

**BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA**

CM #18-23

July 11, 2018

2:00 ~ 2:40 P.M.

COMMISSION MEMBERS PRESENT: Comer H. ‘Randy’ RANDALL, *Chairman*; and COMMISSIONERS John E. ‘Butch’ HOWARD, Elliott F. ELAM, Jr., Swain E. WHITFIELD, Thomas J. ‘Tom’ ERVIN, and G. O’Neal HAMILTON

COMMISSION MEMBERS ABSENT: Commissioner Justin T. WILLIAMS

ADVISOR TO COMMISSION: Joseph Melchers, Esq.
GENERAL COUNSEL

PRESENTING AGENDA: James Spearman, Ph.D.
EXECUTIVE ASSISTANT TO COMMISSIONERS

STAFF PRESENT: Jocelyn G. Boyd, Chief Clerk/Administrator; F. David Butler, Esq., Senior Counsel; B. Randall Dong, Esq., Josh Minges, Esq., and David W. Stark, III, Esq., Legal Advisory Staff; Douglas K. Pratt, William O. Richardson, Thomas Ellison, and John Powers, Technical Advisory Staff; Janice Schmieding, Clerk’s Staff; Patricia Stephens, Project Management Staff; Randy Erskine, Information Technology Staff; and Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter.

**TRANSCRIPT / MINUTES
OF
COMMISSION BUSINESS MEETING**

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

101 EXECUTIVE CENTER DRIVE
COLUMBIA, SC 29210

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In accordance with S.C. Code § 30-4-80(E), the Public Service Commission hereby certifies that it has notified all persons, organizations, local news media, and all other news media requesting notification of the time, date, place, and agenda of this public meeting, by posting a copy of the Notice in its principal office, by e-mailing such Notice to all who request same, and by posting the Notice on the Commission's official Internet website.

P R O C E E D I N G S

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2 **CHAIRMAN RANDALL:** Be seated, please. I want
3 to welcome everyone to this afternoon's meeting.
4 I'll ask that you please pause for a moment of
5 silence.

6 [Brief pause]

7 Amen.

8 Okay. Dr. Spearman.

9 **DR. SPEARMAN:** Mr. Chairman and Commissioners,
10 our first order of business would be to set the
11 next Commission Meeting. Next week is the NARUC
12 meetings. Therefore, I propose that the next
13 meeting be on Wednesday, July 25th, at two in the
14 afternoon.

15 **CHAIRMAN RANDALL:** That's good. Thank you.

16 **DR. SPEARMAN:** Mr. Chairman and Commissioners,
17 on the Utilities Agenda, Item 1, 2005-214-C, we
18 have a Fourth Amendment to an Interconnection
19 Agreement.

20 **COMMISSIONER HAMILTON:** Mr. Chairman.

21 **CHAIRMAN RANDALL:** Commissioner Hamilton.

22 **COMMISSIONER HAMILTON:** Mr. Chairman, I'd move
23 we approve the Fourth Amendment to the
24 Interconnection Agreement between West Telecom
25 Services, LLC, and BellSouth Telecommunications,
26 LLC, doing business as AT&T South Carolina. So
27 moved, Mr. Chairman.

28 **CHAIRMAN RANDALL:** Thank you.

29 You've heard Commissioner Hamilton's motion.
30 Are there questions or comments?

31 [No response]

32 If not, all in favor, please say "aye"?

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COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 2, Docket No. 2018-219-C, BellSouth Telecommunications is asking us to reverse the ruling denying their request for numbering resources in the Charleston rate center.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move to override the pooling administrator's denial of numbering resources in the Charleston rate center to serve the Medical University of South Carolina, requested by BellSouth Telecommunications, LLC, doing business as AT&T South Carolina, and order the Pooling Administrator to issue the thousands-blocks numbering resources in the format of 843-NX1, 843-NX3, 843-NX5, or 843-NX7 for the Charleston rate center, as requested by the company. So moved, Mr. Chairman.

CHAIRMAN RANDALL: You've heard Commissioner Howard's motion. Are there questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 3, Docket No. 2013-268-C, South Carolina Telephone Coalition is requesting confidential treatment of the rate floor

1 certifications.

2 **COMMISSIONER HAMILTON:** Mr. Chairman.

3 **CHAIRMAN RANDALL:** Commissioner Hamilton.

4 **COMMISSIONER HAMILTON:** Mr. Chairman, I'd move
5 we grant the Motion for Confidential Treatment of
6 the 2018 Rate Floor Certifications filed on behalf
7 of the South Carolina Telephone Coalition. So
8 moved, Mr. Chair.

9 **CHAIRMAN RANDALL:** You've heard Commissioner
10 Hamilton's motion. Are there questions or
11 comments?

12 [No response]

13 If not, all in favor, please say "aye"?

14 **COMMISSIONERS:** Aye.

15 **CHAIRMAN RANDALL:** All opposed, "no"?

16 [No response]

17 The motion carries. Thank you.

18 **DR. SPEARMAN:** Item 4, Docket No. 2018-14-C,
19 FTC Communications is requesting confidential
20 treatment of Exhibits 2, 3, and 4 of its ETC Annual
21 Report. This is used for Universal Service.

22 **COMMISSIONER WHITFIELD:** Mr. Chairman.

23 **CHAIRMAN RANDALL:** Commissioner Whitfield.

24 **COMMISSIONER WHITFIELD:** Mr. Chairman, I move
25 that we grant the request of FTC Communications,
26 Incorporated, doing business as FTC Wireless, for
27 confidential treatment of Exhibits 2, 3, and 4 of
28 the company's ETC Annual Report. The company
29 asserts that these exhibits contain competitively
30 sensitive information. So moved, Mr. Chairman.

31 **CHAIRMAN RANDALL:** You've heard Commissioner
32 Howard's motion. Are there questions or comments?

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[No response]

If not, all in favor, please say “aye”?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, “no”?

[No response]

The motion carries.

DR. SPEARMAN: Item 5, Docket No. 2018-35-C, the North American Numbering Plan Administrator is petitioning for rate relief for the 803 area code, which is expected to exhaust.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I’d move we grant the Petition for Relief of the 803 NPA, filed on behalf of the North American Numbering Plan Administrator, and cancel the hearing scheduled for August 14th. Numbers in the 803 area code are expected to exhaust by the fourth quarter of 2020. The industry agrees an all-services overlay is the best solution. It would require 10-digit dialing, and it would require no one to exchange an existing an telephone number. The expected implementation would take place over approximately 13 months and would have a projected life of 46 years. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You’ve heard Commissioner Elam’s motion. Are there any questions or comments?

[No response]

If not, all in favor, please say “aye”?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, “no”?

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[No response]

The motion carries. Thank you.

DR. SPEARMAN: Item 6, Docket No. 2014-126-C, Sage Telecom Communications is requesting to operate under a trade name.

[Brief pause]

COMMISSIONER ELAM: Oh, excuse me. I'm sorry, Mr. Chairman. Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: I was –

CHAIRMAN RANDALL: You were way down there.

COMMISSIONER ELAM: – away for a second. Mr. Chairman, I move we approve the request on wireless lifeline service to provide service under the trade name "TruConnect." So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Elam's motion. Are there any questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item seven, Docket No. 2017-292-WS, the Office of Regulatory Staff's Petition for Rehearing or Reconsideration of Commission Order.

COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: Mr. Chairman, although Commission Order 2018-345(A) is based on

1 and supported by the evidence presented at the
2 hearing, at this time, I move to grant rehearing on
3 the following issues raised by ORS:

4 (1) Sludge-hauling expenses: ORS argued that
5 the sludge-hauling expenses during the test year
6 were abnormally high and, therefore, should be
7 normalized. Carolina Water Service argued that the
8 sludge-hauling experience during the test year were
9 known and measurable expenses that reflect the
10 sludge-hauling expenses that will occur in the
11 future.

12 At rehearing, Carolina Water Service, CWS,
13 should update sludge-hauling expenses for the most
14 recent period available and provide, on a monthly
15 basis, the amount of sludge hauled and the cost of
16 transporting the sludge.

17 (2) Litigation costs: ORS argued that no
18 litigation costs should be borne by the customers,
19 if for no other reason than that the courts ruled
20 against CWS in the majority of the actions. The
21 company argued that litigation expenses are a cost
22 of doing business and are known and measurable.
23 During the merits hearing, neither ORS nor CWS
24 provided disaggregated legal expenses.

25 At rehearing, the litigation expenses should
26 be provided for each legal action, along with a
27 description of the legal action, and an outcome or
28 status of each case. Further, the parties should
29 be prepared to address the reasonableness of the
30 fees in each particular case, based on the factors
31 listed in Commission Order 2006-543, page 27. I
32 must point out something in regard to those

1 factors. ORS' motion asserts that this Commission
2 has found that, quote, "unsuccessful defense of a
3 civil action," end quote, is the sole factor
4 considered by this Commission when weighing the
5 appropriateness of litigation expense recovery.
6 However, to the contrary, and I quote, "the amount
7 involved and the results obtained," end quote, are
8 listed as only one of the eight factors – not the
9 sole factor – for consideration by the Commission.

10 (3) Friarsgate EQ basin liner project: ORS
11 argued that the expenses associated with the
12 replacement of the EQ liner should not be
13 recoverable because not all of the work has been
14 completed. CWS argued that the expenditures on the
15 work that has been completed are known and
16 measurable and recoverable in this case.

17 At the rehearing, the Commission will consider
18 an update on the status of the EQ liner
19 replacement, including expenditures and the
20 projected final completion date. The parties
21 should be prepared to address whether expenses of
22 the EQ basin remediation would have been required
23 absent the plan to replace the liner.

24 (4) Lastly, rate design: In this Docket, both
25 ORS and CWS employed a rate design based on cost-
26 of-service in each of the two service territories,
27 which was included in a Settlement Agreement signed
28 by ORS, CWS, and Forty Love Point Homeowners'
29 Association, and approved in Commission Order No.
30 2015-876. Both the company and ORS proposed rates
31 post-hearing in the present case. In its Petition,
32 ORS argues that CWS used, and the Commission

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approved, a different rate design than cost-of-service for each service territory. It is apparent ORS is confusing rate design with rates resulting from a specific rate design as impacted by adjustments in the case.

At rehearing, the parties should describe the method used to determine rates.

Mr. Chairman, I would also note that the Order the Commission issued was a rate decrease for some customers in Territory 1 with full service.

Also, Mr. Chairman, I move that reconsideration or rehearing of the following matters be denied, and they are:

The Federal Tax Cuts and Jobs Act: ORS initiated Docket No. 2017-381-A to address the impacts of the Tax Cuts and Jobs Act. In Order No. 2018-345(A) the Commission ruled that the appropriate venue for issues relating to the Tax Cuts and Jobs Act is Docket No. 2017-381-A. Oral arguments in Docket 2017-381-A were scheduled for July 10, 2018; however, on July 3, 2018, a Joint Motion for Continuance of Oral Arguments was filed so as to allow more time for the parties to hold discussions which may lead to a settlement. ORS filed a letter of no objection to the Motion for Continuance.

Also to be denied is return on equity. The evidence in the record supports the Commission's ruling on the allowed return on equity. The Commission found the CWS rate-of-return witness' arguments were more persuasive for a number of reasons. He provided more indicia of market

1 returns, by using analytical methods and proxy
2 group calculations. His use of analysts' estimates
3 for his DCF analysis is supported by consensus, as
4 is his use of arithmetic mean. His non-price-
5 regulated proxy group more accurately reflected the
6 total risk faced by price-regulated utilities and
7 CWS, and he accurately noted that CWS is
8 significantly smaller than its proxy group
9 counterparts. Contrary to the assertion of ORS,
10 the Commission did not approve a 50-basis-point
11 small company adjustment. ORS is correct in
12 stating that the Commission has not, in the past,
13 approved a small company adjustment. No small
14 company adjustment was approved by the Commission
15 in Order No. 2018-345(A), although one of the many
16 factors the Commission considered in finding the
17 CWS witness persuasive was his recognition of the
18 size of the company. However, because the
19 Commission has not approved a small company
20 adjustment in the past does not preclude approval
21 of a small company adjustment in the future, if the
22 evidence supports such an adjustment.

23 Finally, Mr. Chairman, I move that Staff be
24 directed to set an aggressive schedule for
25 rehearing and that the directive memorializing this
26 motion shall be the Commission's order on this
27 ruling for rehearing.

28 Mr. Chairman, I so move.

29 **CHAIRMAN RANDALL:** Thank you, Commissioner
30 Whitfield.

31 You've heard Commissioner Whitfield's motion.
32 Are there questions or comments?

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COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I had voted “no” on this original motion, and part of my problem at the time was I expressed a frustration with the all-or-nothing choices that seemed to be present in the record. I believe the rehearing on those issues, hopefully, will provide us a little more light and so that we’re not faced with the same issue. And in that respect, I appreciate the Commission granting this rehearing. On the return on equity, I don’t know that I necessarily agree with the number of the Commission, but I do believe that it’s supportable in the record. Thank you.

COMMISSIONER ERVIN: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Ervin.

COMMISSIONER ERVIN: I’d like the record to reflect that I will not be voting on this motion, since I was not here for the original hearing, and I’ve been advised by our Staff attorneys that, under current law, I am not permitted to participate.

CHAIRMAN RANDALL: Thank you.

We’ll note that Commissioner Ervin will not be voting.

Anything else? Any other comments, questions?

[No response]

If not, all in favor, please say “aye”?

COMMISSIONERS_[except Comm’r Ervin]: Aye.

CHAIRMAN RANDALL: All opposed, “no”?

[No response]

[Please note: Commissioner Ervin cast no

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vote in this matter.]

And the motion carries. Thank you.

DR. SPEARMAN: Item 8, Docket No. 2018-3-E, we have a Motion for Admission *Pro Hac Vice*.

COMMISSIONER ERVIN: I want to move that we grant the Motion for Admission *pro hac vice* for Lauren Joy Bowen in the case of Docket No. 2018-3-E, which is the annual review of base rates for fuel costs, for Duke Energy Carolinas, LLC.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Ervin's motion. Are there questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: Item 9, in Docket No. 2018-3-E, we have a Petition to Intervene in the Duke Energy Carolinas fuel case.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move we deny the Petition to Intervene filed on behalf of Terry Scott Griffin, based upon the failure to follow PSC regulations regarding the requirements of the Petition to Intervene. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Howard's motion. Are there questions or comments?

[No response]

1 If not, all in favor, please say "aye"?

2 **COMMISSIONERS:** Aye.

3 **CHAIRMAN RANDALL:** All opposed, "no"?

4 [No response]

5 And the ayes have it.

6 **DR. SPEARMAN:** Item 10, Docket No. 2018-202-E,
7 Duke Energy Carolinas and Duke Energy Progress
8 seeking approval of a CRPE queue number proposal
9 and limited waiver of generator interconnection
10 procedures. These are procedures that are in place
11 in North Carolina. They've also asked for
12 expedited review. The Office of Regulatory Staff
13 has asked for time for discovery.

14 **COMMISSIONER ERVIN:** Mr. Chairman, I'd like to
15 move that we deny the request of Duke Energy
16 Carolinas, LLC, and Duke Energy Progress, LLC, for
17 expedited review, and grant ORS' request to hold in
18 abeyance for purposes of discovery. The parties
19 are to report on their progress back to us, within
20 30 days from the date of order.

21 **CHAIRMAN RANDALL:** Thank you.

22 You've heard Commissioner Ervin's motion. Are
23 there questions or comments?

24 [No response]

25 If not, all in favor, please say "aye"?

26 **COMMISSIONERS:** Aye.

27 **CHAIRMAN RANDALL:** All opposed, "no"?

28 [No response]

29 The motion carries.

30 **DR. SPEARMAN:** Item 11, Docket No. 2018-171-E,
31 this is the Complaint of Ms. Lutz against South
32 Carolina Electric & Gas. We have a Motion to

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Dismiss.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move we grant the Motion to Dismiss. Ms. Lutz's new Complaint attempts to re-litigate the same issues decided in Orders No. 2017-728 and 2017-775, which were issued in Docket No. 2017-291-E. Ms. Lutz failed to appeal our 2017 Orders to the South Carolina Court of Appeals, and she cannot revive her claims in a new docket.

Furthermore, in asking the Commission to vacate or invalidate police reports pertaining to her dispute with SCE&G, Ms. Lutz seeks relief that is outside the Commission's jurisdiction. All the allegations contained in Ms. Lutz's Complaint must therefore be dismissed, and the hearing in this matter must be canceled and not rescheduled.

So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Howard's motion. Are there questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 13, Docket No. 2018-210-E, we have a request to withdraw a complaint; the matter has been resolved.

CHAIRMAN RANDALL: Number 12?

1 **DR. SPEARMAN:** Did I skip it? Oh, excuse me.
2 I'm one ahead of myself.

3 **CHAIRMAN RANDALL:** Yeah, I think we jumped
4 one.

5 **DR. SPEARMAN:** Yes. Item 12, 2018-208-E,
6 South Carolina Electric & Gas Company seeking
7 approval of a contract for electric service, and
8 there's a request for confidential treatment of the
9 contract.

10 **COMMISSIONER ELAM:** Mr. Chairman?

11 **CHAIRMAN RANDALL:** Commissioner Elam.

12 **COMMISSIONER ELAM:** Mr. Chairman, I move to
13 approve the Contract for Electric Service between
14 South Carolina Electric & Gas Company and Charter
15 NEX Films, Incorporated, and grant confidential
16 treatment per request of Charter NEX Films,
17 Incorporated. Charter NEX Films asserts that the
18 contract contains competitively sensitive
19 information. So moved.

20 **CHAIRMAN RANDALL:** You've heard Commissioner
21 Elam's motion. Are there any questions or
22 comments?

23 [No response]

24 If not, all in favor, please say "aye"?

25 **COMMISSIONERS:** Aye.

26 **CHAIRMAN RANDALL:** All opposed, "no"?

27 [No response]

28 And the motion carries. Thank you.

29 **DR. SPEARMAN:** Now we're on 13.

30 **CHAIRMAN RANDALL:** Now 13.

31 **DR. SPEARMAN:** We have a request to withdraw a
32 complaint which has been resolved.

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COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: I move that we grant the request of Roy A. Justice to withdraw complaint, since this matter has been resolved. So moved.

CHAIRMAN RANDALL: Okay. You've heard Commissioner Whitfield's motion. Questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 14, Docket No. 2018-218-E, Duke Energy Carolinas is seeking approval to issue \$4 billion worth of securities.

COMMISSIONER ERVIN: Mr. Chairman, I move that we approve the issuance and sale of \$4 billion aggregate principal amount of all or any combination of proposed debt securities, long-term bank borrowings, tax-exempt bond obligations, lease financing obligations, and interest rate management agreement, as proposed by Duke Energy Carolinas, LLC. The understanding is the proceeds from the sale of securities may be used for the purchase or redemption of outstanding higher-cost securities, refunding maturing securities, financing ongoing construction, or for general purposes. The Office of Regulatory Staff has reviewed the Application and has indicated that it does not object to this

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request. So moved.

CHAIRMAN RANDALL: You've heard Commissioner Ervin's motion. Are there questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: In Item 15, Docket No. 2017-2_[sic]-E and 2017-305-E and 2017-370-E, these are all the nuclear-related dockets. We have a Petition for Rehearing or Reconsideration of Orders No. 2017-73H and 2018-79H.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, SCE&G and Dominion Energy, or the Joint Applicants, have petitioned this Commission for rehearing and reconsideration of Hearing Officer Order Nos. 2018-73H and 2018-79H, or the Discovery Orders, in which the Hearing Officer granted the ORS Motion to Compel and denied reconsideration of his decision to compel SCE&G to produce information in response to ORS Request 5-25. The Joint Applicants ask us to overrule the decisions granting ORS access to information from governmental investigations arising out of the V.C. Summer Project.

Order No. 2018-73H was issued by the Hearing Officer on June 21, 2018, and compelled production of the information by July 6, 2018. The Order denying reconsideration, Order No. 2018-79H, was

1 issued on July 3, 2018, promptly after
2 reconsideration was requested by the Joint
3 Applicants on July 2nd. The Hearing Officer's
4 Order denying reconsideration also denied a
5 requested stay of production of the materials past
6 the original July 6, 2018, deadline.

7 Mr. Chairman, I move that the Joint
8 Applicants' Petition for Rehearing and
9 Reconsideration to this Commission be denied.

10 First, the Joint Applicants cite the
11 impracticability of Order No. 2018-79H, which
12 required them to produce the specific information
13 within two business days. Of course, the Hearing
14 Officer's initial order to compel production by
15 July 6, 2018, was issued on June 21, 2018.
16 Commission Regulation 103-854(D) states that filing
17 a petition shall not excuse or delay compliance
18 with an order issued by the Commission, unless the
19 Commission so indicates. We hold that this
20 regulation also applies to Hearing Officer orders.
21 Accordingly, no impracticability occurred, since
22 SCE&G was on notice of the July 6, 2018, deadline
23 for production of discovery as early as June 21,
24 2018, the date of the original Hearing Officer's
25 Order.

26 Second, the Joint Applicants assert that the
27 Discovery Orders constitute an expansion of
28 discovery obligations, and that the Orders violate
29 South Carolina law and the Commission's
30 Regulations. According to the Joint Applicants,
31 the discovery requests concern a single "cloned"
32 discovery request from other cases that requires

1 SCE&G to produce to ORS documents whose relevance
2 ORS cannot begin to ascertain, whose relevance is
3 doubtful, and which will be duplicative. The Joint
4 Applicants cite a South Carolina Court of Common
5 Pleas decision which refused to compel SCE&G's
6 response to nearly identical document requests as
7 exceeding the scope of discovery permitted under
8 the South Carolina Rules of Civil Procedure,
9 specifically Rule 26(b)(1). The Circuit Court
10 found that there must be a showing of relevance
11 between the discovery sought and the action before
12 the Court. The Court did not find a clear nexus in
13 that case.

14 ORS has stated that Request 5-25 only seeks
15 information from investigations arising out of the
16 V.C. Summer project and that ORS is not seeking
17 information on government investigations that do
18 not arise out of the project. ORS also noted that
19 governmental investigations regarding the problems
20 at the project are likely sources of information
21 regarding the prudence of SCE&G's decisions, and
22 thus are relevant in the present dockets and are
23 reasonably calculated to lead to the discovery of
24 admissible evidence.

25 I agree with ORS that the material is relevant
26 and reasonably calculated to lead to the discovery
27 of admissible evidence in the present dockets,
28 since the material could provide information on the
29 prudence of SCE&G's decisions with regard to the
30 V.C. Summer construction project. The nexus
31 between the discovery sought and the action before
32 the Commission is clear, unlike in the referenced

1 Circuit Court case. Despite arguments to the
2 contrary, I believe that the request is well within
3 the bounds of discovery defined by Rule 26, and
4 SCE&G's additional arguments are simply unavailing.

5 Again, I move that the Joint Applicants'
6 Petition be denied, and that the Hearing Officer's
7 Orders therefore be affirmed.

8 Mr. Chairman, the Joint Applicants have also
9 requested an extension until July 13, 2018, to
10 comply with the Hearing Officer's Orders to produce
11 the discovery, if we uphold those Orders. ORS has
12 no objection to the extension. Since I have moved
13 to uphold those Orders, I further move that we
14 grant the requested extension for compliance until
15 July 13, 2018, and that the directive memorializing
16 this motion shall be the Commission's Order on this
17 issue.

18 So moved, Mr. Chairman.

19 **CHAIRMAN RANDALL:** Thank you, Commissioner
20 Elam.

21 You've heard Commissioner Elam's motion. Do
22 we have questions or comments?

23 [No response]

24 If not, all in favor, please say "aye"?

25 **COMMISSIONERS:** Aye.

26 **CHAIRMAN RANDALL:** All opposed, "no"?

27 [No response]

28 The motion carries. Thank you.

29 **DR. SPEARMAN:** Mr. Chairman and Commissioners,
30 that completes the Utility Agenda.

31 On the Transportation Agenda, Items 1 through
32 9 are Applications for Class C Certificates. Item

1 1 is the Application of Sergio Cruz or Sabrina
2 Cruz, doing business as The Splendid Carriage; Item
3 2 is the Application of Julie M. Barnes, doing
4 business as Summerville Cab Company; Item 3 is the
5 Application of ART Transportation; Item 4 is the
6 Application of Beckon of Hope, LLC; Item 5 is the
7 Application of Rhofx Group, LLC, doing business as
8 Southern Care Non-Emergency Medical Transport; Item
9 6 is the Application of Charleston Party Pro's,
10 LLC; Item 7 is the Application of Reliable
11 Transportation Services, LLC; Item 8 is the
12 Application of Mom's Magic Minibus, LLC; and Item 9
13 is the Application of Herman Davis, doing business
14 as Yellow Cab. We can take these separately or
15 together.

16 **COMMISSIONER HAMILTON:** Mr. Chairman.

17 **CHAIRMAN RANDALL:** Commissioner Hamilton.

18 **COMMISSIONER HAMILTON:** Mr. Chairman, I'll
19 take 1 through 9 together and move that we grant
20 the approval of the new Applications identified by
21 Dr. Spearman. So moved, Mr. Chair.

22 **CHAIRMAN RANDALL:** You've heard Commissioner
23 Hamilton's motion. Are there questions or
24 comments?

25 [No response]

26 If not, all in favor, please say "aye"?

27 **COMMISSIONERS:** Aye.

28 **CHAIRMAN RANDALL:** All opposed, "no"?

29 [No response]

30 The motion carries. Thank you.

31 **DR. SPEARMAN:** Item 10, Docket No. 2014-229-T,
32 MXM Investments is requesting to amend Certificate

1 for a name change.

2 **COMMISSIONER ERVIN:** Mr. Chairman, I move that
3 we grant the request of MXM Investments, LLC, to
4 amend Class C (Non-Emergency) Certificate No.
5 8979-A to read "Js' Transportation, LLC."

6 **CHAIRMAN RANDALL:** Thank you.

7 You've heard Commissioner Ervin's motion. Are
8 there any questions or comments?

9 [No response]

10 If not, all in favor, please say "aye"?

11 **COMMISSIONERS:** Aye.

12 **CHAIRMAN RANDALL:** All opposed, "no"?

13 [No response]

14 The motion carries. Thank you.

15 **DR. SPEARMAN:** Item 11, Docket No. 2013-196-T,
16 is the Application of Pit Bull Taxi to amend its
17 Certificate for a change in passenger restriction.

18 **COMMISSIONER HOWARD:** Mr. Chairman.

19 **CHAIRMAN RANDALL:** Commissioner Howard.

20 **COMMISSIONER HOWARD:** Thank you. I move we
21 grant the request of Pit Bull Taxi, LLC, to amend
22 passenger restriction on their Class C (Taxi)
23 Certificate – that number is 8841 – to read
24 "Fifteen (15)." So moved, Mr. Chairman.

25 **CHAIRMAN RANDALL:** Thank you.

26 You've heard Commissioner Howard's motion.
27 Are there questions or comments?

28 [No response]

29 If not, all in favor, please say "aye"?

30 **COMMISSIONERS:** Aye.

31 **CHAIRMAN RANDALL:** All opposed, "no"?

32 [No response]

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The motion carries.

DR. SPEARMAN: Item 12, Docket No. 2010-408-T, SC Express, LLC, doing business as Aiken Limousine, is requesting to amend Certificate for a name change.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN RANDALL: Yes, sir, Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chairman, I'd move we grant the request of SC Express, LLC, doing business as Aiken Limousine, to amend Class C (Charter) Certificate No. 8397 to read "South Carolina Express, LLC, doing business as South Carolina Express." So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Hamilton's motion. Questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: And Item 13, Docket No. 2014-347-T, Phillip A. Martin requests to amend Certificate for a name change.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chairman, I'd move we grant the request of Phillip A. Martin to amend Class C (Taxi) Certificate No. 8967 to read "Minute-Ride Taxi Services, LLC." So moved, Mr.

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Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Hamilton's motion.

Questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: And Item 14, Docket No. 2018-80-T, Middletons Transport, LLC, requests an extension of time.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move we grant the request of Middletons Transportation, LLC, for an extension of time, until August 31, 2018, and that is to comply with Commission Rules and Regulations. So moved, Mr. Chairman.

CHAIRMAN RANDALL: You've heard Commissioner Howard's motion. Are there questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: In Item 15, Docket No. 2018-86-T, Quality Errands & Personal Care, LLC, requesting an extension of time.

COMMISSIONER HOWARD: Mr. Chairman.

1 **CHAIRMAN RANDALL:** Commissioner Howard.

2 **COMMISSIONER HOWARD:** I move we grant the
3 request of Quality Errands & Personal Care, LLC,
4 for an extension of time, again, until August 31,
5 2018, to comply with Commission Rules and
6 Regulations. So moved, Mr. Chairman.

7 **CHAIRMAN RANDALL:** Thank you.

8 You've heard Commissioner Howard's motion.
9 Are there questions or comments?

10 [No response]

11 If not, all in favor, please say "aye"?

12 **COMMISSIONERS:** Aye.

13 **CHAIRMAN RANDALL:** All opposed, "no"?

14 [No response]

15 The motion carries. Thank you.

16 **DR. SPEARMAN:** Item 16, Docket No. 2018-190-T,
17 a Petition to Intervene regarding the Application
18 of AA Coastal Transportation of South Carolina,
19 LLC.

20 **COMMISSIONER ELAM:** Mr. Chairman?

21 **CHAIRMAN RANDALL:** Commissioner Elam.

22 **COMMISSIONER ELAM:** Mr. Chairman, this
23 Petition to Intervene was not filed until after the
24 Commission approved the Application of AA Coastal
25 Transportation of SC, LLC, for a Class C (Charter)
26 Certificate. Therefore, I move the Petition to
27 Intervene be denied as moot. So moved, Mr.
28 Chairman.

29 **CHAIRMAN RANDALL:** You've heard Commissioner
30 Elam's motion. Any questions or comments?

31 [No response]

32 If not, all in favor, please say "aye"?

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COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: Item 17, Docket No. 2018-176-T, Sergio and/or Sabrina Cruz, doing business as The Splendid Carriage, requests a rescission of Commission Order 2018-378.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chairman, I'd move we grant the request of Sergio and Sabrina Cruz, doing business as The Splendid Carriage, to rescind Commission Order No. 2018-378, which approved their Application for a Class C (Charter) Certificate. So moved, Mr. Chairman.

CHAIRMAN RANDALL: You've heard Commissioner Hamilton's motion. Do we have any questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: Item 18, Docket No. 1996-203-T, Gottfried's Island Movers is requesting cancellation of Certificate.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I move we grant the request of Gottfried's Island Movers,

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Incorporated, to cancel Class E (Household Goods) Certificate No. 9677. So moved,

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Elam's motion. Are there questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 19, Docket No. 1998-643-T, Allen Singletary, doing business as Selective Charter and Tour, to cancel his Certificate.

COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: I move that we grant the request of Allen Singletary, doing business as Selective Charter and Tour, to Cancel Class C Charter Bus Certificate No. 0067. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Whitfield's motion. Questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: Item 20, Docket No. 2016-344-T, Dream Classic Rentals, LLC, requesting

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reinstatement of Certificate.

COMMISSIONER ERVIN: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Ervin.

COMMISSIONER ERVIN: I move that we grant the request of Dream Classic Rentals, LLC, for reinstatement of Class C (Charter) Certificate No. 9199, subject to compliance with all applicable Commission Rules and Regulations. So moved.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Ervin's motion. Any questions or comments?

[No response]

If not, all in favor, please say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

DR. SPEARMAN: Mr. Chairman and other Commissioners, this completes our agenda for today.

CHAIRMAN RANDALL: Thank you, Dr. Spearman.

If nothing else, this meeting is adjourned.

[WHEREUPON, at 2:40 p.m., the proceedings in the above-entitled matter were adjourned.]



Date: 7/11/18 .

Jo Elizabeth M. Wheat, CVR-CM/M-GNSC
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