q. And then when you talked about the
21 alternative sources of energy, you talked a lot about
22 solar, a little about wind, but that was the only two.
23 Are there others?

24 A. There are. Of course, there is -- and one of
25 the things I think we have -- we try and reuse waste and

1 there's a system as far as reusing waste products. There
2 is thermal. Of course, we have nuclear. We have several
3 different ways that are developing. But solar has just
4 apparently, I don't know, stuck in my mind recently. I
5 guess some of the things I've read in the last couple of
6 days trying to catch up and see that that's one of the
7 issues.

8 Q. And I understand what you're saying. But in
9 Oconee, we've got pump storage --

10 A. Yeah.

11 Q. -- where we have two lakes above a lake so
12 that we can generate power by water.

13 A. The hydro is a -- of course, some of the big
14 dam projects back during the '30s is why they even have
15 power in certain parts of the west.

16 Q. Right.

17 A. But we have it here. I don't think it's as
18 well known or certainly has been contentious for anyone
19 here.

20 Q. All right. And then another source may be
21 wave action in the ocean.

22 A. Yeah.

23 Q. That has been saddled in some areas.

24 However, I'm just trying to get you to continue to learn
25 and learn about all facets of the PSC.

1 A. Certainly.

2 **Q. Thank you very much and I appreciate you**
3 **being with us.**

4 A. Again, I'm looking forward to getting up your
5 way. I have a seven-month-old granddaughter that I have
6 not been able to hold since she was one month old.

7 **Q. Oh, my goodness.**

8 A. And my daughter has insisted on a fourth
9 negative test and I'm hoping to head up there next week.

10 **Q. Good. I hope I'm back there next week. Good**
11 **luck to you on that and getting back up there. I've got**
12 **two or three for you and then we'll wrap it up.**

13 A. Certainly.

14 **Q. And just an aside there, too, you've followed**
15 **in your dad's footsteps for, at least for a period of**
16 **time being a magistrate. From that standpoint, if I read**
17 **it correctly, that you chose to give that up because you**
18 **didn't want to move to Marlboro. Did I --**

19 A. Well, I had to. Constitutionally, you have
20 to live there and I have lived there. I have a daughter
21 who's a lawyer in Florence who is doing right well. She
22 was with me for several years. But I also have a son who
23 is -- he's 32, he's autistic. He can drive, he can work
24 and he wanted to go to Florence. And he has a great job
25 at a greenhouse nursery. And I just found, particularly

1 closing my practice down and somebody came along and
2 wanted to pay me what I had in my house and in Marlboro
3 County that's a profit if you can get your money out of
4 it.

5 We just moved and I got him set up in a
6 townhouse. And it's really kind of somewhere between,
7 we're the odd couple and independent living for him. But
8 he's doing real well. I don't know that he will ever
9 totally be able to live alone, but with him I'm able to
10 come and go. I can go for a week or whatever. But that
11 was why I moved to Florence. But Constitutionally, it
12 just came down to either I've got to live here or give it
13 up and --

14 **Q. I understand. And also on your questionnaire**
15 **you mentioned Consumer Protection Advocacy as far as**
16 **positions and water and wastewater issues, as well as the**
17 **law. Could you just briefly mention to me the Consumer**
18 **Protection or Advocacy? Or I guess the Advocacy is**
19 **through your work on the Coastal Council?**

20 A. That, and for the two years that I ran Legal
21 Services Corporation it covered a six-county area. And
22 then I was on the State Board of Legal Services and a lot
23 of what they did was consumer protection and helping
24 people who were in low rent housing or weren't able to
25 afford legal services. And that was a lot of what I got

1 from that.

2 Q. Okay. And how about water and wastewater
3 issues?

4 A. Those were the Coastal Council issues. I can
5 still hear people coming in and saying, well, I got my
6 dump but I don't want him to have his because then I
7 won't be able to see the sun go down like I could.

8 Q. There's instances like that.

9 A. We've had the heat.

10 Q. Yes, sir. And in following up, too, with the
11 Senator from Horry, your letters of references. And,
12 certainly, I wanted to just point out one from a former
13 colleague when I was in the House, Representative
14 Jennings, where he says that he has known you throughout
15 his career and worked with you on many legal matters and
16 then also as adversaries in the court on occasions as
17 well. So having worked on both sides, so, of course,
18 from that standpoint.

19 A. He followed me working for Dupree Miller when
20 he was solicitor years ago, and he followed me working
21 for Congressman John Generette one year. Doug quit
22 following me. He passed me somewhere, I don't know
23 where.

24 Q. Well, I think I will conclude with this where
25 he says, and he's quoting here, he is a top shelf

1 **attorney.**

2 A. That's very kind of him.

3 CHAIRMAN ALEXANDER: Are there any other
4 questions?

5 (No response)

6 CHAIRMAN ALEXANDER: Seeing none, you've been
7 very patient with us this afternoon. We appreciate your
8 attendance and your willingness to serve.

9 MR. POWERS: Thank you so much and thank you
10 all for your time and the dedication and the gravity of
11 what you're dealing with in making these decisions. It's
12 something that I know everybody in this state
13 appreciates.

14 CHAIRMAN ALEXANDER: Thank you. Be safe and
15 healthy.

16 THE WITNESS: Thank you.

17 CHAIRMAN ALEXANDER: If you would, too, take
18 your microphone cover off and dispose of it.

19 MR. POWERS: Somebody said I've got to drop
20 the mic.

21 CHAIRMAN ALEXANDER: Drop the mic, yeah.
22 Thank you so much.

23 MR. POWERS: Thank you.

24 (The screening concluded at 2:40 p.m.)

25 2:42 p.m.

1 MR. WARD: Good afternoon, sir.

2 CHAIRMAN ALEXANDER: I was going to say, it's
3 your preference on the mask. So we're delighted. And if
4 you would maybe just state your name. You'll get to do
5 that two or three times, but I want to do a voice check
6 with our folks that are with us virtually.

7 MR. WARD: Yes, sir. James Anthony Ward.

8 CHAIRMAN ALEXANDER: Hopefully, we're good
9 with those on -- okay. Thank you for that, Mr. Jones.
10 Mr. Mack, thank you all. So I'm going to acknowledge
11 Laura, our court reporter, at this time to swear you in
12 for the screening this afternoon.

13 James Anthony Ward, having been duly sworn
14 and cautioned to speak the truth, the whole truth
15 and nothing but the truth, testified as follows:

16 CHAIRMAN ALEXANDER: Thank you, sir. And now
17 I'll recognize Mr. Triplett to begin the process for the
18 screening this afternoon.

19 ATTORNEY TRIPLETT: Thank you, Mr. Ward. And
20 I will briefly summarize your educational background and
21 experience.

22 Mr. Ward went to the Citadel from 1997 to
23 2001 where he majored in Electrical and Computer
24 Engineering, and then Francis Marion University from 2004
25 to 2008 where he received his Masters in Business

1 Administration. From 2002 to 2013 he worked at Duke
2 Progress and Progress Energy. From 2010 to 2011 he
3 worked at Rotor Blade, LLC, that's a helicopter with
4 aerial saw used to trim distribution and transmission
5 right-of-ways.

6 From 2002 to 2007 and 2012 to 2014, Mr. Ward
7 worked at First Award Properties, LLC where he was a CEO
8 of a real estate holding company used to flip residential
9 properties and purchase farmland, and since was the owner
10 of Ward Family Farms, LLC, and he is the owner and acting
11 manager in charge of 2300 acres of ROW crops, including a
12 thousand acres of cotton, a thousand acres of soybeans
13 and three-hundred acres of corn. And from January 6th,
14 2006 to December, 2014 and January 2018 to present, he is
15 a Farmer Elected Farm Service Agency County Committee.

16 At this time, I would request that Mr. Ward's
17 Personal Data Questionnaire be entered into the record
18 with any confidential information being redacted.

19 CHAIRMAN ALEXANDER: So ordered.

20 (Ward PDQ entered into the record)

21 ATTORNEY TRIPLETT: Mr. Ward, do you have any
22 changes that you would like to make to the Personal Data
23 Questionnaire you submitted with your application?

24 MR. WARD: Not at this time. But I would
25 like to point one thing out. The Rotor Blade, I forgot

1 the years that they were, I was not employed by Rotor
2 Blade. I was actually an investor.

3 ATTORNEY TRIPLETT: Okay. Thank you for
4 that. As part of our background investigation of a
5 candidate we obtain a credit check, a driver's license
6 and SLED check. Any questions of confidential or
7 personal nature will be taken up in Executive Session.

8 Before we begin questioning, do you have a
9 brief statement that you would like to make?

10 MR. WARD: I think there are several James A.
11 Wards in the state of South Carolina. Because I looked
12 through the background check and there were some
13 foreclosures and all kinds of things that were not mine.
14 Some of them occurred in 1990 and I think I was twelve
15 years old at that time, so a lot of that is inaccurate.

16 ATTORNEY TRIPLETT: Fair enough. And we'll
17 get to that during the hearing at a later time.

18 EXAMINATION

19 BY ATTORNEY TRIPLETT:

20 Q. Would you please state your name and home
21 address for the record?

22 A. James Anthony Ward. I reside at 1659 West
23 Smith Street, Timmonsville, South Carolina.

24 Q. Are you a registered voter?

25 A. Yes, sir, I am.

1 **Q. In which Congressional District are you**
2 **registered to vote?**

3 A. The 7th Congressional District.

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

6 A. During my tenure at Duke Progress, one of the
7 things that was my responsibility was to handle
8 complaints to the Commissioner. So as I grew up as an
9 engineer at Duke Progress, I often knew what it meant to
10 be a Commissioner because it was like a big deal if we
11 had a complaint.

12 So in my general area of Florence, any time
13 that somebody had a power quality complaint, any kind of
14 engineering complaint that may go in front of the
15 Commission, they would give me the responsibility of
16 handling it. So it was an honor to be able to handle
17 those. And you could tell by the utility companies -- or
18 by the utility company that, you'd better get this
19 problem resolved because we don't want the Commission on
20 our backs.

21 **Q. Have you attended any hearings of the**
22 **Commission?**

23 A. No, sir.

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

25 A. No, sir.

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

3 A. A lot of studying and communicating with
4 others.

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

7 A. Public Service Commissioners are in charge of
8 governing the utility companies. They give direction to
9 the Office of Regulatory Staff and the Office of
10 Regulatory Staff goes about talking with the utility
11 companies and making the suggestions.

12 Q. Do you think there's a role as an activist or
13 **an advocate versus the impartial application of the law?**

14 A. Can you repeat the question?

15 Q. Sure. Do you believe that there is a role as
16 **a Commissioner as an activist or advocate versus the**
17 **impartial application of the law?**

18 A. No, sir. I believe it's the job as a
19 Commissioner to do what the General Assembly states that
20 we should do.

21 Q. What are the key factors that a Commissioner
22 **should consider in a rate case?**

23 A. Three things that are important. I call them
24 the three-legged stool. It's very important that you
25 look after the well-being of the utility company, it's

1 important that you look after the best interest of the
2 ratepayers, and it's important that you look after the
3 best interest of the shareholders.

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

9 A. Yes, sir. It seems I read that in the Code
10 of Ethics. And from what I understand, a Commissioner is
11 not -- cannot attend any kind of gathering unless all
12 Commissioners are invited.

13 **Q. Have you attended any legislative receptions**
14 **or any legislative caucus meetings since submitting your**
15 **application?**

16 A. No, sir. Before the record, I would like to
17 state that I am involved with the Farm Bureau and I am
18 the Florence County Farm Bureau president. I didn't hear
19 that on my personal sheet there.

20 **Q. Thank you for adding that. Have you attended**
21 **any political gatherings since submitting your**
22 **application?**

23 A. No, sir.

24 **Q. Could you explain the general rule regarding**
25 **ex parte communications as it relates to the Public**

1 **Service Commission?**

2 A. The Commissioners are not supposed to take
3 part in any kind of conversation of what goes on at the
4 Commission. Anything that's said, what I understand from
5 reading, that you're supposed to document that and you're
6 supposed to give it to the authorities so they can review
7 it of what was said.

8 Q. Assume you're serving on the Commission and
9 you're approached by someone who wanted to discuss a
10 matter that is or may become an issue in a proceeding,
11 how would you handle the situation?

12 A. I would simply state that I'm not able to
13 discuss.

14 Q. Are you aware that Commissioners are subject
15 to the Judicial Code of Conduct as well as State ethics
16 laws?

17 A. Yes, sir, I am.

18 Q. Could you briefly describe the five canons in
19 the Code of Judicial Conduct?

20 A. I cannot without looking it up on the
21 research that I did previously. I'm sorry.

22 Q. And they don't have to be verbatim. They can
23 be spoken generally.

24 A. Please repeat the question.

25 Q. Briefly describe the five canons in the Code

1 of Judicial Conduct.

2 A. I have to pass.

3 Q. What do you consider to be appropriate use of
4 social media pursuant to the Judicial canons?

5 A. Nothing that should go over in the Commission
6 and the Office of Regulatory Staff. Nothing of that
7 nature can be discussed on social media so I don't think
8 it has a part at all. And if I were chosen to be a
9 Commissioner, I would do away with my social media.

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

13 A. No, sir. It's been eight, I think eight
14 years since I've been employed by them.

15 Q. Do you or a member of your immediate family
16 have stock or other financial interests that are directly
17 controlled by you or your family member of a utility
18 regulated by the PSC?

19 A. No, sir.

20 Q. Do you or a member of your immediate family
21 have stock or other financial interest that is directly
22 controlled by you or your family member over a renewable
23 energy company that appears before the PSC?

24 A. No, sir.

25 Q. Are you or a member of your immediate family

1 an officer or a director or involved in the management of
2 any business enterprise?

3 A. Ward Family Farms. I'm currently the active
4 manager.

5 Q. And what is the purpose of that business?

6 A. We grow cotton, soybeans and corn.

7 Q. And what is your family members' role?

8 A. In the event that I'm chosen to become a
9 Commissioner, my father has agreed to come out of
10 retirement and take over.

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

17 A. Rental property and farming.

18 Q. And what entities?

19 A. Ward Family Farms.

20 Q. Both?

21 A. Yes, sir.

22 Q. Thank you. If elected, would there be any
23 potential conflicts of interest financial or otherwise?

24 A. No, sir.

25 Q. What would you do if a conflict of interest

1 **arose?**

2 A. I would have to document it and give it to
3 the Public Utility Review Committee.

4 **Q. Your job history indicates an overlap in**
5 **employment with Rotor Blade, LLC and Duke Progress.**
6 **You've explained that you were a financial investor in**
7 **Rotor Blade. Could you please describe the nature of**
8 **this overlap and any resulting conflict?**

9 A. I'll be glad to. During my tenure as an
10 engineer at Duke Progress, one of the biggest expenses
11 that they have and only expense they have is vegetation.
12 And as an engineer and getting power quality complaints,
13 I would often have to deal with these power quality
14 complaints. And you go out in the field and you look up
15 at the line and if the trees are hanging over the line,
16 you know there's an issue.

17 So my roommate from the Citadel calls me up
18 and says, I've got a helicopter company, would you like
19 to help me get some business. Well, I signed a Code of
20 Ethics statement and I said, you know, we're treading a
21 thin line here so let's be very careful. So we talked
22 and I told him that if he would allow me to invest in the
23 company, I'll quit my job and I will go seek customers
24 for the company.

25 Well, along the way after I bought in, I went

1 to a couple of utility companies out of state and I
2 looked at him and I said, you know what? We're going
3 about this thing totally wrong. And Asplundh, the
4 largest tree contractor in the United States, was
5 currently looking for a partner. So I told him, I said,
6 you know, we need to go talk with Asplundh and we need to
7 see if we can get a contract with these guys to get us
8 the business and we need to go about it that way instead
9 of trying to talk with the utility companies which, by
10 the way, is kind of hard to do.

11 So we got an exclusive contract for a year.
12 I stay in for about, I think, 367 days to be exact. And
13 they bought me out, paid me well and we're on good terms
14 and I'm thankful for having that opportunity.

15 **Q. Are you affiliated with any political**
16 **parties, Boards or Commissions that would need to be**
17 **reevaluated if you're nominated and elected?**

18 A. A great question. And that's one of the
19 questions I had for the Committee. I currently serve on
20 Florence County Farm Bureau president and if I'm elected
21 as Commissioner, would I still be able to serve in that
22 capacity?

23 **Q. I don't know that that's something that can**
24 **be addressed right now, so we can continue on. Do you**
25 **belong to any organization that discriminates based on**

1 **race, religion or gender?**

2 A. No, sir.

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

5 A. You should always act like -- never give
6 anyone doubt of anything that you may be doing something
7 that would discredit the Commission, so do what's right.

8 **Q. And does that apply only while you're on the**
9 **bench or do these rules apply 24/7?**

10 A. All the time.

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

13 A. Whatever the State needs, I'm here to serve
14 you guys.

15 **Q. Could you briefly describe the Public Utility**
16 **Regulatory Policy Act, also known as PURPA?**

17 A. No, sir. I'm not able to do that at this
18 time.

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

20 A. I remember reading there's some solar
21 panels -- I'm going to pass on this one. That's been six
22 months since I've read the documentation to study for the
23 test, and I apologize.

24 ATTORNEY TRIPLETT: Mr. Chairman, at this
25 point I would request that we go into Executive Session

1 pursuant to the previous motion, as we do with all
2 candidates.

3 CHAIRMAN ALEXANDER: We take time to go into
4 Executive Session with all of our candidates, so I'm
5 going to ask that you just stay at the podium and I'll
6 ask other the members of the audience, all other members
7 of the audience, to step out for a period of time.

8 (Executive Session - 2:55 p.m. to 2:58 p.m.)

9 3:00 p.m.

10 CHAIRMAN ALEXANDER: So we're back in open
11 session. We're with Mr. Ward and I'll recognize Bryan to
12 continue the screening.

13 ATTORNEY TRIPLETT: Thank you, Mr. Chairman.

14 BY ATTORNEY TRIPLETT:

15 Q. Mr. Ward, your SLED report indicated that
16 James Ward was a named party in eleven lawsuits. If you
17 would, please explain the nature and disposition of the
18 following lawsuits.

19 Filed in 1990 in the Horry County Court of
20 Common Pleas, the Forrest Brook Property Owners
21 Association v. James A. Ward in a foreclosure action, was
22 this you?

23 A. No, sir. I was twelve years old.

24 Q. In 1997, an action was filed in the
25 Charleston County Court of Common Pleas captioned Wesley

1 Alston versus Simon Gilliard, et al, naming James Ward as
2 a defendant in a partition action.

3 A. I was still in high school.

4 Q. Thank you. In 1998, the Charleston County
5 Court of Common Pleas, a case captioned Richard W.
6 Betzer, Jr. versus James Ward, a motor vehicle accident,
7 was that you?

8 A. No, sir. A freshman at the Citadel.

9 Q. In 2000, filed in the Charleston County Court
10 of Common Pleas, a case captioned James Ward versus Owens
11 Corning Fiberglass Corp., it appears to be a class
12 action.

13 A. No, sir.

14 Q. In 2000, filed in the U.S. District Court,
15 District of South Carolina in Charleston, James Ward, et
16 al. versus Owens Corning Fiber, et al., is that you?

17 A. No, sir. Still in college.

18 Q. In 2008, in Florence County, filed in the
19 Timmonsville Magistrate Court, a case captioned James
20 Ward versus Sam Hill. A summons and complaint was filed
21 and disposed of three days later. Is that you?

22 A. Yes, sir.

23 Q. Could you please explain the circumstances
24 surrounding that case?

25 A. I hired Mr. Sam Hill to replace a gate at the

1 end of my farm lane and I think -- if I can remember
2 correctly, I think the cost of the project was about
3 \$5,000 and I paid him half up front. The project went
4 by, months went by, it might even have been a year. I
5 had ample opportunity to fix the problem, to fix the
6 project, you know. Just he never completed it, never
7 completed it.

8 So a tornado come along and it slammed the
9 gate up against the pole and ripped the gate off the pole
10 so I had nothing at that point with \$2500 invested and no
11 gate. So, actually, the magistrate judge -- I talked to
12 the magistrate judge, who is currently deceased, James
13 Lynch, and we filed a suit against him. A day or two
14 later he had called, told me that he had cancer and asked
15 me if there was anything that I could do for him. I
16 dropped the charges.

17 **Q. Okay. Thank you. And in 2013, an action**
18 **filed in Florence County Court of Common Pleas captioned**
19 **Jessica N. Ward versus James Anthony Ward in a judgment**
20 **for plaintiff, is this you?**

21 A. Yes, sir.

22 **Q. Could you explain the circumstances**
23 **surrounding that case?**

24 A. It's a divorce in the matter of
25 irreconcilable differences.

1 Q. In 2015, a matter filed in Florence County in
2 Timmonsville Magistrate Court, James Ward versus Ron
3 Stewart and a rule to vacate was filed, is this you?

4 A. Yes, sir.

5 Q. Could you please explain the circumstances
6 surrounding this case?

7 A. That was an eviction notice. I went several
8 months without rent.

9 Q. In 2018, a matter filed in Horry County Court
10 of Common Pleas, James Ward, et al. versus For Sure
11 Heating and AC Company, et al., a personal injury suit,
12 is this you?

13 A. No, sir.

14 Q. In 2019 in Horry County, filed in the Conway
15 Magistrate Court, Midland Funding v. James Ward. There
16 was a summons and complaint filed, is this you?

17 A. No, sir.

18 Q. And in 2020 filed in the Horry County Court
19 of Common Pleas, the same caption, Midland Funding v.
20 James Ward where a judgment was filed for the plaintiff,
21 is this you?

22 A. No, sir.

23 Q. Thank you very much for clarifying, Mr. Ward.
24 And just a few final questions. Have you made any
25 contributions to members of the General Assembly since

1 filing your application?

2 A. No, sir.

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

5 A. No, sir.

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

9 A. No, sir.

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

13 A. No, sir.

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

17 A. No, sir.

18 Q. Are you familiar with the 48-hour rule which
19 prohibits a candidate from seeking pledges for 48 hours
20 after the report has been submitted to the General
21 Assembly?

22 A. No, sir.

23 Q. You're not familiar with the 48-hour rule?

24 A. No, sir.

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

1 We had horrible weather in the Pee Dee. Running a farm,
2 I have not picked these papers up since, to be honest.
3 If I'm elected to be a Commissioner, it will be my full
4 duty to do what the General Assembly wants me to do.

5 **Q. So just following up on that, how would you**
6 **get up to speed on what you needed to know knowledge-wise**
7 **about the Commission?**

8 A. I'll take these papers here that I have in my
9 briefcase and I'll break them out and will start some
10 studying. And I'll look for some advice from the
11 lawyers, ask questions and be actively involved.

12 **Q. Okay. Thank you.**

13 CHAIRMAN ALEXANDER: Anybody else that is
14 with us virtually?

15 (No response)

16 CHAIRMAN ALEXANDER: I would recognize
17 Chairman Sandifer.

18 REPRESENTATIVE SANDIFER: Thank you,
19 Mr. Chairman.

20 REPRESENTATIVE SANDIFER: Mr. Ward, thank you
21 for being here today and answering our questions. We
22 really appreciate it.

23 EXAMINATION

24 REPRESENTATIVE SANDIFER:

25 **Q. There's several things I want to follow up on**

1 primarily around like you have said earlier in your
2 presentation. Would you explain to me what the
3 relationship between the PSC and the Office of Regulatory
4 Staff is?

5 A. The Commission is more of a hearing-type
6 Board and they hear the dockets that the Office of
7 Regulatory Staff puts before them. And if there's
8 something that a Commissioner sees that he doesn't like
9 or she doesn't like, they will ask that the Office of
10 Regulatory Staff look into it.

11 From what I understand, it's not the purpose
12 of the Commissioners to do the digging. It's the purpose
13 of the Office of Regulatory Staff to go amongst and ask
14 the utility companies what they would like to know.

15 Q. Okay. And I gained from your earlier
16 comments -- and I don't think that the word was governed,
17 but you had that the PSC had control of the ORS; is that
18 correct?

19 A. No, sir. No, sir.

20 Q. All right. I want to make sure that I didn't
21 misunderstand and I apparently did.

22 A. Two separate entities.

23 Q. Okay. Good deal. With the factors of rates,
24 you said that you would be concerned about the ratepayers
25 and the investors. Are there any other groups that might

1 be involved in that decision-making process?

2 A. A great question. Yes, sir.

3 Q. Okay. Tell me who.

4 A. Farmers.

5 Q. Okay. Are they ratepayers?

6 A. Absolutely.

7 Q. Okay. But how about the ROA, Return on
8 Equity?

9 A. Very important.

10 Q. Okay. So that does go into the rate making
11 process?

12 A. Absolutely.

13 Q. Okay. Then in attending events, I think you
14 responded when Mr. Triplett asked, that you couldn't go
15 to an event unless all of the Commissioners went; is that
16 correct?

17 A. Unless all the Commissioners were invited.

18 Q. Okay. What if I invited you to go to just a
19 barbeque at my home?

20 A. No, sir. I wouldn't be allowed to do that.

21 Q. If I were not a member of the General
22 Assembly, if I was your neighbor down the road?

23 A. Yes, sir.

24 Q. So what makes it different?

25 A. Members of the General Assembly actually tell

1 the Commissioners what they are looking for. So it would
2 be a conflict of interest for me to be hanging out with a
3 member of the General Assembly where it wouldn't be a
4 conflict of interest to hang out with a neighbor, unless
5 the neighbors wants to talk about something that's going
6 on.

7 Q. You're right about that part. Okay. Thank
8 you, Mr. Ward.

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

11 EXAMINATION

12 BY CHAIRMAN ALEXANDER:

13 Q. I also appreciate you being here in,
14 certainly, these times of the virus and evidently you
15 said the commodity prices have certainly been impacted by
16 that. The Ward Family Farms, if I understood you
17 correctly, if you were elected to serve, the operation of
18 that farm would be managed by someone else; is that
19 right?

20 A. Yes, sir.

21 Q. So as far as this, there would not be a
22 conflict as far as your availability to do the job and
23 being a full-time job?

24 A. No, sir. It would not affect it at all. As
25 a matter of fact, in the documents I think I'm supposed

1 to make myself available from 8:00 to 5:00 Monday through
2 Friday, I believe, is what it says.

3 Q. How about night hearings and things of that
4 nature?

5 A. Whatever you guys need.

6 Q. So you've said -- and then I'll wrap up. One
7 other thing before I get to this. I believe you
8 mentioned on the 48-hour rule that you were not aware of
9 that?

10 A. No, sir.

11 Q. Okay. But that was, for the record, was
12 provided to you with information when you picked up your
13 packet, I believe, was when that is provided for you as
14 one of those documents.

15 A. Can I get clarification on that, the 48-hour
16 rule? So once the candidate -- once you become a
17 candidate and you go to the General Assembly, you have to
18 wait 48 hours before you --

19 Q. This is once our report is released for the
20 candidates that are found qualified and nominated, then
21 there's a 48-hour rule. And that would be something that
22 the staff could follow up with you on. But that's down
23 the way from that standpoint and stuff. But it was
24 provided to you.

25 A. Yes, sir.

1 Q. And to make sure I get my point is, somewhere
2 you've got a copy of that.

3 A. I'm sure, yes, sir.

4 Q. Okay. That was my point. The last thing,
5 and I understand you've marked here have you been
6 employed or held any positions of the following areas,
7 energy issues, I understand that. How about finance,
8 economics, statistics and then you've got accounting and
9 engineering?

10 A. Well, that's part of my Masters in Business.
11 As far as did I practice those roles at Duke Progress,
12 engineering, actually that was one of my main jobs. But
13 accounting, yeah, whether it's capital expense or owing
14 an expense, how it's depreciated.

15 Q. Part of your ongoing --

16 A. Yes, sir.

17 Q. -- work with your business with the farm?

18 A. Yes, sir. We don't separate cost for each
19 commodity on our farm, we lump it all together. So from
20 what I understand, it was very interesting reading how
21 you go about paying people for the solar farms. So the
22 direct cost for farmers, you know, most farmers you just
23 put everything in a lump sum. They don't separate, you,
24 how much it cost go grow corn or how much it cost to grow
25 soybeans. Everything is lumped together. Whereas, you

1 guys do things a little differently. When you look at
2 solar panels that's separate than what it cost to
3 maintain the current grid.

4 **Q. Okay. Thank you. I appreciate it.**

5 CHAIRMAN ALEXANDER: Let me make sure anyone
6 else has a question. I don't see any questions there,
7 and I think Chairman Sandifer is good and myself. So we
8 just appreciate you being here this afternoon and
9 certainly for offering for the opportunity to serve on
10 the Commission. And I hope those prices turn around for
11 you on those commodities.

12 MR. WARD: Thank you, sir.

13 CHAIRMAN ALEXANDER: And if you would be kind
14 enough to take that cap off of the microphone and discard
15 that in the wastebasket there. Thank you.

16 MR. WARD: Thank you.

17 CHAIRMAN ALEXANDER: Be safe and healthy.

18 (The screening was concluded at 3:15 p.m.)

19 3:17 p.m.

20 CHAIRMAN ALEXANDER: Good afternoon. And if
21 you would, I'm going to do a mic check with our virtual
22 members, so if you would state your full name for us.

23 MR. DURISHAN: Mark William Durishan.

24 CHAIRMAN ALEXANDER: Okay. How are we folks?
25 We've got a thumbs up there. Can everybody hear him

1 okay? Mr. Durishan, we appreciate you being here with us
2 this afternoon.

3 MR. DURISHAN: Thank you, Mr. Chairman.
4 Thank you for accommodating the schedule.

5 CHAIRMAN ALEXANDER: Yes, sir. I'm happy to
6 do that. And we're going to ask that our court reporter,
7 Laura here, swear you in for the screening.

8 Mark William Durishan, having been duly sworn
9 and cautioned to speak the truth, the whole truth
10 and nothing but the truth, testified as follows:

11 CHAIRMAN ALEXANDER: Thank you so much. And
12 we'll ask Ms. Anderson to continue the screening at this
13 point.

14 ATTORNEY ANDERSON: Good afternoon,
15 Mr. Durishan. And I have pronounced it Durishan this
16 entire time.

17 MR. DURISHAN: Either way is fine.

18 ATTORNEY ANDERSON: So I will probably go
19 back to it and it will be on account of my accent.

20 MR. DURISHAN: Don't worry about it. What
21 accent?

22 ATTORNEY ANDERSON: First, I'm going to give
23 a brief overview of your background and then we'll go
24 into some questions, okay?

25 MR. DURISHAN: Sure.

1 ATTORNEY ANDERSON: Mr. Durishan received a
2 Bachelor of Arts degree in accounting from St. Vincent
3 College and a Masters of Business Administration at
4 Eastern University. He is currently retired. He was a
5 principal at Sabal Associates from 2005 to 2009 where he
6 provided consulting services. From 1999 to 2005 he was a
7 CFO for Extendicare, Incorporated. From 1995 to '98
8 Mr. Durishan was the CFO of Blue Cross of Minnesota.
9 From 1991 to '95 he was the CFO of Graduate Health
10 System.

11 He was an adjunct faculty member at Temple
12 University's MBA program from 1990 to '95. Mr. Durishan
13 served as a partner with Coopers and Lybrand from 1991 to
14 1981 and he served in the Pennsylvania National Guard
15 from 1970 to 1976.

16 Do you have any changes that you would like
17 to make to the Personal Data Questionnaire you submitted
18 with your application, other than changes you may have
19 already submitted?

20 MR. DURISHAN: No.

21 ATTORNEY ANDERSON: I would request,
22 Mr. Chairman, that Mr. Durishan's Personal Data
23 Questionnaire be entered into the record, with any
24 confidential information being redacted.

25 CHAIRMAN ALEXANDER: So ordered.

1 (Durishan PDQ entered into the record)

2 ATTORNEY ANDERSON: As part of our background
3 investigation, we obtained a credit check, a driver's
4 license check and a SLED check, and any questions of a
5 confidential or a personal nature will be taken up in
6 Executive Session.

7 Before we begin with questions, do you have a
8 brief statement that you would like to make,
9 Mr. Durishan?

10 MR. DURISHAN: I guess not. I'll respond to
11 questions and go from there.

12 ATTORNEY ANDERSON: Okay.

13 EXAMINATION

14 BY ATTORNEY ANDERSON:

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

17 A. Mark William Durishan, 357 Ralston Creek
18 Street, Daniel Island, South Carolina.

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

20 A. Yes.

21 **Q. In which Congressional District are you**
22 **registered to vote?**

23 A. District 1.

24 **Q. Please describe the work that you were**
25 **engaged in at Sabal Association.**

1 A. Sabal was really my personal consulting.
2 When I retired I kept it. For about two or three years I
3 did some consulting for some healthcare services of a
4 public nature and really have been inactive since then.
5 I've had one or two small personal projects of computer
6 development, but really nothing after that. It's been
7 inactive for quite some time.

8 **Q. So that can cover a lot of range of topics.**
9 **So they're just general topics that --**

10 A. Primarily in financial reporting and/or class
11 savings for healthcare institutions.

12 **Q. Okay. Thank you. Why are you interested in**
13 **serving on the Public Service Commission?**

14 A. I actually was surprised but it because I was
15 asked by a friend who thought I had the credentials. My
16 experience clearly is not in energy expertise or an
17 engineer. I am a financial expert. And he felt, and I
18 do feel, that my area of expertise is an area that would
19 be of added value to the Commission.

20 I've spent 30 years preparing financial
21 statements primarily in a regulated industry. Granted,
22 it wasn't energy, but we had to file for rate requests
23 with Blue Cross and Blue Shield, we had to file with the
24 FCC, so I'm used to reading financial statements, both
25 the statements themselves, 10(k)s, proxy statements,

1 things that normally other non-financial people might not
2 be familiar with.

3 To give you an example, you can see Dominion
4 Energy had to deal with a writeoff of the Atlantic
5 pipeline. I have no idea, because when you look at
6 Dominion Energy financial statements, you, at the moment,
7 cannot see segregated South Carolina business. But what
8 impact might that have on future rate requests, which
9 they may, I believe, apply for come January or February.

10 Interestingly enough, by some unique thing
11 they sold off, ten billion dollars worth of assets to
12 Berkshire Hathaway. Now, that was probably a non-cash --
13 understand that I don't have inside information. I'm
14 just reading off of press releases. So my guess is,
15 they've written off assets that are being depreciated and
16 turning that expense into a cash expense that they
17 probably contracted back with Berkshire Hathaway. Well,
18 what impact will that have on rate increases? What
19 they've said they're going to do with the money that
20 they're receiving from that is buy back stock.

21 That doesn't help South Carolina ratepayers
22 at all. I mean, it helps stock maybe in the long run
23 because you obviously need to have some value of stock if
24 we're going to invest in future energy projects. But
25 short term, that doesn't benefit South Carolinians at

1 all. What impact that's going to have in their rate
2 request, I don't know. But those are the kinds of
3 questions with my background I would be asking as a
4 member of the Commission.

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

7 A. No.

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

10 A. Just in preparation for the test. But, to be
11 honest with you, I'm not sure I understood many of them.

12 **Q. How would you expect to get up to speed on**
13 **the issues confronting the Commission?**

14 A. One of the things I would like to do, and as
15 I understood was prevented from doing, was meet with the
16 retiring Commissioner from my District to understand what
17 his views were on the Commission activities over the past
18 year. I would love to meet with the Chairman and/or any
19 Commission members that I would be allowed to meet to get
20 an understanding, and meet with the lawyers to get a
21 better understanding of what I was reading in those legal
22 documents. Not being a lawyer, they weren't particularly
23 easy to understand.

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

1 A. I think they serve basically in a role of
2 protecting the interest of the consumer, both long and
3 short term. One has to understand that while I've said
4 some things about one particular energy producer, profit
5 in and of itself is not bad. A reasonable profit is
6 required for future investment, both in terms of
7 supporting a stock price that would enable people to make
8 those investments, but also in terms of just generating
9 enough cash to buy new equipment which will obviously be
10 more expensive than the depreciated equipment, trying to
11 find that balance between all the constituents.

12 I don't think it's a teeter-totter type of
13 balance. I think it's more like having marbles in a pie
14 plate trying to find where those balance points are that
15 support the pie plate, but also don't tilt unfairly
16 toward one side or the other.

17 **Q. Are there any other factors that as a**
18 **Commissioner you think that you would need to consider in**
19 **a rate case?**

20 A. Oh, absolutely. One of the things I think
21 I'd bring to the -- pardon the colloquism -- bring to the
22 table, as we say today, is an appreciation for the
23 diversity of South Carolina. In my role in some of the
24 charities and not-for-profit stuff I do, I tend to go all
25 over the state. I see how rural this state is in many,

1 many situations. I see the small manufacturing companies
2 in places like Huger or places that are a variety of
3 spots in the state. I see the amount of tourist industry
4 that's supported in Myrtle Beach, Charleston and Hilton
5 Head. So, as a result, while I live in a -- luckily, a
6 somewhat affluent area, I do see the diversity in terms
7 of industry, I see the diversity in terms of economics.

8 My volunteer work in Title 1 schools, I get
9 to see what people are dealing with who don't have a lot
10 and have to find ways to make payments on a daily basis.
11 So I think you need to balance all of that, both long and
12 short term.

13 **Q. Do you think that part of the role of a**
14 **Commissioner is to be an advocate either for a particular**
15 **party or for a particular issue?**

16 A. I try to not pre-judge that. So I would say,
17 other than being an advocate for what is best for South
18 Carolina is really the advocacy I see. I'm not -- you
19 know, I'm not particularly strong on one type of energy
20 versus another. I'm not a particularly strong
21 environmentalist, although I think we should take care of
22 it. I'm not a particularly -- I just think you have to
23 try and find the balance where you can.

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

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

4 A. The answer I think is, yes, don't do it.

5 Q. Okay.

6 A. And I haven't.

7 Q. I'm going to follow up with you individually
8 on each of those.

9 A. I have been very careful not to attend any of
10 those since my name has come up. And that hasn't been
11 easy, I might add, given my District.

12 Q. So have you --

13 A. In other words, last night I did not go see
14 Vice President Pence.

15 Q. Well, then, I will start there. Have you
16 attended any political gatherings since submitting your
17 application?

18 A. No.

19 Q. And have you attended any legislative
20 receptions or any legislative caucus meetings since
21 submitting your application?

22 A. No.

23 Q. Okay. Thank you. I just wanted to make sure
24 that was very clear for the record. Please explain the
25 general rule regarding ex parte communications as it

1 **relates to the Public Service Commission.**

2 A. I probably could not explain the rule
3 particularly well. I can tell you from my background of
4 being a certified public accountant, the perception of an
5 ethical problem is more important than the actual reality
6 of it. So my answer is, you don't have them, you don't
7 participate in them, you don't come anywhere close to
8 them and, therefore, you don't need to worry about
9 whether you had one.

10 My understanding is, if there is one that
11 happens, you're to report to the Commissioner immediately
12 and there are so many days that one has to have that
13 investigated. But, for me, I would not be engaging in
14 them. That's just --

15 **Q. Assuming that you are on the Commission and**
16 **someone approached you and tried to have a conversation**
17 **about a matter that's either before the Commission or**
18 **could come before the Commission, how would you handle**
19 **that?**

20 A. I would say, goodbye.

21 **Q. Okay.**

22 A. I'll give you an example in real life. One
23 of my first jobs was to audit the Pittsburgh Pirates. As
24 part of that audit I had to look at every player's
25 salary. They put me in a -- actually put me in a walk-in

1 safe and closed the door and I saw every salary of every
2 ballplayer. This was back before that was public
3 information with all the agents. No one ever, ever,
4 could get any information out of me, even though I had
5 and could tell you what every ballplayer made. Even
6 today, I don't disclose that information. That's
7 ingrained in any -- I should say it's ingrained in most
8 certified public accounts.

9 Secondly, I was in healthcare. So, as you
10 know, healthcare has laws. And so it's just ingrained in
11 me. And we just say, I'm sorry, that's not something we
12 can discuss now.

13 **Q. Are you aware that Commissioners are subject**
14 **to the Judicial Code of Conduct as well as State ethics**
15 **laws?**

16 A. Yes. And in that regard, I know I can't fund
17 raise, I'm in a charity and I can't use that position in
18 any way that would be inappropriate that I'm aware of.

19 **Q. Are there other canons that you can describe?**

20 A. Probably not off the top of my head.

21 **Q. Generally, can you describe what is in the**
22 **Code of Judicial Conduct?**

23 A. I'd rather -- I mean, just generally, one,
24 you can't use your position, you can't -- you can't have
25 anybody use that position for influence. If you have a

1 situation where an individual is asking you for something
2 and is part of our -- again, your description, part of
3 something in front of the Commission, you know, you have
4 to avoid that.

5 **Q. What would you consider to be the appropriate**
6 **use of social media for a Commissioner?**

7 A. I'd say not. Again, I think the Commission
8 should speak as a voice. If, as part of the Commission
9 -- let's take a situation that might be similar to the
10 Supreme Court where someone is asking for a minority
11 opinion and in that case a minority opinion might be
12 appropriate. And, frankly, and you can look, you can't
13 find me on social media. I mean, I'm sure somebody
14 tried, but it ain't there. I am not a social media
15 person.

16 I do believe strongly that the Commission
17 should speak as a voice, unless, again, as I've
18 described, there's an appropriate situation where a
19 Commissioner says, look, I can't support the opinion or
20 the final verdict and I want to be able to express my
21 objection, and that is allowed by the Chairman of the
22 Commission. Short of that, I don't think it does anybody
23 any good to be voicing opinions unilaterally and creating
24 a diversion. I think, you know, whoever the votes,
25 whatever the majority is, that's what the majority is.

1 Q. Are you or a member of your immediate family
2 employed by a utility regulated by the Public Service
3 Commission either currently or within the past two years?

4 A. No.

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

9 A. Not that I am aware of as an individual
10 stock. There may be something in what I've given you
11 that is in -- for example, I may have shares of Black
12 Rock. Black Rock somewhere, I'm sure, has investments.
13 So it would be one-one millionth of whatever.

14 Q. But it's not something that is directly --

15 A. Not directly. No direct.

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

19 A. I am an officer and director of a charity.
20 And that's a not-for-profit charity that raises -- and
21 that's really --

22 Q. And can you state the name of the charity and
23 explain a little bit about your involvement?

24 A. It's Holy Cross -- it's in connection with
25 Holy Cross Family Ministries. It's the Holy Cross

1 Foundation. It is run by the Holy Cross Fathers. If
2 anybody went to Notre Dame they would know who that is.

3 It primarily does charity work in Peru,
4 Africa, India, the Middle East. I have a brochure I can
5 provide to you if you want to see. But Father Peyton was
6 a priest of the Holy Cross Ministry. He's the priest
7 that did the family that prays together stays together,
8 and that's the genesis of that. It's generated toward
9 family support of people in need.

10 **Q. And what is your particular role?**

11 A. My particular role, I'm on the Audit
12 Committee and I'm on the Investment Committee, so I
13 advised them on their investments.

14 **Q. What entities did you or a member of your**
15 **immediate family receive income within the previous year?**
16 **Now, this would exclude the following: IRAs, deferred**
17 **compensation funds, disability, mutual funds or funds**
18 **received from your financial institution in the ordinary**
19 **course of business.**

20 A. The only one I had is, I had a hole in one
21 and I won \$10,000. And I receive a very modest amount
22 from the Carolina's section of the PGA for doing rules
23 for the PGA section, less than a thousand -- it's
24 probably less than 500 a year.

25 **Q. If elected to the Commission, would there be**

1 **any potential conflicts of interests financial or**
2 **otherwise?**

3 A. Not that I'm aware of. Although, if it were
4 important to people, reluctantly I would remove myself
5 from the position on Holy Cross Family Ministries. I'd
6 rather not. I don't do any fund raising for them and I
7 would obviously exclude myself from any fund raising.
8 I'd like to keep it, but if it were appropriate and
9 necessary, I would resign it.

10 I'm on the Advisory Board -- not an official.
11 But I'm on the Advisory Board of my school's business
12 school. That has no financial implications whatsoever
13 and I'm not a voting officer of that organization.

14 **Q. What would you do if you were serving on the**
15 **Commission and a conflict of interest did arise?**

16 A. I would inform the Chairman immediately and
17 deal with it as the Chairman and legal counsel would tell
18 me is appropriate.

19 **Q. Are you affiliated with any political**
20 **parties, Boards or Commissions that would need to be**
21 **reevaluated if you were nominated and elected?**

22 A. I mean, I attend and I'm a member of the
23 Daniel Island Republican Club, but that's so small and
24 it's not a particular -- I'm not an officer. I just
25 attend it and listen to current issues.

1 **Q. Would you continue participating?**

2 A. Again, if it was not appropriate, I'd be, you
3 know -- I would ask the counsels of the Commission to
4 tell me, here are the activities. If they say, that's
5 not appropriate, I would stop it immediately.

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

8 A. That's an interesting question. Not to my
9 knowledge. I know my country club does not and that's
10 really the only situation that I'm aware of.

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

13 A. I think, as a professional, the demeanor
14 should be one of openness to understanding of what the
15 issue is, both from the company side and/or the public
16 side. And I think it's one of making sure you have as
17 much information you can have to make an intelligent
18 decision and, as I said, try and weigh all of those
19 things to find a balance point of all the marbles in the
20 pie plate.

21 **Q. Would the appropriate demeanor for a**
22 **Commissioner apply solely while on the bench or would it**
23 **apply at all times?**

24 A. Oh, I think it applies -- I mean, again,
25 you're representing the community. I think the community

1 has the right to expect you to behave as a professional
2 whether you're sitting on the bench or in a public arena.
3 I mean, no one wants to look and say, there's the
4 Commissioner out drunk, you know, driving home at night.
5 That doesn't do anybody any good.

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

8 A. It's a lot of preparation ahead of time. I
9 mean, I realize that I don't have expertise in energy
10 generation and as demonstrated here and by test score, I
11 make no secret of that. But I am a quick study. I do
12 put a lot of time in preparation, as you can tell by some
13 of my answers today.

14 I've gone and looked at Dominion Energy's
15 financial statements as best I could in preparation to
16 try and describe to you and show you what I do ahead of
17 time. So a lot of preparation, a lot of meetings, to get
18 background so I'm able to ask intelligent questions in
19 front of the people submitting a rate questionnaire.

20 **Q. What are --**

21 A. And, excuse me --

22 **Q. I'm sorry.**

23 A. And working with staff to ask those
24 questions.

25 **Q. Okay. What are the industries and businesses**

1 regulated by the Public Service Commission and what are
2 the Commission's duties in the regulation of each?

3 A. Well, mostly, I understand it's energy of a
4 public company nature. They do not approve or deal with
5 the cooperatives, as I understand it.

6 Q. When you say a company of a public nature,
7 what types of companies?

8 A. Dominion Energy would be the obvious one, a
9 water company, anybody that is in the public arena as
10 opposed to a cooperative. Cooperatives don't have --
11 they have stakeholders, not shareholders, if I could use
12 that. So the cooperatives are run separately and so it's
13 those other companies like Dominion Energy, Charleston
14 Heat, Light & Power, all of those that are of a more
15 public nature.

16 Q. What is an integrated resource plan?

17 A. I don't have -- again, those answers, as
18 obvious on my test, I'm not an expert in those areas at
19 the moment.

20 Q. Okay.

21 ATTORNEY ANDERSON: Mr. Chairman, at this
22 time, I would request that we go into Executive Session
23 pursuant to the previous motion.

24 CHAIRMAN ALEXANDER: Okay. So if you would
25 just stay at the podium, and we're going to ask that the

1 other members of the audience excuse themselves for us to
2 go in Executive Session by a previous order, as we've
3 done with each candidate.

4 (Executive Session - 3:38 p.m. to 3:41 p.m.)

5 CHAIRMAN ALEXANDER: The door is open so we
6 are back in regular session. No action was taken in
7 Executive Session and I'm going to recognize Ms. Anderson
8 to continue her screening.

9 BY ATTORNEY ANDERSON:

10 Q. Mr. Durishan, you have briefly touched on
11 this already, but in what capacity have you most recently
12 been engaged in areas dealing with finance, economics and
13 accounting?

14 A. The most recent, basically at the moment, is
15 as a member of the Finance Committee of the Holy Cross
16 Family Ministries. We invest well over 70 million
17 dollars in various investments across that nature. And
18 that's really been the primary area where I've been
19 involved of late. Other than my own investments,
20 obviously.

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

23 A. No. And that will be noted by my neighbor, I
24 grant you. But, no.

25 Q. Have you sought or received a pledge of any

1 legislator prior to today?

2 A. No.

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

6 A. No.

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

10 A. No.

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

14 A. No.

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

19 A. I am now. So, yes.

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

21 A. Yes.

22 Q. Thank you, Mr. Durishan.

23 ATTORNEY ANDERSON: Mr. Chairman, I have no
24 further questions. And, for the record, Mr. Durishan
25 made a 52 on the test.

1 CHAIRMAN ALEXANDER: Okay. Thank you. And
2 let me just start off with the first question and then
3 I'll recognize those virtually.

4 EXAMINATION

5 BY CHAIRMAN ALEXANDER:

6 Q. If you're nominated, if you were elected,
7 what type of a schedule of timing would you be able to
8 join the Commission?

9 A. I could start tomorrow morning.

10 Q. Thank you, sir.

11 A. I have no commitments at the moment, being
12 retired.

13 Q. Thank you.

14 CHAIRMAN ALEXANDER: Are there members of the
15 Committee that are on the screen virtually have questions
16 for us?

17 (No response)

18 CHAIRMAN ALEXANDER: Seeing no questions,
19 I'll go to Chairman Sandifer.

20 REPRESENTATIVE SANDIFER: Okay. Thank you,
21 Mr. Chairman. And, Mr. Durishan, thank you so much for
22 being here with us today and talking about this subject
23 because, as you might know, this is critically important
24 to us as well.

25 MR. DURISHAN: Yes, sir.

1 EXAMINATION

2 BY REPRESENTATIVE SANDIFER:

3 Q. I want to go through some of the things that
4 you have said and make sure that I understand. And you
5 were asked the role of the PSC and I think that you said
6 that it was protecting the ratepayers; is that correct?

7 A. Yes. Well, as a balance. That, to me, is
8 fundamentally the case. But in protecting them, that
9 doesn't necessarily mean that they get the lowest price.
10 There may be -- in protecting them and looking at the
11 Commission, there may be long-term investments that need
12 to be made.

13 Q. Okay. But --

14 A. But that was --

15 Q. -- I guess, here's the question I'm trying to
16 get to. Does the Commission have a responsibility to
17 protect the utilities so that they can provide that
18 power?

19 A. Yes. I think that's what I'm trying to
20 explain in the sense of, lowest rate isn't necessarily
21 protecting the consumer. Making the best -- one needs to
22 understand that there may need to be investments, but how
23 is the risk of that investment going to be shared.

24 A perfect example. Right now Dominion Energy
25 is going to write -- has last year wrote off some

1 investments that they made that were poor investments.
2 Now, I don't know if those investments were made before
3 the merger or after the merger. If they were made before
4 the merger, should the class of that be included in a
5 rate filing? I think that's a question to ask.

6 You have to look at what share of risk the
7 ratepayer has an obligation to make and what share of
8 risk the shareholders should be making as part of that
9 company or other parts of the company. So one has to
10 look and see where that risk sharing or risk balance
11 needs to be made when you're making an evaluation.

12 **Q. Okay. And then one of the things that you a**
13 **moment ago talked about was the diversity within this**
14 **state. And I agree with you. I see a lot of the state**
15 **because I travel across half of it to get here. But**
16 **nevertheless, one of the things that you talked about was**
17 **diversity and I'm trying to figure out from your answers**
18 **to two different questions whether you were suggesting**
19 **that there should be a diversity of rates as well.**

20 A. I think one needs to look at the impact of
21 rates on different communities. And I could conceive of
22 a situation where one looks at what rates a manufacturer
23 is paying versus farming and maybe there are situations
24 where there should be a rate difference.

25 **Q. But what I'm hearing -- and I understand what**

1 you're saying here -- but manufacturing and farming are
2 two different animals altogether.

3 A. Right.

4 Q. However, the diversity in people's abilities
5 to pay are something all together different. Is that
6 something that should be taken into account when
7 establishing rates?

8 A. That's a difficult question for me to answer.
9 I think one needs to look at that. But how one would
10 implement that, if that were at all possible, I don't
11 know. Certainly, I'll give you another situation where
12 it may relate to that.

13 I suspect this year because of the economic
14 burden that this virus has caused that utilities have
15 fairly large bad debts because people don't have the
16 ability to pay. Now, should that increase in bad debts
17 be off-put into next year's rates? Should it be
18 amortized over five or six years' rates? I'm not
19 suggesting I have the answer. I'm suggesting that's a
20 question that needs to be asked if that in fact is what
21 they've put in the request for.

22 It's at what point and how do they recover
23 those bad debts and what is the impact of that on rates
24 and what is their charity? They've committed to a
25 certain amount of charity. Have they lived up to that

1 charity? So whether it's in the rates or it's in the
2 rates via a charity or in a subsidy program could be
3 looked at. So, you know, when we say in the rates, to me
4 that's a fairly broad statement. It's how you deal with
5 that differing impact on different socioeconomic
6 situations and is there a way to deal with it.

7 **Q. Okay. And you were talking about being an**
8 **advocate for the best for South Carolina. When you use**
9 **the term advocate, tell me, what role does the Commission**
10 **play in advocating?**

11 A. Well, again, you're dealing with a
12 multi-state company. I don't know how they're going to
13 allocate their corporate office and their overhead. Are
14 they going to allocate it on an incremental basis after
15 the merger or are we now picking up one-third or
16 one-fourth, because they're in three or four states, of
17 all of their overhead? I don't know. One needs to look
18 at that.

19 **Q. I'm zeroing in on one term only, advocate.**

20 A. Okay.

21 **Q. Does the Commission advocate?**

22 A. In my sense of the word, I'm saying yes.
23 Because we should be supportive for our own state as
24 compared to other parts of anybody's organization.

25 **Q. And in the rate structure, are you including**

1 ROE as well as all other types --

2 A. I mean --

3 Q. Okay. I'm just asking because some people
4 don't even know what ROE is, I promise you that.

5 A. If you don't -- and I'll try to explain. If
6 you don't allow for that, back to your point, you don't
7 allow for the entity to grow and prosper and continue to
8 serve. All that's going to happen in some sense is
9 what's happening to our bridges, you know, where if you
10 don't allow for repair, maintenance and improvement, all
11 you're going to get is bridges that are going to fall
12 down. We certainly don't want pipelines bursting and
13 falling down.

14 Q. Okay. When you were asked the question about
15 ex parte communications you said, no, they're not
16 allowed; is that correct?

17 A. That's my answer.

18 Q. Are there ever any occasions when they are
19 allowed?

20 A. I can't envision one.

21 Q. Well, there is.

22 A. I mean, again --

23 Q. But that's okay.

24 A. I would be happy to learn that.

25 Q. I'm not going to teach you about it, I'm just

1 telling you. And when you said that the Public Service
2 Commission regulates the electric companies, not the
3 co-ops, are there any other areas of enterprise, I'll
4 call it that, that the Public Service Commission
5 regulates?

6 A. I believe they do the other like water and
7 gas, et cetera.

8 Q. It's a laundry list?

9 A. Yes.

10 Q. But you've only talked about electricity.

11 A. Mainly because that's the one I could find
12 the most information on in the -- off of public records
13 in the computer.

14 Q. Okay. Good deal. Thank you very much, sir.
15 I'm glad to have you here.

16 A. Thank you.

17 REPRESENTATIVE SANDIFER: MR. CHAIRMAN, thank
18 you.

19 EXAMINATION

20 BY CHAIRMAN ALEXANDER:

21 Q. So am I hearing you from the standpoint that
22 with your background in CPA and accounting, that you
23 would utilize that in your work on the Commission, but I
24 think some of the other questions brought up that how
25 would you come up to speed on other issues outside of

1 **accounting that are before the Commission?**

2 A. I would invest my personal time to meet with
3 staff attorneys, with other members of the Commission,
4 particularly the Chairman, and the retiring person from
5 District 1 and whatever other parties are willing to
6 spend time with me to help me understand and grow to
7 become familiar with all of the issues that are in front
8 of the Committee.

9 **Q. Based on your lifetime of work, do you feel**
10 **that there would be any challenge and you'll be able to**
11 **come up to speed from that standpoint?**

12 A. Not at all. To give you an example, I
13 started as a rules official twelve years ago. Within two
14 years of my first starting I became an expert rated rules
15 official by the USGA. So if I put the time in -- and
16 it's pretty much demonstrated. My MBA I was a -- a long
17 time ago I was a straight A student. My undergraduate
18 level, we might not look at that one quite as closely.

19 **Q. We understand.**

20 A. I didn't let class interfere with my
21 education. But, in fairness, I've worked two and three
22 jobs to put myself through school, so that did impact a
23 little bit my grade structure.

24 **Q. I understand. And talking about the test,**
25 **the test result, just your observation of the value of**

1 the test as part of the screening process, do you have
2 any comment to that?

3 A. Other than it demonstrated my lack of
4 knowledge of the details of energy and the Commission's
5 activities on a current basis. I don't come before the
6 Commission with that background. I mean, it did not have
7 questions asking about financial statements and/or a rate
8 request with financial information in it, so it -- I
9 don't want to say biased in a negative sense. It had a
10 purpose and that purpose wasn't exactly or nearly
11 relative to the experience that I'd bring to the
12 Commission.

13 It certainly, I think, favors someone who
14 comes from the industry. And, you know, I'm not sure
15 when you're in a rate-setting position, that universally
16 is, you know -- if that's your screen and you get that
17 kind of situation, I'm not sure you get the best result
18 in terms of breadth of people looking at that rate
19 request. But, I mean, it clearly serves a purpose and,
20 you know, that's just an observation from somebody --

21 Q. That's why I wanted to get that observation.

22 A. -- who obviously didn't come from that
23 background.

24 Q. Okay. Thank you.

25 CHAIRMAN ALEXANDER: Are there other

1 questions?

2 (No response)

3 CHAIRMAN ALEXANDER: Seeing none virtually, I
4 think that concludes the screening. We appreciate you
5 being with us this afternoon and your willingness to
6 serve --

7 MR. DURISHAN: Thank you.

8 CHAIRMAN ALEXANDER: -- and for taking that
9 time. And I hope you stay safe and healthy.

10 MR. DURISHAN: Thank you. The same to you
11 all, too.

12 CHAIRMAN ALEXANDER: Thank you.

13 MR. DURISHAN: Thank you for having me. I
14 know it was a long day.

15 CHAIRMAN ALEXANDER: And if you would be kind
16 enough to take that little cover off and discard it in
17 the trash can. Thank you very much.

18 (The screening was concluded at 3:59 p.m.)

19 CHAIRMAN ALEXANDER: I'll entertain a motion
20 that we would go into Executive Session to discuss
21 potential employment pursuant to Section 30-4-70 and for
22 receipt of legal advice pursuant to Section
23 30-4-70(a)(2).

24 REPRESENTATIVE SANDIFER: I move.

25 CHAIRMAN ALEXANDER: I have a motion by

1 Chairman Sandifer. I have a second by -- numerous
2 seconds, and I would recognize Mr. Jones. There various
3 seconds there virtually. Are there any discussions on
4 that motion to move for a vote. All in favor, please say
5 aye or raise their hands.

6 (Response)

7 CHAIRMAN ALEXANDER: I would deem that it's
8 unanimous from that standpoint. So we will now go into
9 Executive Session.

10 (Executive Session - 4:00 p.m. to 4:52 p.m.)

11 CHAIRMAN ALEXANDER: The door is open. Okay.
12 We are out of Executive Session and no action was taken
13 in Executive Session. We have completed the screening of
14 candidates, so I believe that brings us to the point
15 where we could consider candidates and finding them
16 qualified.

17 So, again, I think that would be the question
18 that is before us today are those that have the names
19 from the various Districts have been screened for the
20 first time. Is there any opposition to us moving forward
21 with the determination of qualifications?

22 (No response)

23 CHAIRMAN ALEXANDER: Hearing none, then we
24 will proceed. And what I would like to do is to call out
25 the names of each individual by District and ask for a

1 show of hands, being we have folks that are joined with
2 us virtually. And, again, I would deem that a quorum is
3 present for us to conduct that business.

4 District number 1, the first name -- and I'm
5 going to go in the orders that I have before me. The
6 first one is Mr. Robert "Rob" A. Callahan. Anyone
7 wishing to find him qualified, please raise your hand.
8 And that's for Mr. Robert A. Callahan.

9 (No response)

10 CHAIRMAN ALEXANDER: I would declare that he
11 did not receive a sufficient number for him to be found
12 qualified. I will go to Mr. John C. Dulude. Those
13 wishing to find him qualified, please raise your hand.

14 (Response)

15 CHAIRMAN ALEXANDER: Okay. You can lower
16 your hands. I would declare that Mr. John C. Dulude is
17 found qualified with the appropriate number of votes to
18 be found qualified.

19 Next is Mr. Emory J. "Jack" Hagan, III. All
20 those wishing to find him qualified, please raise your
21 hand.

22 (No response)

23 CHAIRMAN ALEXANDER: Okay. I would deem and
24 declare that he did not receive the sufficient numbers to
25 be found qualified.

1 Next, I will go to Mr. Bradford E. Love. Any
2 members wanting to vote for him to be found qualified,
3 please raise your hand.

4 (No response)

5 CHAIRMAN ALEXANDER: I would declare that he
6 did not receive the sufficient numbers to be found
7 qualified.

8 Next is Mr. William R. Sloger, Jr. Those
9 wishing to find him qualified, please raise your hand.

10 (Response)

11 CHAIRMAN ALEXANDER: Okay. I would deem with
12 sufficient votes that he is found qualified receiving the
13 number necessary to be found qualified.

14 Also in District number 1 is Mr. Mark W.
15 Durishan. Anyone wishing to vote to find him qualified,
16 please raise your hand.

17 (No response)

18 CHAIRMAN ALEXANDER: I would declare that he
19 did not receive sufficient numbers to be found qualified.
20 That completes District number 1.

21 That takes us to District number 3. Again, I
22 will take those in order as what we have received and
23 through the screening process. The first individual is
24 Mr. Terry T. Boling. Those that wish to find him
25 qualified, please raise your hand.

1 (No response)

2 CHAIRMAN ALEXANDER: I would declare that he
3 did not receive sufficient numbers to be found qualified.

4 That takes us to Mr. Lonnie R. Hyatt. Those
5 wishing to find him qualified, please raise your hand.

6 (Response)

7 CHAIRMAN ALEXANDER: Okay. You can lower the
8 hands. I would deem that he has been found qualified of
9 receiving the necessary votes to be found qualified.

10 Next is Mr. Willie J. Morgan. Those wishing
11 to find him qualified, please raise your hand.

12 (Response)

13 CHAIRMAN ALEXANDER: Okay. You can lower the
14 hands. I would deem that he has been found qualified and
15 received the numbers necessary to be found qualified.

16 Continuing in District 3, the next and last
17 candidate is Maria Jonelle P. Ratliff-Kennen. Those
18 wishing to find her qualified, please your hand.

19 (No response)

20 CHAIRMAN ALEXANDER: I would declare that she
21 did not receive sufficient numbers to be found qualified.

22 That takes us to District number 5. And we
23 have Mr. Lyle W. Fairey, Jr. Those wishing to find him
24 qualified, please raise your hand.

25 (No response)

1 CHAIRMAN ALEXANDER: Okay. I would declare
2 that he did not receive a sufficient number for him to be
3 found qualified.

4 That takes us to District number 7. First we
5 had for District 7 is Mr. Clint A. Elliott. Those
6 wishing to find him qualified, please raise your hand.

7 (Response)

8 CHAIRMAN ALEXANDER: You can lower the hands.
9 I would deem that Mr. Elliott has received the votes to
10 be found qualified for Seat 7.

11 Next, we go to Mr. Harry David Huntley.
12 Those wishing to find him qualified, please raise your
13 hand.

14 (No response)

15 CHAIRMAN ALEXANDER: I would declare that he
16 did not receive the sufficient numbers to be found
17 qualified.

18 Next is Steven A. Janes. Those wishing to
19 find him qualified, please raise your hand.

20 (No response)

21 CHAIRMAN ALEXANDER: I would declare that he
22 did not receive sufficient numbers to be found qualified.

23 Next, we'll go to Mr. Delton W. Powers, Jr.
24 Those wishing to find Mr. Powers qualified, please raise
25 your hand.

1 (Response)

2 CHAIRMAN ALEXANDER: Okay. You can lower the
3 hands. I would deem that Mr. Powers has been found
4 qualified by receiving the numbers necessary to be found
5 qualified.

6 That brings us, still in District number 7,
7 to Mr. James A. Ward. Those wishing to find Mr. Ward
8 qualified, please raise your hand.

9 (No response)

10 CHAIRMAN ALEXANDER: Okay. You can lower
11 those hands. I would declare that he did not receive the
12 sufficient numbers to be found qualified.

13 Those are all of the individuals that have
14 been screened that have been before us for action for
15 today. We'll have a recap of those that have previously
16 been found qualified for tomorrow for consideration. We
17 will also go by the agenda that we have for tomorrow to
18 conduct our business starting at 10:00 a.m. in the
19 morning.

20 So knowing of no other business that is to
21 come before us this afternoon, and I'm looking at the
22 thumbs up from the folks on the screen that they're ready
23 for a wrap-up for today, then I will declare that we are
24 adjourned and we'll see you at 10:00 a.m. Thursday.
25 Thank you all. We stand adjourned.

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(The taking of the Hearing adjourned at
4:53 p.m.)

CERTIFICATE OF REPORTER

I, Laura S. DeCillis, Certified Court Reporter and Notary Public in and for the State of South Carolina at large, do hereby certify:

That the foregoing Hearing was taken before me on the date and at the time and location stated on Page 1 of this transcript; that each candidate was duly sworn to testify to the truth, the whole truth and nothing but the truth; that said hearing was recorded stenographically by me and was thereafter transcribed; that the foregoing Hearing as typed is a true, accurate and complete record made to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

I further certify that the original of said transcript shall be hereafter sealed and delivered to the Public Utilities Review Committee.

Witness my hand, I hereunto affixed my official seal this 4th day of August 2020, Richland County, South Carolina.

Laura S. DeCillis

Laura S. DeCillis, CCR, CVR, CCRI
State of South Carolina at Large
My Commission expires 8/4/26

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