

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

**SPECIAL CM #18-29**

**September 5, 2018**

**2:00 ~ 2:06 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, Justin T. WILLIAMS, and G. O’Neal HAMILTON

**COMMISSION MEMBERS ABSENT:** —

ADVISOR TO COMMISSION: Joseph Melchers, Esq.  
GENERAL COUNSEL

PRESENTING AGENDA: F. David Butler  
SENIOR COUNSEL

**STAFF PRESENT:** Jocelyn G. Boyd, Chief Clerk/Administrator; Joseph Melchers, General Counsel; B. Randall Dong, Esq., Josh Minges, Esq., and David W. Stark, III, Esq., Legal Advisory Staff; Douglas Pratt, Technical Advisory Staff; Patricia Stephens, Project Management Staff; Randy Erskine, Information Technology Staff; Deborah Easterling, Clerk’s Staff; and Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter.

**TRANSCRIPT / MINUTES  
OF  
SPECIAL COMMISSION BUSINESS MEETING**

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***PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA***

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P R O C E E D I N G S

1  
2           **CHAIRMAN RANDALL:** Please be seated. I want  
3 to welcome everyone to this called meeting, this  
4 afternoon. And I'm going to turn it over to Mr.  
5 Butler.

6           **MR. BUTLER:** Thank you, Mr. Chairman, other  
7 members of the Commission.

8           We just have one item on today's agenda. This  
9 is Docket No. 2017-370-E, and the Staff presents  
10 for Commission consideration the Petition to  
11 Intervene Out of Time filed on behalf of  
12 Transcontinental Gas Pipe Line Company, LLC.

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

14           **CHAIRMAN RANDALL:** Commissioner Elam.

15           **COMMISSIONER ELAM:** Mr. Chairman, I move that  
16 we grant the intervention of Transcontinental Gas  
17 Pipe Line Company.

18           Since Dominion Energy provides competing  
19 interstate pipeline services, Transco's contracts  
20 might well be subject to adverse effects as a  
21 consequence of the proposed merger – about to lose  
22 my voice – and result in higher prices for SCE&G's  
23 customers. In this proceeding, I consider it  
24 appropriate for the Commission to have the  
25 opportunity to explore the nature and degree of  
26 Dominion's potential control after the merger – if  
27 approved – over SCE&G's distribution and  
28 transmission systems, and SCE&G's supply decisions.  
29 Should there be the possibility of adverse effects  
30 on Transco and SCE&G's customers, I feel it would  
31 be better for the Commission to learn of them in

1 this proceeding, rather than later, and to impose  
2 proper safeguards in advance, rather than seek  
3 remedies or redress after adverse effects have  
4 occurred.

5 Further, I think it is in the public interest  
6 that matters of this magnitude, which affect so  
7 many citizens of the State of South Carolina in  
8 such a significant way, be afforded the benefit of  
9 this Commission's broad discretion to allow  
10 intervention. The uniqueness and importance of the  
11 litigation in this combined docket is difficult to  
12 overstate. Similarly, the importance of ensuring  
13 full and robust due process for all stakeholders in  
14 such a proceeding is impossible to overstate.

15 There are several metrics that instruct us as  
16 to what should constitute the minimum required  
17 qualifications for standing. The arguments made in  
18 opposition to allowing Transco to intervene have  
19 some merit; however, as recognized by the Office of  
20 Regulatory Staff at oral arguments, Transco has a  
21 unique interest which may not otherwise be wholly  
22 and properly represented during the proceeding. As  
23 such, I am not compelled to disallow intervention  
24 of such a party.

25 In short, Mr. Chairman, I think Transco ought  
26 to be allowed to represent its interests before us.  
27 In doing so, I think this Commission will have  
28 access to a unique source of information and  
29 perspective that might otherwise be absent. Once  
30 again, for a proceeding of this nature, the  
31 Commission must have access to as much relevant

1 information as possible, in order to make the most  
2 proper and judicially sound decisions. However,  
3 there is the issue of the lateness of Transco's  
4 request for intervention, which, in spite of  
5 inquiries by this Commission, was never adequately  
6 explained, nor was the initial vagueness of Transco  
7 regarding its stated interest in the proceedings,  
8 which required this Commission to provide the  
9 company with several opportunities to explain  
10 itself beyond its initial sparsely explained  
11 Petition. The opportunity to provide Transco's  
12 perspective must not become a stumbling block to  
13 due process for all the other parties in this  
14 litigation, especially given the statutory  
15 instruction this Commission has received regarding  
16 the compressed timeframe for hearing, decision, and  
17 order.

18 Mr. Chairman, it is important that all parties  
19 in these proceedings be afforded a fair and  
20 equitable position from which to litigate their  
21 case. In consideration of that, I would move that  
22 the procedural schedule not be altered to give  
23 Transco additional time to prepare discovery beyond  
24 that currently allowed in the procedural schedule,  
25 nor should additional time be allowed for its  
26 preparation of prefiled testimony and exhibits  
27 beyond that which is currently allowed. The  
28 granting of Transco's untimely intervention request  
29 is not designed or intended to, nor shall it,  
30 create an undue burden upon existing parties to  
31 this litigation. This is a limited opportunity to

1 provide useful information and perspective in  
2 furtherance of due process, and the expectation is  
3 that discovery will be conducted efficiently and  
4 expediently.

5 So moved, Mr. Chairman.

6 **CHAIRMAN RANDALL:** Thank you.

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

9 **COMMISSIONER WHITFIELD:** Mr. Chairman.

10 **CHAIRMAN RANDALL:** Commissioner Whitfield.

11 **COMMISSIONER WHITFIELD:** Mr. Chairman, as  
12 Commissioner Elam said in his motion, the merits of  
13 not allowing Transco to intervene were certainly  
14 with merit, as he stated in his motion. However, I  
15 do want to thank all the parties and Staff for  
16 scheduling oral arguments yesterday. And after  
17 hearing those oral arguments, I am going to support  
18 Commissioner Elam's motion and allow Transco to  
19 intervene.

20 **CHAIRMAN RANDALL:** Commissioner Ervin.

21 **COMMISSIONER ERVIN:** Mr. Chairman, thank you.

22 I consider it appropriate, as well, for the  
23 Commission to have the opportunity to explore the  
24 nature and degree of Dominion's potential control  
25 after a merger, if one is approved, over SCE&G's  
26 distribution and transmission systems, and SCE&G's  
27 supply decisions. It seems that there could be a  
28 possibility of adverse effects on South Carolina  
29 ratepayers, and I feel it would be in the best  
30 interests of the ratepayers of South Carolina and  
31 the State as a whole to learn of these concerns

1 during this proceeding rather than finding out when  
2 it's too late to take action. We also should  
3 consider whether or not to impose proper safeguards  
4 in advance, rather than to seek remedies or  
5 redresses after adverse effects have occurred. And  
6 for those reasons, I also support the motion to  
7 allow Transco to intervene.

8 **CHAIRMAN RANDALL:** Thank you. Thank you.  
9 Commissioner Williams.

10 **COMMISSIONER WILLIAMS:** Thank you, Mr.  
11 Chairman.

12 I think it's interesting that Respondents'  
13 Petition to this Commission regarding approval of  
14 the merger asked, in their request for relief,  
15 subparagraph (b) that the Commission find –  
16 alternatively, that is – find that the merger's in  
17 the public interest or there is an absence of harm  
18 to South Carolina ratepayers as a result of the  
19 merger. What I found interesting in yesterday's  
20 oral arguments is that Transco's counsel related  
21 their interests to the ratepayers' interests; and  
22 what I found additionally interesting to that is  
23 that the Office of Regulatory Staff, who is charged  
24 with protecting South Carolina ratepayers, supports  
25 allowing Transco to intervene because of their  
26 unique position to ask questions regarding how this  
27 merger could potentially impact ratepayers.  
28 Because it's a case of this magnitude, out of an  
29 abundance of caution in protecting South Carolina  
30 ratepayers, I support Commissioner Elam's motion.

31 **CHAIRMAN RANDALL:** Thank you.

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Any other questions or comments?

[No response]

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

**COMMISSIONERS:** Aye.

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

[No response]

And the motion carries. Thank you.

If there's nothing else to come before the  
Commission this afternoon, we are adjourned.

[WHEREUPON, at 2:06 p.m., the proceedings  
in the above-entitled matter were  
adjourned.]

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Date: 9/5/18 .

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