

State Regulation of Public Utilities Review Committee

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ADVISORY OPINION

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- SUBJECTS:**
- 1) ATTENDANCE BY CANDIDATES FOR THE PUBLIC SERVICE COMMISSION AT LEGISLATIVE RECEPTIONS**
 - 2) ATTENDANCE BY CANDIDATES FOR THE PUBLIC SERVICE COMMISSION AT LEGISLATIVE CAUCUS MEETINGS**

DISCUSSION OF SUBJECT 1: In an Advisory Opinion dated February 27, 2006 (attached as Exhibit A), the State Regulation of Public Utilities Review Committee ("Review Committee") addressed the issue of attendance by candidates for the Public Service Commission at legislative receptions. In that opinion, the Review Committee established the position that in the context of the screening process for Public Service Commission elections, candidates seeking election to the Public Service Commission should not attend legislative receptions sponsored by (1) a lobbyist's principal, (2) an entity regulated by the Public Service Commission, or (3) a party appearing before the Public Service Commission. It has come to the attention of the Review Committee that there are legislative receptions that, while not in one of these three categories, are receptions that should nonetheless be avoided by candidates for the Public Service Commission, including incumbent and non-incumbent candidates, for the same reasons articulated in the Review Committee's February 27, 2006 opinion. As such, the Review Committee hereby establishes an official position that, in the context of the screening process for Public Service Commission elections, all candidates for the Public Service Commission, not just candidates who are incumbent commissioners, should also not attend any reception:

(1) that is extended to the House or Senate Invitations Committee pursuant to House Rule 4.13 or Senate Rule 48; (2) that notice of which is published in the Calendar of the House or Senate; or (3) that notice of which is posted on the webpage of the House or Senate Invitations Committee. Failure to follow these three additional guidelines as set forth in this opinion on or after January 15, 2013 may be considered by the Review Committee as a factor in its screening process.

DISCUSSION OF SUBJECT 2: In an Advisory Opinion dated February 27, 2006 (Exhibit A), the State Regulation of Public Utilities Review Committee ("Review Committee") addressed the issue of attendance by candidates for the Public Service Commission at legislative receptions. While the February 27, 2006 opinion delineates the Review Committee's position that commissioners and commission candidates are prohibited from political gatherings under Cannon 5 of the Code of Judicial Conduct, it has come to the attention of the Review Committee that, inasmuch as the February 27, 2006 opinion does not directly address the attendance by candidates for the Public Service Commission at legislative caucus meetings, clarification is necessary. Therefore, the Review Committee hereby establishes an official position that, in the context of the screening process for Public Service Commission elections, the Review Committee considers legislative caucus meetings to be political gatherings under Cannon 5 of the Code of Judicial Conduct. As such, candidates for the Public Service Commission, including incumbent and non-incumbent candidates, should not attend legislative caucus meetings. Legislative caucus meetings would not include meetings based on geographically based groups organized by congressional district or county. Failure to follow the guidelines as set forth in this opinion after January 15, 2013 may be considered by the Review Committee as a factor in its screening process.

THIS OPINION IS ADVISORY IN NATURE ONLY. THE STATE ETHICS COMMISSION IS RESPONSIBLE FOR ENFORCING VIOLATIONS BY INCUMBENT COMMISSIONERS OF THE STATE ETHICS ACT AND THE CODE OF JUDICIAL CONDUCT. THE REVIEW COMMITTEE MAY CONSIDER VIOLATIONS WHEN IT CONSIDERS A CANDIDATE'S QUALIFICATIONS.

Candidates may contact Review Committee counsel, Breeden John at (803) 212-6216 or Bryan Triplett (803) 734-3015 for questions or clarification regarding this advisory opinion.