

## *State Regulation of Public Utilities Review Committee*

*Sen. Thomas C. Alexander, Chairman*  
*Rep. William E. Sandifer, III, Vice Chairman*  
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*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*

September 1, 2020

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 Seats 1, 3, 5, and 7 of the Public Service Commission (Commission). The report is designed to provide you with information on the candidates found qualified and nominated by the Review Committee, and also includes information on the candidates who were not found qualified nor nominated but wished to be in the report. The Review Committee is charged with nominating up to three candidates for each 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 initially held public hearings on January 7 and 8, 2020 to question the candidates. After the public hearings concluded on January 8<sup>th</sup>, the Review Committee found a total of six candidates qualified. No further action was taken by the Review Committee on January 8<sup>th</sup>.

On February 5, 2020, the General Assembly passed a joint resolution, S. 996, which extended the application period for Seats 1, 3, 5, and 7. The Review Committee intended to complete the screening process for an election by the General Assembly in early May of 2020. However, the screening process had to be delayed due to Covid-19.

The Review Committee held public hearings from July 20 through July 23, 2020 to question the candidates who applied during the extended application period, pursuant to the joint resolution. The Review Committee also received affidavits from candidates found qualified following the January public hearings and had an opportunity to question these candidates as to

whether or not there had been any substantive and/or substantial change in circumstance since the January public hearings.

A transcript of the oral examination of the candidates, as well as each candidate's edited Personal Data Questionnaire, is available for review on the Review Committee's website at: <https://www.scstatehouse.gov/CommitteeInfo/PublicUtilitiesReviewComm/2019PublicServiceCommissionScreeningInfo.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 Tuesday, September 1, 2020 at 10:00 a.m.** 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 10:00 a.m. on Tuesday, September 1, 2020. 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 dark ink that reads "Thomas C. Alexander". The signature is written in a cursive, slightly slanted style.

Thomas C. Alexander

**REVIEW COMMITTEE REPORT AS TO THE QUALIFICATIONS  
OF CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7**

**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 terms for Commission Seats 1, 3, 5, and 7 expired on June 30, 2020.

The Review Committee began the screening process in August 2019, with advertisements and press releases regarding the positions. A total of 21 candidates submitted applications by the application deadline of October 11, 2019. Four of these candidates withdrew from consideration prior to the Review Committee's public hearings on January 7 and 8, 2020 to question the candidates. After the public hearings concluded on January 8<sup>th</sup>, the Review Committee found a total of six candidates qualified. The Review Committee did not make any nominations at that time.

On February 5, 2020, the General Assembly passed a joint resolution, S. 996, which extended the application period for Seats 1, 3, 5, and 7. Thirty completed applications were received by the extended application deadline of February 28, 2020. The Review Committee intended to complete the screening process for an election by the General Assembly in early May of 2020. However, the screening process had to be delayed due to Covid-19.

The Review Committee held public hearings on July 20 through July 23, 2020 to question the candidates who applied during the extended application period, pursuant to the joint resolution. A number of these candidates withdrew after submitting an application in February, and the Review Committee screened the remaining 16 candidates. The Review Committee also received affidavits from candidates found qualified in January, 2020, and had an opportunity to question each of these candidates as to whether or not there had been any substantive and/or substantial change in circumstance since his or her public hearing in January.

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 hearings, each candidate was questioned and given an opportunity to make statements as to his or her qualifications and desire to serve as a Commissioner. Each candidate was also questioned and given an opportunity to discuss matters from his or her background check; matters of a private or confidential nature were discussed in executive session.

**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 17 candidates for Seats 1, 3, 5, and 7 on January 7 and 8, 2020, and a total of 16 candidates on July 20 through July 23, 2020. Due to the delays caused by Covid-19, the Review Committee also received affidavits from candidates found “qualified” during the January 2020 screenings as to whether there were substantial or substantive changes since the candidate’s screening, and had the candidate verify his or her information under oath - each candidate stated there were no changes. 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:

<b><u>SEAT 1</u></b>	<b>John C. Dulude William R. Sloger, Jr. Carolyn “Carolee” Williams</b>
<b><u>SEAT 3</u></b>	<b>Stephen “Mike” Caston Willie J. Morgan Comer H. “Randy” Randall, III</b>
<b><u>SEAT 5</u></b>	<b>Headen B. Thomas</b>
<b><u>SEAT 7</u></b>	<b>Clint A. Elliott Thomas “Tee” Miller, Jr. Delton W. Powers, Jr.</b>

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. More detailed information about each candidate can be found in the screening transcripts at:

<https://www.scstatehouse.gov/CommitteeInfo/PublicUtilitiesReviewComm/2019PublicServiceCommissionScreeningInfo.php>

# **EXHIBIT 1**

## **CANDIDATES FOUND QUALIFIED AND NOMINATED**

**JOHN C. DULUDE**  
**SEAT 1**

**Review Committee Finding: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Dulude graduated from The Citadel with a Bachelor of Science degree in Civil Engineering in 1980. He graduated from Charleston Southern University and received his Masters of Business Administration degree in 1992.

Mr. Dulude is currently a partner with Environmental Resources Management, Inc., where he has served since 2012. He states that his focus is the company's sales in traditional and non-traditional power sector markets. He is responsible for: (a) identifying technical and non-technical risks and advising clients on how to minimize risk; (b) advising senior management on matters relating to merger & acquisition for purchasing generation assets throughout the U.S. and abroad; and (c) providing corporate strategic direction for federal and state compliance in regulatory matters, including the Federal Power Act. From 2008 to 2012, Mr. Dulude worked as a senior principal at Normandeau Associates, Inc. His responsibilities in this role included serving as a principal consultant, project manager, and technical expert providing strategic direction for overall evaluation of power sector related projects and permitting. He also worked on projects with various forms of generation including hydro, coal, natural gas, and nuclear, addressing issues such as financial and project feasibility, costs, and capacity. From 2001 to 2008, Mr. Dulude served as manager for the relicensing of Santee Cooper's hydroelectric project. Mr. Dulude reports that he was responsible for meeting state and federal guidelines and reviewing state and federal legislation as an expert in hydro and hydroelectric activities. From 1985 to 2001, Mr. Dulude was employed as a construction manager for Santee Cooper, where he was responsible for in-house heavy/civil construction, overseeing maintenance, and operations of dams. From 1981 to 1985, Mr. Dulude worked as a transmission designer with Santee Cooper. From 1980 to 1981, he worked as a civil engineer for the U.S. Army Corps of Engineers.

Mr. Dulude has been a member of the American Society of Civil Engineers since 1980.

Mr. Dulude was appointed to the Moncks Corner Planning Commission and served from 2013 to 2015. He was elected to serve on Moncks Corner Town Council from 1990 to 1998, where he served as Mayor Pro Tem. He served on the Santee Cooper Credit Union Board from 1997 to 2017. He was a member of the Association of State Dam Safety Officials from 2006 to 2010, and a member of the National Hydropower Association from 2006 to 2012.

Within the past five years, Mr. Dulude has been a member of the Beautiful Savior Lutheran Church (Executive Council) and the Citadel Alumni Association.

**Test Score: 60**

**WILLIAM R. SLOGER, JR.**  
**SEAT 1**

**Review Committee Finding: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Sloger obtained his degree in Civil Engineering from Clemson University in 1977. In 1991, Mr. Sloger obtained a Master's degree in Civil Engineering from University of South Carolina. In 1997, Mr. Sloger graduated with a Master of Science in Environmental Studies in a joint program through the Medical University of South Carolina and the College of Charleston.

Mr. Sloger serves as a project manager with the South Carolina Department of Transportation where he manages roadway construction projects throughout DOT District 6, where he has been employed since 2019. From 2016 to 2019, Mr. Sloger was employed as a senior National Environmental Policy Act (NEPA) project manager for HDR, Inc. where he developed project proposals, fee estimates, and technical proposals for a variety of environmental documents, and managed labor distribution billing, project schedules, and client interactions. From 2008 to 2016, Mr. Sloger worked for CSA Ocean Sciences Inc. as a senior scientist where he developed project proposals including fee estimates and technical proposals for environmental assessments, biological assessments, environmental condition of properties, and associated permits. From 1982 to 2008, Mr. Sloger worked for the Naval Facilities Engineering Command Southeast ("Command") serving in various capacities. From 2005 to 2008, he served Command as head of NEPA Compliance, which included ensuring compliance with local, state and federal environmental regulations. From 1990 to 2005, he served Command as an engineer in the Environmental Planning Branch, managing Navy Construction and operations projects. In 1990, he served Command as an environmental engineer in the Hazardous Waste Branch guiding compliance for a project governed by the federal Resource Conservation and Recovery Act. From 1982 to 1990, he served Command as a structural engineer on multi-story projects and waterfront structures. From 1980 to 1982, Mr. Sloger worked as a nuclear engineer for the Charleston Naval Shipyard. From 1977 to 1980, Mr. Sloger worked as a structural engineer for J.E. Sirrine Co.

Mr. Sloger has been a member of the following organizations within the past five years: (a) Mt. Pleasant Presbyterian Church; (b) Hobcaw Yacht Club; (c) Wakendaw Lakes Civic Association; and (d) International Lightning Class Association.

**Test Score: 67**



**CAROLYN “CAROLEE” WILLIAMS**  
**SEAT 1**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Ms. Williams earned a Bachelor of Arts degree in History from Wake Forest University in 1979. She earned a Masters degree in Urban and Environmental Planning from the University of Virginia in 1982.

Ms. Williams most recently served as Lowcountry Field Director and Land and Water Program Director for the Conservation Voters of South Carolina where she led land and water protection advocacy for the group, including reauthorization of the Land and Water Conservation Fund, from 2017 to 2019. From 1992 to 2017, she was a project manager for the Department of Planning, Preservation, and Sustainability for the City of Charleston, where she represented the City of Charleston on the Bureau of Ocean Energy Management’s Renewable Energy Task Force and investigated options for offshore wind energy and the federal leasing process as a whole. She also represented the City of Charleston on its Resilience Initiatives with emergency management and public service associates related to the 100 Resilient Cities program, Charleston Resilience Network and National Academics of Sciences Resilient America Roundtable. Ms. Williams was responsible for the management of Charleston’s Green Business Challenge, which supports businesses as they work to reduce their use of energy and water and reduce their waste; and she coordinated Charleston’s green initiatives, including the development of Charleston’s Green Plan: A Roadmap to Sustainability. Ms. Williams has also managed city-owned projects such as the Charleston Maritime Center, Greenberg Municipal Complex, and various fire stations from site selection to design phase. From 1986 to 1992, she served as a planning administrator for the Department of Planning and Urban Development for the City of Charleston where she directed the division that prepared inter-jurisdictional comprehensive plans for city growth management, coordinated new city projects with community groups, and applied for and oversaw the administration of grants. From 1985 to 1986, she served as a planner for the City Planning Department for the City of Cincinnati, Ohio, where she analyzed demographic trends, the commercial market and the area’s architectural inventory for a district plan encompassing six neighborhoods with an institutional core. She assisted in the housing, land use, transportation, zoning, and capital improvement plan components. From 1982 to 1985, Ms. Williams served as a planner for the Department of Planning and Urban Development for the City of Charleston where she performed a variety of planning research and analytical projects including comprehensive downzoning of historic neighborhoods, history of Charleston’s parks, tree conservation covenants and population projections.

Ms. Williams is a house manager for Spoleto Festival USA, and has served in this capacity since 2015. She is a member of the American Planning Association and the American Institute of Certified Planners.

Ms. Williams has been a member of the following organizations within the past five years:

(a) Barrett S. Lawrimore Community Pride Award 2019; (b) Diversity Leadership Fellow Riley Institute; (c) Circular Congregational Church (council member, pastoral care associate); (d) Boy Scouts of America, Merit Badge Counselor for Local Government; (e) Habitat for Humanity (church leader and monthly crewmember); (f) Trident United Way Team Leader for City Department; (g) Old Windermere Neighborhood Association Secretary and Mayoral Forum; (h)

Committee and Council District 11 Forum Committee; (i) One80 Place (volunteer and church coordinator).

**Test Score: 72**

**STEPHEN “MIKE” CASTON**  
**SEAT 3**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Caston obtained a Bachelor of Science degree in Civil Engineering in 1978. He also obtained Master of Public Administration from Clemson University/University of South Carolina (Joint Master Program) in 2004.

Mr. Caston is the president of Mike Caston Consulting, LLC, a business development company he established in March 2019. From 1997 to 2019, Mr. Caston was the general manager/chief executive officer for Startex-Jackson-Wellford-Duncan (SJWD) Water District, headquartered in Spartanburg, SC, where he answered to a five-person board and developed and implemented strategic plans as to sustainability, infrastructure, finances, human resources, and business practices. From 1991 to 1997, he was employed by SJWD Water District as a district engineer. From 1988 to 1991, Mr. Caston was a project engineer for Back & Veatch. From 1978 to 1988, he was a design engineer and contract construction manager for Enwright Associates. From June to October of 1978, Mr. Caston was an engineer for James T. Triplet and L. R. Ryan Bridge Contractors.

Mr. Caston has been a licensed professional engineer in South Carolina since 1984 and a licensed professional engineer in Georgia, and North Carolina since 1987.

Mr. Caston served as a board member of the Pickens County Water and Sewer Authority (now the “Pickens County Public Service Commission”) from 1985 to 1991. He has served on the Governor’s Drought Response Committee since 2000.

Mr. Caston has been a member of the following organizations within the past five years:

(a) South Carolina American Water Works Association; (b) American Water Works Association; (c) South Carolina Water Utility Council; (d) South Carolina Water Environment Association; (e) Water Environment Federation; (f) Blue Ridge Foothills District of SCWEA; (g) Foothills Resource Conservation and Development Council, Inc. (former board member); (h) Appalachian Council of Governments (ACOG) Regional Water Quality Advisory Committee; (i) ACOG’s Basin Planning Authority; (j) SCDHEC Regulation Revision Committee; (k) Voluntary Certification for Utility Distribution and Collection Personnel (former board member); (l) Spartanburg County Water Managers’ Association; (m) Board of Directors for South Carolina Special Purpose Districts (former vice-chairman); (n) South Carolina Rural Water Association; (o) Kairos Prison Ministry at Perry Correctional Facility; (p) Metanoia Prison Ministries Mentoring Program at Perry Correctional Facility; (q) NewSpring Clemson Church member; and (r) Tiger Lettermen (Clemson University Athletic Department).

**Test Score: 63**

**WILLIE J. MORGAN**  
**SEAT 3**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Morgan graduated from the University of South Carolina in 1985 with a Bachelor of Science in Engineering. He also earned a Master of Arts in Management from Webster University in 2000.

Mr. Morgan is currently employed with the Southeast Rural Community Assistance Project (RCAP) serving as South Carolina state manager, a position which he has served since 2019. In this position, he supervises Southeast RCAP staff, performs rates analysis related to water and wastewater utilities, and oversees training and grant programs to local and state government and low income and rural communities related to water and wastewater services. From 2016 to 2019, Mr. Morgan worked for the Office of Regulatory Staff (ORS) as deputy director for Utility Rates, where he coordinated the Utility Rates Team, provided testimony before the South Carolina Public Service Commission (PSC) in electric, natural gas, water, and wastewater rate cases, and oversaw ORS return on equity and capital structure witnesses and testimony. From 2004 through 2016, Mr. Morgan worked at the ORS as program manager for water and wastewater where he advised management on wastewater rates and regulation and provided testimony before the PSC. For part of 2016, Mr. Morgan also managed the Consumer Services Department at ORS, involving oversight of all investigations of consumer complaints and inquiries about industries regulated by the PSC. From 1985 to 2004, Mr. Morgan worked for the South Carolina Department of Health and Environmental Control (DHEC), initially serving as an engineer associate on wastewater projects; examining design plans and specifications for treatment, storage, and disposal of hazardous waste; and presenting the agency's position at contested cases and to the DHEC Board. Mr. Morgan then served as DHEC's permitting liaison, where he served as a contact and advocate for the regulated community and other interested parties as to issues related to the DHEC permitting process.

Since 1990, Mr. Morgan has served as a "USC University Affiliate" volunteer at the University of South Carolina College of Engineering and Computing's program, Partners for Minorities in Engineering and Computer Science. Mr. Morgan served as an adjunct faculty member for Midlands Technical College from 1989 to 1991 teaching introductory college math courses.

Mr. Morgan is a member of the following professional organizations: (a) National Society of Professional Engineers; (b) South Carolina Society of Professional Engineers (Columbia Chapter president 2016/2017); and (c) American Water Works Association.

Mr. Morgan has been a member of the following organizations within the past five years: (a) Partners for Minorities in Engineering and Computer Science (USC College of Engineering & Computing under USC Educational Foundation); (b) Brookland Baptist Church; and (c) Brookland Foundation as a volunteer tutor.

**Test Score: 54**

**COMER H. "RANDY" RANDALL, III**  
**SEAT 3**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Randall received a Bachelor of Science degree from Presbyterian College in 1975. In 1979, he received his Master of Education degree from the University of Georgia.

Mr. Randall has served on the Public Service Commission since 2013 and served as the Commission's chairman from July 1, 2018 to June 30, 2020. Prior to serving on the Commission, Mr. Randall had been employed by Presbyterian College from 1992 to 2013. During this time, Mr. Randall served as director in various positions regarding student activities and alumni relations, including the executive director of Alumni and Community Relations. From 1990 to 1992, Mr. Randall was a sales representative with Jacobs Press. From 1976 to 1989, he served in a number of positions at Presbyterian College.

Mr. Randall was the mayor of Clinton from 2003 to 2013. He also served on the Clinton City Council from 1993 to 2003. Mr. Randall was a member of the Piedmont Municipal Power Agency Board from 2004 to 2013, and served as its chairman for three of those years. He was a member of the American Public Power Association Policy Makers Council from 2006 to 2013 and served as its National Chairman, as well as on the Board of Directors, from 2011 to 2012. Mr. Randall also served as Chair of the Clinton Newberry Natural Gas Authority from 2003 to 2013.

Mr. Randall is a member of the following professional organizations: (a) National Association of Regulatory Utility Commissioners - (i) Committee on Water, 2014-Present (serves as co-vice-chair), and (ii) Subcommittee on Nuclear Issues-Waste Disposal; and (b) Southeastern Association of Regulatory Utility Commissioners.

Mr. Randall has been a member of the following organizations within the past five years: (1) First Presbyterian Church - ordained elder; (2) Laurens Community Theater; and (3) Clinton YMCA.

**Test Score: 79**



*Review Committee Annual Review Documentation 2018-2019*  
**COMMISSIONER QUESTIONNAIRE**  
**PERFORMANCE SUMMARY**

**NAME: COMER H. "RANDY" RANDALL, III**  
**SEAT: THIRD DISTRICT**  
**DATE ELECTED: JULY 1, 2013**  
**DATE TERM EXPIRES: JUNE 30, 2020**

**Please provide information for the review period covering July 1, 2018 through June 30, 2019. Be sure to fully address each item.**

**1. Educational programs.**

**National Association of Regulatory Utility Commissioners (NARUC) Summer Policy Summit; Phoenix, AZ, July 14-18, 2018**

- Attended all general sessions
- Attended all Committee on Water meetings
- Attended joint meetings of Committee on Electricity and Committee on Water
- Attended meetings of the Committee on Gas
- Attended meeting of the Staff Subcommittee on Nuclear Issues-Waste Disposal

All of the NARUC sessions are designed to educate commissioners on utility issues from the national perspective, while helping us see how our states fit in and lead in the national discussion. I benefit greatly, as a commissioner from attending these meetings. My understanding of national and state issues grows each time I attend these sessions.

All of the NARUC sessions are beneficial to our commission and to the State of South Carolina from a couple of perspectives. We all benefit from hearing what is going on in other states, and I have learned that the South Carolina Public Service Commission is looked to for leadership nationwide.

(Time spent out of the office: 3 days)

**National Association of Regulatory Utility Commissioners (NARUC) Eastern Utility Rate School; Clearwater, FL, October 23-25, 2018**

As Co-Vice Chair of the NARUC Water Committee (the sponsoring committee for rate school), I participate as a member of the faculty. My main duties were moderating a panel focused on current issues in the water business and how they related to ratemaking.

Serving on the NARUC Rate School faculty brings distinction to the South Carolina Public Service Commission. I not only participate in the discussion, but also learn a great deal listening to other commissioners and staff members from around the country.

(Time spent out of the office: 3 days)

**National Association of Regulatory Utility Commissioners (NARUC) Winter Policy Summit; Washington, DC, February 9- 13, 2019**

- Attended all general sessions
- Attended all Committee on Water meetings
- Attended meeting of the Staff Subcommittee on Nuclear Issues-Waste Disposal

(Time spent out of the office: 3 days)

**Southeastern Association of Regulatory Utility Commissioners (SEARUC); Gulf Shores, AL,**  
June 2-5, 2019

This meeting included commissioners from the Southeastern states. We spent two days in meetings discussing everything from regulatory issues to EPA and other regulations affecting the states that come from the national level.

#### **1-B. In-House Educational Programs.**

- **Allowable Ex Parte Briefing to Discuss Johnson Development Associates and House Bill 3659,** June 26, 2019, at 10:00 AM: Docket ND 2019-15-E.

- **Allowable Ex Parte Briefing to Discuss The South Carolina Energy Freedom Act: An Overview and Next Steps,** June 12, 2019, at 2:00 PM: Docket ND 2019-13-E: South Carolina Solar Business Alliance, Incorporated.

- **Allowable Ex Parte Briefing to Discuss State of the Company,** May 29, 2019, at 10:00 AM: Docket ND 2019-6-WS: Blue Granite Water Company.

- **Allowable Ex Parte Briefing Regarding Colite Technologies' Products and Services,** April 30, 2019, at 10:00 AM: Docket ND 2019-2-A.

- **Inquiry Regarding Tree Trimming and Potential Alternatives,** April 4, 2019, at 2:00 PM: Docket ND 2019-3-E.

- **Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans,** March 7, 2019, at 10:00 AM: Docket No. 2017-370-E.

- **Application of Duke Energy Carolinas, LLC for Adjustments in Electric Rate Schedules and Tariffs and Request for an Accounting Order,** February 20, 2019, at 10:00 AM: Docket No. 2018-319-E.

- **Application of Duke Energy Carolinas, LLC for Approval of New Cost Recovery Mechanism and Portfolio of Demand-Side Management and Energy Efficiency Programs-Ex Parte Briefing; Application of Duke Energy Progress, LLC Requesting Approval of Its Proposed Home Energy Improvement Program HEIP-6; Office of Regulatory Staffs Petition for an Order Requiring Utilities to Report the Impact of the Tax Cuts and Jobs Act--Allowable Ex Parte Briefings,** February 19, 2019, at 10:00 AM: Docket Nos. 2013-298-E, 2016-149-E, and 2017-381-A.

- **Request by Commissioner Williams in Order No. 2019-100 for Briefing by the Office of Regulatory Staff Regarding: Commission Order No. 2019-100 and Customer Education Plan in Order No. 2018-804,** February 14, 2019, at 2:00 PM: Docket No. 2017-370-E.

- **Requested Allowable Ex Parte Briefing (Mr. Jerry Harvell) Regarding: Merger,** February 6, 2019, at 2:30 PM: Docket No. 2017-370-E.

- **Requested/Scheduled Allowable Ex. Parte Briefing Regarding Dominion, Inc., and Advertised \$1000 Rebate,** January 24, 2019, at 2:00 PM: Docket No. 2017-370-E.

- **TAS Strategies; Drexel Hamilton, LLC; Loop Capital Markets; Ramirez. & Company and**

**Williams Capital Markets Group Allowable Ex Parte Briefing Regarding South Carolina Utility Diversity in Financial Services**, December 18, 2018, at 10:00 AM: Docket ND 2018-33-EC.

• **Duke Energy Carolinas, LLC and Duke Energy Progress, LLC Request for an Allowable Ex Parte Briefing Regarding Integrated Resource Planning (IRP) Process, Including an Overview of the Recently Filed IRP and Renewable Energy Purchases under PURPA; and Hurricane Florence Update**, October 25, 2018. at 10:00 AM: Docket ND 2018-27-E.

• **South Carolina Solar Business Alliance, Incorporated Request for an Allowable Ex Parte Briefing Regarding Avoided Cost, Resource Planning and Energy Storage in an Era of Low-Cost Solar**, October 23, 2018 at 2:00 PM: Docket ND 2018-23-E.

• **Mandatory Ethics Training for Commissioners and Staff - Joint Ethics Training with the Office of Regulatory Staff (ORS)**, October 12, 2018, from 9:00 AM -4:30 PM.

• **Duke Energy Carolinas, LLC and Duke Energy Progress, LLC Request for an Allowable Ex Parte Briefing Regarding Managing Duke Energy Hydroelectric Projects**, July 23, 2018, at 10:00 AM: Docket ND 20 18-19-E.

## **2. Participation in organizations.**

### • **National Association of Regulatory Utility Commissioners (NARUC)**

I am a member of the National Association of Regulatory Utility Commissioners (NARUC). As referenced, I attend all the meeting and education sessions provided. I participate in the discussions, moderate panels and help shape national policy.

• **Committee on Water** - I serve as the Co-Vice Chair of the Committee on Water. I help build the Water Committee program with other Commissioners and staff from all over the country. I moderate a panel on a relevant topic at most meetings.

• **Subcommittee on Nuclear Issues -Waste Disposal** - I attend all of these meetings, I also received a weekly update on Nuclear Issues from the NARUC office in Washington, DC.

### • **Southeastern Association of Regulatory Utility Commissioners (SEARUC)**

SEARUC is one of the divisions of NARUC comprised of mostly southeastern states and Puerto Rico. We meet at every NARUC meeting and then on our own once a year to discuss issues that are relevant to the Southeast.

## **3. Representation in Official Capacity as Commissioner**

### • **South Eastern Water Infrastructure Summit, Charlotte, NC, April 28-29, 2019**

Attended as Co-Vice Chair of the Water Committee. Participated as a panel member on a panel entitled "Communicating with Customers".

(Time spent out of the office: 2 days)

### • **Illumination Energy Summit, Columbus, OH, May 14- 16, 2019**

This conference focused on innovations in the energy business, particularly in the technology side of electricity. One of the things I have focused on as Chair of the Public Service Commission is doing more research so that we are looking ahead instead of always reacting to innovations in the utility world.

(Time spent out of the office: 3 days)

#### 4. Notable Cases.

• **Consolidated Dockets Concerning Abandonment of SCE&G Nuclear Project, Emergency Rate Relief, and Merger of SCE&G with Dominion Energy (Dockets No. 2017-207-E, 2017-305-E, and 2017-370-E):** This case considered the abandonment of the VC Summer Nuclear Units, the merger of Dominion Energy with SCE&G, and the rates for ratepayers going forward. This was the most high-profile case in SC history. Despite the fact that the Baseload Review Act was passed by the General Assembly with virtually no opposition, the PSC became everyone's target for rate increases and the failure of the plant, even though the PSC has no investigative authority, while following the law set forth by the General Assembly. Every educational session that I have ever attended had influence in this case. Rate school, Grid school, Ethics training, Judicial training among others all had relevance in this proceeding.

• **Duke Energy Carolinas, LLC (Docket No. 2018-319-E):** This was a significant rate case by Duke Energy Carolinas (DEC). DEC wanted a rate increase including a ROE of 10.5% and an increase in the Base Facilities Charge to \$28.00. The PSC limited ROE to 9.5% and settled on a BFC of \$11.96. More significantly, the PSC disallowed from rates the cost of the NC Coal Ash Management Act put into place by the North Carolina Legislature. NARUC Rate School and Judicial training were instrumental in making this case much easier to rule on.

• **Chem-Nuclear Systems, LLC (Docket No. 2018-13-A):** At this hearing, the Commission questioned Chem Nuclear, among other things, about news reports that indicated the tritium plume was expanding outside of the nuclear waste containment area. Ultimately it was determined that this was not an issue that affected allowable costs as described by S.C. Code Ann. § 48-46-10 *et seq.* Participation in the NARUC Nuclear Waste Subcommittee was very helpful in deciding the merits of this case.

#### 5. Accomplishments of the Public Service Commission

I think the greatest accomplishment of The Public Service Commission (PSC) in 2018 was preparing for hearings and adjudicating the combined dockets in the SCE&G abandonment of the VC Summer Units and its merger with Dominion Energy in a compressed time frame. The last merger case that the Commission dealt with took over a year and a half. When you add the VC Summer abandonment to it, the PSC completed this task in a month and a half. We managed over 20 intervenors with more than 60 attorneys in the hearing room and finished the hearing portion of the case between November 1 and Thanksgiving. I think another accomplishment that the PSC has had under my leadership as Chairman is to instigate a process or restructuring the commission to make the entire commission more efficient and more transparent in its processes. We have live streamed every hearing and every commission meeting since the summer of 2018. Also, working with Jocelyn Boyd, our executive Director and General Clerk we have instituted a research group to look at trends for the future of the business that we regulate. The goal is to be proactive in what we know and act on instead of reactive.

#### 6. Work Schedule and Preparation.

The answer to this question really doesn't vary much from year to year. We really don't have a typical work week at the Commission. One of the fulfilling and interesting aspects of this job is the variety of issues that we deal with and the variety of actions and reactions that comprise our workload. Being a Commissioner in the South Carolina Public Service Commission is very stimulating. I really enjoy learning something new almost every day. With that background, I commute to the Commission office from my home in Clinton (two-hour round trip). I am physically in the office usually four days and rarely less than three days a week. During the fall I was there five days a week especially during the VC Summer hearings. As Commission Chairman I begin almost every day on the phone beginning between 7:30 and 8:30am with Jocelyn Boyd discussing the events of the day and what we need to accomplish that day. I speak with the legal staff and technical staff every day about cases and about general issues at the commission. In preparation for a hearing, I spend many hours reading hundreds of pages of testimony.

After reading the testimony, I spend time with our staff looking at historical data to help me draw my conclusions. If I am not in the office, I have an office in District 3 set up in my home complete with a personal computer and the Commission iPad. My day does not change significantly.

**7. Effects of Code of Judicial Conduct and South Carolina's ethics laws on your role as Commissioner.**

Being under the Judicial Code has positive and negative effects. With that in mind, I do think that being under the Judicial Code is appropriate for members of the South Carolina Public Service Commission. It does allow and require us to maintain distance from the parties involved in each docket. It is important that we are always unbiased in our deliberations. It also sets boundaries for everyone to follow that are clear. Making sure that ex-parte communications are controlled is a benefit to all parties. The one negative is that the Judicial Code prevents the Commissioners from being able to speak about anything that we have going on in a case. This was particularly worrisome when we were being attacked by many people who didn't seem to understand the Baseload Review Act or the tenants of the Judicial Code. We had to read about what we did by the loudest and most uninformed individuals who had the ear of the press. This was very discouraging at times. The ethics laws in our state do assist in aiding the unbiased appearance of the Commission's decisions. The Commissioners and staff are all very professional and very serious about their duty and obligations regarding the Judicial Code and the ethics laws. I am confident that the South Carolina Public Service Commission's business is conducted in a manner that should make everyone proud.

*NOTE: Do not provide any information that would violate the prohibition against ex parte communication or would otherwise violate any privilege.*

**Ethics Statement: I, Commissioner Comer H. "Randy" Randall, III have read and understand the Code of Judicial Conduct and the ethics laws of South Carolina. I certify that I have adhered to these standards at all times during this review period.**



**HEADEN B. THOMAS**  
**SEAT 5**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Thomas earned a Bachelor of Arts in Economics from Wofford College in 1973 and a Master of Business Administration from Winthrop College in 1979.

Mr. Thomas is currently engaged in matters regarding real estate and taxes. Since 2007, he has been involved in real estate investment, zoning, and permitting with Heritage Bluff Preserve, LLC. Since 2010 he has been involved with real estate development activities with Edisto Heritage Development, Inc. Additionally, since 2009 he has been involved with tax compliance and planning with Moore & Moore CPA's, P.A. Mr. Thomas was employed by Piedmont Natural Gas Company ("Piedmont") from 1983 to 2006. Mr. Thomas reports that he worked at Piedmont as a tax staff accountant, corporate tax manager, director of investor relations, and director of investor relations and corporate communications. From 1979 to 1982, he was employed with Deloitte Haskins & Sells, where he provided tax planning, tax compliance and tax audit resolution services. From 1978 to 1979, he was employed on a part-time basis while pursuing a Master of Business Administration by Moore, Glover, Pierce and Harrell, CPA's, where he provided auditing, tax, and general accounting services. From 1973 to 1977, Mr. Thomas worked for Manufacturer's Supply Company, where he was responsible for purchasing, inventory control, and directing warehouse activities.

Mr. Thomas is a licensed CPA in North Carolina and was a licensed CPA in South Carolina from 1981 to 2004.

Mr. Thomas has been a member of the following organizations within the past five years: (a) Saint Johns United Methodist Church; (b) Rock Hill Country Club; and (c) Cotillion Club.

**Test Score: 68**

**CLINT A. ELLIOTT**  
**SEAT 7**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Elliott attended Clemson University and obtained a Bachelor of Science in Microbiology in 1993.

Mr. Elliott currently works as a lab supervisor at Grand Strand Water and Sewer Authority; he has worked there since July 2006. He is responsible for supervising the day-to-day chemical testing of two surface water treatment facilities, as well as for reporting permit data and for the monthly and annual operating report to the Department of Health & Environmental Control (DHEC). From 1998 to 2006, Mr. Elliott worked as a chemist and lab supervisor for the City of Myrtle Beach Surface Water Treatment Facility where he supervised the chemical testing of a water treatment facility. From 1995 to 1998, Mr. Elliott worked in the Microbiologist Analytical Services Division of Environmental Microbiology at DHEC, where he was responsible for testing potable and non-potable water. From 1994 to 1995, Mr. Elliott worked in the Microbiologist Newborn Screening Section Division of Analytical Chemistry at DHEC.

Mr. Elliott serves on the South Carolina Drought Response Committee for the Northeast Drought Management Area representing the municipalities. He has been serving on the Committee since 2017, and his appointment from the Governor is pending.

As an employee of Grand Strand Water and Sewer Authority, Mr. Elliott is a member of the following professional organizations: (a) American Water Works Association; (b) Water Environment Association of South Carolina; (c) Association of Metropolitan Water Agencies; (d) American Water Works Association of South Carolina; (e) South Carolina Association of Special Purpose Districts; and (f) South Carolina Water Quality Association.

Mr. Elliott has been a member of the following organizations within the past five years: (a) Coastal Conservation Association – Waccamaw Chapter board member; (b) National Wild Turkey Federation Murrells Inlet Longbeards Chapter board member; and (c) Leadership Grand Strand.

**Test Score: 71**

**THOMAS “TEE” G. MILLER, JR.**  
**SEAT 7**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Miller graduated from the University of South Carolina in 1991 with a Bachelor of Science degree in Business Administration, and obtained a Master of Business Administration in 1996. Mr. Miller graduated from the University of Tennessee with a Master of Science degree in Communications in 1992.

Mr. Miller is currently the owner of Black Mingo, LLC, a company that he established in 2009. Black Mingo, LLC is primarily a retail store, but there is also a portion of the company that was intended to operate in economic development and as a business strategy consultant. From 2013 to 2016, Mr. Miller served as a planning and economic development director for the city of Georgetown. From 2005 to 2009, Mr. Miller was employed by the U.S. Department of Agriculture (USDA), in Columbia, S.C., as the state director for rural development. This included being involved with infrastructure financing provided to electric cooperatives in South Carolina and working with the office’s rural development water and environmental programs. He was actively involved with the SC Biomass Council, assembled by the SC Energy Office in 2006. From 2003 to 2005, he was the deputy director for the Office of Business Liaison with the U.S. Department of Commerce, where he coordinated with business associations and managed events with other agencies. From 2002 to 2003, Mr. Miller worked for the USDA as a congressional liaison in Washington, D.C., where he reports having also worked on water and wastewater issues through the office’s rural development water and environmental programs. Mr. Miller was employed from 1999 to 2002 by Motient Corp. (formerly American Mobile Satellite) as a senior marketing analyst focusing on market planning and strategy. From 1998 to 1999, Mr. Miller worked with the National Association of Children’s Hospitals as a research consultant. From 1996 to 1999, Mr. Miller worked at McFayden’s Market, LLC, where he and a partner developed a retail gourmet food store. Also during this time, from 1996 to 1998, he worked part-time as a substitute teacher in the Greenville County school system. From 1995 to 1996, he worked for Charter Capital Corp. developing business plans for new venture investments. From 1992 to 1995, Mr. Miller worked for Goudelock Advertising and Public Relations as a media and strategic planner.

Mr. Miller is a member of the National Federation of Independent Businesses.

Within the past five years, Mr. Miller has been a member of the following organizations: (a) Prince George Winyah Episcopal Church; (b) Leadership South Carolina - Class of 2016; (c) Conservatives for Clean Energy - South Carolina, Advisory Board; (d) Harbor Historical Association (Board 2010-2018); (e) University of South Carolina Alumni Association - Life Member; (f) Georgetown County Chamber of Commerce; (g) Georgetown Partnership; (h) Georgetown Cotillion Club; and (i) Georgetown Business Association.

**Test Score: 62**

**DELTON W. POWERS, JR.**  
**SEAT 7**

**Review Committee Findings: QUALIFIED AND NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Powers graduated from the University of South Carolina in 1974 with a Bachelor of Science in Business Administration in Finance. He obtained a Juris Doctor from the University of South Carolina School of Law in 1977.

Currently, Mr. Powers is in the process of closing his law firm, which has operated since 1992. His firm has focused on criminal, civil, administrative, and domestic matters, including contract work with the South Carolina Department of Social Services (DSS) in Child Protective Services. Mr. Powers has also served as a part-time magistrate in Marlboro County from 2018 to 2019. From 2002 to 2008, he combined his firm with another to create Joye, Locklair, and Powers, and he handled civil, criminal, and family court matters. During this time, Mr. Powers also began serving as a mediator. From 1992 to 1998, Mr. Powers was a special prosecutor for the Fourth Circuit, responsible for Marlboro County criminal cases, and served as a DSS contract attorney. From 1984 to 1992, he was a partner in Rogers and Powers, PA, and practiced criminal, civil, and family law. From 1985 to 1993, Mr. Powers served on the South Carolina Coastal Council, having been elected by the legislative delegation from the 6<sup>th</sup> Congressional District. He also served on the Office of Coastal Resource Management when it was absorbed into DHEC under restructuring. From 1982 to 1984, he was the executive director of Legal Services of the Fourth Circuit. From 1980 to 1982, he was an associate attorney with John I. Rogers, III, in Bennettsville in which he primarily handled criminal matters. From 1978 to 1980, he was an assistant solicitor in the Fourth Circuit where he prosecuted criminal cases in both the general sessions and the family courts. He also provided representation to DSS, which was procedure at that time.

Mr. Powers owns Powerful Properties, LLC. Powerful Properties, LLC is a family business to purchase real estate and rental properties.

Mr. Powers is a member of the following professional organizations: (a) South Carolina Association for Justice; (b) South Carolina Association of Criminal Defense Lawyers, 4<sup>th</sup> Circuit Representative and Sustaining Member; (c) South Carolina and American Bar Associations; and (d) South Carolina Supreme Court Commission on Lawyer Conduct. Within the past year, Mr. Powers has been a member of the SC Bar Fee Dispute Committee.

Mr. Powers has been a member of the following organizations within the past five years: (a) University of South Carolina Alumni Association; (b) St. Paul's Episcopal Church, Bennettsville; (c) The Well by the Sea, Episcopal Church, Myrtle Beach; and (d) Staff, Episcopal Cursillo, Seabrook Island, SC.

**Test Score: 70**

## **EXHIBIT 2**

### **CANDIDATES FOUND QUALIFIED BUT NOT NOMINATED**



**GEORGE “ROBERT” NEWMAN**  
**SEAT 1**

**Review Committee Findings: QUALIFIED, BUT NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Newman earned a Bachelor of Science degree in Mechanical Engineering from the University of Tennessee in 1968. He earned his Master of Science degree in Mechanical Engineering in 1974 from the University of Tennessee.

Mr. Newman is currently a railroad and marine engineering consultant with Robert Newman Engineering LLC, where he provides railroad track engineering services and often works for law firms representing railroads as an expert witness in railroad engineering. From 1986 to 2007, he worked as president for Harsco Rail. From 1982 to 1986, he was the vice-president of operations, overseeing engineering and manufacturing for Harsco Rail. From 1977 to 1982, he worked as manager of research and development for Harsco Rail after being hired as a design engineering from 1974 to 1976 for the same company. From 1969 to 1972, Mr. Newman served as an engineer duty officer for the United States Navy. From 1968 to 1970, he worked as a design engineer in mining machinery for the Sanford Day Division of Long Airdox.

Mr. Newman served as a board member for the Fairmont, Minnesota, Public Utilities Commission from 1989 to 1992, and he was also involved in the decision-making process for Fairmont’s potable water system, storm drainage piping, and wastewater treatment.

Mr. Newman is a member of the following organizations: (1) Registered Professional Engineer, South Carolina; and (2) Patriots Point / USS Yorktown Volunteer Member.

**Test Score: 48**

**LONNIE RICHARD HYATT**  
**SEAT 3**

**Committee Findings: QUALIFIED, BUT NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Hyatt graduated from Clemson University in May 1971 with a Bachelor of Science in Electrical and Computer Engineering.

Mr. Hyatt is currently retired. He worked as a project and site manager of industrial projects for Jacobs Engineering Group from 1994 to 2018. From 1983 to 1993, he worked for CRS Serrine as an electrical engineer and project manager on industrial projects. From 1971 to 1982, he worked for JE Serrine Company as an electrical engineer and field engineer.

Mr. Hyatt is a registered professional engineer in South Carolina.

Mr. Hyatt has been affiliated with the following organizations within the previous five years:

(a) First Baptist Church, Greenville; (b) Brookwood Church, Simpsonville; and (c) IPTAY.

**Test Score: 52**

## **EXHIBIT 3**

**CANDIDATES FOUND  
NOT QUALIFIED,  
NOT NOMINATED**

**ROBERT A. CALLAHAN**  
**SEAT 1**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Callahan received a Bachelor of Science in Civil Engineering from Clemson University in 1979.

Mr. Callahan has worked at Health Facilities Solutions since November of 2018. His duties have included working for the US Army Corp of Engineers performing quality assurance and safety inspections. From 2015 to October 2018, he worked as a civil engineer project manager for NASA Armstrong Flight Research Center in Edwards, California. In 2015, he worked as a civil engineer project manager for AECOM. From 2014 to 2015, he worked as a civil engineer project manager for the US Army Corp of Engineers. From 2013 to 2014, Mr. Callahan worked as a construction inspector for Chatham County Engineering in Georgia. From 2009 to 2013, Mr. Callahan had his own business in Tybee Island, Georgia as a personal financial planner and construction project consultant. From 2008 to 2009, Mr. Callahan was a senior project manager for Greenhorne and O'Mara. From 1992 to 2007, he worked as a master planning team leader and senior project manager for the US Army Corps of Engineers. From 1986 to 2011, Mr. Callahan established and managed Personal Financial Services of Georgia. From 1980 to 1992, he was the chief of the Master Planning Branch and the senior project manager of the Director of Public Works.

Mr. Callahan served as a member of the Tybee Island City Council from 2015 to 2017 and on the Tybee Island Planning Commission from 2011 to 2014.

**Test Score: 49**

**MARK W. DURISHAN**  
**SEAT 1**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Durishan received a Bachelor of Arts degree in Accounting from St. Vincent College in 1970. Mr. Durishan obtained his Masters of Business Administration at Eastern University in 1984.

Mr. Durishan is currently retired. He was the principal at Sabal Associates from 2005 to 2009, where he provided consulting services. From 1999 to 2005, Mr. Durishan was the CFO as Extendicare, Inc. From 1995 to 1998, Mr. Durishan was the CFO of Blue Cross of Minnesota. From 1991 to 1995, he was the CFO of Graduate Health System. He was an adjunct faculty member at Temple University's MBA program from 1990 to 1995. Mr. Durishan served as a partner with Coopers and Lybrand from 1981 to 1991. He served in the Pennsylvania National Guard from 1970 to 1976.

Mr. Durishan is a certified public accountant.

Within the past five years, Mr. Durishan has been a member of the following organizations: (a) Holy Cross Family Ministries, board member; (b) McKenna School of Business, advisory board member; and (c) World Affairs Council.

**Test Score: 52**

**ALVIN THOMAS JOHNSON, JR.**  
**SEAT 1**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Johnson graduated from the Citadel in 2004 with a Bachelor of Science degree in Civil Engineering.

Mr. Johnson has worked for AECOM of North Charleston as a project manager since 2018, where he is responsible for issues regarding the resolution of stormwater issues. He also serves the role of program advisor for the City of Charleston's Department of Stormwater Management. From 2010 to 2018, he operated as president and CEO for ATJ Engineering Ltd. in Charleston, working on various types of projects including residential, commercial, and water/wastewater. His duties included design of water & wastewater systems as well as stormwater conveyance systems. From 2004 to 2010, he worked at Thomas & Hutton Engineering as a project designer/engineer on various types of projects including residential, commercial, and water/wastewater.

Mr. Johnson is a licensed professional engineer in South Carolina.

Within the past five years, Mr. Johnson has served as a board member of the following organizations: (a) Teachers Supply Closet, (b) Citadel Football Association, and (c) Charleston Regional Development Alliance.

**Test Score: 15**



**DARRYLE BERNARD WARE**  
**SEAT 1**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Ware earned a Bachelor of Science degree in Electrical Engineering in 1993 from the Citadel.

Mr. Ware has worked for Charleston Electric Training Alliance as an instructor since 2018. From 2012 to 2016, he was an adjunct professor with ITT Tech, where he taught courses concerning electrical and electronic programs. From 2007 to 2014, he served as a volunteer coach for the City of Charleston. From 2006 to 2007, Mr. Ware was employed as a project engineer with MSE Power Systems, in which he worked on projects for wind farms and protective relay for various voltage systems. From 1993 to 2005, he was employed by Santee Cooper, during which time he served in various positions, such as substation control and relay design engineer, relay construction and maintenance engineer, and protective relay engineer. From 1988 to 1991, he was employed by Exxon Chemicals of America as an engineering technician. Mr. Ware served in the United States Navy as a Sonar Technician from 1982 to 1990.

Within the past five years, Mr. Ware has been a member of Northwoods Church.

**Test Score: 21**

**TERRY T. BOLING**  
**SEAT 3**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Boling obtained a Bachelor of Science degree in Management from University of Phoenix in 2009 and a Master of Science degree in Engineering Management - Project Management in 2011 from Rowan University.

Mr. Boling is currently a lead test specialist at General Electric (GE). He has been a GE employee since 2008 and worked at GE as a contractor from 2002 to 2008. In his current role, he researches and designs the testing of gas turbines and their components used for generating electricity. He also conducts fuel analysis and emissions measurements and works with emissions and fuel analysis systems and equipment. From 1996 to 2002, Mr. Boling worked at AMP+AKZO (previously Solelectron and Carolina Circuits) as an environmental technician where he operated a wastewater system. From 1993 to 1996, Mr. Boling was employed as a wastewater lab technician at Cooper Industries. From 1991 to 1993, Mr. Boling was an environmental technician at Yuasa-Exide where he operated an earth filtration system and conducted lab testing among other duties.

Since 2012, Mr. Boling has been an adjunct instructor for Central Carolina Technical College teaching environmental courses. He also started a small housing rental business and a horse boarding business in 2013.

Mr. Boling is a member of the Source Evaluation Society.

**Test Score: 52**

**LUTHER P. HENDRIX**  
**SEAT 5**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Hendrix earned a Bachelor of Science degree in Engineering from the University of South Carolina in 1977 and obtained a Master of Science degree in Electrical Engineering from the Georgia Institute of Technology in 1978.

Mr. Hendrix has served as the founder of and a consultant at Sabal Technology and Management Consulting since 2013, where he provides consulting services in electrical engineering, business management, investment, and also acts as an expert witness when called upon by associated law firms. Mr. Hendrix is also currently the managing director of Sabal Technology and Management Consulting, the managing director of Starbright Solar, the founder of 1000 Suns Energy, and the director of MV Lock. From 2009 to 2013, Mr. Hendrix was employed by Kevin Kennedy Associates as senior lead consultant, where he served as both consultant and project manager for a wide variety of technical, legal, and investment clients. From 2005 to 2009, Mr. Hendrix was president and CEO of Omnibase Logic, Inc., where he worked to commercialize methods of implementing multiple-valued logic functionality in certain process and design systems. From 2004 to 2005, Mr. Hendrix was the president of Sabal Semiconductor, Inc., which he formed and led to produce new power supply designs for LED technologies. From 2003 to 2004, he was employed as an independent consultant and dealt with various energy issues as well as provided consulting services to the legal and investment communities. From 2001 to 2003, Mr. Hendrix was a consulting services manager for Applied Materials. From 2000 to 2001, Mr. Hendrix was the director of consulting services for Global Knowledge Services. Between 1997 and 2000, Mr. Hendrix was the director of product technology at Samsung Austin Semiconductor. From 1993 to 1997, Mr. Hendrix was employed by National Semiconductor Corporation, where he began as an engineering manager and later served as the senior manager of technology development. From 1988 to 1992, Mr. Hendrix was employed by Motorola, where he served as the principal staff engineer and the principal device scientist in the semiconductor products sector. From 1986 to 1988, Mr. Hendrix was the principal device engineer for Bipolar. From 1984 to 1986, Mr. Hendrix was the process development engineering manager at Fab X. Between 1981 and 1984, Mr. Hendrix served as the device engineering supervisor at Mostek. Between 1979 and 1981, Mr. Hendrix was the product engineering manager at Bipolar. From 1978 to 1979, Mr. Hendrix was a product engineer at Monolithic Memories, Inc.

Mr. Hendrix is a member of the Institute of Electrical and Electronics Engineers.

Within the past five years, Mr. Hendrix has been a member of the following organizations: (a) Springdale Hall Club; (b) Gamecock Club, secretary of Kershaw County Chapter; (c) University of South Carolina Alumni Association, life member; and (d) Georgia Institute of Technology Alumni Association.

**Test Score: 70**

**SWAIN E. WHITFIELD**  
**SEAT 5**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Whitfield obtained a Bachelor of Arts in Geography in 1986 from the University of Georgia.

Mr. Whitfield currently serves on the Public Service Commission, and was initially elected in 2008. He served as the Commission's Chairman from 2016 to 2018. Prior to serving on the Commission, Mr. Whitfield was the president of Whitfield Transportation, Inc., a company which he founded and managed from 1991 to 2008. From 1990 to 1991, Mr. Whitfield was employed by Senn Trucking Company. From 1987 to 1990, he was employed by Youmans Transportation, Inc. as an operations manager. Mr. Whitfield was a member of the John De La Howe School Board of Trustees from 2006 to 2008. He also served on the Winnsboro City Council from 1995 to 1999, as well as the Fairfield Substance Abuse Commission from 1994 to 1996.

Mr. Whitfield was an unsuccessful candidate for SC House seat 41 in 1992 and SC House seat 77 in 2004.

Mr. Whitfield is a member of the following professional organizations: (a) Fairfield County Chamber of Commerce; (b) Southeastern Association of Regulatory Utility Commissioners (former president); (c) Gas Technology Institute Advisory Board (immediate past chairman); and (d) National Association of Regulatory Utility Commissioners, where he serves on a number of committees, including the Committee on Critical Infrastructure in which he serves as the Vice-Chairman.

Mr. Whitfield has been a member of the following organizations within the past five years: (a) Centennial Associate Reformed Presbyterian Church, as elder; (b) Blythewood Rotary Club; (c) Blackstock Young Farmers; and (d) Phi Kappa Tau Fraternity.

**Test Score: 76**

***Review Committee Annual Review Documentation 2018-2019***  
**COMMISSIONER QUESTIONNAIRE**  
**PERFORMANCE SUMMARY**

**NAME: SWAIN E. WHITFIELD**  
**SEAT: DISTRICT 5**  
**DATE ELECTED: 2008**  
**DATE TERM EXPIRES: 2020**

**Please provide information for the review period covering July 1, 2018 through June 30, 2019. Be sure to fully address each item.**

**1. Educational programs.**

• On Friday, October 12, 2018, Mandatory Ethics Training all day for Commissioners and Staff was held. This was held from 9am-4:45pm in the Commission's hearing room and was held jointly with ORS in order to best share resources and provide cost savings to both Agencies. The presenters included: Desa Ballard, Esquire; former Commissioner and USC Law school Professor Bob Bockman; Attorney Andrew Bateman of ORS; Meghan Walker, Executive Director, State Ethics Commission; Dr. Greg Dwyer; and Judge Thomas Cooper. The topics included: The State Ethics Act, Code of Judicial Conduct, South Carolina Administrative Procedures Act, Ethics specific to SC PSC Commissioners, Substance Abuse and Mental Health, healthy ethical coping, and ethics and behavior in the Workplace. We covered some new areas in this training, in addition to some of our "traditional" ethics training. This fulfilled my mandatory Annual Ethics training requirements. \*I Note that due to a personal conflict, that I completed my ethics training via video in person in the PSC Law Library with PSC Attorney Randall Dong, and PSC advisory staff members Doug Pratt and Dr. Jim Spearman on the very next Thursday, October 18, 2018. This was arranged by PSC Chief Clerk / Administrator Jocelyn Boyd and Afton Ellison.

All Allowable Ex Parte Briefings are informative in nature, but some are also educational in addition. Therefore, I have provided a list of all Allowable Ex Parte briefings during the last year and these are as follows:

- June 26, 2019, at 10:00 AM: Non-Docket 2019-15-E: Allowable Ex Parte Briefing to Discuss Johnson Development Associates and House Bill 3659
- June 12, 2019, at 2:00 PM: Non-Docket 2019-13-E: South Carolina Solar Business Alliance, Incorporated - Allowable Ex Parte Briefing to Discuss The South Carolina Energy Freedom Act: An Overview and Next Steps
- May 29, 2019, at 10:00 AM: Non-Docket 2019-6-WS: Blue Granite Water Company - Allowable Ex Parte Briefing to Discuss State of the Company
- April 30, 2019, at 10:00 AM: Non-Docket 2019-2-A: Allowable Ex Parte Briefing Regarding Colite Technologies' Products and Services
- April 4, 2019, at 2:00 PM: Non-Docket 2019-3-E: Inquiry Regarding Tree Trimming and Potential Alternatives
- March 7, 2019, at 10:00 AM: Docket No. 2017-370-E: Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 4 Project and Associated Customer Benefits and Cost Recovery Plans

- February 19, 2019, at 10:00 AM: Docket Nos. 2013-298-E, 2016-149-E, and 2017-381- Application of Duke Energy Carolinas, LLC for Approval of New Cost Recovery Mechanism and Portfolio of Demand-Side Management and Energy Efficiency Programs-Ex Parte Briefing; Application of Duke Energy Progress, LLC Requesting Approval of Its Proposed Home Energy Improvement Program HEIP-6 ; Office of Regulatory Staff's Petition for an Order Requiring Utilities to Report the Impact of the Tax Cuts and Jobs Act-- Allowable Ex Parte Briefings
- February 14, 2019, at 2:00 PM: Docket No. 2017-370-E: Request by Commissioner Williams in Order No. 2019-100 for Briefing by the Office of Regulatory Staff Regarding: Commission Order No. 2019-100 and Customer Education Plan in Order No. 2018-804
- February 6, 2019, at 2:30 PM: Docket No. 2017-370-E: Requested Allowable Ex Parte Briefing (Mr. Jerry Harvell) Regarding: Merger
- January 24, 2019, at 2:00 PM: Docket No. 2017-370-E: Requested/Scheduled Allowable Ex Parte Briefing Regarding Dominion, Inc., and Advertised \$1000 Rebate
- December 18, 2018, at 10:00 AM: Non-Docket 2018-33-EC: TAS Strategic; Drexel Hamilton, LLC; Loop Capital Markets; Ramirez & Company and Williams Capital Markets Group Allowable Ex Parte Briefing Regarding South Carolina Utility Diversity in Financial Services
- October 25, 2018, at 10:00 AM: Non-Docket 2018-27-E: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC Request for an Allowable Ex Parte Briefing Regarding Integrated Resource Planning (IRP) Process, Including an Overview of the Recently Filed IRP and Renewable Energy Purchases under PURPA; and Hurricane Florence Update
- October 23, 2018, at 2:00 PM: Non-Docket 2018-23-E: South Carolina Solar Business Alliance, Incorporated Request for an Allowable Ex Parte Briefing Regarding Avoided Cost, Resource Planning and Energy Storage in an Era of Low-Cost Solar
- October 12, 2018, from 9:00AM-4:30PM: Mandatory Ethics Training for Commissioners and Staff Joint Ethics Training with the Office of Regulatory Staff (ORS)
- July 23, 2018, at 10:00 AM: Non-Docket 2018-19-E: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC Request for an Allowable Ex Parte Briefing Regarding Managing Duke Energy Hydroelectric Projects

## **2. Participation in organizations**

On October 21-23, 2018, I attended the Gas Technology Institute (GTI) Advisory Board meeting in Chicago, IL. GTI is a research and development institution that takes new and experimental natural gas technologies, including renewable gas technologies, and turns them into real practical applications and energy solutions. This meeting also included a tour of GTI's cutting edge Research & Development Lab in Des Plaines, IL. I am honored to serve on the GTI Advisory Board with fellow Commissioners from other States. At this meeting, after serving as Chairman of the Board for 2 years, an election was held, and I was honored to be able to present the gavel to Florida Commissioner Julie Brown, who had served as Vice Chairman during my two years as Chairman.

On April 21-23, 2019, I attended the Gas Technology Institute (GTI) Advisory Board meeting in Washington, DC. I now serve on the board as immediate past Chairman. This meeting included our business meeting and many educational updates in the natural gas industry as well as presentations from many other GTI executives.



On June 2-5, 2019, I attended the Southeastern Association of Regulatory Utility Commissioners (SEARUC) meeting in Gulf Shores, AL. At this meeting I attended sessions on: Alternative transportation in the Southeast - the "All of the Above" strategy - Electric Vehicles (EVs) in the Southeast; Addressing aging Critical Infrastructure; How rising U.S. LNG Exports Impact Domestic Gas Flows; Nuclear Straight Talk; Federal Pipeline Safety Reauthorization Bill; and Challenges and Opportunities of Broadband in rural Southeast. I attended this meeting as the immediate Past President of SEARUC and member of the SEARUC Executive Committee. As President of SEARUC, I held a very successful meeting in Charleston, SC in 2018 and left SEARUC in sound financial condition for SEARUC 2019.

Summary of all organizations and positions that I am a member of:

- Co Vice-Chairman - NARUC Committee on Critical Infrastructure
- Member - NARUC Washington Action Committee
- Member - NARUC Nuclear Issues and Waste Disposal Subcommittee
- Member - NARUC Committee on Gas
- Immediate Past Chairman - Gas Technology Institute Advisory Board
- Immediate President - Southeastern Association of Regulatory Utility Commissioners (SEARUC)
- Member - NARUC - US DOE: Gas Infrastructure Modernization Partnership

### **3. Representation in Official Capacity as Commissioner**

I represented the Commission in 2 of the 3 NARUC meetings during the review period, and below are the dates of those meetings: NARUC Summer - July 13-17, 2018; (I missed the November 2018 NARUC meeting due to the Dominion - SCE&G merger / Nuclear abandonment / Emergency Rate Relief case); and NARUC Winter - February 9-13, 2019. In these NARUC meetings, I represented the Commission, and I am a voting member of the Gas Committee, and the Critical Infrastructure Committee (I am Vice Chairman of the Critical Infrastructure Committee), and I am also a member of the Subcommittee on Nuclear Waste and Nuclear Issues, and the Washington Action Committee. I also represented the Commission at the annual SEARUC meeting June 2-5, 2019, in Gulf Shores, AL, where I served on the executive committee as immediate Past President of SEARUC. However, I have it listed under item #2 in participation in organizations above. I believe that these two NARUC meetings and the one SEARUC meeting should also be listed under Educational Programs in item #1, but I chose to list them in item #2 and item #3.

I also represented the Commission in September 17-19, 2018 at the U S Department of Energy / NARUC Natural Gas Infrastructure Site Visit and technical workshop in Andover, MA. The technical workshop was held at the Massachusetts Utilities Commission, and the site visit included Natural Gas leak detection technologies, followed by a demonstration of an unmanned aerial vehicle with Remote Methane Gas Leak detector technology to detect Methane leaks over a wide area. Unfortunately, this technical workshop and site visit were following a Natural Gas explosion involving injuries and a fatality in the area. This event would have also been listed under Educational Programs in item #1.

I represented the Commission on May 8-10, 2019 along with Commissioner Justin Williams at the U S Department of Energy / NARUC site visit to the National Carbon Capture Center (NCCC) near Birmingham, AL. We saw firsthand, Carbon Capture and sequestration technology and research by the U S Department of Energy. We also toured a major Coal and Natural Gas-fired power plant that hosts the NCCC. We also attended a technical session on other clean coal technologies. As Coal generation continues to decrease in South Carolina and the US, innovative methods such as these will be deployed to continue to dramatically lessen the environmental impacts of coal. This event could have also been listed under Educational Programs in item #1.

### **4. Notable Cases**

• **Duke Energy Progress, LLC (Docket No. 2018-318-E):** In this rate application, the merits hearing was held over several days from April 11- 17, 2019. The Commission held two public night hearings in the Company's service territory. The Company sought a Return on Equity of 10.25%, and a revenue / rate increase totaling \$69 million. Originally, the Company sought a Base Facilities Charge (BFC) increase from \$9.06 to \$29.00 for residential customers, though the Company later agreed to limit the increase to \$11.78 for residential customers. There were ten intervening parties, and most parties presented testimony. After hearing all the evidence presented, and entertaining stipulations between parties, the Commission issued Order No. 2019-341 that limited the Company to approximately \$41.5 million of the requested \$69 million, which resulted in an approximate \$6.27 increase in residential rates from \$122.49 per month for a 1,000 kWh residential customer to \$128.76 per month (net of simultaneous fuel clause adjustment). This case was notable as the Commission not only heard from large numbers of residential ratepayers, but the Commission also heard from many farmers in the Pee Dee Region who were impacted with multiple meters.

• **Duke Energy Carolinas, LLC (Docket No. 2018-319-E):** In this rate application, the Commission held three public night hearings in the Company's service territory and a five-day merits hearing. This was the first fully contested electric rate case for DEC in several years. In addition to the utility and the Office of Regulatory Staff, eight intervenors made appearances and presented testimony in this case. In its original application, the utility sought a net revenue increase of approximately \$168 million and a return on equity of 10.50 percent. The Company also initially requested a dramatic increase in the Residential Basic Facilities Charge (BFC) from \$8.29 to \$28.00 per month. The Company later agreed to accept a Residential BFC of \$11.96 per month. In reviewing of all of the evidence and testimony, the Commission approved a net revenue increase of approximately \$106,931,000 and a return on equity of 9.50% in Order No. 2019-323. The largest disallowance adopted by the Commission involved excluding \$469,894,472 incurred by the Company in complying with the North Carolina Coal Ash Management Act. The Commission's order on the utility's motion for rehearing and reconsideration is pending, and the utility is expected to appeal the Commission's decision to the Supreme Court of South Carolina.

• **Consolidated Dockets Concerning Abandonment of SCE&G Nuclear Project, Emergency Rate Relief, and Merger of SCE&G with Dominion Energy (Dockets No. 2017-207-E, 2017-305-E, and 2017-370-E):** In 2008, SCE&G began construction of two Westinghouse AP1000 nuclear units at the V.C. Summer site in Jenkinsville, South Carolina. Over the course of the following nine years, SCE&G invested approximately \$5 billion dollars in the Project, an amount roughly equal to its non-nuclear electric rate base.

SCE&G abandoned the Project on July 31, 2017. This happened approximately four months after its contractor, Westinghouse Electric Company, LLC ("Westinghouse" or "WEC"), filed bankruptcy and immediately after SCE&G's co-owner, the South Carolina Public Service Authority ("Santee Cooper"), ceased funding the Project. At the time of the abandonment, recovery of capital costs on its investment in the Project constituted approximately 18% or \$445 million of SCE&G's annual retail electric revenue.

The Sierra Club and Friends of the Earth filed a petition in Docket No. 2017-207-E (Friends of the Earth and the Sierra Club v. South Carolina Electric & Gas Co.) prior to abandonment of the Project asking the Commission to end funding for the Project and to grant reparations under S.C. Code Ann. § 58-27-960. The South Carolina Office of Regulatory Staff ("ORS") filed a petition in Docket No. 2017-305-E (Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920) seeking emergency rate relief under S.C. Code Ann. § 58-27-920.

Numerous parties intervened in PSC Dockets Nos. 2017-207-E and 2017-305-E, and after receiving and reviewing myriad filings by the various parties, the Commission, under my Chairmanship, heard two days of arguments to determine whether these dockets would proceed. On December 20, 2017, in Order Nos. 2017-769 and 2017-770, the Commission found that the Office of Regulatory Staff and Friends of the

Earth and the Sierra Club had met the threshold required for their respective dockets to continue, and therefore denied SCE&G's motions to dismiss.

In early January 2018, Dominion Energy proposed to purchase SCANA. The proposed business combination would include merger benefits of approximately \$3.8 billion to be provided to SCE&G's customers in resolution of the regulatory issues surrounding the Project. This amount of merger benefits appeared to be unprecedented in utility mergers. The merger's benefits initially offered included immediate one-time payments to customers of \$ 1.3 billion upon closing of the merger, write-offs of nuclear Project and other generation assets and regulatory assets of \$1.9 billion, and reductions to on-going bills of \$575 million, all of which were included in a regulatory proposal known as the "Customer Benefits Plan." To offset the financial impacts of these concessions on SCE&G, Dominion Energy offered to use capital from its balance sheet to infuse equity into SCE&G and to support the refund benefits offered under the Customer Benefits Plan. Dominion Energy also agreed to merger conditions including protections for SCE&G employees and customers, infrastructure investment and service level commitments, and continued local leadership of SCE&G's operations. SCANA announced its agreement to the plan of merger on January 3, 2018.

On January 7, 2018, the Joint Applicants initiated Docket No. 2017-370-E, seeking approval of the merger and adoption of the regulatory plan proposed by Dominion Energy (the "Customer Benefits Plan"). The Joint Application also presented two disfavored alternative plans that SCE&G proposed absent the merger. Those plans are the "No Merger Benefits Plan" and the "Base Request." The primary relief sought in the Joint Application was approval of the merger and adoption of the Customer Benefits Plan.

On June 28, 2018, the General Assembly adopted legislation ("Act 258") requiring, among other things, a temporary reduction in SCE&G retail electric rates of approximately 15%, amending the BLRA. The Commission implemented the mandated rate reduction by Order No. 2018-459, dated July 2, 2018.

The Commission held nearly a month-long hearing, commencing November 1, 2018 and lasting until Thanksgiving in this complex consolidated matter. The Commission received testimony from 44 witnesses. The evidentiary record compiled in the course of the proceeding was voluminous. The analysis required of the Commission and Staff was intensive and challenging.

In deciding this matter, the Commission was required to determine which plan would (1) provide maximum customer benefits; (2) bring finality and certainty; and (3) be in the public interest of South Carolina ratepayers. Within the bounds of the law and the evidence of record in this case, the Commission was required to choose between adopting the Customer Benefits Plan- B Levelized (a modification of the original Customer Benefits Plan that provided additional rate relief) and allowing the Dominion Energy merger to close, or, adopting ORS's Optimal Benefits Plan and almost certainly letting the Dominion Energy merger fail. The Commission chose the former. The Commission concluded in Order No. 2018-804(A), after exhaustive analysis, that the plan proposed by the Joint Petitioners would provide immediate and sustained bill reductions to customers coupled with strong assurances that SCE&G would continue to operate as a financially sound, reliable, and responsible utility going forward. SCE&G's electric bills would be brought into alignment with neighboring utilities and be well below national averages. This result would be achieved without material risk to SCE&G's solvency, creditworthiness, or ability to conduct its future utility operations safely, reliably, and efficiently. No other option before the Commission provided this combination of benefits. The Commission believed it had enormous value for all SCE&G ratepayers, stakeholders, and the State as a whole. This could be the largest and most impactful case ever in the history of the Commission.

## **5. Accomplishments of the Public Service Commission**

During the review period, the Commission continued to operate under intense public scrutiny and pressure. I believe that pressure and scrutiny led the Commission to clearly demonstrate that it could

administer the laws of South Carolina and caused the Commission to produce many accomplishments. I will discuss some of these accomplishments below.

From the very beginning of the review period, the Commission showed that it was capable of responding quickly and in real time and operated seamlessly. This was clearly demonstrated when Act 258 was adopted by the General Assembly on June 28, 2018. This was during the last hours of my Chairmanship, and as Chairman, I immediately ordered a Special meeting regarding Act 258. This was on a Friday, and Chief Clerk Jocelyn Boyd publicly noticed the meeting minutes before 5pm, and minutes later around 5:05pm, SCE&G brought suit against all the Commissioners in their official capacity in US District Court. The meeting that I ordered could not take place until the next business day which happened to be Monday, July 2, 2018, and my Chairmanship officially ended June 30, 2018. I worked with Vice Chairman Randall (who was Chairman elect at this time) and Chief Clerk / Administrator Jocelyn Boyd and along with other Commission staff members to ensure that this was a seamless transition late Friday and into the weekend. The end result was that Commissioner Randall presided as the new Chairman on Monday, July 2, 2018 and the Commission followed the new law of the General Assembly and handled a very delicate matter expeditiously, and in real time, by issuing Order No. 2018-459 which ordered a temporary reduction in SCE&G retail electric rates of 15%.

Other MAJOR accomplishments of the Commission include the final disposition of one of the largest cases to ever come before the Commission in the history of the Commission. (Dockets No. 2017-207-E, 2017-305-E. and 2017-E). I won't go through the case in depth as I have already done so in the notable cases section. However, I do consider this a MAJOR accomplishment of the Commission, as the Commission was successful in holding lengthy hearing, in which all parties were heard, has 44 witnesses testify, and evidentiary record was voluminous. The end result was Commission Order No. 2018-804(A) which provided: maximum ratepayer benefits and was in the public interest of ratepayers of South Carolina; and brought finality and certainty to SCE&G ratepayers, stakeholders in the case, and to the future of one of South Carolina's largest investor-owned utilities.

In addition to the Commission demonstrating how quick and nimble it can adapt and administer the law, Other accomplishments include the Commission becoming much more transparent. Through the leadership of Chairman Randall and the diligence of Chief Clerk Jocelyn Boyd, and additional funding, the Commission is now able to live-stream hearings and meetings. All meetings and hearings have always been open and public, but live-streaming enables most South Carolinians and interested parties to watch live in real time. This is a great accomplishment because the public is now able to see in real time what the Commissioners have always seen: the examination and cross-examination of witnesses and questions by Commissioners. Live-streaming also gives the public (many for the first time) unique insight into utility cases, and Commissioner deliberations, and how utility cases are decided. I believe it has been a tremendous success and is a huge aid in public confidence and trust.

While there are many other accomplishments of the Commission during the review period, I want to mention one more. I support the Commission promulgating a new regulation. Chief Clerk Jocelyn Boyd has worked hard to bring forth Regulation 103-817.1. This Regulation allows for electronic transmission and filing (e-filing) of documents. E-filed Documents now constitute the official record. While the Commission has accepted electronic filing for a while, this regulation sets forth rules and policies governing e-filing and notice of service. This accomplishment corresponds with other Judicial bodies in South Carolina.

## **6. Work Schedule and Preparation**

My work schedule for the most part remains unchanged from previous years, as I continue to be in the office in Columbia practically every day during the work week. However, as immediate Past Chairman of the SC Commission, my responsibility has decreased during the review period. I no longer have the responsibilities of personnel, budget, procedural matters, scheduling or any other duties statutorily assigned to the Chairman. I value being a "Regular Commissioner" again after the heavy pressure of the



previous 2 years. While the pace is still fast, and the caseload seems to be heavier, I do believe we have made progress. I look back on my words from two years ago in this evaluation and I pledged to the Ratepayers of South Carolina, PURC Committee, the Legislature, the Governor, the staff at the PSC, and my fellow Commissioners to take the Commission to a "better place" by taking things 1 day at a time. I believe we are in a "better place", and Chairman Randall and Chief Clerk Jocelyn Boyd are working hard to make us even better at serving all South Carolinians.

My preparation during the review period remains unchanged from previous years. I still receive printed copies of the testimony here at the Commission and review (while the Commission is completely electronic and state of the art - I still read printed copies in most cases, especially large cases, as I prefer not to look at a computer screen for those long periods of time). I am briefed by the Commission's technical and legal staff in the law library. During the hearings, I listen to the Testimony, evidence, cross-examination by the attorneys, questions by my fellow Commissioners, and then I ask questions of the witnesses. Afterwards, I read proposed orders from all parties in the case and seek advice and counsel from Commission technical staff and Commission attorneys.

#### **7. Effects of Code of Judicial Conduct and South Carolina's ethics laws on your role as Commissioner**

As I have stated previously, public trust and public confidence must remain high in this Commission for us to function as a judicial body. I believe that each Commissioner and I have strictly adhered to the Code of Judicial Conduct and to SC Ethics laws. I also said in a previous questionnaire that one of our instructors in Ethics Training said years ago "some people might find the Code of Judicial Conduct burdensome to the average citizen". I also believe that my fellow commissioners and I have "gladly and willingly" abided by the restrictions or the Code of Judicial Conduct and ethics rules. As a NARUC member State, we are aware that some states have "loose" ethics laws. South Carolina is known throughout all 50 States in NARUC as having the toughest ethics laws of any State Commission. Our SC Ethics laws are so strong that SC Ethics Director Meghan Walker has been a featured speaker at both SEARUC and NARUC in the last year or so. While it is certainly important at all times to have strict ethics laws, the last 2 years have shown that South Carolina's strict ethics laws and Judicial Code of Conduct have worked. While public trust was very low and heavily questioned, I do believe that as the limitations, roles and responsibilities of the Commission continue to be understood by the public, along with recently passed new Legislation that public trust is coming back. Also, I am eager to hear any suggestions that our instructors may have in our mandatory ethics training that is scheduled in just over a month or so. As Commissioner, I personally will continue to strive every day to abide by Code of Judicial Conduct and SC Ethics Laws. The Code of Judicial Conduct also requires that Commissioners "avoid the appearance or impropriety" and I will continue every day to adhere to that requirement as well .

*NOTE: Do not provide any information that would violate the prohibition against ex parte communication or would otherwise violate any privilege.*

**Ethics Statement: I, Commissioner Swain E. Whitfield have read and understand the Code of Judicial Conduct and the ethics laws of South Carolina. I certify that I have adhered to these standards at all times during this review period.**

**STEVEN A. JANES**  
**SEAT 7**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Janes obtained a Bachelor of Science degree in Electrical Engineering from Lehigh University in 1972.

Mr. Janes was employed at the Public Service Electric & Gas Co. in New Jersey from 1973 to 2006. During this time, Mr. Janes held a number of positions, such as senior staff engineer (1976-1981), operations manager (1980-1989), and technical analyst manager (1990-2006).

Mr. Janes is a life member of the Institute of Electrical and Electronic Engineers, and a member of IEEE Power System Engineering Society.

**Test Score: 17**



**BONNIE D. LOOMIS**  
**SEAT 7**

**Review Committee Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Ms. Loomis earned a Bachelor of Arts degree from the University of South Carolina in 1993 and a Juris Doctor from the University of South Carolina School of Law in 1998. She also received a Global Oil & Gas Management Certificate from the Thunderbird School of Global Management in 2017 and participated in the Riley Institute Diversity Leaders Initiative in 2013 and the Duke Energy Strategic Leadership Program with the Kenan-Flagler School of Business at the University of Chapel Hill in 2012.

At the time of Ms. Loomis' screening, she was the executive director for the South Carolina Clean Energy Business Alliance (SCCEBA), a position in which she began in February 2018.<sup>1</sup> From 2016 to 2017, she was the executive director for the American Petroleum Institute in Columbia, SC. From 2013 to 2016, she was the president for the Palladian Group Public Affairs, LLC. From 2010 to 2013, Ms. Loomis was employed as director for South Carolina Strategy and Planning for Duke Energy Corporation. From 2005 to 2010, she was in private legal and public affairs practice. From 2003 to 2005, she was employed by the South Carolina Department of Health & Human Services as director of Policy and Planning. From 2001 to 2003, she was the research director for the South Carolina Senate Majority Caucus and the Medical Affairs Committee. From 1998 to 2001, she was engaged in private legal practice.

Ms. Loomis is a member of the South Carolina Bar Association and the South Carolina Women Lawyers Association.

Ms. Loomis has been a member of the following organizations within the past five years: (1) Twin Oaks Property Owners Association, secretary/treasurer; (2) SC Seizure Safety in Schools Study Committee; (3) Family Connection of South Carolina; (4) Clemson University's Rutland Institute for Ethics; (5) Reach Out and Read South Carolina; (6) SUPERB Advisory Council; (7) Palmetto Agribusiness Council Legislative & Regulatory Task Force; (8) South Carolina Energy Office Energy Advisory Council; (9) South Carolina Clean Energy Business Alliance; and (10) Governor's School for Science & Math Foundation.

**Test Score: 75**

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<sup>1</sup> Ms. Loomis has informed Review Committee staff that she became the South Carolina managing director for E4 Carolinas on July 1, 2020 upon the dissolution of the SCCEBA and its functions were transitioned to E4 Carolinas.

**TED M. VICK**  
**SEAT 7**

**Review Committee's Findings: NOT QUALIFIED, NOT NOMINATED**

**Personal Information, Educational Background, and Work Experience:**

Mr. Vick obtained a Bachelor of Arts degree in Business Administration from the Citadel in 1995. He then attended the University of South Carolina, where he obtained a Masters of Education in 1997.

Mr. Vick currently serves in the United States Army Reserves, and has served in various positions within the US military since 1990. Mr. Vick is the president of MTV Properties, V&B Properties, and Wingfowler Properties, along with other companies that are centered on commercial, residential and timber production real estate.

Mr. Vick served in the SC General Assembly as a representative for District 53 from 2004 to 2014.

In 2011, Mr. Vick ran as a candidate for US Congress for the 7<sup>th</sup> District of South Carolina but withdrew in May of 2012.

Mr. Vick is a member of the following professional organizations: (1) The Citadel Alumni Association - life member; (2) The SC National Guard Association - life member; (3) The American Legion; and (4) National Rifle Association - life long member.

Mr. Vick has been affiliated with the following organizations within the past five years: (1) Ruby Lodge 314 - life member; (2) 1<sup>st</sup> Baptist Church, Georgetown; (3) Fayetteville Independent Light Infantry; (3) Employer Support of the Guard and Reserve; and (4) Phi Kappa Phi Fraternity.

**Test Score: 64**