

## *State Regulation of Public Utilities Review Committee*

*Sen. Thomas C. Alexander, Chairman  
Rep. William E. Sandifer, III, Vice Chairman  
Margaret Bluestein, Esquire  
Rep. P. Michael Forrester  
Sen. C. Bradley Hutto  
Dan Jones  
Rep. David J. Mack, III  
Sen. Luke A. Rankin, Sr.  
John S. Simmons, Esquire  
Richele K. Taylor, Esquire*



*Heather Anderson  
Committee Counsel  
Steve Davidson  
Committee Counsel*

*Post Office Box 142  
Columbia, South Carolina 29202  
(803) 212-6208*

### **MEMORANDUM**

TO: Members of the General Assembly

FROM: Thomas C. Alexander and William E. Sandifer, III

DATE: December 17, 2019

RE: Evaluations of the South Carolina Public Service Commission, Members of the South Carolina Public Service Commission, Office of Regulatory Staff, and Executive Director of the Office of Regulatory Staff

---

Pursuant to §58-3-530(3), (4), (6), (7), and (8), the Review Committee is required to evaluate the Public Service Commission (the Commission), the members of the Commission, the Office of Regulatory Staff (ORS), and the Executive Director of the ORS and submit the evaluations to the General Assembly. Pursuant to §58-3-530(15), the Review Committee is required to review the state energy action plan of the State Energy Office. Enclosed are the Review Committee's evaluations and review. Below we discuss the Review Committee's process for evaluating the agencies, the commissioners, the Executive Director of ORS, and the state energy action plan.

### **EVALUATION OF THE PUBLIC SERVICE COMMISSION**

The Review Committee sent a list of goals and objectives for the Commission for the review period, and the Commission provided to the Review Committee a written report of its activities during

the review period as they relate to those goals and objectives. With the information provided in the Commission's written report and discussions during the Review Committee's meeting on October 8, 2019, the Review Committee reviewed the actions of the Commission. A summary of the Commission's report to the Review Committee regarding the Commission's goals and objectives is attached as Exhibit A.

## **EVALUATION OF MEMBERS OF THE PUBLIC SERVICE COMMISSION**

In order to evaluate the commissioners, the Review Committee sent a questionnaire to each commissioner requesting the following information:

- educational programs attended, sponsoring organizations, certificates or recognition received, a description of the topics, a summary of benefit to the Commission, how the program benefited the commissioner, and the amount of time spent out of the office due to attending the educational programs;
- organizations the commissioner is involved in, positions held, committees served on, descriptions of organizations' functions, explanation of the benefits of participation to the Commission, to the commissioner, and the amount of time spent out of the office due to the Commissioner's participation;
- events attended in the commissioner's official capacity, the sponsoring organizations, descriptions of the activity, and the amount of time spent out of the office due to this representation;
- a description of three significant cases in which the commissioner participated, including the case name, the docket number, and a brief summary of the deliberations and decision;
- greatest accomplishments of the commission during the review period;
- the commissioner's work schedule and preparation during an average work week; and
- the effect of the Code of Judicial Conduct and South Carolina's ethics laws on the commissioner's role.

The Review Committee also sent a survey to persons appearing before the Commission and to Commission employees in accordance with Section 58-3-530(5). The survey solicited information to determine whether the commissioner exhibited the qualities necessary to be an effective hearing officer and decisionmaker, including:

- the commissioner's understanding and communication of the goals and mission of the Commission;
- the commissioner's familiarity and knowledge of public utility law;
- the commissioner's desire to increase his or her knowledge and skills;
- the commissioner's treatment of persons appearing before the commissioner;
- the commissioner's influence on employee morale and performance;
- the commissioner's adherence to applicable ethical standards; and
- the commissioner's assurance that hearings were conducted under dignified and orderly procedures.

Because the chairman of the Commission is also the chief executive and administrative officer, the Review Committee also solicited input from persons appearing before the Commission and

Commission employees as to the effectiveness of the chairman's leadership and management of the Commission.

During the committee meeting on October 8, 2019, the Review Committee members discussed each commissioner's questionnaire responses. Although questions from the committee members were based upon the information submitted by each commissioner, every commissioner also was asked about the following: (1) work schedule, (2) what interests are considered in a rate case and how to achieve a balance of those interests, (3) ethics and judicial canons as it relates to public trust.

Each Commissioner's written response to the questionnaire is attached as Exhibit B.

### **EVALUATION OF THE OFFICE OF REGULATORY STAFF**

The Review Committee submitted a questionnaire with goals and objectives for the ORS. The ORS provided to the Review Committee a written report of its activities as they relate to those goals and objectives. With the information provided in ORS's written report and discussions during the Review Committee's meeting on October 8, 2019, the Review Committee reviewed the actions of the ORS. A summary of the ORS' report to the Review Committee regarding the ORS' goals and objectives is attached as Exhibit C.

### **EVALUATION OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF**

In order to fulfill its duty to evaluate the performance of the Executive Director, the Review Committee sent a questionnaire to the Executive Director requesting the following information:

- educational programs attended, sponsoring organizations, certificates or recognition received, a description of the topics, and how the program benefited the ORS;
- professional organizations the Executive Director is involved in, positions held, committees served on, and descriptions of organizations' functions. Explanation of the benefits of participation to the ORS, to the Executive Director, and to the State of South Carolina (e.g., government, consumers, regulated utilities);
- events attended in the Executive Director's official capacity, the sponsoring organizations, and descriptions of the activity (if speech or panel discussions, describe the topic);
- notable cases in which the Executive Director took an active role, including the case name, the docket number, and a brief summary of the deliberations, and the decision;
- greatest accomplishments of the ORS during the review period;
- the Executive Director's most significant accomplishments as the Executive Director during the review period; and
- areas where there is room for improvement and an explanation as to how the Executive Director will take advantage of any opportunities for improvement.

Additionally, the Review Committee sent a survey to ORS employees and persons who interacted with the Executive Director, seeking their opinions with respect to the Executive Director's knowledge of public utility issues, her adherence to ethical constraints, her treatment of persons who interacted with her, her effect on employee morale, and her understanding of the goals and mission of the agency. The Executive Director's written response to the questionnaire is attached as Exhibit D.

## **REVIEW OF THE STATE ENERGY ACTION PLAN OF THE STATE ENERGY OFFICE**

Pursuant to §58-3-530(15), the Review Committee is required to review the state energy action plan of the State Energy Office. At the October 8<sup>th</sup> meeting, the Energy Office provided information regarding subcommittee work regarding the "top tier" items identified in the previous State Energy Plan. It also plans to focus on energy efficiency during the current fiscal year (2019-2020). The State Energy Office's presentation is attached as Exhibit E.

If you have any questions, please contact Review Committee staff.