

State Regulation of Public Utilities Review Committee

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January 16, 2019

Members of the South Carolina General Assembly
Columbia, South Carolina

Dear Fellow Members:

Enclosed is the State Regulation of Public Utilities Review Committee's Report as to Qualifications of Candidates for Seat 2 of the Public Service Commission (Commission). The report is designed to provide you with information on the candidates qualified and nominated by the Review Committee. The Review Committee is charged with nominating up to three candidates for this seat on the Commission. In accordance with this mandate, the Review Committee thoroughly investigated each candidate with respect to his or her suitability for service on the Commission.

The Review Committee held public hearings on January 14, 2019 to question the candidates. A transcript of the oral examination of the candidates will be available no later than the close of business of Thursday, January 17, 2019. An electronic version of the transcript will be emailed to you once the transcript is received, and it will be available for review on the Review Committee's website at:

<https://www.scstatehouse.gov/CommitteeInfo/PublicUtilitiesReviewComm/2018PublicServiceCommissionScreeningInfo2.php>

The Review Committee considered the qualifications of each candidate. The Review Committee's finding that a candidate is qualified and nominated means that the candidate satisfies the constitutional and statutory criteria for service on the Commission and the Review Committee's evaluative criteria.

Candidates are prohibited from asking for your commitment until 12:00 noon, Friday, January 18, 2019. Members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, or statements detailing a candidate's qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 12:00 noon on January 18, 2019. If you find a candidate violating the pledging

prohibitions or if you have questions about this report, please contact Heather Anderson at (803) 212-6208 or Steve Davidson at (803) 734-3015.

Sincerely,

A handwritten signature in blue ink that reads "Thomas C. Alexander". The signature is written in a cursive style with a long horizontal flourish at the end.

Thomas C. Alexander

**REVIEW COMMITTEE REPORT AS TO THE QUALIFICATIONS
OF CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEAT 2**

INTRODUCTION

Section 58-3-530(1)(a) of the South Carolina Code of Laws charges the State Regulation of Public Utilities Review Committee ("Review Committee") with the duty to nominate candidates for the members of the South Carolina Public Service Commission ("Commission"). The term for Commission Seat 2 expired on June 30, 2018.

The Review Committee conducted its screening process for Seat 2 during the spring of 2018, as well as the screening for Commissioner Seats 4 and 6. On May 10, 2018 the General Assembly rejected the slate of candidates for Seat 2. As a result, the Review Committee began the application process for Seat 2 on June 13, 2018, with applications due on August 1, 2018. A total of six candidates submitted applications by the August 1, 2018 deadline, and one candidate withdrew prior to the Review Committee's public hearing to screen candidates.

The Review Committee conducted background investigations of each candidate, including credit, driver's license, and law enforcement checks. It gave a written examination to determine the level of knowledge that each candidate has with respect to substantive public utility issues, ethical constraints applicable to the Commission, and the operations of the Commission. The Review Committee also obtained attendance records at Commission meetings and hearings for the incumbent Commissioner. During the public hearing on January 14, 2019, each candidate was questioned and given an opportunity to make statements as to his or her qualifications and desire to serve as a Commissioner.

LEGAL QUALIFICATIONS

Pursuant to Section 58-3-20(A), members of the Commission must have the following qualifications:

- (1) a baccalaureate or more advanced degree; and
- (2) a background of substantial duration and an expertise in at least one of the following areas:
 - (a) energy;
 - (b) telecommunications;
 - (c) consumer protection and advocacy;
 - (d) water and wastewater;
 - (e) finance, economics, and statistics;
 - (f) accounting;
 - (g) engineering; or
 - (h) law.

The Review Committee may find a candidate qualified even though he or she does not have a background of substantial duration and expertise in at least one of the above areas if three-fourths of the Review Committee vote to qualify the candidate.

The Review Committee is also required to consider: "(1) the ability, dedication, compassion, common sense, and integrity of the candidates; and (2) the race and gender of the

candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.” S.C. Code Ann. §58-3-560. The determination of legal qualifications includes a determination of the candidate’s residence in the appropriate Public Service Commission district as established by Section 58-3-20, the candidate’s eligibility for election as determined by Section 58-3-24, and the candidate’s compliance with constitutional provisions limiting election to those persons eligible to be electors of this State.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of Commissioners seeking reelection must be made a part of the Commissioner’s record for consideration if the Commissioner seeks reelection. These evaluations are included after the Commissioner’s summary of qualifications.

GENERAL QUALIFICATIONS

To determine fitness beyond mere legal qualifications, the Review Committee considered each candidate’s experience, temperament, compliance with and knowledge of legal and ethical constraints on public service, knowledge of Commission operations, demonstrated or potential aptitude for meaningful leadership and/or service at the Commission, and demonstrated integrity, including the handling of personal financial affairs. The Review Committee considered each candidate as a whole in making a determination of qualified and nominated.

Experience

Section 58-3-20 requires that Commissioners have a background of substantial duration and an expertise in energy; telecommunications; consumer protection and advocacy; water and wastewater; finance, economics, and statistics; accounting; engineering; or law. The Review Committee considered not only whether a candidate has succeeded in one of these fields but also whether the candidate has the capability of transferring this success and knowledge to the operations of the Commission. The Review Committee’s transcript contains each applicant’s background and employment history.

Temperament

The Review Committee sought to determine whether a candidate’s sense of the role he or she is to fill on the Commission is such that his or her work will be productive, proactive, and protective of the interests of all South Carolinians.

Compliance with and Knowledge of Legal and Ethical Constraints

Section 58-3-30 requires that Commissioners adhere to the State Ethics Act and the Judicial Code of Conduct. The Review Committee believes that not only must the candidates be aware of the legal and ethical constraints, they must have conducted and comported themselves with the highest regard for ethics in their actions.

Potential Aptitude for Meaningful Leadership and/or
Service at the Public Service Commission

The Review Committee believes that the Commission should have strong leadership, work toward common goals, have a positive influence on employees, and ensure that parties and persons appearing before the Commission are treated fairly and impartially. The Review Committee therefore sought to gauge each candidate's potential aptitude to serve as a leader and/or as a Commissioner supporting the goals and mission of the agency.

Integrity

Candidates must assure the Review Committee that their word is their bond. The Code of Judicial Conduct requires, among other factors, that Commissioners and candidates handle their finances in a responsible manner. The Review Committee therefore considered the way each candidate has managed his or her financial affairs.

Substantive Knowledge of Commission Operations

The Review Committee believes that every candidate, whether incumbent or non-incumbent, must demonstrate some basic understanding of the role of the Commission and its operations. It would be unfair, however, to require non-incumbents to have accumulated a wealth of knowledge about Commission operations specifically, or regulated utilities generally. Unlike incumbent Commissioners, challengers have not had the benefit of a compensated opportunity to educate themselves in hearings or through conversations with Commission staff. The Review Committee expects incumbents and others who have substantial experience appearing before the Commission to be able to discuss these matters with a greater fluency than those persons who have, to date, committed themselves to other employment. The Review Committee emphasizes that the substantive knowledge findings contained in this report are a measure of a candidate's knowledge at the time of his or her candidacy. The findings are not necessarily indicative of a candidate's ability to subsequently master Commission operations and the multitude of issues relating thereto.

FINDINGS AS TO QUALIFICATIONS AND NOMINATIONS

The Review Committee screened a total of five candidates for Seat 2 on January 14, 2019. In accordance with Section 58-3-530(1)(a), the Review Committee may nominate up to three candidates per seat to be elected by the General Assembly. The Review Committee found the following candidates qualified and nominated them for election to the South Carolina Public Service Commission:

SEAT 2 **Florence P. Belser**
 Elliott F. Elam, Jr.

This report provides a summary of qualifications for the candidates found qualified and nominated, as well as other candidates who were screened and did not withdraw prior to the issuance of this report.

CANDIDATES FOR SEAT 2

JAMES "BUDDY" ATKINS

Review Committee Finding: QUALIFIED, NOT NOMINATED

Personal Information, Educational Background, and Work Experience:

Mr. Atkins received a Bachelor of Science degree from the University of South Carolina in 1976, with a major in Marine Science. He received a Master of Science degree in Environmental Systems Engineering from Clemson University in 1981. He obtained a Ph.D. from the University of South Carolina in 1998 in Marine Science.

Mr. Atkins was a hydrologist with the Water Resources Division of the U.S. Geological Survey from 1977 to 1979. From 1979 to 1981, he was a graduate research assistant with the environmental system engineering department at Clemson University. From 1981 to 1984, he served as an extension specialist with North Carolina State University's Biological and Agricultural Engineering Department. From 1984 to 1985, Mr. Atkins served as the Section Chief of the Agricultural Nonpoint Source Pollution Section with the North Carolina Division of Soil and Water Conservation, in which he was responsible for the development, administration and technical oversight of the N.C. Agricultural Cost Share Program for Nutrient Sensitive Waters. From 1985 to 1996, he was employed by Department of Health and Environmental Control, initially as chief for surface water hydrology, and then as a senior scientist/engineering associate; both of these positions focused on various water issues. From 1996 to 2000, Mr. Atkins was a research associate professor with the Earth Sciences & Resources Institute at the University of South Carolina. Mr. Atkins served on the Public Service Commission (PSC), Seat 2 from 2000 to 2004. From 2004 to 2010, he was the president and owner of Regulatory Heuristics, a consulting firm focused on technical and policy issues in the energy, water, and environmental sectors. From 2006 to 2007, he served as program manager with the S.C. Commission on Higher Education, in which he assisted in managing the S.C. Research Centers of Economic Excellence Program (this was a non FTE, temporary position). Mr. Atkins served as director of the Richland County Conservation Department from 2010 to 2014, in which his responsibilities included managing budgets of the Richland Soil and Water Conservation District and the Richland County Conservation Commission, project management for the county's contract to establish a Stream-Wetland Mitigation Bank, and overseeing the Conservation Commission's conversion and historic grants program and its conservation easement program.

Mr. Atkins is a member of the American Water Works Association. Within the past five years, he has been a member of the following organizations: (1) Gills Creek Watershed Association (board member 2016-2018); (2) Shandon Neighborhood Council; (3) Midlands Local Food Collaborative (founding member (4) Main St. United Methodist Church; and (5) University of South Carolina Alumni Association (life member).

Test Score: 91

FLORENCE P. BELSER

Review Committee Finding: QUALIFIED AND NOMINATED

Personal Information, Educational Background, and Work Experience:

Ms. Belser obtained a Bachelor of Science degree in Biology from the College of Charleston in 1983, and a Juris Doctor from the University of South Carolina in 1987.

Ms. Belser was a substitute teacher in Summerton, SC from 1987 to 1988. She then served as a judicial law clerk for the Honorable James "Mac" Morris from 1988 to 1990. From 1990 to 1991, she served as an associate with John E. Miles, Esquire. From 1991 to 1993, she worked as an assistant solicitor for the Third Judicial Circuit. From 1993 to 2003, she worked as a staff attorney and deputy general counsel for the Public Service Commission (PSC), where she represented the PSC at all levels of the judicial system. From 2003 to 2004, she served as the executive assistant at the PSC and assisted the Commissioners in developing positions in cases by reviewing the record and law in the proceedings and in drafting motions concerning those positions. Since 2004, Ms. Belser has served as general counsel in the Office of Regulatory Staff (ORS), where she provides legal advice to the agency, represents the ORS in proceedings before all courts in S.C., and assists in developing ORS's position in administrative matters.

Ms. Belser is a member of the South Carolina Bar Association. Within the past five years, she has been a member of the following organizations: (1) St. Matthias Anglican Church; (2) American Legion Auxiliary; (3) American Legion Auxiliary Palmetto Girls State (director); (4) Clarendon Hall Land Trust (trustee); and (5) College of Charleston Alumni Association (life member).

Test Score: 95

PATRICIA P. CARSON

Review Committee Findings: NOT QUALIFIED, NOT NOMINATED

Personal Information, Educational Background, and Work Experience:

Ms. Carson received a Bachelor of Science degree from the Missouri School of Mines and Metallurgy in 1977, with a major in Engineering Management.

Ms. Carson has worked as an industrial engineer on various corporate projects from 1976 to the present date. She has worked at Colonial Life Insurance as a public sector analyst, actuarial analyst, product manager and corporate project manager. She has also worked at Citicorp Acceptance Company as a senior operations research/financial analyst. She was employed by Lever Brothers, Inc., and Proctor and Gamble Paper Products, Inc. as an industrial engineer. She also worked for Olin Brass/Winchester Western as a marketing engineer. Ms. Carson served as a Councilmember in North, South Carolina from 2010 to 2015. She is the current Mayor of North, South Carolina and was elected in November, 2015.

Ms. Carson is a member of the (1) MASC Mayors Association; (2) Orangeburg County Chamber of Commerce Mayors Group; and (3) South Carolina Rural Water Association. Within the past five years, she has been affiliated with the following organizations: (1) Association of SC Mayors; (2) North Arbor Day, Inc. (founder); (3) honorary commander of Joint Base Charleston AFB; (4) Lower Savannah Council of Governments (board member); (5) North Mayor's Youth Council (creator and leader); (6) North Cooperative Ministry (consulting member for Eartha Kitt Gala); (7) North United Methodist Church - associate member, church trustee, finance committee member, offertory steward, worship lector, leader of Youth Mission Teams to Asbury Hills, SC and Corbin, KY; (8) Orangeburg County Chamber of Commerce Mayors Group; and (9) North Senior Center.

Test Score: 53

BRUCE K. COLE

Review Committee Findings: NOT QUALIFIED, NOT NOMINATED

Personal Information, Educational Background, and Work Experience:

Mr. Cole graduated from Harvard College in 1977 with a degree in Economics. He then earned a Master's degree in Accounting from Northeastern University in 1981 and a Master's in Business Administration from Stanford Graduate School of Business in 1985. He obtained a Ph.D. in Plan, Design and Built Environment from Clemson University in 2012.

From 1978 to 1980, Mr. Cole was employed as an economic analyst for the Abt. Associates, Inc. From 1981 to 1983, he was an auditor at Peat, Marwick Mitchell & Co.

Mr. Cole was employed with AT&T Communications from 1985 to 1989 as a manager. In 1989, Mr. Cole founded Subscriber Technologies, Inc. in San Francisco, CA, and served as its president until 1997. From 1989 to 1990, he was a controller with Interactive Network. From 1990 to 1991, he was the chief financial officer for Douglas Broadcasting. From 1990 to 1993, he worked for ESL/TRW in Sunnyvale, CA where he helped commercialize a variety of wireless technologies. From 1990 to 1992, he served as a board member of Cable Television Cooperative, a cooperatively owned cable-TV system, serving Palo Alto and neighboring areas. From 1993 to 1997, Mr. Cole was employed by William Jackson and Associates in Boston, MA, for which he served as audit manager. From 1995 to 1997, he worked for Pacific Telesis in San Ramone, CA and served as a consultant to facilitate acquisition of Pacific Telesis by Southwestern Bell.

Mr. Cole was the chief financial officer of the Boston Public Library from 1997 to 1999. From 1999 to 2002, he served as the chief executive consultant for John Hancock Financial Services. In 1999, Mr. Cole founded the Boston Rental Housing Association, and served as its president until 2006. From 2002 to 2005, he was an audit manager for Jackson & Associates.

From 2006 through 2016, Mr. Cole worked at several institutions of higher education as an associate or visiting professor, including Allen University (associate professor, 2006-2008, Division of Business Administration; chair, professor - 2016); Benedict College (assistant professor, School of Business, 2008-2009), Presbyterian College (School of Business - visiting assistant professor, 2009-2010); Southern Wesleyan University (assistant professor, School of Business, 2010-2013), and the University of South Carolina (visiting assistant professor, Department of Finance, 2013-2015).

Mr. Cole is currently the managing director for Palmetto Realty Advisors, LLC, which he founded in 2007. This company develops real estate-centric growth strategies for public, private, and government entities and operates a real estate investment fund, commercial brokerage firm and an advisory business.

Mr. Cole founded the Richard T. Greener Institute for Social Policy Research in 2014, and currently serves as its president. This is a 501(c)(3) non-profit established to support policy-makers and communities with research relevant to South Carolina's African-American citizens. He is also an officer for Palmetto Realty Advisors, LLC and Electronic Health Network, Inc.

In addition to the entities described above, Mr. Cole is currently listed on the Secretary of State's website as the agent for the following entities: (1) The Aviation Fund (501(c)(3)); (2) Cole

Financial Publications, LLC; (3) PRA Tax Certificate 1, LLC; and (4) South Carolina Real Estate Journal, LLC.

Mr. Cole is a member in the following professional organizations: (1) American Institute of Certified Public Accountants; (2) American Real Estate and Urban Economics Association; (3) American Real Estate Society, director emeritus; (4) New York State Society of Certified Public Accountants (CPA since 1983); and (5) Urban Land Institute.

Within the past five years, Mr. Cole has been affiliated with the following organizations: (1) Sierra Club; (2) South Carolina Council on Economic Education; (3) Thomas Cooper Society; and (4) Richland County Airport Commission.

Test Score: 74

ELLIOTT F. ELAM, JR.

Review Committee Findings: QUALIFIED AND NOMINATED

Personal Information, Educational Background, and Work Experience:

Mr. Elam graduated from the University of South Carolina, where he received a Bachelor of Arts degree in Political Science in 1984, as well as a Master's degree in Public Administration and a Juris Doctor in 1988.

Mr. Elam was employed by the Department of Consumer Affairs from 1987 through 2014, during which he served in various capacities. His employment with the Department began as a law clerk in 1987. In 1990, he was promoted to staff attorney, where he represented utility and insurance ratepayers before the Public Service Commission, the Department of Insurance, Administrative Law Judge Division, the Federal Communications Commission, the Federal Energy Regulatory Commission, and state and federal courts. While a staff attorney, he testified numerous times before committees of the South Carolina General Assembly on utility regulation issues. From 2002 to 2014, he served as the Deputy Consumer Advocate/Consumer Advocate. In this role, he directed the representation of utility and insurance ratepayers before the South Carolina Public Service Commission, the Federal Communications Commission, the Federal Energy Regulatory Commission, the South Carolina Department of Insurance, and the Administrative Law Court. He also represented consumer appeals before the state's circuit courts, the South Carolina Court of Appeals, and the South Carolina Supreme Court. Mr. Elam has served as the Public Service Commissioner for the Second Congressional District since July 1, 2014.

Mr. Elam is a member of the following professional organizations: (1) South Carolina Bar Association; (2) South Carolina Bar Association's Administrative and Regulatory Law Committee; (3) National Association of Regulatory Utility Commissioners (NARUC); (4) NARUC Committee on Telecommunications and Telecommunications Act Modernization Task Force; (5) Federal Communications Commission's Federal-State Joint Conference on Advanced Telecommunications Services; and (6) Southeastern Association of Regulatory Utility Commissioners.

Test Score: 91

**State Regulation of Public Utilities Review Committee
Performance Evaluation**

Elliott F. Elam, Jr.

South Carolina Public Service Commission

Seat: Second Congressional District

Review Period: July 1, 2015 - June 30, 2016

Commissioner Elam was initially elected to the Public Service Commission on May 28, 2014. During his tenure at the Commission, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Elam is a member of NARUC and SEARUC. He is a member of the NARUC Committee on Telecommunications and the NARUC Telecommunications Act (TeAM) Task Force. He was appointed by the Federal Communications Commission to serve on the Federal-State Joint Conference on Advanced Telecommunications. He is also a member of the South Carolina Bar's Administrative and Regulatory Law Committee.

During the review period, Commissioner Elam attended the following educational programs and events:

- NARUC meetings (summer, annual, and winter);
- NARUC Annual Regulatory Studies Program;
- SEARUC annual meeting;
- Emerging Issues Policy Forum;
- Critical Consumer Issues Forum;
- Various training sessions and workshops, continuing legal education courses, allowable ex parte briefings, and statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and Commission employees, Commissioner Elam is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Elam.

**State Regulation of Public Utilities Review Committee
Performance Evaluation**

Elliott F. Elam, Jr.

South Carolina Public Service Commission

Seat: Second Congressional District

Review Period: July 1, 2014 - June 30, 2015

Commissioner Elam was initially elected to the Public Service Commission on May 28, 2014. During his first year at the Commission, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Elam is a member of NARUC and SEARUC. He is a member of the NARUC Committee on Telecommunications and was appointed by the Federal Communications Commission to serve on the Federal-State Joint Conference on Advanced Telecommunications. He is also a member of the South Carolina Bar's Administrative and Regulatory Law Committee.

During the review period, Commissioner Elam attended the following educational programs and events:

- NARUC meetings (summer, annual, and winter);
- NARUC Annual Regulatory Studies Program;
- SEARUC Commissioners Only Summit;
- SEARUC annual meeting;
- Various training sessions and workshops, including allowable ex parte briefings and statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and Commission employees, Commissioner Elam is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Elam.