

## Session 124 - (2021-2022)

### H 3683 General Bill, By Lucas, Sandifer, West, Caskey and McGarry

*Similar (S 0344, H 4149)*

**Summary:** SC Rate Payer Protection Act of 2021

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA RATEPAYER PROTECTION ACT OF 2021" BY ADDING SECTIONS 8-27-70, 8-27-80, AND 8-27-90 ALL SO AS TO PROVIDE PROTECTIONS FOR EMPLOYEES OF A PUBLIC UTILITY WHO REPORT WRONGDOING BY THE UTILITY AND TO PROVIDE REMEDIES FOR EMPLOYEES WHO ARE DISMISSED OR SUFFER ADVERSE EMPLOYMENT ACTIONS BECAUSE OF A REPORT OF WRONGDOING; BY ADDING SECTIONS 37-6-610, 37-6-611, AND 37-6-612 ALL SO AS TO PROVIDE THAT NO PERSON MAY SERVE AS THE CONSUMER ADVOCATE IF THE PUBLIC SERVICE COMMISSION REGULATES A BUSINESS WITH WHICH THAT PERSON IS ASSOCIATED, AND TO PLACE RESTRICTIONS ON FUTURE EMPLOYMENT AND SPECIFIED ETHICAL REQUIREMENTS ON THE CONSUMER ADVOCATE AND EMPLOYEES OF THE DEPARTMENT OF CONSUMER AFFAIRS, AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; TO AMEND SECTION 58-3-20, RELATING TO THE PUBLIC SERVICE COMMISSION, SO AS TO DELETE PROVISIONS WHICH PERMIT THE REVIEW COMMITTEE TO FIND A CANDIDATE QUALIFIED IF HE DOES NOT HAVE THE BACKGROUND OR EXPERTISE REQUIRED BY LAW AND PROVISIONS WHICH PERMIT CERTAIN INCUMBENT COMMISSIONERS TO BE REELECTED WHO DO NOT MEET THESE QUALIFICATIONS; BY ADDING SECTIONS 58-3-21 AND 58-3-22 BOTH SO AS TO AUTHORIZE MILEAGE AND SUBSISTENCE ALLOWANCES FOR PUBLIC SERVICE COMMISSIONERS, AND TO PROVIDE THAT MEMBERS OF THE COMMISSION ARE NOT PROHIBITED FROM CONSULTING WITH RETAINED EXPERTS AND ATTORNEYS IN CLOSED SESSION IN A MANNER CONSISTENT WITH THE APPELLATE COURTS OF THIS STATE; TO AMEND SECTION 58-3-25, RELATING TO CONFLICTS OF INTEREST OF MEMBERS OF THE PUBLIC SERVICE COMMISSION AND EMPLOYEES OF THE COMMISSION, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHICH ARE CONSIDERED CONFLICTS, AND TO DELETE A REQUIREMENT FOR CERTAIN FILINGS BY EMPLOYEES; TO AMEND SECTION 58-3-30, RELATING TO CODES OF CONDUCT OF COMMISSIONERS AND EMPLOYEES OF THE COMMISSION, SO AS TO FURTHER PROVIDE FOR THE CODE OF CONDUCT AND PERMISSIBLE ACTIONS AND PRACTICES OF COMMISSIONERS AND EMPLOYEES OF THE COMMISSION, AND TO REQUIRE ANNUAL CONTINUING EDUCATION FOR COMMISSIONERS AND EMPLOYEES; TO AMEND SECTIONS 58-3-60, 58-3-190, AND 58-3-200, ALL RELATING TO AUDITS AND EXAMINATIONS OF PUBLIC UTILITIES, SO AS TO REVISE THE MANNER IN WHICH INSPECTIONS, AUDITS, AND EXAMINATIONS OF PUBLIC UTILITIES ARE CONDUCTED; BY ADDING SECTION 58-3-65 SO AS TO PROVIDE THAT THE PUBLIC SERVICE COMMISSION MAY EMPLOY, THROUGH CONTRACT OR OTHERWISE, THIRD-PARTY CONSULTANTS AND EXPERTS IN CARRYING OUT ITS DUTIES IF THE COMMISSION DETERMINES IT IS IN THE BEST INTEREST OF RATEPAYERS AND IT IS APPROVED BY THE PUBLIC UTILITIES REVIEW COMMITTEE; TO AMEND SECTION 58-3-225, RELATING TO CONDUCT OF HEARINGS BY THE COMMISSION, SO AS TO PROVIDE THAT BEFORE MAKING A DETERMINATION, THE COMMISSION SHALL QUESTION THE PARTIES THOROUGHLY DURING HEARINGS OF CONTESTED CASES WHEN APPROPRIATE; TO AMEND SECTION 58-3-260, RELATING TO THE PROHIBITION AGAINST COMMUNICATIONS BETWEEN THE COMMISSION AND PARTIES TO A PROCEEDING, SO AS TO PERMIT CERTAIN COMMUNICATIONS BETWEEN THE COMMISSION AND THE PUBLIC UTILITIES REVIEW COMMITTEE, AND A LEGISLATIVE COMMITTEE CHARGED WITH REVIEW OF THE COMMISSION; BY ADDING SECTIONS 58-3-281, 58-3-282, 58-3-283, 58-3-284, 58-3-285, 58-3-286, AND 58-3-287 ALL SO AS TO IMPOSE CERTAIN CIVIL AND CRIMINAL PENALTIES AND SANCTIONS AGAINST A PUBLIC UTILITY WHICH VIOLATES THE PROVISIONS OF TITLE 58 OR REFUSES TO OBEY A RULE, ORDER, OR REGULATION OF THE OFFICE OF REGULATORY STAFF OR THE COMMISSION, OR WHICH FILES OR SUBMITS FALSE INFORMATION, INCLUDING A REQUIREMENT THAT THE PRINCIPAL EXECUTIVE OFFICER AND THE PRINCIPAL FINANCIAL OFFICER OF A UTILITY CERTIFY THE ACCURACY OF INFORMATION PROVIDED; BY ADDING SECTION 58-3-290 SO AS TO AUTHORIZE THE COMMISSION TO REQUIRE MEDIATION OR ALTERNATIVE DISPUTE RESOLUTION; TO AMEND SECTION 58-3-520, RELATING TO THE PUBLIC UTILITIES REVIEW COMMITTEE, SO AS TO REVISE THE MEMBERSHIP OF THE COMMITTEE AND PREVENT A PERSON FROM BEING APPOINTED TO THE COMMITTEE WHO HAS MADE CERTAIN POLITICAL CONTRIBUTIONS TO THE APPOINTING AUTHORITY; TO AMEND SECTION 58-3-530, RELATING TO THE POWERS AND DUTIES OF THE REVIEW COMMITTEE, SO AS TO PROVIDE THAT THE COMMITTEE SHALL NOMINATE ALL CANDIDATES IT FINDS QUALIFIED FOR EACH SEAT ON THE COMMISSION, AND TO PROVIDE THAT THE COMMITTEE SHALL APPOINT THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-3-560, RELATING TO ELECTION OF COMMISSIONERS, SO AS TO FURTHER PROVIDE FOR THE QUALIFICATIONS FOR ELECTION AS A

COMMISSIONER, AND TO PROVIDE THAT BEGINNING WITH ELECTIONS AFTER 2020, THE ELECTIONS MUST BE HELD AT LEAST FORTY-FIVE DAYS AFTER THE SCREENING AND NOMINATION PROCESS; BY ADDING SECTION 58-3-565 SO AS TO PROVIDE THAT MEMBERS OF THE REVIEW COMMITTEE ARE PROHIBITED FROM CERTAIN ACTIONS OR HAVING CERTAIN BUSINESS RELATIONSHIPS; TO AMEND SECTION 58-4-40, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF, SO AS TO REVISE CERTAIN DISCLOSURE REQUIREMENTS ON THE PART OF EMPLOYEES AND TO PROHIBIT CERTAIN OTHER ACTIONS BY THESE EMPLOYEES; BY ADDING SECTION 58-4-140 SO AS TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF MAY EMPLOY THIRD-PARTY CONSULTANTS AND EXPERTS IN CARRYING OUT ITS DUTY IF IT DETERMINES THAT IT IS IN THE BEST INTEREST OF RATEPAYERS TO DO SO; AND TO REPEAL SECTION 58-4-30 RELATING TO THE QUALIFICATIONS AND APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF.

**01/14/21 House Introduced and read first time (House Journal-page 549)**

**01/14/21 House Referred to Committee on Labor, Commerce and Industry (House Journal-page 549)**

**01/26/21 House Member(s) request name added as sponsor: McGarry**