

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

CM #19-03

January 30, 2019

2:00 ~ 2:40 P.M.

COMMISSION MEMBERS PRESENT: Comer H. ‘Randy’ RANDALL, *Chairman*; Elliott F. ELAM, Jr., *Vice Chairman*; and COMMISSIONERS John E. ‘Butch’ HOWARD, Swain E. WHITFIELD, Thomas J. ‘Tom’ ERVIN, Justin T. WILLIAMS, and G. O’Neal HAMILTON

COMMISSION MEMBERS ABSENT: —

ADVISOR TO COMMISSION: Joseph Melchers, Esq.
GENERAL COUNSEL

PRESENTING AGENDA: Douglas K. Pratt
TECHNICAL ADVISORY STAFF

STAFF PRESENT: F. David Butler, Esq., Senior Counsel; B. Randall Dong, Esq., Josh Minges, Esq., and David W. Stark, III, Esq., Legal Advisory Staff; Jerisha Dukes, Commissioners’ Staff; John Powers 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

1
2 **CHAIRMAN RANDALL:** Please be seated. Good
3 afternoon, and welcome to this afternoon's meeting.
4 We'd like to ask everyone, first, to please bow
5 your head for a moment of silent reflection.

6 [Brief pause]

7 Amen. Thank you.

8 Mr. Pratt.

9 **MR. PRATT:** Good afternoon, Mr. Chairman and
10 members of the Commission.

11 Our first order of business is setting the
12 time of the next meeting. If we follow our usual
13 practice, that will be at 2 p.m. on Wednesday,
14 February 6th.

15 **CHAIRMAN RANDALL:** Thank you. Wednesday the
16 6th, at 2 p.m. Thank you.

17 **MR. PRATT:** Mr. Chairman and members of the
18 Commission, we have one Supplemental Utilities Item
19 today. It involves our nuclear Dockets, 2017-207-
20 E, 2017-305-E, and 2017-370-E, and it concerns
21 customer education.

22 **COMMISSIONER WILLIAMS:** Mr. Chairman.

23 **CHAIRMAN RANDALL:** Commissioner Williams.

24 **COMMISSIONER WILLIAMS:** Thank you, Mr.
25 Chairman.

26 On or about January 11, 2018, Dominion Energy
27 and SCANA Corporation gave an allowable *ex parte*
28 presentation to this Commission regarding a merger
29 plan that included a proposal of a \$1000 cash-back
30 rebate to the average ratepayer as a part of the
31 merger.

32 During the course of 2018, Dominion Energy

1 advertised the \$1000 cash-back proposal throughout
2 South Carolina through various means of
3 communication. In fact, the Public Service
4 Commission received approximately 579 prefabricated
5 postcards and form letters in support of the
6 merger, the great majority of which stated support
7 for the merger was in exchange for a \$1000 cash-
8 back option. Those postcards and letters are
9 available for public viewing under Docket
10 2017-370-E.

11 Through the course of the hearing on the
12 aforementioned Dockets, the combined hearing, I was
13 concerned that no party advocated for the \$1000
14 cash-back option. As such, I asked a Dominion
15 witness about how they were going to address the
16 fact that they made an offer for \$1000 that they
17 may not keep.

18 I'm reading from the combined hearing
19 transcript, page 3221 – three thousand two hundred
20 and twenty-one – starting at line 25, and I'm
21 quoting here:

22 “And, when we hear these advertisements of
23 \$1,000, I would submit to you – and maybe you know,
24 maybe you don't know – that there may be some
25 people in District 6 that have already spent that
26 \$1,000. And, if this merger were to be approved,
27 there may be some hurt feelings for some folks in
28 District 6 and maybe for every district here if
29 they come to find out that...thousand dollars is
30 not coming. And so to Commissioner Whitfield's
31 question – because I don't know if I really
32 understood your answer – what do we tell these

1 people if...this merger were to be approved and yet
2 again they feel as if they've been duped/they've
3 been had. How...would you propose to explain
4 that?"

5 And this is the answer by the Dominion
6 witness, Mr. Farrell: "That's a...very fair
7 question, and it will be our responsibility to do
8 that. ...we proposed Alternative B. You did not.
9 We proposed it. We own it. We will communicate
10 [to] the customers that this is in the best
11 interest of the Company and the customers going
12 forward to get their rates down. And I'm not
13 saying it very artfully, sir, but we have – we will
14 work very hard to carry that out. But it
15 would...be our responsibility, not ORS's
16 responsibility, and it's not going to be the
17 Commission's responsibility."

18 And I ended there on page 3223, line one.

19 The merger closed on January 1, 2019. On
20 January 2, 2019, SCANA filed a letter with an
21 attached seven-page enclosure referenced as Exhibit
22 1 and entitled the *Customer Education Program for*
23 *Merger with SCANA*. I question whether this
24 Customer Education Plan, as filed, will answer the
25 question I imagine is most important that
26 ratepayers have in their mind. I imagine this
27 question to be, "Where is my check?"

28 I believe it may be more to my imagination,
29 considering that – or, it may be more than my
30 imagination, considering that on January 14th, this
31 Commission received a letter from a member of the
32 South Carolina House of Representatives regarding

1 advertisements of \$1000 rebate checks if the merger
2 closed. The merger closed, and no one received a
3 \$1000 refund check.

4 I'm concerned that such unfulfilled promises
5 further damage the already damaged public trust in
6 government and business. I'm further concerned
7 that such unfulfilled promises made by an
8 organization under the jurisdiction of the South
9 Carolina Public Service Commission demands that
10 this Commission ask more questions.

11 As such, I move that Staff work with the
12 Office of Regulatory Staff to schedule an allowable
13 *ex parte* hearing within the next 30 days to address
14 the following questions:

- 15 ○ What was the public perception of the
- 16 \$1000 cash rebate advertisement;
- 17 ○ What is the efficacy of Dominion's
- 18 Customer Education Plan to address
- 19 ratepayer distrust in this process;
- 20 ○ What, if any, level of social
- 21 responsibility does a utility have when
- 22 communicating offers of cash rebates to
- 23 ratepayers under the Commission's
- 24 jurisdiction; and
- 25 ○ Any other questions or issues that the
- 26 Office of Regulatory Staff deem necessary
- 27 to help rebuild the public trust.

28 So moved, Mr. Chairman.

29 **CHAIRMAN RANDALL:** Thank you.

30 You heard Commissioner Williams' motion. Are
31 there questions or comments?

32 **COMMISSIONER WHITFIELD:** Mr. Chairman.

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CHAIRMAN RANDALL: Yes, sir.

COMMISSIONER WHITFIELD: Mr. Chairman, I would certainly note what Commissioner Williams has cited in the transcript – he and I had a quite lengthy exchange with the CEO of Dominion, as he referenced in the transcript. And with that, I would certainly support Commissioner Williams’ motion.

CHAIRMAN RANDALL: Thank you, Commissioner Whitfield.

Any other 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. PRATT: Mr. Chairman and other Commissioners, our first Item on our regular Utilities Agenda is Docket No. 2019-43-C, requesting the adoption of an interconnection agreement.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I move we adopt the interconnection agreement between PBT Telecom, Incorporated, doing business as Comporium, and South Carolina Telecommunications Group Holdings, LLC, doing business as Spirit Communications. So moved.

CHAIRMAN RANDALL: Thank you.

You’ve heard Commissioner Elam’s motion. Are there any 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. Thank you.

MR. PRATT: Item 2 involves the appointment of a hearing examiner in Docket No. 2019-20-C.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I would move that we appoint Randall Dong as Hearing Examiner in Docket No. 2019-20-C.

CHAIRMAN RANDALL: Thank you.

COMMISSIONER HAMILTON: So moved, sir.

CHAIRMAN RANDALL: Thank you, Commissioner Hamilton.

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.

MR. PRATT: In Item 3, Docket No. 2018-331-C, we have an application for Certificate of Public Convenience and Necessity.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I move we grant the Application of NGA 911, L.L.C., for a

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Certificate of Public Convenience and Necessity.
So moved.

CHAIRMAN RANDALL: 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. Thank you.

MR. PRATT: Mr. Chairman and Commissioners, Item 4, Docket No. 2000-476-C and Docket No. 2002-420-C; they involve notice of transfer of control.

COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: Mr. Chairman, On November 26, 2018, the Commission was notified that Martin Tibbitts, the owner of National Access Long Distance, Incorporated, and LCR Telecommunications, LLC, passed away last summer, and his estate is in the process of acquiring ownership and control of the company.

The filing informing us of this acquisition states that no regulated customer transfers are planned, nor are changes in tariffs, customer service offerings, and billing practices. Further, National Access Long Distance and LCR Telecommunications will continue to offer and/or provide the same services as offered prior to the transaction, and its business practices, customer service offerings, and/or customer service billing

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will remain the same post-transaction.

Both LCR Telecommunications, LLC, and National Access Long Distance, Incorporated, have filed Authorized Utility Representative Forms indicating that both firms have General Managers and other officials in common. Mr. Chairman, I would note that National Access Long Distance, Incorporated, has not indicated a Registered Agent on their form.

I move that we approve the changes in control, with the stipulation that National Access Long Distance, Incorporated, file a revised Authorized Utility Representative Form indicating their Registered Agent within 60 days from the date of our order.

So moved, Mr. Chairman.

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. PRATT: Item 5, which is Docket No. 2006-401-G, is a request for approval of GCRM-148.

COMMISSIONER ERVIN: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Ervin.

COMMISSIONER ERVIN: It's always great news when the cost of natural gas goes down and we can approve a decrease in sales rate schedules for the ratepayers in the State. And so I move that we

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approve Piedmont Natural Gas Company's GCRM-148, effective with the first billing cycle of February 2019. Piedmont has requested a benchmark cost of gas decrease from the current \$3.75 per dekatherm to \$3.00 per dekatherm.

The Office of Regulatory Staff has reviewed this request and has no objection.

This change will result in a decrease of \$0.07633/therm for sales rate schedules 201 through 204, 242, and 252, and it also results in a decrease of \$0.00133/therm for transportation rate schedules 213 and 214.

So 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. PRATT: Mr. Chairman and Commissioners, Item 6, Docket No. 2019-2-E, involves a petition to intervene out-of-time, filed by the South Carolina Coastal Conservation League and the Southern Alliance for Clean Energy.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chairman, I would move that we grant the Petition to Intervene Out-of-Time. So moved, Mr. Chairman.

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CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Hamilton'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. PRATT: Mr. Chairman and Commissioners, Items 7 through 11 are petitions to intervene, and they may be taken together. Item 7, we have Dockets 2018-318-E and 2018-319-E, which is Duke Energy Progress' and Duke Energy Carolinas' adjustments in rates and tariffs; we have a Petition to Intervene by South Carolina Solar Business Alliance. Item 8 in Docket No. 2018-319-E, we have a Petition to Intervene by the South Carolina Energy Users Committee. Also in Item 9, in Docket No. 2018-319-E, we have a Petition to Intervene filed by Hasala Dharmawardena. Item 10, Docket No. 2018-401-E, we have a request of Beulah Solar, LLC, for modification of Interconnection Agreement with South Carolina Electric & Gas Company; we have a Petition to Intervene filed by Eastover Solar. In Item 11, once again, our two energy dockets for Duke Energy – Dockets 2018-318-E and 2018-319-E – we have a Petition to Intervene filed by Cypress Creek Renewables.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move that we grant the

1 Petitions to Intervene in Items 7 through 11. So
2 moved, Mr. Chairman.

3 **CHAIRMAN RANDALL:** Thank you.

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

6 [No response]

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

8 **COMMISSIONERS:** Aye.

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

10 [No response]

11 The motion carries. Thank you.

12 **MR. PRATT:** Mr. Chairman, other Commissioners,
13 in Item 12, Docket No. 2019-26-E, Duke Energy
14 Progress, Incorporated, is petitioning for an
15 accounting order.

16 **COMMISSIONER ERVIN:** Mr. Chairman?

17 **CHAIRMAN RANDALL:** Commissioner Ervin.

18 **COMMISSIONER ERVIN:** Duke Energy Progress,
19 Incorporated's Petition for an Accounting Order is
20 to defer incremental storm damage expenses from
21 Hurricane Florence, Hurricane Michael, and to
22 continue previously authorized storm deferrals.

23 The company states that Hurricane Florence
24 devastated large portions of South Carolina and
25 North Carolina in September of 2018, and, as we
26 know, resulting in unprecedented costs and the
27 costliest single storm restoration projects in the
28 company's history, and then, some three weeks
29 later, the remnants of Hurricane Michael inflicted
30 additional storm damage across Duke Energy
31 Progress' service territory.

32 In addition, Duke states that it has incurred

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significant storm restoration costs in its South Carolina service territories over the last five years. The company has requested and received deferral for two 2014 storms – that would be Docket No. 2014-482-E – and for Hurricane Matthew, which is Docket No. 2016-408-E.

The company requests and I move that we grant the extension of those deferrals previously ordered, so that the company may explore alternative options for recovery of these deferred balances. If the company is unable to secure a suitable alternative recovery mechanism that results in customer savings, then the company, at that point, will seek recovery through more traditional mechanisms, such as a future rate case, for these deferred costs.

The company has represented that approval of this deferral request will benefit the company and its customers by helping to ensure investors' confidence in Duke Energy Progress and to help assure access to needed capital on reasonable terms and equitable treatment as to the deferred costs and revenues. ORS has reviewed the filings and has stated it has no objection.

The request for relief set forth will not involve a change to any of Duke Energy Progress's retail rates or prices at this time. It should be understood that the issuance of the requested accounting order will not prejudice the rights of this Commission or any party to come forward and address the reasonableness of the costs, including the carrying costs, in a later rate proceeding.

1 For these reasons, I move the adoption.

2 **CHAIRMAN RANDALL:** Thank you.

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

5 [No response]

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

7 **COMMISSIONERS:** Aye.

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

9 [No response]

10 The motion carries. Thank you.

11 **MR. PRATT:** In Item 13, Docket No. 2013-298-E,
12 Duke Energy Carolinas, LLC, requests to amend its
13 PowerShare Nonresidential Load Curtailment Rider.

14 **COMMISSIONER ERVIN:** Mr. Chairman?

15 **CHAIRMAN RANDALL:** Commissioner Ervin.

16 **COMMISSIONER ERVIN:** Duke Energy Carolinas is
17 seeking approval from the Public Service Commission
18 to amend its PowerShare Nonresidential Load
19 Curtailment Rider. The amendment proposed would
20 remove the 50,000-kilowatt limitation on a
21 participating customer's demand that may be
22 curtailed. DEC states that this would allow the
23 company to curtail greater amounts of voluntarily
24 participating customers' demand and will
25 subsequently increase the program's cost-
26 effectiveness for all ratepayers.

27 The Office of Regulatory Staff has reviewed
28 this Petition and advises us that they have no
29 objection.

30 I so move.

31 **CHAIRMAN RANDALL:** Thank you.

32 You've heard Commissioner Ervin's motion. Are

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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. PRATT: In Item 14, Docket No. 2018-320-E, the South Carolina Solar Business Alliance is requesting additional time to file final comments.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move we grant the request of the South Carolina Solar Business Alliance for additional time to file final comments. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Howard'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.

MR. PRATT: Mr. Chairman and Commissioners, Item 15 involves Docket No. 2018-379-E, and this involves procedural matters in Mr. McMillion's Complaint against Duke Energy Carolinas.

COMMISSIONER WILLIAMS: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Williams.

COMMISSIONER WILLIAMS: Thank you, Mr.

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Chairman.

In this docket, the Commission initially appointed a Hearing Examiner to oversee all prehearing matters, rule on motions, and conduct a hearing. This is the standard procedure which is routinely followed in every case in which an individual customer files a complaint against a utility. However, Mr. McMilion has requested that the full Commission hear this case rather than the Hearing Examiner.

In individual complaints such as these, the initial complaint filed by the customer is required to include a detailed statement of the facts and allegations complained of and a statement of what relief the customer wishes to have the Commission order the utility to provide. The Commission treats these statements of facts and allegations and requests for relief as the prefiled testimony of the customer.

Upon receipt of the complaint, the utility may file a prefiled responsive testimony, or it may move to dismiss the complaint, if it believes that the complaint does not allege a violation of law for which the Commission can grant relief. In cases where the utility moves to dismiss the complaint, it usually asks the Hearing Examiner to hold all deadlines for prefiling testimony in abeyance – that is, to suspend the filing schedule – until the motion to dismiss is decided. Again, this is routine procedure.

Mr. McMilion has alleged bias and unfairness in the manner in which his Complaint has been

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handled thus far. We have fully reviewed the history of this matter and have found nothing to indicate any bias or unfairness by the Hearing Examiner. This Complaint has been handled in exactly the same manner as every such complaint, and all actions by the Hearing Examiner to date have been proper and consistent with due process. Nevertheless, the Hearing Officer has recused himself from this docket, and the Commission has agreed to take up the matter directly, as Mr. McMilion has requested.

As stated previously, Mr. McMilion's statement of his case contained within his initial Complaint have been treated as his prefiled testimony. However, in order to ensure that Mr. McMilion has been afforded the fullest opportunity to state his positions to the Commission, we will accept prefiled testimony from him, as well as any legal argument opposing the utility's motion to dismiss, on or before Friday, February 15, 2019. The utility may then prefile testimony, if any, and also file its reply regarding the motion to dismiss, if any, no later than Friday, March 1, 2019. Thereafter, the Commission will rule upon the motion to dismiss and, if the motion to dismiss is denied, the hearing in this matter will then be rescheduled.

So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you, Commissioner Williams.

You've heard Commissioner Williams' 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. Thank you.

MR. PRATT: Item 16 involves Docket No. 2019-17-WS. This is Carolina Water Service's request for an accounting order.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I move we grant Carolina Water Service's request for an Accounting Order to defer and record, as a regulatory asset, certain operations and maintenance expenses caused by hurricanes, with verification.

The company seeks to defer, in a regulatory asset, extraordinary operations and maintenance costs totaling \$208,713.59 that have been incurred by the company related to Hurricane Florence and Hurricane Michael. The company also seeks to amortize the expenses over a five-year period.

The Office of Regulatory Staff does not object.

So moved.

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.

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CHAIRMAN RANDALL: All opposed, “no”?

[No response]

The motion carries. Thank you.

MR. PRATT: In Item 17, Docket No. 2018-361-S, we have a petition to intervene and a motion for an extension of time, filed on behalf of Forty Love Point Homeowners’ Association.

COMMISSIONER WILLIAMS: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Williams.

COMMISSIONER WILLIAMS: I move to grant the Petition to Intervene and the request for an extension of time to file comments until February 15, 2019. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You’ve heard Commissioner Williams’ 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.

MR. PRATT: Item 18 is a request to withdraw Complaint against Duke Energy Carolinas, LLC, in Docket No. 2018-383-E.

COMMISSIONER WILLIAMS: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Williams.

COMMISSIONER WILLIAMS: I move that we grant the request to dismiss all parties and cancel the hearing. So moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You’ve heard Commissioner Williams’ motion.

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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. PRATT: Item 18_[sic] is Docket No. 2019-27-E, a request for forbearance agreement between South Carolina Electric & Gas Company and the South Carolina Public Service Authority.

COMMISSIONER WILLIAMS: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Williams.

And this is No. 19?

MR. PRATT: No. 19.

CHAIRMAN RANDALL: Nineteen.

MR. PRATT: I beg your pardon.

CHAIRMAN RANDALL: Okay. I wanted to make sure.

Yes, sir, Commissioner Williams.

COMMISSIONER WILLIAMS: Thank you, Mr. Chairman.

On December 13, 2018, SCE&G and Santee Cooper executed a Forbearance Agreement resulting from Santee Cooper's decision to suspend construction of the V.C. Summer Units 2 and 3 Project, and SCE&G's decision to cease construction of the Units. By ceasing construction and thereby abandoning the project, SCE&G has irrevocably waived its rights to certain assets related to the project as described in the Agreement.

Because this Commission depends on ORS'

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investigatory function to make a fully informed decision in matters coming before the Commission, I move that we request the Office of Regulatory Staff report to the Commission within 30 days regarding their assessment of the impact of the company's request for the Commission to acknowledge its consent to the Forbearance Agreement.

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. PRATT: Mr. Chairman, in Item 20, we have a request for an allowable ex parte briefing in Docket No. 2017-370-E.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move we grant the current request. I would note that, by State statute, the allowable ex parte process has limits regarding what can be said in a briefing. The statute limits the type of communication that can occur with the Commission. The requestor cannot ask the Commission for any particular action on a subject and the Commission cannot promise or commit to any action at the request of the presenter. On the other hand, presenters may describe their

1 experience or offer their opinion regarding the
2 matter listed in their request.

3 Statute 58-3-260 recognizes the Commission may
4 offer "similar access and a reasonable opportunity
5 to communicate" to any subsequent requestors on the
6 subject. I note that, in this case, the hearing in
7 this matter and the Commission's actions have
8 already taken place. Therefore, to preserve the
9 Commission's resources, for the purposes of
10 judicial economy, I further move that any further
11 requestors will be given the opportunity to provide
12 any briefing comments in writing.

13 So moved, Mr. Chairman.

14 **CHAIRMAN RANDALL:** Thank you.

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

17 [No response]

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

19 **COMMISSIONERS:** Aye.

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

21 [No response]

22 The motion carries. Thank you.

23 **MR. PRATT:** Mr. Chairman, that concludes our
24 Utilities Agenda.

25 Moving on to Transportation, Items 1 through
26 16 and 18 through 20 are new applications and might
27 be taken together. They are the Application of SJ
28 medical transportation services LLC in Item 1; Item
29 2 is the Application of Gregory Smiling, d/b/a
30 Heritage Transportation; Item 3 is the Application
31 of Michael Boatwright d/b/a Boatwright's Transport;
32 Item 4 is the Application of Kontakt 2000, L.L.C.;

1 Item 5 is the Application of Beach Bound Taxi
2 Shuttle, Incorporated; Item 6 is the Application of
3 Samaritan Bed and Bath Services, Incorporated; Item
4 7 is the Application of B&K Transportation LLC,
5 d/b/a Pack's Transportation; Item 8 is the
6 Application of Mount Pleasant Transportation
7 L.L.C.; Item 9 is the Application of E's Investment
8 Company LLC, d/b/a E's Transportation Company; Item
9 10 is the Application of Rogers Transportation,
10 LLC; Item 11 is the Application of A&R
11 Transportation, LLC; Item 12 is the Application of
12 Jafar Parker; Item 13 is the Application of
13 VetPride Services, Inc.; Item 14 is the Application
14 of James Malcolm White, d/b/a J.W. Limo Service;
15 Item 15 is the Application of Crystal Brayboy,
16 d/b/a C&A Transportation; Item 16 is the
17 Application of Island Party Bus LLC; Item 18 is the
18 Application of Superior Senior Services, LLC; Item
19 19 is the Application of M&TW, LLC; and Item 20 is
20 the Application of Midlands Movers, LLC.

21 **COMMISSIONER HAMILTON:** Mr. Chairman.

22 **CHAIRMAN RANDALL:** Commissioner Hamilton.

23 **COMMISSIONER HAMILTON:** Mr. Chairman, I move
24 that we approve the new applications in Items 1
25 through 16 and 18 through 20. I also move to
26 approve the Applicant's request to amend name
27 change in Item 2. So moved, Mr. Chair.

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. Thank you.

MR. PRATT: Mr. Chairman, Item 17 is Docket No. 2019-46-T, and it's the Application of Walter Chambers, d/b/a W&S Transportation.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, the Applicant in this case proposes to charge a higher tariff for its wheelchair-using passengers than for non-wheelchair-using passengers. I move that we request the ORS to investigate whether this proposed tariff provision comports with the Americans with Disabilities Act Regulations as administered by the Federal Transit Administration Office of Civil Rights.

So moved.

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. Thank you.

MR. PRATT: Mr. Chairman, Items 21 through 27 are requests for extensions of time and may be taken together. Item 21 is for MVP Transport, LLC, until May 30, 2019; Item 22 is for Absolute Home

1 Care, LLC, until March 31, 2019; Item 23 is for
2 Aaron's House Incorporated, d/b/a Aaron's Way,
3 until October 3, 2019; Item 24 is for Stephen
4 Coomes d/b/a Coomes Non Emergency Medical Transport
5 until February 28, 2019; Item 25 is for Greer
6 Enterprises, LLC, d/b/a Benevolent Care, for six
7 months; Item 26 is for McCormick County Senior
8 Center, d/b/a Talmadge Tours and Travel, until June
9 30, 2019; and Item 27 is for Transportation Nanny,
10 LLC, until April 30, 2019.

11 **COMMISSIONER WHITFIELD:** Mr. Chairman.

12 **CHAIRMAN RANDALL:** Commissioner Whitfield.

13 **COMMISSIONER WHITFIELD:** Mr. Chairman, I move
14 that we approve the requests for extensions, as
15 identified by Mr. Pratt, in Items 21 through 27.

16 **CHAIRMAN RANDALL:** Thank you.

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

19 [No response]

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

21 **COMMISSIONERS:** Aye.

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

23 [No response]

24 The motion carries. Thank you.

25 **MR. PRATT:** Items 28 through 31 are requests
26 to amend. In Item 28, we have Docket No. 2018-203-
27 T, Sergio Cruz or Sabrina Cruz, d/b/a The Splendid
28 Carriage, amend their Class C Charter Bus
29 Certificate No. 395 to read "The Splendid Carriage,
30 LLC"; Item 29, we have Docket No. 2012-324-T,
31 Hilton Head Limousine Company requests to amend
32 their Class C (Charter) Certificate No. 8655 to

1 read "Hilton Head Limousine Company, Incorporated,
2 d/b/a Yellow Transportation"; Item 30, we have
3 Docket No. 2018-393-T, Greatful medi transportation
4 llc seeks to amend its Application for a Class C
5 (Non-Emergency) to read "Grateful med
6 transportation llc"; and Item 31, Docket No. 2018-
7 381-T, Soda City Movers LLC seeks to amend its
8 tariff.

9 **COMMISSIONER WILLIAMS:** Mr. Chairman?

10 **CHAIRMAN RANDALL:** Commissioner Williams.

11 **COMMISSIONER WILLIAMS:** I move that we approve
12 the requests to amend as described by Mr. Pratt in
13 Items 28 through 31. So moved, Mr. Chairman.

14 **CHAIRMAN RANDALL:** Thank you.

15 You've heard Commissioner Williams' motion.
16 Questions or comments?

17 [No response]

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

19 **COMMISSIONERS:** Aye.

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

21 [No response]

22 The motion carries. Thank you.

23 **MR. PRATT:** Items 32 and 33 are requests for
24 reinstatement. Item 32, Docket No. 2015-158-T, of
25 V&C Transport LLC, Certificate No. 9102; and in
26 Item 33, Docket No. 2010-288-T, Parks Medical
27 Transportation Limited, f/k/a Temeka Parks, d/b/a
28 W.C.C., Certificate No. 8338-A.

29 **COMMISSIONER HOWARD:** Mr. Chairman.

30 **CHAIRMAN RANDALL:** Commissioner Howard.

31 **COMMISSIONER HOWARD:** I move we grant the
32 requests for reinstatement in Items 32 and 33. So

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moved, Mr. Chairman.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Howard'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.

MR. PRATT: Mr. Chairman and Commissioners, Items 33 and – 34 and 35, I beg your pardon, are for cancellation of Certificates. In Item 34, we have Docket No. 2018-246-T, Big D's Limo Service LLC, Certificate No. 9364; and in Item 35, Docket No. 2000-372-T, we have Williamsburg Charters, LLC, Certificate No. 0111.

COMMISSIONER WHITFIELD: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Whitfield.

COMMISSIONER WHITFIELD: Mr. Chairman, I move that we grant cancellation of the Certificates in Items 34 and 35. So moved.

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.

MR. PRATT: Items 36 and 37 are requests to

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suspend Certificates. Item 36, Docket No. 2015-373-T, S&K Transportation, LLC, seeks to suspend Certificate 9121 until June 1, 2019; and in Item 37, Docket No. 2017-130-T, Royal Agency, LLC, seeks to suspend Certificate 9258 until January 31, 2020.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, I move we grant the requests to suspend Certificates as described by Mr. Pratt in Items 36 and 37. So moved.

CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Elam'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.

MR. PRATT: Mr. Chairman and Commissioners, this concludes our Agenda for today.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN RANDALL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chairman, I ask for a special request: I would like to request that we close this meeting in the honor of the late Commissioner Rudolph Mitchell, who served this Commission for many years in a very high professional manner. He also served the Commission as chair at two different times. Mr. Rudolph passed this week, and I'm sure all of us join in

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advising the family our thoughts and feelings.

Thank you, Mr. Chairman.

CHAIRMAN RANDALL: Thank you, Commissioner Hamilton.

We certainly do want to remember Commissioner Mitchell for his many years of dedicated service to this Commission. Commissioner Mitchell was a unique guy, and he was certainly special to everybody that knew him. So, his family, we certainly think about them, and our thoughts and prayers are with all of them.

So, with that – oh, I want to remind everyone that, following this meeting, we do have a transportation hearing. So with that, we are adjourned.

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



Date: 1/31/19 .

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