

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

CM #19-04

February 6, 2019

2:00 ~ 2:22 P.M.

COMMISSION MEMBERS PRESENT: Comer H. ‘Randy’ RANDALL, *Chairman*; and COMMISSIONERS John E. ‘Butch’ HOWARD, Swain E. WHITFIELD, Thomas J. ‘Tom’ ERVIN, and Justin T. WILLIAMS

COMMISSION MEMBERS ABSENT: Commissioner G. O’Neal HAMILTON

ADVISOR TO COMMISSION: Joseph Melchers
GENERAL COUNSEL

PRESENTING AGENDA: Josh Minges, Esq.
LEGAL ADVISORY STAFF

STAFF PRESENT: David W. Stark, III, Esq., Legal Advisory Staff; Jerisha Dukes, Commissioners’ Staff; Douglas K. Pratt, John Powers, William O. Richardson, Norman Scarborough, and Amanda Golebiowski, Technical Advisory Staff; Janice Schmieding, Rob Bockman, and Afton Ellison, 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

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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:** Please be seated. I want
3 to welcome everyone to this afternoon's business
4 meeting.

5 We would ask first if you will please bow your
6 head for a moment of silent reflection.

7 [Brief pause]

8 Amen. Thank you.

9 Mr. Minges.

10 **MR. MINGES:** Good afternoon, Mr. Chairman,
11 Commissioners. Due to a meeting at NARUC next week
12 and the holiday the following week, our next
13 scheduled Commission Meeting will be Wednesday,
14 February 27th, at 2 o'clock, unless otherwise
15 called by the Chair.

16 **CHAIRMAN RANDALL:** That's fine. Thank you.

17 **MR. MINGES:** We have one item in a
18 Supplemental Agenda, Docket No. 2019-46-T. It's
19 the Application of Walter Chambers, d/b/a W&S
20 Transportation.

21 **COMMISSIONER WILLIAMS:** Mr. Chairman.

22 **CHAIRMAN RANDALL:** Commissioner Williams.

23 **COMMISSIONER WILLIAMS:** Mr. Chairman, I move
24 that we approve the Application of Walter Chambers,
25 doing business as W&S Transportation, for a Class C
26 (Non-Emergency) Certificate.

27 At the request of the Commission, the Office
28 of Regulatory Staff investigated whether Mr.
29 Chambers' proposed tariff was in compliance with
30 the Americans with Disabilities Act. As part of
31 its investigation, the Office of Regulatory Staff
32 consulted with LogistiCare Solutions, LLC,

1 contracted through the South Carolina Department of
2 Health and Human Services to be the Statewide Non-
3 Emergency Medical Transportation Broker responsible
4 for coordinating transportation for patients.
5 Legal and administrative staff for LogistiCare
6 verified with the Office of Regulatory Staff that
7 the Americans with Disabilities Act does not deal
8 specifically with pricing or safety, only
9 accessibility. As such, charging a higher rate for
10 a wheelchair-accessible vehicle does not violate
11 the Americans with Disabilities Act, and the Office
12 of Regulatory Staff has therefore come to the
13 belief that the rates proposed in Mr. Chambers'
14 Application are in compliance with the Americans
15 with Disabilities Act.

16 As such, Mr. Chairman, I move that we approve
17 the Application. So moved.

18 **CHAIRMAN RANDALL:** Thank you.

19 You've heard Commissioner Williams' motion.
20 Are there questions or comments?

21 [No response]

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

23 **COMMISSIONERS:** Aye.

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

25 [No response]

26 The motion carries. Thank you.

27 **MR. MINGES:** On our Utility Agenda, Item 1,
28 Docket Nos. 2014-276-C, 2016-180-C, 2000-121-C,
29 2006-42-C, 2008-49-C, 1985-157-C, 1996-89-C, 2000-
30 536-C, and 2009-300-C, we have a request from
31 Spirit Communications and its affiliate companies
32 to use a tradename.

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COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: Thank you. Spirit Communications and its affiliate companies – the “Spirit Companies” – request authority to use the trade name “Segra” in South Carolina. The Spirit Companies have not changed, and do not intend to change, their legal names. The companies provide services to commercial business customers and do not provide service to residential customers in South Carolina. The intent of the Spirit Companies to do business under the trade name “Segra” has been reported in newspapers of general circulation and in trade journals, both online and in print. In addition, the company account representatives have contacted individual customers and informed them of the intent to use the trade name.

I move we approve the use of the trade name “Segra” for use by the Spirit Companies.

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. Thank you.

MR. MINGES: Items 2 and 3 can be taken together. Item 2, Docket No. 2013-298-E and Item 3, Docket No. 2016-149-E, Duke Energy Carolinas and Duke Energy Progress are requesting to amend their

1 respective Residential Smart \$aver Energy
2 Efficiency Programs.

3 **COMMISSIONER WHITFIELD:** Mr. Chairman.

4 **CHAIRMAN RANDALL:** Commissioner Whitfield.

5 **COMMISSIONER WHITFIELD:** Mr. Chairman, Duke
6 Energy Carolinas and Duke Energy Progress propose
7 to make certain modifications to their respective
8 Residential Smart \$aver Energy Efficiency Programs.
9 In regard to their proposed tariff revisions, the
10 companies want to remove the current dollar amounts
11 listed for incentives the companies offer for
12 certain energy-efficient home improvements. The
13 reasons stated by each company for the proposed
14 changes are, quote, "in order to improve the
15 company's ability to quickly react to changes in
16 the marketplace and to increase the cost-
17 effectiveness of the program," end quote.

18 Each company also proposes internal program
19 changes to, quote, "recognize lower actual
20 incremental customer costs, make its trade ally
21 participation more streamlined and less costly,
22 reduce its program administration costs, and
23 recognize a three-year transition to referral-only
24 channels," end quote.

25 Mr. Chairman, I'd note ORS does not object to
26 the proposals.

27 I would like to learn more about the rationale
28 behind the deletion of specific incentive amounts
29 from the tariffs and why the companies believe they
30 need to do so in order to quickly react to changes
31 in the marketplace and increase the cost-
32 effectiveness of the program. I also think we

1 would benefit from more information on the internal
2 program changes.

3 Therefore, I move that we invite the companies
4 to request an allowable ex parte briefing to
5 address these issues in more detail. I so move,
6 Mr. Chairman.

7 **CHAIRMAN RANDALL:** Thank you.

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

10 **COMMISSIONER WILLIAMS:** Mr. Chairman.

11 **CHAIRMAN RANDALL:** Yes, sir. Commissioner
12 Williams.

13 **COMMISSIONER WILLIAMS:** Thank you, Mr.
14 Chairman.

15 Commissioner Whitfield, I appreciate your
16 motion, and I'm happy to hear from the company, but
17 I'd also like to point out that it would be
18 beneficial for this Commission that, if we had more
19 information coming from the Office of Regulatory
20 Staff – I understand that they don't object to the
21 company's program, but at the same time there's no
22 reason or rationale for that position. Without
23 that information, it seems as if this Commission
24 will be making decisions in the dark. For example,
25 what documentation did the Office of Regulatory
26 Staff Review; why does the Office of Regulatory
27 Staff propose – or, think the proposal will be
28 beneficial to both the company and South Carolina
29 ratepayers, or why don't they think the same. If
30 we're going to make such decisions, again, I agree
31 that it would be helpful to hear from the company,
32 but it would be just as helpful to understand the

1 Office of Regulatory Staff's basis for their
2 position.

3 So maybe after we hear from the company, we
4 may can also hear from the Office of Regulatory
5 Staff just to make sure that we know where they're
6 – we know – not only know where they stand, but why
7 they stand there. Does that make sense?

8 **COMMISSIONER WHITFIELD:** Certainly,
9 Commissioner Williams. I think, at least when I
10 was with Staff yesterday, we discussed that a
11 little bit. And, certainly, ORS would be present
12 at the allowable ex parte by the company, and then
13 I certainly would agree with what you said;
14 afterward, ORS could report back to us after we
15 hear from the company, or maybe either in writing
16 or possibly a presentation at another time. And I
17 certainly share your concerns there.

18 **CHAIRMAN RANDALL:** Thank you. Any other
19 questions or comments?

20 Thank you, Commissioner Williams.

21 [No response]

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

23 **COMMISSIONERS:** Aye.

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

25 [No response]

26 The motion carries. Thank you.

27 **MR. MINGES:** Item 4, Docket No. 2015-146-E, we
28 have a request for confidential treatment of an
29 amended power purchase agreement dated May 25,
30 2016.

31 **COMMISSIONER HOWARD:** Mr. Chairman.

32 **CHAIRMAN RANDALL:** Commissioner Howard.

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COMMISSIONER HOWARD: I move we accept the filing *nunc pro tunc* and grant the request for confidential treatment. 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]

And the ayes have it.

MR. MINGES: Item 5, Docket No. 2018-3-E, Duke Energy Carolinas is requesting to remove the second-meter requirement in Its Renewable Net Metering Tariff.

COMMISSIONER ERVIN: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Ervin.

COMMISSIONER ERVIN: The removal of this requirement for a second revenue-grade meter on customers' net metering projects should be granted. I find that such a move would result in customer savings on the installed cost of the customers' renewable projects. A sufficient number of second meters has been installed to achieve the original objective of allowing the company to study the impacts of net energy metering on its distribution system. The ORS has sent us a letter that they do not object.

Therefore, I move that we grant the request to remove the requirement for a second revenue-grade meter on all customers' net metering projects. So

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moved.

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.

MR. MINGES: Item 6, Docket No. 83-307-E, is a request for confidential treatment.

COMMISSIONER ERVIN: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Ervin.

COMMISSIONER ERVIN: Per Commission Order No. 84-142, SCE&G is required to file annually with the Commission an audited statement on the condition of the company's external nuclear decommissioning fund. On January 30, 2019, the company filed the Fund Trustee's annual accounting report for calendar year 2018. The public version of this report was filed with only confidential bank account numbers redacted. I move that we grant the request to find confidential the unredacted version of the report due to the inclusion of bank account numbers, just to protect the party involved. So I would move that we grant that request.

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"?

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COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

MR. MINGES: Items 7 and 8 can be taken together. Item 7, Docket No. 2018-319-E, is a request for public hearings in the Duke Energy Carolinas rate docket, and Item 8, Docket No. 2018-318-E, is a request for public hearings in the Duke Energy Progress rate docket.

COMMISSIONER WILLIAMS: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Williams.

COMMISSIONER WILLIAMS: Mr. Chairman, I move that we grant the requests for public hearings in Greenville, Anderson, and Spartanburg Counties, along with granting the requests for public hearings in Sumter and Florence Counties. So move, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Williams' 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.

MR. MINGES: Turning to our Transportation Agenda, Items 1 through 4 are new applications that can be taken together. Item 1, Docket No. 2019-52-T, is the Application of Executive Medical Transportation, Ltd. Company for a Class C (Non-

1 Emergency) Certificate; Item 2, Docket No. 2019-53-
2 T, is also Executive Medical Transportation, Ltd.
3 Company for a Class C (Stretcher Van) Certificate;
4 Item 3, Docket No. 2019-54-T, is the Application of
5 Travis Rapp and Emory Brown, d/b/a Plus Luxury
6 Limousine; and Item 4, Docket No. 2019-60-T, is
7 Hilton Head Classic Limousine Company,
8 Incorporated, d/b/a Hilton Head Paratransit NEMT,
9 for a Class C (Non-Emergency) Certificate.

10 **COMMISSIONER HOWARD:** Mr. Chairman.

11 **CHAIRMAN RANDALL:** Commissioner Howard.

12 **COMMISSIONER HOWARD:** I move we approve the
13 Applications in Items 1 through 4. So moved, Mr.
14 Chairman.

15 **CHAIRMAN RANDALL:** Thank you.

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

18 [No response]

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

20 **COMMISSIONERS:** Aye.

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

22 [No response]

23 The motion carries. Thank you.

24 **MR. MINGES:** Item 5, Docket No. 2011-520-T, is
25 a request to cancel, filed by Dave's Cab Company,
26 LLC, d/b/a A&D Taxi, f/k/a David M. Pinter, d/b/a
27 Dave's Cab.

28 **COMMISSIONER HOWARD:** Mr. Chairman.

29 **CHAIRMAN RANDALL:** Commissioner Howard.

30 **COMMISSIONER HOWARD:** I move we grant the
31 request of Dave's Cab Company, LLC, d/b/a A&D Taxi,
32 to cancel Class C – that's Taxi – Certificate, and

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that number is 8554-A. 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. Thank you.

MR. MINGES: Item 6, Docket No. 2015-216-T, is
a request to amend the Certificate of Danielle
Williams and Septian Jones, d/b/a V.I.P.

COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: I move that we grant
the request of Danielle Williams and Septian Jones,
doing business as V.I.P. Limo, to Amend Class C
(Charter) Certificate No. 9108 to Read "Island limo
LLC." So moved.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Whitfield'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.

MR. MINGES: Item 7, Docket No. 2018-348-T, is
the Petition of the Office of Regulatory Staff to
revoke Certificates of certain motor carriers for

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failure to file annual reports and/or gross receipts.

COMMISSIONER WILLIAMS: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Williams.

COMMISSIONER WILLIAMS: Mr. Chairman, I move that we grant the Petition of the Office of Regulatory Staff to revoke the Certificates of certain motor carriers who remain out of compliance for failure to file annual reports and/or gross receipts. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Williams' 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.

MR. MINGES: Item 8, Docket No. 2018-355-T, we have a motion to dismiss.

COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: I move that we grant the requests of JMS Worldwide and Dr. Kupiec to dismiss the Complaint filed in Dr. Kupiec's name.

CHAIRMAN RANDALL: Thank you.

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

[No response]

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

COMMISSIONERS: Aye.

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CHAIRMAN RANDALL: All opposed, “no”?

[No response]

The motion carries. Thank you.

MR. MINGES: Item 9, Docket 2018-211-T, we also a motion to dismiss.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: Thank you. Mr. Marra commenced this Complaint on June 17, 2018, alleging that Richard Johnson and/or his company, JMS Worldwide, LLC, stole property and overcharged him for a move. Prior to filing his complaint with the Commission, Mr. Marra requested that the Office of Regulatory Staff investigate his allegations. On September 25, 2018, ORS submitted to the Commission its findings, to the effect that Mr. Marra had been undercharged by \$49, that JMS wrote Mr. Marra’s credit card number on the bill of lading, and that the items on the bill of lading were not clearly labeled. In his Complaint filed with the Commission, Mr. Marra does not seek monetary relief, but asks that the Commission revoke JMS’s Certificate of Public Convenience and Necessity.

On October 10, 2018, the Hearing Examiner in this matter requested that ORS examine and investigate the documents and materials presented by Mr. Marra and report its findings to the Commission. In a letter dated December 18, 2018, ORS reported that it had received 13 complaints related to MJS_[sic] since 2015 and that MJS_[sic] has represented to the Commission that it performed over 3,000 moves during that period. Of the 13

1 complaints, three were settled by the parties;
2 three were adjusted in accordance with the
3 Commission's Regulations; two related to bills of
4 lading, which were found to be accurate; and two
5 were found to be undercharges; and three related to
6 unregulated moves outside the Commission
7 jurisdiction. ORS noted that most problems
8 concerning JMS centered on customer service issues.
9 ORS's sole recommendation in its report was that
10 JMS develop a Code of Ethics and Conduct
11 incorporating customer service best practices, and
12 that their Code of Ethics and Conduct be filed with
13 approval by the Commission.

14 I move the Commission adopt the recommendation
15 of the Office of Regulatory Staff and instruct JMS
16 to develop the recommended Code of Ethics and
17 Conduct and to present it to the Commission within
18 30 days of the Commission Order.

19 In his original Complaint, Mr. Marra requested
20 that we revoke JMS's Certificate of Public
21 Convenience and Necessity. The allegations
22 contained within Mr. Marra's Complaint are not
23 sufficient to support the relief Mr. Marra seeks
24 here, and the Complaint is therefore ripe for
25 judgment on the pleadings, pursuant to Rule 12(c)
26 of the South Carolina Rules of Civil Procedure.
27 Therefore, I move we dismiss Mr. Marra's Complaint
28 and enter judgment on the pleadings in favor of JMS
29 Worldwide, LLC.

30 So moved, Mr. Chairman.

31 **CHAIRMAN RANDALL:** Thank you.

32 You've heard Commissioner Howard's motion.

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Are there questions or comments about this?

[No response]

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

COMMISSIONERS: Aye.

CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

MR. MINGES: That's the last item on our agenda, Mr. Chairman.

CHAIRMAN RANDALL: Thank you, Mr. Minges.

That will conclude this business meeting. Our next business meeting will be on February 27th, as scheduled.

We have – following this business meeting, we will have an ex parte. Normally, we would clear the room, but I think we've got sufficient – we're good to go. We'll make sure everybody gets a sheet they have to sign that will make this ex parte legal. So with that, this business meeting is adjourned.

[WHEREUPON, at 2:22 p.m., the proceedings in the above-entitled matter were adjourned.]



Date: 2/11/19

Jo Elizabeth M. Wheat, CVR-CM/M-GNSC
Court Reporter ~ Public Service Commission of South Carolina
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